

25 February 2010

Mr G S Kaddish
Bidwells
Trumpington Road
Cambridge
CB2 9LD

Our Ref: APP/Q0505/A/09/2103599/NWF
APP/Q0505/A/09/2103592/NWF
Your Ref:

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78

APPEAL BY COUNTRYSIDE PROPERTIES PLC - AT LAND BETWEEN LONG ROAD AND SHELFORD ROAD (CLAY FARM), CAMBRIDGE - Application reference 07/0621/OUT

APPEAL BY COUNTRYSIDE PROPERTIES (UK) LTD - AT GLEBE FARM, SHELFORD ROAD, CAMBRIDGE - Application 08/0363/OUT

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Ava Wood DIP ARCH MRTPI, who held a public local inquiry into your clients' appeals which sat for 10 days between 28 September and 19 October 2009:

Appeal A: made by Countryside Properties PLC against non-determination by Cambridge City Council (the Council) of an application for residential development of up to 2,300 new mixed-tenure dwellings and accompanying provision of community facilities and landscaped open spaces including 49ha of public open space in the green corridor, retail (A1), food and drink uses (A3, A4, A5), financial and professional services (A2), non-residential institutions (D1), a nursery (D1), alternative health treatments (D1), provision for education facilities and all related infrastructure including: all roads and associated infrastructure, alternative locations for Cambridgeshire Guide Bus stops, alternative location for CGB Landscape Ecological Mitigation Area, attenuation ponds including alternative location for Addenbrookes' Access Road pond, cycleways, footways and crossings of Hobson's Brook at Land between Long Road and Shelford Road (Clay Farm), Cambridge in accordance with application number 07/0621/OUT, dated 5 June 2007.

Appeal B: made by Countryside Properties (UK) Ltd against non-determination by the Council of an application for residential development of up to 300 new mixed-tenure dwellings, associated landscaping, open spaces, all related infrastructure and vehicular access to the south from Addenbrookes' access road and additional landscaping at Glebe Farm, Shelford Road, Cambridge in accordance with application number 08/0363/OUT, dated 7 March 2008.

2. On 26 May 2009, the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990, because they involve proposals for residential development over 150 units on sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be refused unless a supplementary planning obligation could be completed to deliver the affordable housing on the basis of 30% affordable housing in the first phase and 40% overall. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, but disagrees with her recommendation to allow the appellant an opportunity to agree a supplementary planning obligation in respect of the delivery of affordable housing. He therefore dismisses both appeals and refuses planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.
5. For the reasons set out at IR14.1.4 the Secretary of State agrees with the Inspector that Fallback Scheme Parameter Plans 1-6 do not form part of the application plans currently before him so that the submissions made with regard to the fallback position are no longer material to his consideration of Appeal A.

Policy considerations

6. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case, the development plan comprises the East of England Plan (RSS - 2008), saved policies of the Cambridgeshire and Peterborough Structure Plan

(SP - 2003) and the Cambridge City Local Plan (LP - 2006). The Secretary of State considers that the development plan policies most relevant to the appeal are the RSS policies referred to at IR6.1.2-6.1.4 and the SP and LP policies referred to at IR7.1.1-7.1.5.

8. As the Council's work towards a Core Strategy is at a very early stage, the Secretary of State affords it no weight in this case. He agrees with the Inspector at IR6.2.1 that the following Supplementary Planning Documents (SPDs) and other local documents are material to the consideration of these appeals: Cambridge Southern Fringe Area Development Framework (2006); Affordable Housing SPD (2008); Sustainable Design and Construction SPD (2007); Open Space and Recreation Strategy (2006); Planning Obligation Strategy (2004); Southern Corridor Area Transport Plan (2002); Public Art SPD (draft, 2009); and Draft Planning Obligation Strategy (2007).
9. Other material considerations which the Secretary of State has taken into account include: Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*; Planning Policy Statement: *Planning and Climate Change* (supplement to PPS1); PPS3: *Housing*; Planning Policy Guidance (PPG) note 13: *Transport*; PPG17: *Planning for Open Space, Sport and Recreation*; Circular 11/95: *Use of Conditions in Planning Permission*; and Circular 05/2005: *Planning Obligations*.

Main issues

The relationship of the proposal to the development plan

10. The Secretary of State agrees with the Inspector and the parties to the Inquiry that, for the reasons given at IR7.1.1-7.1.5, the appeal proposals broadly reflect the land uses, open space strategy and accessibility requirements of LP Policy 9/5 - Southern Fringe, and would make a significant contribution to the housing provision target set out in LP Policy 5/1 - Housing Provision (IR7.1.2). He is also satisfied that both sites are identified in the Proposals Map LP for residential development, as indicated by Policy 5/1. However, the Secretary of State also agrees with the Inspector (IR7.1.5) that the proportion of affordable homes remains a matter of significant dispute in relation to the terms of LP Policy 5/5 - Meeting Housing Needs. He therefore goes on to consider this issue in depth below.

Affordable housing

11. For the reasons given at IR14.2.13-14.2.21, the Secretary of State agrees with the Inspector's conclusions at IR14.2.22 with regard to the viability model and land assembly costs. In particular, the Secretary of State agrees with the Inspector that the appellants' approach to assessing viability has the effect of protecting historic land values as well as insulating the developer against a risk for which he is already indemnified by profit margins and that this would be at the expense of affordable housing levels. He therefore also agrees with the Inspector that the residual land value (RLV) approach used by the Council, and suggested in the Affordable Housing SPD referred to in paragraph 8 above, is the appropriate methodology for evaluating the economics of these developments.

12. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect of sales values at IR14.2.23-14.2.25. Like the Inspector he considers that evidence suggests that the advantages of the new developments would outweigh the perceived drawbacks, and are likely to lift sales values above the £275 per square foot blended averages predicted by the appellants' consultant (IR14.2.25).
13. With regard to viability, the Secretary of State agrees with the Inspector that the evidence suggests that the proposed developments would be viable on the complete range of sales values tested in the scenarios based on the RLV approach (IR14.2.26). He also notes that the figures do not include any grants which may be available and, like the Inspector, he considers that these could further enhance viability (IR14.2.26). The Secretary of State has also had regard to the Inspector's comments at IR14.2.26 that there is a strong prospect of uplift in values over the build out period, but he has come to no conclusion about how the market may change over this period. Nevertheless, the Secretary of State agrees with the Inspector's overall conclusion that the schemes are capable of being delivered viably with 40% affordable homes (IR14.2.27)
14. Turning to the deliverability of the developments, the Secretary of State agrees with the Inspector that the current economic conditions may result in the sites being left undeveloped for a time (IR14.2.28) and he agrees that this is not a sufficient reason in itself to justify a grant of planning permission for the scheme in the form proposed. Whilst the Secretary of State considers the timing and extent of the recovery in the housing market remains uncertain, he agrees with the Inspector that, in this particular case, this factor is likely to be a short term problem given the advantages of the sites as noted by the Inspector in IR14.2.29 and the possibility of grant funding (IR 14.2.34). He also agrees there may be scope for exploring options to induce commencement on site whilst providing mechanisms to achieve an overall total of 40% affordable housing to be spread across the developments as a whole (IR14.2.30). The Secretary of State agrees with the Inspector that, for the reasons set out at IR14.2.31, the unilateral undertaking accompanying the appeal applications (see paragraph 21 below) is not a suitable mechanism for achieving this objective and he therefore concludes that the appeal proposals conflict with LP Policy 5/5.
15. The Secretary of State has therefore gone on to give careful consideration to the Inspector's recommendation that the appellants should be given the opportunity to explore the prospect of a supplementary planning obligation to provide for 30% affordable housing in the first phase, with a requirement to increase the level with grant funding and a catch up mechanism in later phases to enable a 40% spread overall (IR14.2.33).
16. However, while the Secretary of State sees no reason in principle why an obligation along the lines of the Inspector's recommendation would not be appropriate, reasonable and capable of achieving the provision of affordable housing that would satisfy LP Policy 5/5, he takes the view that this course of action is not available to him in this case. In coming to this conclusion, he has concluded that a supplementary obligation would be very likely to require changes to the scheme which could not be dealt with as minor amendments to

the planning applications before him for determination. This matter should therefore be considered as part of any new scheme which may be submitted to the planning authority following this decision. He has also borne in mind the amount of time already spent by the parties on this matter during the course of the Inquiry (IR8.3-8.6) and he notes this did not produce an agreed solution.

Library provision

17. The Secretary of State agrees with the Inspector's reasoning and conclusions on library provision at IR14.3.1-14.3.9. He agrees with the Inspector that capital contributions towards the provision of a library are justified and fall within the terms of Circular 05/2005; and that using the Trumpington ward population, as representing the catchment the new library would be expected to serve, would provide a fair method of establishing levels of contribution to come from the appeal proposals (equating to a total contribution of £267,873 for both developments (IR14.3.8)). The Secretary of State also agrees with the Inspector that there would be no case for imposing revenue contributions (IR14.3.8).

Housing land supply

18. For the reasons given at IR14.4.1-14.4.2, the Secretary of State agrees with the Inspector that, in determining these appeals, the shortfall in the Council's five year supply should not be regarded as a determinant factor (IR14.4.2). The Secretary of State agrees with the Inspector that PPS3 does not expect permission to be granted to secure a 5-year supply of land at the expense of meeting its other objectives. He agrees that meeting the city's affordable housing needs in an appropriate way is an important planning objective in these cases as there is nowhere else to accommodate the affordable housing at the levels intended on the appeal sites, and that allowing the developments to proceed in the terms sought by the appellants would undermine the strategy for the Cambridge sub-region in this respect.

Conditions

19. The Secretary of State has considered the proposed conditions for both of the appeal schemes and the Inspector's comments on these at IR13.2.1-13.2.6 and IR14.4.4. He is satisfied that the conditions recommended in the Inspector's schedule are reasonable and necessary and meet the tests of Circular 11/95. However, he does not consider that these overcome his reasons for refusing the appeals.

Obligation

20. The Secretary of State has considered the separate Section 106 Agreements submitted in respect of each of the appeals, the Unilateral Undertaking that seeks to provide a range of options for delivery of affordable housing on both sites and contributions to library provision, and the Inspector's comments at IR13.3.1-13.3.6 and IR14.4.4. Like the Inspector (IR14.4.4) he is satisfied that the provisions of the two Agreements meet the tests set out in Circular 05/2005 and that the levels of payment secured are proportionate to the impacts of the two developments. However, for the reasons set out above, he does not consider

that these provisions are sufficient to overcome his concerns with these appeal proposals he has identified in this decision letter.

21. With regard to the Unilateral Undertaking, the Secretary of State is satisfied that those matters included in the obligation are necessary and relevant to the proposed development and meet the tests set out in Circular 05/2005. As set out at paragraph 17 above, the Secretary of State considers that a capital contribution towards a new library of £267,873 would be appropriate, and he is satisfied that the undertaking is worded to allow for this sum to be substituted (IR14.5.2). However, as set out at paragraph 16 above, the Secretary of State considers that the provisions of the Unilateral Undertaking in respect of affordable housing would not be capable of achieving 40% affordable housing across the developments as a whole and it would not therefore resolve the present conflict with the development plan.

Overall Conclusions

22. The Secretary of State considers that there are a number of factors which weigh in favour of these appeals. Both appeal sites are allocated in the LP for residential development as part of a long established development plan strategy to increase housing capacity in Cambridge, and much of the necessary infrastructure is already in place. However, the Secretary of State considers that planning permission should only be granted on appropriate terms to ensure delivery of this opportunity to create a new community and thereby help to restore the balance between jobs and housing in Cambridge. With the exception of the provision of affordable housing, he considers that the schemes accord with the broad principles of national and development plan policies; and he is satisfied that the S106 Agreements together with the appellant's Unilateral Undertaking will secure the appropriate capital contribution to a new library and help to meet the community needs generated by the proposals.

23. However, the Secretary of State considers that the appeal schemes should be capable of delivering 40% affordable homes and that the mechanism for delivering affordable housing provided by the Unilateral Undertaking submitted with the proposals is unsatisfactory. He has given careful consideration to the Inspector's proposal that the appellants should be offered a further opportunity to provide a satisfactory supplementary planning obligation in respect of affordable housing, but he has concluded that this course of action is not appropriate for the reasons given in paragraph 16 of this letter. He therefore considers that the proposals as they currently stand conflict with LP Policy 5/5, and he is concerned that there is nowhere else to accommodate the affordable housing at the levels intended for these sites in the development plan. The Secretary of State attaches very substantial weight to this matter and considers that it outweighs the shortfall in the Council's five year supply of developable sites.

24. The Secretary of State concludes that those factors he has identified as weighing in favour of the proposed schemes are not sufficient to overcome the conflict with the development plan in respect of the provision of affordable housing. He considers he is unable to pursue the Inspector's recommendation to allow the appellant an opportunity to submit a supplementary planning obligation to rectify

this matter for the reasons he has given above. In view of this he considers that the appeals should be dismissed and planning permission refused.

Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State, dismisses both appeals, thereby refusing planning permission. He hereby makes the following decisions.

Appeal A

26. The Secretary of State hereby dismisses the appeal and refuses planning permission for residential development of up to 2,300 new mixed-tenure dwellings and accompanying provision of community facilities and landscaped open spaces including 49ha of public open space in the green corridor, retail (A1), food and drink uses (A3, A4, A5), financial and professional services (A2), non-residential institutions (D1), a nursery (D1), alternative health treatments (D1), provision for education facilities and all related infrastructure including: all roads and associated infrastructure, alternative locations for Cambridgeshire Guide Bus stops, alternative location for CGB Landscape Ecological Mitigation Area, attenuation ponds including alternative location for Addenbrookes' Access Road pond, cycleways, footways and crossings of Hobson's Brook at Land between Long Road and Shelford Road (Clay Farm), Cambridge in accordance with application number 07/0621/OUT, dated 5 June 2007.

Appeal B

27. The Secretary of State hereby dismisses the appeal and refuses planning permission for residential development of up to 300 new mixed-tenure dwellings, associated landscaping, open spaces, all related infrastructure and vehicular access to the south from Addenbrookes' access road and additional landscaping at Glebe Farm, Shelford Road, Cambridge in accordance with application number 08/0363/OUT, dated 7 March 2008.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

29. A copy of this letter has been sent to Cambridge City Council and all parties who appeared at the inquiry.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf



Report to the Secretary of State for Communities and Local Government

by Ava Wood DIP ARCH MRTPI

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

The Planning Inspectorate
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Temple Quay
Bristol BS1 6PN
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Date: 17 December 2009

Town and Country Planning Act 1990

Applications by

Countryside Properties PLC & Countryside Properties (UK) Ltd

To

Cambridge City Council

Inquiry opened on 28 September 2009

Land between Long Road and Shelford Road (Clay Farm), Cambridge and Glebe Farm, Shelford Road, Cambridge

File Refs: APP/Q0505/A/09/2103599 & APP/Q0505/A/09/2103592

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File Ref: APP/Q0505/A/09/2103599

Land between Long Road and Shelford Road (Clay Farm), Cambridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Countryside Properties PLC against Cambridge City Council.
- The application Ref: 07/0621/OUT is dated 5 June 2007.
- The development proposed is residential development of up to 2,300 new mixed-tenure dwellings and accompanying provision of community facilities and landscaped open spaces including 49ha of public open space in the green corridor, retail (A1), food and drink uses (A3, A4, A5), financial and professional services (A2), non-residential institutions (D1), a nursery (D1), alternative health treatments (D1), provision for education facilities and all related infrastructure including: all roads and associated infrastructure, alternative locations for Cambridgeshire Guide Bus stops, alternative location for CGB Landscape Ecological Mitigation Area, attenuation ponds including alternative location for Addenbrookes' Access Road pond, cycleways, footways and crossings of Hobson's Brook.

Summary of Recommendation: I recommend that planning permission be refused, unless a supplementary planning obligation is completed.

File Ref: APP/Q0505/A/09/2103592

Glebe Farm, Shelford Road, Cambridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Countryside Properties (UK) Ltd against Cambridge City Council.
- The application Ref: 08/0363/OUT is dated 7 March 2008.
- The development proposed is residential development of up to 300 new mixed-tenure dwellings, associated landscaping, open spaces, all related infrastructure and vehicular access to the south from Addenbrookes' access road and additional landscaping

Summary of Recommendation: I recommend that planning permission be refused, unless a supplementary planning obligation is completed.

1. PROCEDURAL MATTERS

- 1.1 The inquiry sat for 10 days on 28 September to 2 October, 5 to 7 October, 9 October and 19 October. It remained open until such time as the S106 planning agreements and unilateral undertaking were executed, with certified copies sent to the Planning Inspectorate. The inquiry was closed in writing on 16 November 2009. An accompanied visit of the sites and their surroundings was arranged for the morning of the 28 September. The extent of the visits and the route followed are shown on Inquiry Document 23 (ID23). On 8 October I undertook unaccompanied visits to a number of sites mentioned in the evidence and these are listed in ID47.
- 1.2 ID35 confirms that Countryside Properties (UK) Ltd were authorised to represent Countryside Properties PLC at the inquiry in connection with the appeal at Clay Farm.
- 1.3 The applications were recovered by the Secretary of State (SoS) on 26 May 2009. The reason for the recovery is that the appeals involve proposals for residential development of over 150 units on sites of over 5 Ha, which

would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. The accompanying letter of the same date lists the matters about which the SoS wishes to be informed Core Document (CD) 9.4.

- 1.4 The applications were considered by the Joint Development Control Committee (JDCC) on 8 July 2008 and 2 October 2008 respectively. Had the Clay Farm appeal not been lodged the application would have been refused for the reasons given in the report to committee (CD3.3). Essentially, the appellants and the Council failed to agree the terms of S106 Planning Agreements covering level and mix of affordable housing, transport payments, educational requirements, community facilities and community support, phasing plans and off-site highway works. In addition to which, at Clay Farm the Council objected to the absence of access arrangements to the Fawcett Primary School and Children's Centre as well as to the applicant's failure to agree to a sustainable design and construction condition. Full details of the putative reasons for refusal are contained in the committee report. In the case of the Glebe Farm proposal, the committee resolved to grant approval subject to the satisfactory execution of the S106 agreement by 27 February 2009, or refusal in the event of the S106 not being sealed (CD7.2).

2. ENVIRONMENTAL IMPACT ASSESSMENTS (EIA)

- 2.1 The developments proposed fall within the scope of Schedule 2 Paragraph 10 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations). The planning applications were accompanied by Environmental Statements (ES) including non-technical summaries¹; these were modified and the updated versions form part of the proposals before the SoS.
- 2.2 The EIAs assess the likely significant impacts of the proposed developments during the construction and operation of the development. Mitigation measures where required are proposed. The methodology and EIA are contained in the ESSs.

3. THE SITES AND SURROUNDINGS

3.1 Clay Farm²

- 3.1.1 The site is described at length in the officer's report to the JDCC, dated 14 May 2008³. The location plan forming part of ID51 shows the site boundaries and context⁴.
- 3.1.2 Essentially, the site is one of four residential development sites of the Cambridge Southern Fringe Area of Major Change¹, comprising flat

¹ Clay Farm: CDs 1.8, 1.9, 1010, 1.11, 1.12, 1.13, 1.14, 1.15 and 1.16. Glebe Farm: CDs 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10

² The name of Clay Farm is used throughout this report but originally comprised Clay Farm and land referred to as the Showground site.

³ Core Document CD3.1 – Clay Farm committee report of 14 May 2008.

⁴ ID23 – Maps of site visit provides a useful aerial overview of the two sites and their surroundings

agricultural land of approximately 109 Ha. It is located about 4Km south of Cambridge city centre, with Trumpington village to the west and Addenbrooke's Hospital to the east. The site is bound by Long Road to the north, the Cambridge-London railway line to the east, open ground to the south and Trumpington village as well as Fawcett Primary School to the west. Hobson's Brook flows through the middle of the site and forms the eastern boundary of the area proposed for residential development. Addenbrooke's Hospital is a dominant feature of the landscape. A network of established hedgerows and tree belts mark the site's boundaries and appear across pockets of the land.

3.1.3 The Addenbrooke's Access Road (AAR), currently under construction, runs through the southern part of the site. Phase 1 of the AAR connects Hauxton Road with Shelford Road; Phase 2 links the roundabout north of Shelford Road with the edge of the Addenbrooke's 2020 site and Phase 3 will connect with Robinson's Way through Addenbrooke's campus. Construction has started on the Cambridge Guided Bus (CGB), following the route of the disused railway line running through the site.

3.2 Glebe Farm

3.2.1 The report to committee dated 11 March 2008 contains a description of the site (CD7.3). Briefly, Glebe Farm site lies to the south of Trumpington village with Hauxton Road on its western boundary and Phase 1 of the AAR marking the length of the southern boundary². It extends to some 8.89 Ha and comprises arable land. There are no features of any note within the site, which is largely flat. Access is from two points: from the north via a footpath heading towards Hauxton Road and from Glebe Farm located to the east of the site

3.3 The Surrounding Area

3.3.1 Trumpington village is within walking distance of both sites (10 minutes from Glebe Farm). There are a range of shops and facilities in the village, mainly scattered at or around Anstey Way. A supermarket is located adjacent to the Trumpington Park and Ride site, with a regular bus service into the centre. There is variety in the house types in and around Trumpington; those in the region of the Glebe Farm site are mainly 20C two storeyed developments. Long Road is characterised by individual houses on large plots. Smaller properties with a higher density of buildings are more commonly found around Fawcett Primary School and to the west of the Clay Farm site³. The eastern facing elevation of the Grade II listed Clay Farmhouse overlooks the north western corner of the Clay Farm site.

4. RELEVANT SITE HISTORY

4.1 Clay Farm

4.1.1 The Clay Farm site was released from the Green Belt following reviews of the Cambridgeshire Structure Plan and the Local Plan between 2000 and

¹ CD19.7 – Cambridge Southern Fringe Area Development Framework: Map 1

² ID52 – Site boundary and ID23

³ CD1.6 – Clay Farm Design Statement: Views of buildings within the Trumpington area

2006. It is designated for housing in the Cambridge City Council Local Plan 2006 (LP). An application for development of the site submitted in October 2006 was withdrawn because it did not include land for a secondary school. The revised scheme, forming the subject of this appeal, addresses that shortfall.

- 4.1.2 Construction of the AAR is largely complete and the CGB works through the site is underway with an opening planned for next year. Planning application for a spine road through Clay Farm (linking Long Road with the AAR) was submitted in March 2009¹. The application seeks permission for detailed infrastructure works, including the full length of the spine road and four balancing ponds to be constructed east of Hobson's Brook.
- 4.1.3 In April 2002 Countryside Properties entered into an Option Agreement with the owners of the Clay Farm site (Pemberton Trustees). Following adoption of the Local Plan in 2006, and allocation of the site for development, Countryside Properties commenced negotiations to acquire the land unconditionally outside of the Option Agreement. The land was purchased on 20 March 2007. The Pemberton Trustees retained freehold of the green corridor but Countryside Properties have the rights to lay out the green corridor and transfer it to the City Council on a long leasehold basis.
- 4.1.4 The appellants own the freehold of most of the developable part of the Clay Farm site except for a parcel of land owned by the City Council. The City Council land forms part of the outline application and is expected to come forward as part of the wider development (see third bullet point at paragraph 5.1.5 below). Appendix 23 to CD26.1 shows the current position with regard to land ownerships.

4.2 **Glebe Farm**

- 4.2.1 The appellants own approximately half the site; the remainder is owned by Cambridgeshire County Council. The appellants have an option over the County owned part of the site. There is no relevant planning history to report on the Glebe Farm site.

5. **THE APPEAL PROPOSALS AND OTHER RELEVANT APPLICATIONS**

5.1 **Clay Farm and Glebe Farm**

- 5.1.1 The applications are in outline with all matters of detail reserved for subsequent approval. The Clay Farm proposal is for a residential development of up to 2,300 homes, a local centre, a secondary school, extension to the Fawcett Primary school, a new primary school, 49 Ha of strategic open space, sport, recreation, health and community facilities. This is the largest development within the Southern Fringe. The application is accompanied by a S106 planning agreement (ID78) and a unilateral undertaking (ID80).
- 5.1.2 The application was formally amended in December 2007 and April 2008. The December 2007 amendment comprised two sets of parameter plans, referred to as the "Development Proposal" and the "Fallback Position". The

¹ CDs 14.1 – 14.15 – Documents relating to application for the spine road

former includes the secondary school and associated playing fields. The fallback position proposes a mixed use sports and residential provision, in the event of the secondary school not proceeding. The plans forming the subject of the development proposal considered in this report are listed in Section 2.5 of the Statement of Common Ground (SoCG CD10.2) and have been reproduced for ease of reference in ID51. Supporting and illustrative documents are listed in Section 2.6. The fallback scheme plans are listed in Section 2.7 of the SoCG.

- 5.1.3 With regard to the fallback scheme, the appellant's view is that a planning application can accommodate two sets of parameter plans setting out different development options for a particular part of the site¹. The Council disagrees. Its position is that only one set of plans, i.e. the development proposal, may be approved².
- 5.1.4 The parameter plans and associated text constitute the formal element of the applications. They provide a framework within which to assess the application and clarify the upper and lower limits of the formal proposal.
- 5.1.5 Parameter Plan 1 (drawing no: A2246m/02) shows an overview of the land uses proposed across the Clay Farm site as follows:
- Residential envelope – 39.60 Ha
 - Mixed use local centre including residential – 1.86 Ha
 - City Council's sustainable housing scheme to the west of the local centre – on Council owned land
 - Public open space within the local centre
 - Public open space and ecological areas associated with the green corridor to east of Hobson's Brook – 49.27 Ha
 - Provision for a primary school – 2.3 Ha
 - Provision for a secondary school, including multi-use games area and an all weather pitch – 3.45 Ha
 - Secondary school and community playing pitches to the northern end of the green corridor.
 - Two recycling facilities
- 5.1.6 Drawing nos. A2246m/03- 07 and supporting text illustrate the proposed access arrangements, the landscaping, density indications, maximum density and envelopes and the intended urban design framework. The site is serviced from the AAR to the south and Long Road to the north. A spine road through the development will provide the primary means of distribution across the site. To avoid its use as a short cut to Long Road, the spine road would not be a through route.

¹ ID55 – Mr Purchas' advice note, dated 30 June 2009, relating to validity of the fallback development.

² CD23.2 – Mr Studdert's Appendices, Appendix 3: Legal advice relating to the fallback parameter plans, dated 8 May 2008.

- 5.1.7 With the fallback scheme the plans show how the secondary school would be replaced by an area of residential development and sporting facilities comprising sports hall, artificial turf pitch and tennis provision (drawing nos: A2246m/07-A2246m/12).
- 5.1.8 The Glebe Farm scheme would deliver up to 300 homes. It is the smallest of the proposals within the Southern Fringe extension and has no on-site education or community facilities. The S106 planning agreement accompanying the application forms ID79. The unilateral undertaking (ID80) referred to above also applies to the Glebe Farm proposal. ID52 comprises the application parameter plans with accompanying descriptions. The land use plan (A/5322/1.3/33D) shows a maximum residential envelope of 6.05 Ha, 1.4 Ha of public open space, a landscaped edge, siting for allotments, the vehicular site entrance and primary and secondary routes through the site.
- 5.1.9 For the purposes of assessing viability and for looking at infrastructure and community facilities, the appellants and the Council have considered the two sites together. The Glebe Farm site will drain to the southern balancing pond on the Clay Farm site and all the indications are that the proposals would not be developed independently. Evidence at the inquiry was presented in those terms and this Report adopts a similar approach when considering the economics of development and the general planning acceptability of the two schemes. Separate permissions and sets of conditions would allow the applications to be implemented as two distinct developments. Together, the two schemes are intended to deliver a maximum of 2,550 dwellings. The build out period for the projects is expected to be in the region of 10-11 years, on the basis of 60 market completions per quarter¹.

5.2 Other Southern Fringe Proposals²

Trumpington Meadows³

- 5.2.1 This site is to the south of the village and surrounds the Park and Ride site. Part of the site lies in the South Cambridgeshire district. On 9 October 2009 outline planning permission was granted for approximately 1,200 dwellings, a primary school, small local centre and country park (ID73).

Bell School⁴

- 5.2.2 The site is located south of the Addenbrooke's campus. An application for 347 homes was granted permission in June 2008, subject to completion of a S106 planning obligation.

Addenbrooke's 2020

- 5.2.3 Extensions to the Addenbrooke's Hospital are proposed which would increase the floorspace by 215,000 sqm for clinical use, and bio-medical research and development (the Cambridge Bio-medical Campus). The City

¹ CD24.13 – Mr Edge proof: paragraph 5.03

² CD19.7 – Cambridge Southern Fringe Area Development Framework: Map 1

³ CDs 15.1-15.2 – Committee agenda and minutes

⁴ CDs 16.1-16.3 – Application documents

Council had resolved to grant permission in 2007, subject to completion of a S106 agreement. The Medical Research Council's molecular biology laboratory was granted a separate permission and its construction has commenced. Also of note is Papworth Hospital's intention to relocate to the Addenbrooke's site with construction commencing in 2011 to accommodate the move. The Addenbrooke's campus is expected to increase employment on site by at least 7000¹.

6. PLANNING POLICY

6.1 The Development Plan

6.1.1 For the purposes of these appeals the development plan comprises the 2008 East of England Plan, saved policies of the Cambridgeshire and Peterborough Structure Plan 2003 and Cambridge City Local Plan 2006².

East of England Plan (RSS)

6.1.2 Policy SS1 promotes an overarching strategy for achieving sustainable development. Continuing the theme of sustainable relationships described in Policy SS1, the overall spatial strategy under Policy SS2 directs most significant strategic growth to major urban areas. Cambridge is identified as a key centre for development and change under Policy SS3.

6.1.3 Policy H1 lists distribution of the region's minimum housing provision (2001-2021), with 19,000 dwellings for Cambridge over that period. Policy H2 directs authorities to set appropriate targets for affordable housing and to monitor delivery against the target of 35%.

6.1.4 Policy CSR1 outlines the vision for the Cambridge sub-region to 2021 as a continuing ".....*centre of excellence and world leader in higher education and research, fostering the dynamism, prosperity and further expansion of knowledge-based economy spreading outwards from Cambridge.*" Local Development Documents are urged to provide for development on land in a sequential order of preference. In second order of preference is the periphery of the built-up area of Cambridge, i.e. on land released from the Green Belt in the 2003 Structure Plan and the Cambridge City Local Plan.

The Structure Plan (SP) and the Local Plan (LP)

6.1.5 Policies relevant to the Clay Farm and Glebe Farm appeals are listed in Appendices B of the reports to the JDCC dated 14 May 2008 and 20 October 2008 respectively (CDs 3.1 and 7.1). Given the large measure of agreement between the parties on the principle of development, Section 7 of this Report records the manner in which the proposals comply with SP and LP policy requirements.

¹ CD24.2 – Appendix 12 to Mr Crook's proof: Letter from Liberty Property Trust UK, dated 7 August 2009

² CDs 19.3, 19.5 and 19.6 respectively

6.2 **Supplementary Planning Documents (SPD) and other local documents**

6.2.1 The SPDs and other documents pertinent to guiding development in Cambridge are listed in Appendices C of the reports to the JDCC (CDs 3.1 and 7.1). The SPDs and documents of most relevance to consideration of these appeals are:

- Cambridge Southern Fringe Area Development Framework 2006 (ADF) (CD19.7) (Note: this was adopted by the City Council as non-statutory guidance).
- Cambridge City Council – Affordable Housing (January 2008) (CD9.9)
- Sustainable Design and Construction (2007) (CD19.10)
- Public Art (draft, 2009) (CD19.11)
- Open Space and Recreation Strategy (2006) (CD19.12)
- Planning Obligation Strategy (2004) (CD19.13)
- Draft Planning Obligation Strategy (2007) (CD19.14)
- Southern Corridor Area Transport Plan (2002) (CD19.15)

6.3 **Local Development Framework (LDF)**

6.3.1 The Core Strategy Preferred Options Report is due for consultation in the Autumn of 2009. The Council will shortly be consulting on the Issues and Options for Site Specific Allocations and Development Control Policies DPDs. In the light of the early status of the LDF documents, there was little if any debate on their relevance to these appeals. I go no further than recording the status of the DPDs.

6.4 **National Policy Guidance and Relevant Publications**

6.4.1 Of the many that have a bearing on this application, the national policy guidance and statements most relevant are : Planning Policy Statement 1 (PPS1) *Delivering Sustainable Development* and its supplement *Planning and Climate Change*; PPS 3 *Housing*; PPG13 *Transport*, PPG17 *Planning for Open Space, Sport and Recreation*. ODPM Circular 05/2005 – *Planning Obligations* is also pertinent to the cases.

6.4.2 The Homes and Community Agency's (HCA) good practice note "*Responding to the Downturn*" (CD21.15) was referred to at length at the inquiry and is relevant to both appeals.

7. **OTHER AGREED FACTS**

7.1 **The Schemes' Compliance with Policy**

7.1.1 In recognition of the city's growth over a period of 30 years, the SP provides for three expanded communities through release of land from the Green Belt. SP Policy P9/2c expects local plans to make provision for housing and mixed use development on a number of locations, of which land to the south and west of Addenbrooke's Hospital forms the basis of LP Chapter 9 – Areas of Major Change.

- 7.1.2 The Clay Farm and Glebe Farm proposals, falling within the Southern Fringe Area of Major Change, broadly reflect the land uses, open space strategy and accessibility requirements of LP Policy 9/5. They would deliver additional housing close to an existing and expanding employment area. The area of open space incorporated into the Clay Farm development would provide the strategic open space required in the policy to serve the needs of residents of the new development and beyond. The 2,550 additional dwellings would make a significant contribution to the 12,500 city-wide target increase sought in LP Policy 5/1, of which 6,000 are expected to be delivered in the urban extensions. The parties agree that LP Policy 5/5 seeks 40% or more affordable dwellings, taking into account viability, the particular costs of the development and other planning objectives. Interpretation of policy remains in dispute.
- 7.1.3 The sites are in a good location to take advantage of existing and imminent transport connections and integrate with existing facilities, as required by LP Policies 8/1 and 9/2. The transport and highways impact of the proposals have been assessed and found to be acceptable with the mitigating measures outlined¹. There are proposals to create a network of pedestrian and cycle routes (LP Policy 8/5), to provide the necessary sewerage and drainage infrastructure (LP Policy 8/18) and to meet the energy requirements of the developments sustainably (LP Policy 8/16)². Both schemes include adequate sports, play and allotment/community garden provision (LP Policies 3/8, 5/13, 5/14 and 9/5). A package of planning obligations accompanying the applications would deliver an extensive range of mitigating measures, new facilities or infrastructure or improvements to same along the lines of detailed guidelines in the ADF (SP Policy P9/8 and LP Policy 10/1).
- 7.1.4 The designs, layouts and landscaping strategies have been fully justified and explained in the respective Design Statements (CDs 1.5, 1.6, 5.27). They show a commitment to high quality residential and mixed use environments (SP Policy P/13, LP Policies 3/2-3/13, 4/2 and 4/3). The officers' reports to JDCC describe at length the reasons for commending the schemes for their urban design merits and visual impact³.
- 7.1.5 The developments would provide a mix of dwelling types, sizes and prices. In addition to a full range of market housing, affordable housing at a mix agreed with the City Council will be forthcoming. These are intended to be "tenure blind" in terms of design and siting. The proportion of affordable homes remains a matter of significant dispute.

8. POSITION OF THE MAIN PARTIES

- 8.1 At the pre-inquiry meeting (PIM) I indicated that the parties should address the broad issues raised in the recovery letter, but expected the main evidence to focus on matters that remained in dispute⁴. Joint responses

¹ CD3.1 – Clay Farm officer's report to JDCC, paragraphs 8.258 to 8.285 and CD7.1 – Glebe Farm officer's report to JDCC, paragraphs 8.114 to 8.125

² CDs 1.47 and 5.11 – Sustainability Statements

³ Clay Farm CD3.1, paragraphs 8.7-8.75. Glebe Farm CD7.1, paragraphs 8.5-8.39

⁴ CD9.9 – Inspector's note of the PIM, paragraph 23

addressing the areas identified in the SoS letter are contained in Section 6 of the SoCG (CD10.2).

- 8.2 The Schedule of Issues accompanying the SoCG, dated 17 July 2009, demonstrates the large measure of agreement between the appellants and the City Council at the time of the PIM on 21 July 2009. The Schedule additionally identifies the matters that remained at issue between the parties. Negotiations before and during the inquiry found further common ground.
- 8.3 The current situation is this: the conditions are largely agreed and the S106 agreements (IDs 78 and 79) will deliver a package of measures, that were agreed following protracted negotiations. The inquiry largely focussed on the limited matters that remained at issue. Broadly speaking these are: the level of affordable housing to be delivered through development of the sites and the extent to which the proposals should contribute to library provision.
- 8.4 The City Council expects the developments to deliver affordable housing at a proportion of 40%. The Council also seeks a Level 2 library of a size of 337sqm, the cost of which is to be met from the Southern Fringe developments. A capital contribution of £496,062 is sought for the library from the appeal proposals. The Councils also require the developments to contribute towards the running costs of the library for the first 3 years with funds in the order of £288,300. The appellants' position is that the affordable housing cannot be viably delivered and that neither the library nor its initial running costs are justified.
- 8.5 At the outset the parties agreed to adopt the King Sturge¹ model for appraising viability. ID24C outlines the schedule of modelling assumptions that were agreed and those in dispute. By the end of the inquiry there was considerable common ground and led to the production of ID61 which is a tabulated summary showing the levels of affordable housing deliverable over a range of scenarios. The fundamental disagreement concerning treatment to land purchase costs remains unresolved, which explains the two approaches in ID61.
- 8.6 Essentially, the City Council's approach allows for an immutable figure of 40% affordable housing content and arrives at a residual land value. The appellants include the price paid for the land as a fixed development cost and the affordable housing element is treated as a variable residual figure. Within the appraisal, private housing sales value remains the subject of dispute (£283/sqft "base plus" rate assumed by the appellants as against the City Council's estimated £310/sqft). ID61 provides options between these two ranges and also gives summaries based on market housing build rates (or sales rates) of 40, 50 and 60 per quarter. All other costs and revenues were agreed. The summaries are based on the developments proceeding without grants.

¹ King Sturge has been appointed by Cambridgeshire Horizons to assess the viability of a number of residential development schemes in and around the city. They were responsible for advising the authorities on the developments proposed by the appellants and on the proposal for Trumpington Meadows.

9. THE CASE FOR THE APPELLANTS

The gist of the appellants' case is drawn from the evidence presented to the inquiry (written and oral), the opening statement and closing submissions. The opening statement and closing submissions made were presented along the lines of the topics highlighted in the SoS recovery letter and my notes of the PIM. I depart from that approach and report the appellants' case on the basis of addressing the main areas of dispute.

9.1 The Company Background and Approach to Developments

- 9.1.1 The Countryside Properties Group is a leader in property development, creation of sustainable communities and urban regeneration. The Group has a design-led approach to residential development and a reputation for creating stimulating, innovative homes that integrate with their environments¹. Consideration and thought is given to all parts of schemes, with attention to detailing of buildings and quality of life issues².
- 9.1.2 The group has undertaken development in Cambridge before and is responsible for the Stirling Prize winning scheme at Accordia. The award recognised not only the achievements of the developer but of the input from the City Council and its officers.
- 9.1.3 The appellants recognise that building new communities goes beyond aesthetics. Countryside Properties have developed an approach to building social capital³. Lessons learnt in building communities on other projects will be applied to developments in the Southern Fringe. Encouraging social cohesion is central to success of the schemes. Measures encouraging social integration at the appeal sites are contained in a document accompanying the applications⁴.

9.2 The Development Plan

- 9.2.1 The Council acknowledges that the appeal sites are of the highest strategic significance for the region and the proposals would bring forward sustainable and inclusive development. They would accord with the spatial strategy for the area so as to meet the pressing needs of housing in conjunction with employment and other provision. The proposals fully accord with the policies in the statutory Development Plan, comprising the RSS, so far as relevant, the saved SP policies and the Cambridge Local Plan 2006. In the absence of material considerations indicating otherwise there is a presumption in favour of granting consent.
- 9.2.2 Other material considerations in fact lend additional support. These additional benefits would be enjoyed and used by communities beyond those living at the proposed developments. The benefits can be summarised as follows:

¹ CD 26.1 – Appendices 1 and 2 to Mr Crook's proof, Environmental, Social and Ethical Statement and Awards

² CD 26.1 Appendix 4 to Mr Crook's proof, Case Studies: New Communities.

³ CD 26.1 – Appendix 10 to Mr Crook's proof: Social Capital Report

⁴ CD 26.1 - Appendix 11 to Mr Crook's proof: Social Cohesion at Clay Farm and Glebe Farm

- Compliance with PPS1, PPS3, PPG13 and PPS22 in the provision of a sustainable, inclusive and mixed use community.
- Compliance with relevant elements of SPDs.
- Delivery of development to achieve a proper balance between job creation and housing supply in the Cambridge sub-region, Cambridge city and in the Southern Fringe.
- An immediate need to assist with a five year supply of deliverable housing sites, as the Council is unable to demonstrate this objective.
- Delivery of community benefits (49 ha of open space, green corridor, commercial space, primary school, secondary school, community centre, youth centre, health centre, pharmacy, improved access through the sites).
- Clay Farm occupies a pivotal position in the supply of social and physical infrastructure, without which there are likely to be delivery and qualitative implications for other development sites in the Southern Fringe.

9.2.3 Three specific areas of policy bring together unresolved differences and are considered at length in the issues remaining between the parties. These are:

- Local Plan Policy 5/5 dealing with affordable housing;
- Local Plan Policy 5/13 dealing with the provision of community infrastructure; and
- EEP Policies H1 and CSR1 and Local Plan Policies 5/1 and 9/5 dealing with the delivery of housing and growth.

9.3 **Affordable Housing**

9.3.1 The Council is right in not seeking dismissal of the appeals. Their case is that the appeals should be granted subject to securing an appropriate level of affordable housing within the framework of LP Policy 5/5. The appellants also seek the same objective.

9.3.2 Accordingly, the essential planning issue is what in the particular circumstances of these sites is viably deliverable so far as affordable housing is concerned. The question of viability and delivery has properly to be determined on the particular facts of the case. That plainly accords with the terms of the policy itself and supporting guidance in the Affordable Housing SPD (CD19.9), complies with other guidance at national level¹ and reflects the approach taken in other appeal decisions².

9.3.3 Viability modelling is an appropriate tool to help with assessing the extent to which affordable housing, and other components of planning obligations, can be supported by a development proposal. The assessment of viability

¹ Including PPS 3 paragraph 29

² CD13.9 Jericho appeal paragraphs 13-16, CD13.16 Hampton Hill appeal paragraphs 15/6 ; and Commercial Road, Tower Hamlets appeal paragraphs 15-17 and 21

carried out on behalf of the appellants accords fully with advice in the SPD and provides the answer to the question posed by LP Policy 5/5: what level of affordable housing can be viably supported by these developments?

Background to Appellants' Current Position

- 9.3.4 It is important to recognise the change in the market since October 2007, when the original King Sturge viability appraisal was carried out. At the time, prices were at an all time high. The ferocity of the crash that followed was unprecedented. It was manifested by the speed of the downturn and severity of price falls¹. Between July 2007 and January 2009 average dwelling prices in the Cambridge area fell by up to 12% (from Valuation Office Agency reports). Since Spring of 2009, modest signs of improvement are reported from a number of sources, but there is still no improvement in mortgage lending. The outlook for the remainder of 2009 predicts static prices.
- 9.3.5 The risk to volume development, such as Clay Farm, in these conditions is the prospect of no house price increases for the next few years. Other new developments to be released in the residential market over the next five years could dilute demand from the appeals developments and present a risk to sales values, as well as take up rates. In addition to which, the development industry is facing unprecedented constraints on availability of development finance, which is having a major impact on individual house purchasers. Developments will become unviable if they are unable to generate levels of return to satisfy the lender that the risk/reward scenario is sufficiently worthwhile.
- 9.3.6 Against the background of a rapidly deteriorating housing and financial market, the appellants expressed their concerns at various meetings and Mr Hoyle wrote to Mr Studdert² in September 2008 formally proposing a phased viability approach³. The approach was offered again in January 2009⁴.
- 9.3.7 The authorities' response was unsatisfactory. A further offer made on 23 July 2009⁵ would have achieved the 40% across the whole sites while giving a degree of risk mitigation in the early part of the scheme; the offer would additionally have avoided the time and costs of the appeal. The counter-offer in August 2009 from Cambridgeshire Horizons required the appellants to accept the Councils' S106 terms, repayment of a loan of £8.5m as well as 50% and 10% shares of all surplus profits on the first and remaining phases of the developments respectively⁶. The offer also required, as a pre-

¹ CD24.2 – Appendix 13 to Mr Crook's proof

² Director of Joint Planning for Cambridge's Growth Area and Northstowe New Town and principal planning adviser to JDCC.

³ CD23.2 – Appendix 4 to Mr Studdert's proof: letter to Mr Studdert from Mr Hoyles, dated 9 September 2008

⁴ CD23.2- Appendix 9 to Mr Studdert's proof: letter to Mr Studdert from Mr Hoyles, dated 16 January 2009

⁵ CD23.2 – Appendix 11 to Mr Studdert's proof: Letter to Mr Studdert from Countryside Properties PLC, dated 23 July 2009

⁶ CD23.2 – Appendix 12 to Mr Studdert's proof – Letter from Cambridgeshire Horizon to Mr Hoyles, dated 7 August 2009

condition, deferral of the inquiry due to commence on 28 September. Given the appellants' total cost exposure of £527m (see ID61), the counter-offer was unreasonable and wholly disproportionate to the scale of Cambridgeshire Horizon's investments.

- 9.3.8 In the light of continuing concerns about viability, the appellants were encouraged to apply for the recently initiated Kickstart funding from the HCA, details of which emerged on 19 May 2009 and required expressions of interest by 8 June. An application for £6.842m gap funding and £0.937m loan to support 161 units was made¹. The bid was rejected because the timescale for delivery by March 2011 could not be met. Furthermore, there was a risk that Cambridgeshire Horizon's Housing Growth Fund (HGF) for 2010/2011 would be halved by the Government. The £9m equity investment from HGF² to help fund the infrastructure still remains in doubt.
- 9.3.9 There has been a considerable amount of discussion and negotiation over a very long period to seek to resolve the viability issues and deliver the developments. It is fully accepted that authorities need to scrutinise the evidence on viability and take their own independent advice on the matter. The appellants co-operated fully with this process³ and have gone to great lengths to explore with the Councils and Cambridgeshire Horizons whether a realistic basis for establishing viability could be found⁴.
- 9.3.10 The appellants' viability exercises have continued to demonstrate that the developments are unable to sustain affordable homes at 40%. The City Council is maintaining an intransigent position in expecting the 40% irrespective of current economic circumstances or drop in land values. The most up to date agreed valuation (IDs 58 & 61) confirm the appellants have good grounds for seeking an alternative to the 40% proportion of affordable homes, and have made an offer of a phased viability scheme to be secured through the S106 unilateral undertaking (ID80).

Need for a Viable Development

- 9.3.11 A developer has to consider profitability and cashflow when determining the viability of a scheme. The bank has already committed substantially on this development in funding, land assembly and related holding costs. It will dictate the extent to which further development takes place and in particular whether further funds will be made available to finance the development with its overall costs of some £500m. To secure that backing, which is essential to delivery, there must be a demonstrably viable basis for development and one that reasonably covers the total cost liabilities including the land assembly and other costs and liabilities already incurred. Otherwise the bank itself will require, and reasonably require, that

¹ CD23.2 – Appendix 7 to Mr Studdert's proof: letter from HCA to Mr Studdert, dated 25 August 2009, confirming HCA position in relation potential funding at Clay/Glebe Farm.

² £9m made up of £0.5m provisional grant offer in 2009/10 to construct the road crossing the CGB, plus £8.5m capital investments in 2009/10 and 2010/11

³ CD26.12 – Appendix 1 to Mr Hoyles' rebuttal proof indicates the 12 meetings attended with King Sturge, in addition to the considerable dialogue and exchange of figures by email, between September 08 and August 09.

⁴ CDs 22.46, 22.47, 22.48, 22.51, 22.54, 22.59 – meeting notes discussing viability

commencement waits for a recovery in the market.¹ Put simply, if a scheme is not profitable from the outset it will not come forward.

- 9.3.12 No developer will undertake a project of this scale, unless there is confidence that the scheme will deliver a reasonable level of profit and return on capital, and the capital lock up can be managed at acceptable levels. The appellants' case stands on acquisition costs and not any other method of calculating value. Values cannot be written down if the development appraisal still shows any profit, and the City Council cannot force that to happen. Should the affordable housing percentage remain at 40%, thereby rendering the projects unviable, development will not commence for the time being. There will be no choice other than wait for the market to recover.

Viability Modelling

- 9.3.13 With reference to ID61 the appellants' base plus position² (scenario 5) can be summarised as follows:

- Land cost of £62 m as a cost to the development.
- A commitment to a guaranteed provision of 16.5% affordable housing for the first phase or phases up to 450 dwellings, together with any increase through grant.
- Market sales rate of 60 dwellings per quarter³.
- Sales price of £283 per sqft⁴.
- Blended⁵ profit on cost of 18.42% (or 15.55% on GDV)⁶.

- 9.3.14 Using the King Sturge residual land value model (scenarios 13-24), scenario 17 shows:

- Market sales rate of 60 dwellings per quarter.
- Sales price of £283 per sqft.

¹ See the CLG consultation paper on the Growth Fund Oct 2009 (ID54) para 28 "*As a result of the recession across the country, housebuilding has slowed and a significant number of development sites are stalled or mothballed until such time as developer finance and mortgages become more readily available. Following the 1990s recession 621,000 jobs in the construction sector were lost. If allowed to happen again this would have a considerable impact on our ability to build the number of homes that people need.*" That is a recognition by CLG of the real world in which actual delivery of homes has to be secured.

² Base plus model considers the position with the inclusion of affordable housing as opposed to the base position where none is assumed.

³ Inspector's note: although evidence on quarterly sales rates before and during the inquiry fluctuated between 40, 50 and 60 per quarter, the appellants' witness giving evidence on viability confirmed that 60 market dwellings per quarter over the lifetime of the development would be a reasonable expectation.

⁴ Appellants are prepared to assume this average sales value despite advice from their valuers that the rate is £275 per sqft

⁵ "Blended" is derived from an expected profit from 3 elements: 20% for market housing, 6% from affordable housing and 6% from commercial properties

⁶ In evidence in chief Mr Crook indicated that developers normally require 18-21% profit on GDV

- A blended profit on cost of 16.44% (or 14.12% on GDV)
- 40% affordable homes, and
- A residual land value of £41.6m.

Inspector's Note: As the figures used to prepare the summary appraisals were largely agreed, the evidence focussed on fundamental disputes regarding land assembly costs and sales values. The developers' profits and completion sales rates also formed the subject of some debate. I report on each of these elements separately, starting with the two main areas of disagreement.

Land Assembly Costs

- 9.3.15 In addressing the question of viability it is entirely proper and legitimate to consider the actual development costs of the developer who has assembled the land, pursuant to the adopted LP, and whose costs must include the risks in undertaking the expenditure commitment on that scale. If delivery means the actual building of dwellings, in the present appeals it means starting from the present real world position; that is, with the sites assembled by the appellants so as to deliver the adopted plan proposals. The SoS will have to determine whether the Councils are correct to exclude consideration of the actual prospects for delivery, in determining the appropriate level of affordable housing under LP Policy 5/5 or otherwise.¹
- 9.3.16 The City Council accepts that appellants did not overpay for the land. The price paid reflected market circumstances at the time, as agreed in Mr Haynes' rebuttal proof (CD25.5 paragraphs 3.1 and 3.2) and demonstrated in the letter to the appellants by independent valuers (ID21).
- 9.3.17 Its current position is inconsistent with the stance deployed in other instances. For instance, the Trumpington Meadows site was assessed by King Sturge and the City Council using actual land assembly costs². Northstowe was subjected to a similar exercise³. The approach used in those cases reflects the policy objective and importance of taking careful account of actual costs and the real implications for delivery.
- 9.3.18 Furthermore, in May 2008 King Sturge, in advising the Council on the viability of the Clay Farm project, took into account both approaches⁴. Relevance of actual land assembly costs was apparent to the City Council officers and their valuers. They pressurised the appellants to reveal land assembly costs from the end of 2007 to March 2008, to enable the figure to be used in the viability model. The Council's witness additionally accepted that "*one needs to look at the actual development and the actual costs which can of course affect viability*"⁵.

¹ The question of economic reality is at the heart of this issue, as explained by the Court in the Blyth Valley case

² ID15 – Trumpington Meadows report to JDCC (February 2008) Appendix 2. Appendix 3 illustrates that reducing the affordable housing content to 38% would address a deficit of £8.9m.

³ ID40 – Northstowe Land Trading Model

⁴ ID15 – Officer's Report to JDCC, Appendix O

⁵ Mr Haynes in cross examination

- 9.3.19 Steps taken by the authorities demonstrate that they recognise an inextricable relationship between expenditure incurred in land assembly and viability. Firstly, they responded to the appellants' written concerns about viability in the light of the rapidly deteriorating housing market¹ by suggesting a three staged approach to addressing the concerns². Second, the offer made by Cambridgeshire Horizons in August 2009 was expressly on the basis of an assessment taking account of land assembly costs³. Furthermore, the King Sturge modelling assumptions implicitly recognise the legitimacy of land assembly costs as an outlay on which a risk margin of 20% is agreed.
- 9.3.20 Taking account of land assembly costs is consistent with the objectives and guidance in PPS3, with LP Policy 5/5, with the approach taken in the Oxford SPG (ID41) and in other appeal decisions. It is also in line with advice from the Homes and Community Agency's (HCA) publication "Responding to the Downturn" (CD21.15).
- 9.3.21 LP Policy 5/5 does not set any methodology to be deployed in assessing viability. The SPD (CD19.9) is however relied upon by the Councils for the application of Policy 5/5. It is a material consideration but not part of the development plan.
- 9.3.22 Proper application of the SPD (in particular paragraph 42) is consistent with the approach of making real world assessments to include the actual cost of development incurred. In other words, the costs to be used in the "full" economic appraisal, referred to in the SPD, should include the actual costs of land assembly where already incurred or an assessment of those costs where they are to be incurred. The SPD does not suggest anywhere that actual costs already sustained should be excluded – whether it comprises the costs of infrastructure such as drainage or land assembly. Requiring the appraisal to be carried out on a residual land value basis is not prescribing any particular methodology, let alone that full economic appraisal should be hypothetical without regard to reality.
- 9.3.23 The SPD goes on to distinguish between valuation of the site in its existing use against its purchase price or hope value. This is a separate element of the appraisal and applies in instances where it may be relevant to consider the alternative existing use value – there are 9 such sites in the Council's housing land supply evidence⁴. In the appeal cases, however, it is not material and only raised as an afterthought in the proofs submitted in September, when the existing use value of £1.5m was estimated for the sites.
- 9.3.24 The RICS "Red Book" expects existing use value to be used only for valuing property that is owner occupied by a business for inclusion in financial statements and would not therefore apply when valuing bare development land. It goes on to recommend that hope value should be included within

¹ CD23.2 – Appendix 4 to Mr Studdert's proof: letter from Mr Hoyles dated 9 September 2008

² The stages comprise: relaxing S106 payments and triggers, exploring funding assistance and considering a phased viability approach if the first two steps are unsuccessful.

³ CD23.2 – Appendix 12 to Mr Studdert's proof: Letter from Cambridgeshire Horizons to Mr Hoyles and accompanying Basis of Agreement (page 2)

⁴ CD23.4 – Appendix 8 to Mr Robert's proof

an assessment of market value. Thus, in the case of Clay and Glebe Farms hope value will arise and be reflected in the market value, given the policy support for development on the sites.

- 9.3.25 Taking the SPD as a whole, it is apparent that the guidance is concerned with actual viability and consistent with proper application of LP Policy 5/5. Where viability is jeopardised, the SPD goes on to advise steps to be taken which chime in with the level of response shown by the authorities when faced with developers' call for solutions in the current economic climate.
- 9.3.26 The HCA guidance (CD21.15) is helpful and timely, as it deals with delivering affordable housing through the planning system in a downturn. Taking account of land assembly costs is in line with advice in the document. Paragraph 44 recognises the materiality of actual land assembly cost, requiring where appropriate a "flexible" approach to the provision of affordable housing and a phased viability approach.
- 9.3.27 The advice recognises that use of actual land costs will need to be assessed against the questions posed at the end of the document, that is: *has the land already been purchased and, if it has, where the actual cost differs from the existing use value which is appropriate to use?* That advice recognises that use of the actual land assembly costs is an appropriate method of determining whether provision of a particular level of affordable housing is viable on a particular site. Scenarios B2 and B4 illustrate precisely that point. In short, the HCA recognises that in today's economic conditions decisions on viability must be made on the most appropriate basis to secure delivery, having regard to the realities of and the position with regard to the particular site.

Sales Values

- 9.3.28 When it comes to questions of judgement on the local market, Mr Bentley's evidence for the appellants should be preferred to that given by Mr Haynes on behalf of the City Council. Mr Bentley is the director of a professional agency (Bidwells), specialising in the new homes market in Cambridge and regularly carrying out sales value assessments for developments around the city and advises on same in the market.
- 9.3.29 Mr Bentley identifies the nature, scale and quality of the developments proposed, including their status as urban extensions, thereby understanding fully the characteristics of the schemes proposed. He gives specific consideration to the likely competition from other strategic sites (Trumpington Meadows, NIAB and North West Cambridge sites), looks at likely construction costs¹ and refers to the totality of the market comparables being representative of the market as a whole. He has additionally taken account of other factors material to valuation, namely scale of development, high percentage of affordable homes, specification of volume build units, fall in property prices and spread of value in Cambridge.

¹ Construction costs at £102.50/sqft suggests that development at the appeal sites would broadly reflect the quality of developments at Mulberry Mews, Chelmsford and Ventura Riverside, Chatham rather than Accordia, Cambridge with build costs of £164/sqft (CD24.12 – Mr Bentley's Appendix B)

- 9.3.30 His view is that a high percentage of affordable housing has an impact on the perception of developments and hence their sales values. Tenure splits of 75:25 (letting:intermediate) could mean high numbers of rental properties being occupied by a transient population with further cause for concern about perceptions. Lettings would not be restricted to Addenbrooke's workers, as the City Council works on a banding basis¹ for letting properties.
- 9.3.31 In the light of his research, Mr Bentley arrives at a blended average² of £275/sqft for use on the viability assessment. The figure is based on a 40% proportion of affordable homes and a sales rate of 40 per quarter³. A cross-section of the highest value new homes and those within lower to middle bracket prices provides a strong comparison for a volume site and gives a blended overall average of £271/sqft⁴, which is in line with the judgement taken by Mr Bentley.
- 9.3.32 By contrast, Mr Haynes does not show whether he has taken account of scale and volume. His consideration of the market and values is confined to a limited triangle of relevance⁵, which is misleading as the area covered by the triangle has the highest residential value in the city. In fact, the closest comparable strategic development in Cambridge is Arbury Park⁶, on the northern fringe of the city, which will provide over 900 new homes, a primary school and new community facilities. This is a clear recent example of a substantial development with competing sales outlets having an impact on achievable revenues. And is very relevant to estimating values at the proposed developments.
- 9.3.33 Mr Haynes' figure of £310 per sqft represents an exceptional premium for a large strategic development of 2,550 dwellings. His evidence of comparables includes bespoke gated apartment developments with no affordable housing⁷ and others within prime city locations⁸ which achieve high revenues. While such developments can be considered in any appraisal, they should not be taken in isolation. Furthermore, Mr Haynes' "bottom markers" for new homes developments is based on "Abberley Woods" in the village of Shelford. This is a small development of small one and two bedroom apartments and two to three bedroom houses averaging at £610 sqft, and is an inappropriate basis for a "bottom marker" for strategic developments at the appeal sites.

¹ ID 64 – Cambridge City Council, Lettings Policy Document

² "Blended average" is an overall blended rate drawing together average values for houses and apartments

³ Inspector's note: the 40/quarter was provided to Mr Bentley as an agreed sales rate and which he believed was realistic.

⁴ CD 24.12 – Appendix G to Mr Bentley's proof, Residential Sales Values 2009

⁵ Mr Haynes' "triangle" is formed by Hills Road and Trumpington Road and extends as far as the villages of Great Shelford and Harston

⁶ CD 24.11 – Appendix G to Mr Bentley's proof: paragraph 1.15 and ID47 shows location of Arbury Park

⁷ CD 23.6 – Lexington on Long Road and 16 Trumpington Road, Appendix 3 of Mr Haynes' proof and CD 26.6 Appendix C of Mr Bentley's rebuttal proof showing locations.

⁸ CD 23.6 – Accordia, Brooklands Avenue and Kaleidoscope, Fitzwilliam Road. Appendix 3 of Mr Haynes' proof and CD 26.6 Appendix C of Mr Bentley's rebuttal proof showing locations

Profits

- 9.3.34 Profit is required to justify taking on the huge risks involved in committing vast sums to carry out the development, to be finally recovered in the later stages – all going well. The risks include: costs overrun, market changes or competition, labour problems, funding failures, interest rate changes or changes in the regulatory framework.
- 9.3.35 If the risks do not materialise, the developer may receive the incentives. However, for every time that goes well there will be many others where they do not, and often the profit margin will be inadequate to sustain the resulting loss. The profit is there as a buffer against the considerable and real exposure to the inherent risks of a project of this scale over a period of years for which, once started, success depends upon continued expenditure and development through to completion.
- 9.3.36 The assumed sales value of £283/sqft represents an increase of 2.9% on the current estimates of sales values (£275/sqft). The increase raises the risk profile of the project and it would be reasonable to reflect this risk through increased returns. However, the appellants were prepared to accept the minimum profit at 20% on cost.

Sales Rates

- 9.3.37 Looked at in the round, the evidence supports somewhere between 40 and 60 markets sales per quarter (mspq), depending on the market, competition and other factors. Speed of delivery can only be maintained by adjustment in sales value. Thus, commitment by the appellants in the S106 undertaking to provide the affordable housing percentage based on a sales rate of 60 mspp, both for the first phase of 450 dwellings and for later phases through the matrix based on that rate, is at its risk¹.
- 9.3.38 To the extent that the completion rate assumed is not achieved, the affordable housing proportion remains unaffected and the consequent loss in income is wholly borne by the appellants. This is in addition to the risk inherent in a commitment of around £500m or more to any project, which is market dependent.
- 9.3.39 Once commenced, the developers are tied in to continuing the development with a strong impetus to maintain the sales rate, given the volume nature of this large scale development and the fact that overall profit is only achieved in the last stages of development. All of this adds significantly to the implications of and risks attached to the decision to commit to commencement.

¹ ID61 demonstrates the effects of reduction in the sales rates on the viable level of affordable housing.

Phased Viability Approach¹ (See important footnote)

9.3.40 The phased viability approach, secured through the S106 unilateral undertaking (ID80) can be summarised as follows:

- A guaranteed minimum for the first 450 dwellings at 16.5% affordable housing². That is based on an uplift of £8 per sqft on the current sales value of £275 per sqft.
- The 16.5%, which has been assessed on the optimistic sales rate of 60 mspq, is not affected if that rate is not achieved and viability reduces;
- Countryside is under a continuing obligation to apply for relevant grants generally from the grant of permission and specifically for four months before any application for approval of reserved matters; copies are to be given to the City Council¹ and they are to be kept informed;
- The affordable housing is required to be increased in line with any grant that is awarded subject in the undertaking to the limit of 40% for any phase and overall;
- Countryside is under a number of time constraints; for the first phase the reserved matters application has to be made within 12 months of the grant of permission and development commenced within 9 months of reserved matters approval or that phase is treated as any other phase (but subject to a minimum of 16.5% affordable provision); there is the obligation to develop and complete all phases of development as soon as reasonably practicable following approval of reserved matters where the affordable housing proportion is less than 40%;
- For subsequent phases, the obligation is to provide affordable homes at 40%, unless a lower percentage is demonstrated by the matrix. The matrix operates on the movement in the relevant sales and construction costs indices, but is based on the uplifted sales value of £283 per sqft which also assumes the 60 mspq;
- The assessment under the matrix is subject to the obligation to start within nine months of the reserved matters approval or the City Council can require a reassessment; there is the continuing obligation to build out and complete the phase as soon as reasonably practicable where it is less than 40%; and
- There are the specific and general obligations for applications for grant which is required to be taken into account in calculating the affordable housing percentage as set out above;³

¹Inspector's note: In response to my questions, Mr Hoyles for the appellants indicated that they would be willing to consider all alternatives, even after the inquiry closed. Should the SoS be minded to reject the appellants' approach, they wish to be given an opportunity to consider the SoS' preferred percentages or structure for delivering the affordable homes.

² The structure that follows is based on this percentage but is itself subject to the SoS' decision to substitute a different % figure.

³ The award of grant would normally be conditional on securing appropriate additionality which could be imposed quite apart from the specific provisions in the undertaking.

- 9.3.41 An alternative structure is not suggested by the City Council, save for the suggested floor of 30% and ceiling of 50% in the later phases¹. A suggestion was made during the inquiry to require a full reassessment at each phase. No bank or developer could be expected to commit vast capital on the basis of relying on the goodwill of the City Council to vary the permission in the event it should become unviable in the future.
- 9.3.42 As for the bracket of 30% to 50% - first, the 30% is demonstrably unviable. Secondly, there is no evidence to show that an increase over 40% has been satisfactorily accommodated at any development. At over 40%, the range of design and size of buildings would change, with a consequential effect on external appearance. Tenure blind developments, essential to integrated and inclusive communities, become more difficult with high density development as the affordable housing percentage increases. From experience elsewhere, the matter affects market sales². Experience also suggests increased tendency for the developments to be occupied by transient resident populations. The approach could produce a distorted community if early phases were developed with low levels of affordable houses while the later phases were expected to accommodate high levels.
- 9.3.43 The public interest would be better served by ensuring delivery of an effective and balanced community able to address overall market needs in the area. This is more confidently assured with levels of affordable housing limited to 40% in any phase, corroborated through insistence of the City Council to impose a cap of 40% affordable housing for its own land³.

Conclusions on Affordable Housing

- 9.3.44 Having regard to the appellants' position in relation to its approach to assessing viability, of its estimated sales values expected and the appropriateness of the return against the level of risk, the proposals would accord with LP Policy 5/5. They would also either accord with the SPD or, if not, would secure delivery of these important strategic sites as a high planning priority.
- 9.3.45 The matrix method for delivering the numbers of affordable homes is reasonably well established. It accords with the HCA guidance, insofar as the appellants' offer is subject to prevailing market conditions at the date upon which future phases are to be assessed. It is simple, transparent and requires minimal external validation or verification. If accepted, there is a reasonable prospect of delivery of new housing over the coming years on a phased basis, at the rate of about 16.5% initially, without grant assistance and with scope for that to increase commensurately should market conditions improve.

¹ CD22.92 – Record of meeting held on 8 May 2009 – Cambridgeshire Horizons and Countryside Properties

² CD11.16 – Lessons from Cambourne (paragraph 10.7) and CD11.2 – Lessons to be Learnt at Orchard Park (paragraphs 3.5-3.7)

³ The City Council is proposing residential units to be located above the community building

9.4 Library Provision

Policy Background and Compliance

- 9.4.1 There is no specific development plan policy for provision of a library. LP Policy 5/13 provides for community facilities in Areas of Major Change. Paragraph 5.29 explains that provision is made where existing community facilities are insufficient to provide for the "*needs generated by the development*". The policy text also provides that further guidance will be set out for each scheme. In this case no further guidance has been approved through SPG or SPD. While supporting text to Policy 9/7 identifies possible provision of a library for North West Cambridge, no such suggestions are made for the Southern Fringe.
- 9.4.2 The ADF 2006 (CD19.7) preceded the Local Plan and in any event was not SPG. The County Council consultation response to the draft ADF (ID 31B) expressed a preference for a library in Trumpington village, but the request for provision was not reasoned with standards or otherwise in any way. Any additional requirement in the general context of LP Policy 5/13 depends on the specific demonstration of need for a library for the purposes of Circular 05/2005.
- 9.4.3 The only relevant approved policy is national policy (updated in 2008)¹, based in terms of spatial provision on a two mile radius for a given percentage of the relevant population. Those standards have been set to ensure an effective and consistent provision of library services across the country and help define a library authority's statutory duty to provide a "*comprehensive and efficient service*". While they do not preclude an individual library authority adopting higher standards, this would have to be justified and demonstrated to be fundable as a continuing community resource. No other standard of provision has been adopted as policy and so the only standards are the national standards.
- 9.4.4 The Library SoCG (ID24b paragraph 3) confirms that the proposed development without provision of a library would not conflict with any of the national standards. The standards are amply met within the city, as shown on Plan JKR7².
- 9.4.5 There is no other policy or guidance on adequacy of provision. The standard suggested by the Museums Library and Archives Council (MLA) for charging at a rate of 30sqm per thousand population³ has not been approved by CLG or adopted by the County Council.

Justification for Library and Revenue Support

- 9.4.6 The need for new community facilities is recognised and Clay Farm will be providing schools (including a Children's' centre at Fawcett Primary School), community rooms at the new primary school and sports provision at the secondary school, in addition to informal recreation and playspace. The

¹ CD11.9 – Comprehensive, Efficient and Modern Public Libraries: Standards and Assessments (DCMS January 2001) and CD 11.10 – Public Library Service Standards (DCMS June 2008)

² CD26.4 – Appendix JKR7 of Mr Kinsman's rebuttal proof

³ CD23.18 – Appendix 5 to Mr Heaton's proof

new community building will provide a range of uses, including a health centre, pharmacy, youth facilities and touchdown spaces for police and adult social services. Appropriate community facilities are therefore provided for in accordance with LP Policies 5/13 and 5/14.

- 9.4.7 The Public Library Service Standards (PLSS) published by the DCMS (CD11.10) represents Government policy for minimum levels of service and PLSS1 sets the target for the proportion of households living within two miles of a static library. For Cambridgeshire this is 72%. The current position in the County is: 73.7% of the population is within the two miles distance. In terms of the DCMS standards, there is no reason to consider a distance of less than two miles.
- 9.4.8 Trumpington has no static library, even though the ward has a population of over 7,000¹. But it is well served by Great Shelford, Central Library and Rock Road. Every part of the appeal sites is within a two mile radius of at least one library². The Central Library is the only county-wide Level 4 library, the others are classified as Level 2. The former is within 2 miles of much of the two development sites and the CGB will provide good access to it for all residents. Great Shelford and Rock Road libraries are reasonably accessible and well suited to general use. The mobile library currently serving Trumpington would additionally be available to residents. The developments would therefore be well served by existing libraries.
- 9.4.9 In terms of quality of provision, the immediate area of the appeal sites enjoys or will enjoy two new library facilities – the library being constructed at Great Shelford and the Central Library. The former is scheduled to open in November 2009 and is to be fitted out with modern facilities. The Central Library is more than a higher order provision; it contains extensive resources and facilities. There is no evidence of difficulty, dissatisfaction or inadequacy³ at any of the smaller libraries, even during the time that the Central Library was closed for the final quarter of the year under consideration.
- 9.4.10 In calculating capacity, the City Council's evidence adds the ward of Trumpington to the Great Shelford and Rock Road library catchments. That is contrary to the statistical approach used by the County Council in respect of key libraries. Consistently, Trumpington would not be affected and there would be no increase in the catchments at either of the two libraries. Even if one assumes that the Trumpington ward is to be added, then Great Shelford would have a capacity of 18.9 sqm per thousand head of population and Rock Road would be 14 sqm per thousand – which would still be within the range of current provision⁴.
- 9.4.11 As to the effect of additional provision, the SoCG confirms that the library service needs to save some £523,00 per annum. It is inevitable that the new library will cause the Rock Road library to close, given the commitment in the 2003 report evaluating services and reducing the number of libraries

¹ CD26.5 – Appendix JKR9 to Mr Kinsman's rebuttal proof

² ID24B – Library SoCG – Plan showing location of libraries

³ CD11.11 – Library Profiles for Cambridge Libraries

⁴ ID33 – Library Statistics – Current provision

if considered necessary¹. In other words, an existing successful library would be lost simply so as to be replaced by a similar provision (Level 2) serving the same area.

- 9.4.12 Plainly, the County Council has not carried out a careful appraisal of the areas served and the costs involved. There is no evidence to support the asserted need for the library contributions for the purposes of Policy 5/13. 5/14 or Circular 05/2005.
- 9.4.13 With regard to revenue contributions, Circular 05/2005 expects such contributions to be supported with a proper analysis of the costs involved and shortfalls in funding through normal funding streams. In this case, no evidence has been put forward to demonstrate a gap in the funding stream. Local authority revenue expenditure on libraries is largely funded from Central Government and Council Tax.
- 9.4.14 The County Council have not provided any analysis of implications on Government funding as a result of population changes with the development. Moreover, there is direct linkage between Council Tax and dwelling occupation and residents moving in before a facility is opened pay on the same basis as those that follow after. Such contributions fall outside the normal requirements of authorities and are not Cambridgeshire's normal practice. The requirement goes beyond the principle of Circular 05/2005.
- 9.4.15 If the library were considered necessary as a result of the development and running costs contributions were also to be required, then the financial burdens should be predicated on a catchment population that includes the Trumpington ward population of 7,010. Only 54% of the costs should fall on the appeal developments. ID44 illustrates derivation of the Clay Farm and Glebe Farm contributions of £267,873² which is the amount the developments should be expected to contribute.

9.5 **Housing Land Supply**

- 9.5.1 PPS3 emphasises the importance of housing delivery and urges authorities to grant consent where a five year supply of deliverable sites cannot be demonstrated. In the absence of a Strategic Housing Land Availability Assessment (SHLAA), the onus on the City Council to demonstrate the five year supply is greater. Reliance on the generalised conclusions of the Annual Monitoring Report (AMR) (CD 11.14) is inadequate, particularly when the consultation responses³ to the sites are closely scrutinised. The AMR falls short of robust background data.
- 9.5.2 The respective positions on the supply of land are set out in ID26. Even if the SoS concludes that the appeal developments should be included in the housing supply assessments, at best there is a 4.4 year supply. Without the sites, the trajectory figure falls to 3.3 years (ID71). The appellants' position on individual sites included is set out in Appendix 1 to CD26.11, which indicates a deliverable land supply of 4,110 dwellings against a 5 year requirement of 6,217.

¹ CD11.4 – As above

² ID44 – 56% from Clay Farm and 6% from Glebe Farm

³ CD23.4 – Appendix 6 to Mr Robert's proof: Trajectory Survey responses

- 9.5.3 Disagreement over the major sites includes Cambridge East (airport site). Lack of any decision to develop this site is confirmed in Cambridgeshire Horizons' agenda (ID39). Development of the site requires relocation of existing operations for which a solution had not been found so far. No decision has been made to release the sites at any given time or to any specified timetable. Following discussion with those involved with delivery of the Bell School and NIAB sites, the numbers likely to be delivered on these sites are less than anticipated in the AMR or by the City Council¹.
- 9.5.4 Of the allocations, eight sites are demonstrably not available; seven are allocations without planning permission. They do not have a reasonable prospect of delivery within the five year period. On the large sites with planning permission, the anticipated sale and build out rate on the CUP site is less than anticipated by the City Council; circumstances surrounding the Betcheman House and Cambridge Water sites militate against availability to the extent anticipated within the five year period.
- 9.5.5 The position with the appeal sites becomes more serious if the appeal sites are delayed through absence of a viable permission. If permission is granted in a form that does not enable development to commence on a viable basis, the sites, which are in the hands of developers/house builders, cannot be regarded as immediately available or with any prospect of being immediately developed, having regard to the relevant evidence.
- 9.5.6 The City Council has failed to demonstrate a five year supply of deliverable sites. Thus, even the minimum requirement within the regional spatial requirement or the Local Plan, is not being achieved. In those circumstances, the presumption under paragraph 71 of PPS3 should apply with even greater force in this important part of the sub regional growth area.
- 9.6 **Fall Back Position**
- 9.6.1 There is no issue in respect of the merits of the fall back position which is agreed and secured through the S106 agreement. The only issue is a point of law, that is: whether the SoS can lawfully grant permission to include a fall back position.
- 9.6.2 The note submitted on behalf of the appellant (ID55) sets out what is considered to be the correct position in law. The opinion relied upon the City Council² does not set out any legal analysis in support of the view that permission could only be granted for one of the two forms of development.
- 9.6.3 The remainder of the opinion considers whether there could be a condition or whether it required a S106 obligation, which is not of materiality in the present case, given the agreement in that respect.³

¹ CD26.11 – Appendix 1 to Mr Carpenter's rebuttal proof: Sites Delivery Rationale

² CD23.2 – Appendix 3 to Mr Studdert's proof

³ For the record the view in paragraph 14 is not accepted in that a condition would be sufficiently certain and would have a reasonable prospect of being met in the life time of the permission (10 years to submit reserved matters) given that the decision on the secondary school would reasonably be expected to have been made well before then.

9.7 Conclusions

- 9.7.1 The SoS is requested to allow these appeals to enable their early contribution to deliver much needed housing in a sustainable form in accordance with the spatial strategy for this area. A requirement for a library should not be imposed, given the absence of any evidence of deficiency or other policy support.
- 9.7.2 So far as affordable housing is concerned, any decision should be based on the real implications for viability and delivery, having clearly in mind the massive cost exposure that would be involved for the appellants in these uncertain times. Any other approach would inevitably risk indefinite delay and non-delivery of these important strategic sites with clear disbenefit to the provision of much needed homes, the growth area strategy, sustainability and the economy and jobs.
- 9.7.3 On the other hand, the SoS can be confident that, if permission is granted in a form that does in fact secure viability, the appellants, having already committed so much to the delivery of the sites in a planned and coordinated manner, can and will carry them through so as to ensure speedy and sustainable development of the sites.

10. THE CASE FOR CAMBRIDGE CITY COUNCIL AND CAMBRIDGESHIRE COUNTY COUNCIL (THE COUNCILS) ¹

The gist of the Councils' case is:

- 10.1 There are two substantive issues: (1) the quantum of affordable housing; and (2) the library.
- 10.2 **Affordable Housing**
- Need**
- 10.2.1 The Local Plan (paragraph 1.3) illustrates the pressures that strong levels of economic activity in the city create. There are almost twice as many jobs as residents in work. Demand for housing is high. Historically, a lack of affordable housing within the city has forced people to live further away and to commute, adding to increasing traffic congestion and pollution.
- 10.2.2 The Cambridge sub-region Strategic Housing Market Assessment (SHMA) (CD11.25), first published in June 2008 is being updated to reflect the increases in affordable housing needs figure. Background data confirms that some 74% of existing Cambridge residents could not afford to buy a lower quartile priced home; house prices rose significantly between 2001-2006; house prices equated to 7.75 times average earnings in the city². Despite overall reduction in house prices between November 2008 and April

¹ Cambridge City Council is the planning authority. Given the strategic nature of the proposals the County Council have an interest in the cases and were represented at the inquiry, supporting the City Council.

² CD23.4 – Appendix 1 to Mr Roberts' proof

2009¹, there is still a large affordability gap. The Local Plan estimates the affordable housing need (based on the 2002 Cambridge Housing Needs Survey) at 734 dwellings per year; the findings of the SHMA show this need has increased to 1,332 per year². The evidence base points to a significant need and the appeal sites are expected to make a significant contribution to meeting this need.

- 10.2.3 The core question is whether the developments are viable and deliverable at 40%. There are two major differences here – first, the appropriate approach to land value and, second, the sales price achievable.

Valuation Approach

Overview

- 10.2.4 The correct approach is on a residual land valuation (RLV) basis. This is required by the applicable policy here (the SPD), is required by other affordable housing viability policies elsewhere (in particular the GLA Toolkit³), is consistent with the HCA approach in its August 2009 document and has been adopted in other decision letters⁴.
- 10.2.5 The initial costs appraisals by King Sturge inputted the land values, and the same approach was adopted during consideration of the Trumpington Meadows application. With the latter, HGF and BPHA funding secured the 40% affordable homes and there was no need to go into the issue of price paid for the land. The Clay Farm application was similarly treated and in May 2008 there remained a small funding gap. However, when concerns about viability were expressed by the appellants in September 2008, the authorities applied greater detail to the viability work and approached it on the normal RLV basis⁵.

Policy and Guidance Support for RLV

- 10.2.6 The Affordable Housing SPD went through a PPS12 compliant process. It does not suffer from any flaws identified in the Blyth Valley case and has the very flexibility built into which the Local Plan Inspector suggested⁶. The SPD “unambiguously” requires an RLV approach⁷.
- 10.2.7 In looking at RLV and comparing with existing use value (EUV), the SPD is consistent with the Toolkit basic valuation principles, and the definition of RLV in the HCA August 2009 document. Application of the SPD is not restricted to pre-purchase of the land, as suggested by the appellants. The “full economic appraisal of the costs” includes land purchase costs. Inclusion of land costs is by definition inconsistent with carrying out a residual land valuation. The SPD does not require one to ignore the effects of falling housing prices in carrying out a viability appraisal, but it does

¹ CD23.4 - Appendix 1 to Mr Roberts' proof, Table 1

² CD19.9 – Affordable Housing SPD, Annex 2

³ ID6 – Affordable Housing – Development Control Toolkit: Guidance Notes 2008/09

⁴ ID5, CD13.7, CD13.9

⁵ Mr Studdert's response to Inspector's questions

⁶ CD23.4 – Appendix 2 to Mr Roberts' proof, paragraph 5.11.28

⁷ Agreed in terms by Mr Edge in cross examination

require the approach to be based on a standard RLV and comparing that with EUV.

- 10.2.8 The GLA toolkit (ID6) suggests a RLV approach is the normally accepted approach to valuation practice and advises accordingly. The inputs do not include purchase price. There is no suggestion in it that the appropriate methodology changes if the land has been purchased.
- 10.2.9 The detail of the HCA guidance is not departing from a RLV approach. It regards renegotiation as appropriate when the market has fallen to such an extent as to make development unviable, and RLV will not be sufficient to induce development. But it does not suggest a change to the approach. It considers land write downs; such measures are inconsistent with anything other a RLV approach. Annex B is key, as it shows how using historic price paid makes schemes unviable, but using current values can secure or assist viability.
- 10.2.10 It is plain that the authors do not see the role of the document as protecting developers from the fall in land prices. The box on page 23 of the HCA document is the only place in which there is any suggestion that in some circumstances purchase price may be relevant. As demonstrated below, adoption of historic purchase price paid gives rise to consequences which cannot possibly have been the intent of the authors of this document

Site Purchase

- 10.2.11 The land was purchased in 2007 as an attractive option. The 40% or more affordable housing LP Policy 5/5 was well known at that time. The constraints, site specific features and requirements of the development were known at the time of purchase. An RLV would have been undertaken before purchase. The result was a commercial arrangement to pay a total of £62m for all the land¹. The land value was determined in March 2007 after a very long period of sustained growth in land values. By January 2008 this looked like a very good commercial deal from the buyer's perspective. At that time the land was valued at £110m².

Land Value Today

- 10.2.12 There is no doubt that the land value today has dropped significantly from the peak. Drops of between 30% and 50% have been reported for Cambridgeshire³. Using the same assumptions that led to the purchase price, i.e. 40% affordable housing, S106 obligations, 20% profit stream, the land is now worth £41.6m (scenario 17 on ID61) - a difference of £11.4m from the purchase price of £53m.

¹ It is not necessary to disaggregate this into its constituent parts because both parties accept that it has been properly and adequately dealt with in the cash flow tables in the valuations. Given the phased nature of the payments, the present value of that total cost is £53m (ID61 footnote)

² ID21 – Letter from Strutt and Parker to Mr Hoyles, dated 10 August 2009

³ CD26.2 – Appendix A to Mr Crook's rebuttal proof: Capital Economic Report and ID18: East of England VOA

10.2.13 In accordance with the developer's accounting policies, the land value has not been written down, as the net realisable value is greater than 0¹. The valuation was underpinned by certain assumptions, including a profit on GDV of 3.7%². No developer would build for that profit stream. A developer has to have a profit on cost of 20%. Therefore, no matter what accountancy rules say, as a matter of fact, the land value of £53m/£62m simply cannot now be "realised". The appellants need to recognise this and adjust their expectations accordingly. Other developers are recognising the historic reality³ and progressing with developing houses.

Profit Requirements

- 10.2.14 The agreed profit stream on costs of 20% is at the top end of the normal range (15-20%) and is generous because of the extent to which this development has been "de-risked".
- 10.2.15 In May 2008, the appellants agreed that the scheme could be delivered with 40% affordable housing⁴. The headline profit stream its approach required (taking Clay Farm and Glebe Farm together) was about £92m. That profit stream was a reward for the risks the appellants were taking on at that time, including the risk that sales values, and thus land values, would fall.
- 10.2.16 ID61 shows that the "base case plus" scenario has a total profit of £94m – based on inserting the historic purchase price as a cost. Therefore, the historic loss is removed. In effect, the appellants are requiring a total profit stream higher than that expected before the decline in economic circumstances, as well as reimbursement for their loss in land value, and so requiring a 20% profit on an historic loss. That situation is internally contradictory.
- 10.2.17 On all scenarios 1 – 12 of ID61, the consequence of adopting the appellants' valuation approach is that if planning permission is given on the basis requested, the land value jumps straight back up to the historic purchase price. This flies in the face of the purpose of affordable housing policy: it is no part of planning policy to support historic land values. This outcome is a direct result of the methodology which treats purchase price as the non-negotiable item – affordable housing flexes until the purchase price is restored. Thus, the methodology has the direct and inevitable effect of giving the land much enhanced value.

Overall Result

10.2.18 The overall result is that the appellants (a commercial organisation in a free market economy) are, through their valuation, seeking to secure a position where they are put back into the position they were in before the crash. Their historic land value would be protected; all risks taken off them and still having a 20% profit stream on all costs. It is entirely illogical for a

¹ CD24.2 – Appendix 21 of Mr Crook's proof: Note from Countryside Properties Group finance director on accounting policies

² ID36 – Email exchanges September 2009

³ CD21.15 – Responding to the Downturn: paragraph 40,

⁴ ID8 – Appendix O to JDCC report of 14 May 2008

commercial organisation to take a risk, to be rewarded for taking a risk and then to be insulated from that risk if the risk transpired.

Sales Values

Principles

- 10.2.19 A critical element of assessment of viability is the assumption of sales revenue. This element of the appraisal establishes the GDV of the projects and is assessed by reference to comparables. On the City Council's approach, at all the debated sales values, the site can deliver 40% affordable housing (ID61 scenarios 13-24).
- 10.2.20 Mr Haynes, on behalf of the City Council, has undertaken a significant amount of market research and developed a schedule of comparables most relevant to the likely sales rates at Clay Farm and Glebe Farm¹. Because Cambridge, like most centres, is particularly sensitive to specific locational factors, anything north of the junction of Lensfield Road and Hills Road is discounted and a roughly triangular "area of relevance" extending to the inner villages of Great Shelford and Harston are used to establish suitable comparators of sales prices. Based on the sales values of a variety of developments studied, a sales rate of £310 per sqft at the appeal sites is realistic and achievable.

Nature and Location of the Development and Comparables

- 10.2.21 The appellants' case for the £275 per sqft relies on the downsides and not the advantages. The value is based on looking at the whole of Cambridge with no explanation on how and why particular sites were selected. There is no reason, for instance, for excluding properties at Trumpington Road, Lexington and Cherry Hinton, which could have pulled up the averages².
- 10.2.22 Arbury Park³ is used as a direct comparable. However, development at that site has stopped because of the crash, and interventions by the RSL increasing the affordable homes to take up unsold blocks have been perceived to be less than successful⁴. The development is close to an elevated section of the A14 trunk road, has been delivered in an ad hoc manner and dominated by affordable homes in the early stages. Transactions at the site reflect all these features. In any case, Mr Bentley chose the least successful development at Arbury Park to achieve the sales figures⁵.
- 10.2.23 By contrast, at the appeal sites, the ambition is to create a development of the highest quality, offering the highest quality of life to everyone⁶. This will be delivered as a real community rather than simply an estate. That quality percolates through the Design and Access Statements (CDs 1.5 and 5.27)

¹ CD 23.6 – Appendix 3 of Mr Haynes' proof

² ID11 – Bidwells New Homes Report, August '09.

³ CD24.11 - Appendix G to Mr Bentley's proof: paragraph 1.15 and ID47 shows location of Arbury Park

⁴ CD25.3 – Appendix 4 to Mr Haynes' rebuttal proof

⁵ CD24/22 – Appendix G to Mr Bentley's proof, paragraph 1.15 – Persimmon Homes as compared to Trinity Gate at Arbury Park, featured in ID11, page 23

⁶ CD24.2 – Appendix 10 to Mr Crook's proof

and the Planning Application documentations; building in measures to avoid the mistakes of the past; to maximise densities and yet to deliver a pleasing environment.

- 10.2.24 All the social infrastructure required (except the library) is provided for in the S106 and included in the valuations, with agreed appropriate triggers to ensure delivery of social infrastructure at the earliest possible opportunity. These factors make the sites attractive and dramatically distinguish them from Arbury Park.
- 10.2.25 The sites adjoin some of the most desirable residential areas in Cambridge. Historically, the larger Council estates were concentrated towards the north of the city whereas larger properties with good sized gardens were very much to the south and west. Addenbrooke's, and all the advantages that brings, is close by. There is excellent access to major routes (M11 and A14) and the sites are on the route of the CGB with access to the station in a few minutes and then fast train services to London. All of these factors will help to achieve high prices for new dwellings in the development.

Demand and Effects of Affordable Homes

- 10.2.26 The site is in a highly desirable city that is experiencing massive growth in jobs. The underlying demand for housing is huge because of the historic hangover of earlier policies of restraint. Addenbrooke's generates a large need. The campus includes a significant number of people in relatively well paid jobs¹ who could afford to access the sort of housing being proposed. There is an opportunity to deliver the homes in tandem with the campus expansion. In effect, the developers have a ready made source of demand on its doorstep and very limited alternative supply, given the historic restraint.
- 10.2.27 Concerns about affordable housing depressing prices are unfounded. The development will be tenure blind, and the appellants' company pride themselves on successful delivery of such schemes². The marketing machine will be well placed to dispel any myths about affordable housing affecting quality or standards.
- 10.2.28 The sites will accommodate a major proportion of the RSL's affordable housing portfolio and it is in their interest to manage it properly. Those occupying the social housing will be made up of a cross section of the community – many of them would have lost homes in the recession or have been unable to pay private sector rents as a result of unemployment. Many will be essential (but low paid) staff at Addenbrooke's. Letting arrangements being worked up are specifically designed to underlet houses to accommodate families and create stable communities. It is difficult to understand why people occupying properties on the new developments would wish to move elsewhere.
- 10.2.29 Although it is said that social housing affects prices, Mr Bentley was unable to quantify the effect but considers it to be substantial. The discount is said

¹ CD24.2 – Appendix 12 to Mr Crook's proof

² CD24.2 – Appendices 3 and 4 to Mr Crook's proof

to decrease as affordable housing increases¹. The £283 per sqft sales value estimated on behalf of the appellants is predicated on 40% affordable homes. But the appellants' base case plus delivers only 16.5 % affordable homes (ID61). It therefore follows that the sale price must be higher than the £283 base case plus.

Conclusions on sales value

- 10.2.30 The appellants' judgement on sales value should be accorded no weight, given the wrong starting point and methodology adopted and wrong data used. By contrast, the City Council's valuer adopted a standard approach – looking at comparables and weighing their advantages and disadvantages. He developed a schedule of comparables likely to be most relevant to the assessment of sales rates at the appeal developments
- 10.2.31 The £310 per sqft figure includes no uplift for increases in value in the future. For reasons recently explained by the SoS in another decision that is generous². As with that case, protecting the affordable housing is more important than the speed of delivery because there is nowhere else the affordable homes can go.

Viability Modelling

- 10.2.32 Most of the inputs into the valuation are agreed. A few words about some of the inputs:

Construction costs

- 10.2.33 The construction costs reflect the quality assumed in the sales prices. The developers will have the freedom to adjust construction quality to maximise the balance between build quality and sales price.

Section 106 Costs

- 10.2.34 These are maximum capped costs and agreed. There is scope for the costs to reduce if, for example, assumptions as to the number of children living in the development prove to be less than predicted, obviating the need for a secondary school. Any such potential reduction in S106 obligations is not taken into account in the valuation (and cannot be reflected in the matrix exercise).

Build Rate or mspq:

- 10.2.35 Whatever build rate is assumed (40/50/60) makes no difference to the City Council's valuations – on all build rates the RLV considerably exceeds EUV. The debate only arises on the appellants' approach.

Mix

- 10.2.36 The mix of units is agreed – although the developer has the flexibility to maximise the value by adjusting the mix to market demands.

¹ Mr Bentley in cross examination

² ID74 – Forest of Dean decision and Inspector's report

Affordable Housing Income

10.2.37 Affordable housing income is fixed and agreed. It is supported by existing grant in the hands of BPHA¹ for five years (a position which gives significant security to the developers); a generous contribution to infrastructure from BPHA². In terms of the affordable housing, the developer has effectively a guaranteed and generous funding stream which constitutes a considerable contribution to initial capital cost.

Profit

10.2.38 The viability exercise builds in a 20% profit on cost or 16% on GDV: If a developer is to be protected from risk, a much lower percentage profit should be allowed. A 1% reduction in percentage profit on costs equates to about £5m increase in RLV. The appellants imply that they expect to achieve a profit on GDV of 18 – 21%³ but there is no evidence for this. This is not contained anywhere in the documents and is inconsistent with the agreed profit stream on costs of 20%. 16% GDV is delivered in all the City Council scenarios. 16% is consistent with the GDVs in the HCA document, which is written in the context of responding to the credit crunch⁴.

10.2.39 On a correct analysis, the 20% return can be seen to be generous to the developers for a number of reasons. First, the site does not face many of the risks which a developer of a major urban extension would normally face:

- no need to move existing occupiers;
- no significant land assembly issues;
- all landowners are on board;
- no surrounding uses which sterilise or devalue significant parts of the site;
- a standard and settled package of S106 measures for this scale of development which cannot increase;
- no significant ecological measures;
- no “exceptional” costs already accounted for in valuation .

10.2.40 Second, some key risks have already been overcome. For major urban extensions physical infrastructure delivery is a major issue. There are risks of delay, concerns about physical problems with delivery and risks of construction costs overruns. All of which significantly add to the risks of taking forward a site at the outset. But here the key pieces of physical infrastructure have been provided. The AAR and CGB are both required before development⁵ and provided by the County Council at their risk and

¹ BPHA – Bedford Pilgrims Housing Association, the nominated Registered Social Landlords

² ID3 – Statement from BPHA

³ Mr Crook in cross examination

⁴ CD21.15 – Responding to the Downturn, page 21 of 23

⁵ CD19.6 – Local Plan, pages 100-101

funded at the outset by the public. This has significantly “de-risked” the development.

- 10.2.41 The RLV of the land is less than the present value of the historic purchase price (£53m compared to £41.6m) but : (1) that is not the issue to consider under policy; (2) the historic loss in market value of the land makes no allowance for future increases in sales values¹ . At a sales value of around £297 per sqft, the RLV increases to about £53m and at £304 per sqft it increases to £62m; (3) this development will cover a full economic cycle; and (4) the market falls risks are already reflected in the profit allowance of 20%.
- 10.2.42 Third, the “market risks” are lower once one has fallen from the peak than when one is in a bubble. The market may fall again but the balance of risks is substantially less than it was at the height of the boom.
- 10.2.43 Fourth, there are a number of other risks not present to the same extent here as would normally be the case. For instance, there is a supportive planning framework; a well advanced scheme involving significant upfront work; good working relations with the public authorities involved; supportive public authorities with a team established to assist growth areas and a low risk of statutory challenge. The public authorities have been working to provide a supportive planning policy framework for the Clay Farm and Glebe Farm sites for many years. The land was removed from the Green Belt through the development plan processes and allocated for development. Millions have been invested to provide the necessary physical infrastructure (the AAR and CGB).
- 10.2.44 So, a wide range of risks which would normally be significant concerns in a developers/investor’s mind are not present or present to a lesser extent than normal. A 20% return on costs in the circumstances here is plainly enough to induce developers in the current market conditions.

The Authorities’ Response

- 10.2.45 The City Council acknowledges that the credit crunch caused short term difficulties in getting developments started, because of high up front costs at a time of economic uncertainty. When confronted by the appellants with their assessment of the current viability position in September 2008², the authorities took a pragmatic approach looking to see if the S106 triggers could be relaxed³ or payments reduced. Possible funding assistance was explored throughout the winter of 2008/09, with the HGF and funding streams managed by the HCA. An offer was made in March 2009⁴, which included £9m from HGF to help fund infrastructure and £5m potential funding from HCA as equity investment (Kickstart). An application for the

¹ Approach adopted by the SoS and the Inspector in the Forest of Dean case: ID74, paragraph 220 of the Inspector’s report

² CD23.2 – Appendix 4 to Mr Studdert’s proof: letter to Mr Studdert from Mr Hoyle, dated 9 September 2008

³ CD 23.2 – Appendix 5 of Mr Studdert’s proof: comparison between the S106 triggers and payments accepted by the appellants, and agreed, by JDCC and those offered by the authorise on 7 August 2009 by Cambridgeshire Horizons

⁴ CD 23.2 – Appendix 6 to Mr Studdert’s proof, letter dated 25 March 2009

latter was refused but another bid from the appellants is likely to be given top priority¹.

- 10.2.46 At a meeting in May 2009 the authorities proposed a clear formula aiming for a 40% across the whole development, with variations perhaps set at a minimum of 30% and a maximum of 50% to ensure an appropriate balance and social mix throughout the development and at each phase². Rejecting this offer was unreasonable, given that the land was removed from the Green Belt specifically to meet the full range of pressing housing needs, and the long build out period was always assumed to cover a complete market cycle. Another compromise offer made in August 2009³ was also refused⁴ in favour of a phase by phase viability assessment. The authorities consider that development commencing at the bottom of the economic cycle is good grounds to show flexibility but not good grounds for expecting the key policy objectives overall to be jettisoned.

Delivery at 40%

- 10.2.47 It is common ground that on a RLV approach the development is viable on all scenarios. Or, put another way, if a current land value was inserted into the appellants' valuation method, all the scenarios would be viable and deliverable. That analysis is rejected because of the historic loss in the value of the land and the appellants' approach, which proceeds on the basis that they have to be protected from that historic fall and achieve a 20% profit on an historic loss.
- 10.2.48 There is no evidence that banks or investors require the historic loss in capital value to be made good before they will invest in this highly profitable development. The advantages of this site will in fact mean investors should see this as a valuable opportunity.
- 10.2.49 The appellants have the option of selling the land and crystallising the loss. A new developer buying at current land values could develop viably with the 40% affordable houses. The option of leaving the site undeveloped and waiting would mean missing out on grants, not delivering houses when Addenbrooke's demand peaks and leaving existing capital sitting underutilised. They would also need to raise £37m to meet future payment dates for land purchase and defer the £94m profit stream indefinitely, at the risk of that amount diminishing. Thus, there is considerable incentive to get on and build, even at the cost of accepting a reduction in land value.
- 10.2.50 Grants will further enhance the attractiveness of getting this development started. Whilst no deal has yet been reached on HGF, this site remains the region's number one priority⁵. The rejected offer was appropriate – Cambridgeshire Horizons⁶ would have an equity stake which was far riskier than appellants. They would get all costs including purchase price back and

¹ CD 23.2 – Appendix 7 to Mr Studdert's proof: Letter from HCA dated 25 August 2009

² CD 22.92 – Meeting notes, paragraph 4.3

³ CD 23.2 – Appendix 12 to Mr Studdert's proof, letter dated 7 August 2009

⁴ CD 23.2 – Appendix 13 to Mr Studdert's proof, letter dated 11 August 2009

⁵ CD23.2 – Appendix 7 to Mr Studdert's proof: Letter from HCA dated 25 August 2009

⁶ CD23.2 – Appendix 12 to Mr Studdert's proof: letter from Cambridgeshire Horizons dated 7 August 2009 and copy of Basis of Agreement

“margins” before Cambridgeshire Horizons got anything. The total investment would be about £8.5m. That is about 8% of the total capital invested at any one time in this development. A 10% return on future profit streams was entirely reasonable. Rejection of the offer is another example of the appellants taking the gain and the public sector suffering the losses.

- 10.2.51 A realistic stance on bids for Kickstart funding from HCA appears to have good prospects, given the helpful approaches that are being adopted in the correspondence¹. Overall, there is a good prospect of grants being available and should go into the viability assessment. That would erase much if not all of the historic loss in land value shown in ID61.

The Unilateral Undertaking and Phased Viability Approach

- 10.2.52 The unilateral undertaking and matrix are fundamentally flawed. The matrix is not providing for phased viability exercise at points in the future. It is using a valuation carried out now and based on just two indices (not specific to this site) to see how the affordable housing output varies in the future. It can allow it to go down to 0% but only up to 40% and no higher.
- 10.2.53 It cannot take account of specific circumstances if, for example, the sales value turns out to be higher than the base argued for at the inquiry. It cannot take account of changes to costs or reductions in S106 contributions (if, for example, the secondary school is not required). Further, the undertaking would allow later phases to be assessed (in current market circumstances), implemented by minor works and then stopped for many years. There would be no mechanism to stop this practice. The matrix is simple and easy to use precisely because it is not doing anything other than index linking two elements.
- 10.2.54 Effectively, even if viability improves substantially in the future it would never have to provide any catch up to reflect a shortfall in the early stages. The credit crunch has created a short term problem and the downturn is only likely to be short term². There is no need for future phases to be treated as if they were occurring during the downturn; and therefore no justification for imposition of a matrix. It has not been adopted anywhere before and is not consistent with HCA guidance.
- 10.2.55 Even if a phased viability or matrix approach is justified, there is no justification for limiting the affordable element in later phases to 40%. There is no significant difference in community terms between 40% and say 50% in a particular phase. The City Council is only asking for the 40% to be delivered over the developments as a whole – so perhaps 35% in one phase and 45% in the next. There should be no cap of 40% in any phase, but a requirement of 40% over the whole developments.
- 10.2.56 The unilateral undertaking introduces a position where this large urban extension, designed to meet the full range of Cambridge housing needs, could in later phases deliver nil affordable housing, as there is no floor on affordable housing in the later phases. There is no need to provide now for

¹ CD23.2 – Appendix 7 to Mr Studdert’s proof: Letter from HCA dated 25 August 2009

² ID12 and ID13

such an extreme eventuality. If short term viability issues intensify, then the developer should have to apply to vary the affordable housing requirements depending on the circumstances pertaining at that time.

Conclusions on Affordable housing and Deliverability

- 10.2.57 The RLV is the correct approach. 40% affordable housing is viable on all scenarios. The delivery issue here is short term caused by the recent state of the market. There is no justification now for proceeding on the basis that there might be a long term viability problem in the future.
- 10.2.58 If the SoS considers that there should be some limited leeway provided in the first phase to encourage commencement then: (1) a slightly lower AH requirement could be imposed for the first phase; but (2) with a requirement to increase the affordable housing back up to 40% if grant funding is available; and (3) provide a catch up mechanism in later phases to ensure 40% overall. This would effectively mean adopting the unilateral undertaking in respect of the first phase - including the grant provisions - but stating a figure of X% (to replace the 16.5%). The rest of the undertaking for later phases would have to be replaced with a simple 40% requirement (with catch up provisions for any shortfall).
- 10.2.59 If the SoS concludes that the purchase price should be input as a cost, then the affordable housing percentage for phase one should be arrived at by applying the matrix - using the construction cost agreed and using such sales price per square foot as the SoS considers to have been demonstrated in the evidence. The percentage arrived at should only be available to the developer for a short period, after which it should revert to 40%. The appellants cannot be given a permission reflecting current economic circumstances, and then be allowed to sit on the permission until the situation improves.
- 10.2.60 The SoS should insist that if any later phases are not viable at 40%, the appellants will have to demonstrate such through detailed viability appraisals at the relevant time and build out those phases within specified (and limited) timescales.

10.3 Library Provision

- 10.3.1 LP Policy 5/14 calls for the provision of appropriate community facilities where new developments increase demand for such facilities. The Planning Obligation SPD and the ADF set out the requirement for a library/lifelong learning centre and the likelihood of pump priming required to serve the needs of a growing population in Areas of Major Change. The MLA has developed a standard charge approach for developer contributions to library provision on behalf of DCMS, based on the proposition that public libraries are part of the additional or expanded community infrastructure made necessary by new development¹. The standard charge approach only applies where additional need is created by the development, reflecting the Circular 05/2005 tests.

¹ CD23.18 – Appendix 5: Public Libraries, Archives and New Development – A Standard Charge Approach

- 10.3.2 To meet the needs of the significant new concentration of population in the Southern Fringe, the Councils are seeking contributions of £448,056 and £48,006 from the Clay Farm and Glebe Farm developments respectively to fund the capital costs of a library of 337 sqm. The library would be located in the community building. The costs are apportioned between the Southern Fringe developments; the Trumpington Meadows' development will contribute £232,029¹.
- 10.3.3 The current population of Trumpington (3,000²) is not large enough to justify a static library³. It is currently served by a mobile library. Such libraries are justified beyond the standard level of service for mobile libraries to, among other reasons, *"...serve disadvantaged communities within 2 miles of a static library"*⁴. No other area around the city is as poorly served. The existing provision does not meet the needs of Trumpington, that is why a mobile service is provided.
- 10.3.4 Trumpington lies close to the margins of the 2 mile buffers around the Rock Road and Great Shelford libraries. The existing libraries are local libraries designed and resourced to serve their existing populations and meet the needs of current catchments. They do not serve Trumpington and similarly will not serve the Southern Fringe. At their closest points, developments at the Southern Fringe (Glebe farm and Trumpington Meadows) are further from Rock Road and Great Shelford libraries. Residents from the new developments would have a difficult and inconvenient journey to negotiate, contrary to the ethos of sustainable communities.
- 10.3.5 Furthermore, Rock Road and Great Shelford currently serve populations of about 27,000. The Southern Fringe population is expected to grow to over 8,000 and split between the two libraries would extend their catchments to 18,000 each – well beyond the service level standards for Level 2 libraries⁵. These libraries are not designed to meet the demands of the massive increase in population.
- 10.3.6 The County Council has no plans to close a library in Cambridge, particularly in the context of the population growth anticipated in the city. Even if there were plans along those lines, the degree of overlap to the south is far less than elsewhere (ID24B).
- 10.3.7 Successful libraries well located at the centre of their communities provide informal gathering places as well as more formal meeting places. They become part of the social capital, helping a community to develop and integrate. The Southern Fringe plainly requires a local library to meet local needs.

¹ ID14 – Trumpington Meadows S106, Schedule 2

² Inspector's Note: Mr Kinsman (for the appellants) says that this population figure relates to the core village area. CD 11.6 shows the County Council's current catchment population figures which are ward based. Trumpington ward has a population estimated at 7,020

³ CD23.18 – Appendix 4 to Mr Heaton's proof: Service Levels Policy, paragraph 2.1.

Trumpington population is below the 4,000 figure needed to sustain a viable Level 1 library

⁴ CD23.18 - Appendix 4 to Mr Heaton's proof: Service Levels Policy, page 20

⁵ CD23.18 - Appendix 4 to Mr Heaton's proof: Service Levels Policy, Section 2

10.3.8 Moreover, the costs of establishing the library should be included. The revenue funding requirement¹ is to “pump prime” provision and service not covered by capital funding². Secondly, the revenue is needed to fund ongoing operating costs and build up stock and IT as the population grows. Viability of a key library is dependent on a population of 7,000 or more. The County Council cannot demonstrate the revenue costs to the level sought by the appellants, but there will be revenue shortfalls (in council tax terms) until significant numbers of dwellings are completed. The three year revenue funding at £288,300 is reasonable and calculated on typical costs of operating other libraries³.

10.4 **Housing Land Supply**

10.4.1 Everyone agrees that a viable and deliverable permission should be given. The appellants are not saying that the development should be allowed to go ahead with a planning permission with less affordable housing than can be viably delivered. With viable and deliverable schemes there is nothing to stop delivery of these sites at as high a rate as the developer thinks appropriate and them contributing to the five years housing land supply. The land supply argument goes nowhere, unless the SoS considers it necessary to address the issue.

10.4.2 The 2008 AMR (CD11.14) housing trajectory was adjusted to take account of existing market circumstances, and of updated information supplied by agents acting on behalf of developers involved with urban extension sites⁴. The City Council considers that it can reasonably claim to have just over a five year supply of deliverable housing sites, based on its updated trajectory and supporting analysis⁵ (6,306 dwelling supply against the 6,217 requirement). The trajectory takes account of delivery from the appeal sites, as they are available and suitable. Furthermore, there is a reasonable prospect that housing will be delivered within five years.

10.4.3 The current land supply figures are high precisely because of relaxation of the policy of restraint and the allocation of former Green Belt and greenfield sites. The increase in housing requirements could not be achieved without the major strategic allocations. Those major strategic allocations are just at the stage of coming on stream and will deliver for many years to come.

10.4.4 The strategic allocations are bound by LP Policy 5/5 and were allocated precisely to meet the full range of housing needs. If the affordable housing need is not met here, it will not be met anywhere. As long as the SoS grants a permission which is deliverable and viable, the sites should be in the land supply for the forthcoming five years.

¹ Cost to Clay Farm: £260,400 and Cost to Glebe Farm: £27,900

² Initial book stock and public access IT facilities that have to be in place from day one.

³ CD23.18 – Appendix 7 to Mr Heaton’s proof – Cambridge Southern Fringe: Library Service Provision – Revenue Implications

⁴ CD23.4 – Appendix 6 to Mr Roberts’ proof, Responses to AMR 2008 Consultation

⁵ CD23.4 – Appendixes 7 and 8 to Mr Robert’s proof. Inspector’s Note: during the course of the inquiry, the parties’ respective updated positions were agreed in ID 26 and the Council produced a table illustrating its rationale for the individual sites (ID 25)

10.4.5 The Council's assumptions on other major sites are founded on good grounds. Trumpington Meadows is expected to commence in 2010. Other developer expectations have improved as the market has stabilised, and delivery rate at the appeal sites is now predicted to be higher than assumed in the trajectory at 60 per quarter.

10.4.6 The owners of Cambridge East are actively investigating relocation and they have a clear intent to sell the site¹. Their prediction of 300 units was made during the market turmoil of December 2008. Mr Carpenter for the appellants makes more pessimistic assumptions on delivery and numbers than the landowners (Cambridge East, Bell School and Cambridge Water sites) of the sites themselves. Overall, the City Council has demonstrated that there is a reasonable prospect of sites being available and deliverable in accordance with the five year trajectory.

10.5 **Other S106 contributions**

10.5.1 All the other S106 contributions² have been the subject of detailed discussions with both parties seeking to apply the Circular 05/2005 tests. Agreement has been reached on that basis.

10.6 **Overall Conclusions**

10.6.1 Commencement of these important developments would begin to fulfil the potential of the Southern Fringe in meeting Cambridge's pressing housing needs, and would support and complement the nationally significant Addenbrooke's 2020 Biomedical Campus. The authorities are keen to see outline planning permission granted on appropriate terms. The terms are 40% affordable housing, with no matrix or phased viability and with the library contributions required.

11. **THE CASE FOR BEDFORD PILGRIMS HOUSING ASSOCIATION (BPHA)**

BPHA submitted a written statement of their case; this forms the subject of ID3. They were represented at the inquiry by Miss Banks of PRP Architects. The gist of their case is:

11.1 BPHA is the lead partner in Cambridgeshire Partnerships (a consortium of RSLs) selected to deliver 3,300 affordable homes on three strategic sites in the Cambridge sub-region, including the Southern Fringe. There is strong commitment to development on the appeal sites and BPHA is keen to see the project commence at the earliest opportunity.

11.2 BPHA will pay the appellants a package price of £1,510 per sqm for build, design fees and profit for the affordable housing. The offer is based on an assumption of 40% provision. In addition, BPHA has offered a contribution towards S106 costs of £247.57 per sqm, which equates to £18,000 per unit.

11.3 The board has approved, and agreed with the HCA, to ring fence £5.9m Recycled Capital grant to support early delivery of the Clay Farm and Glebe Farm sites. The grant is guaranteed for 5 years.

¹ ID39 – Cambridgeshire horizons Board Meeting (24 September 2009) – Agenda Item 10

² IDs49 and 50 – Clay Farm S106 obligations and triggers tables and Glebe Farm S106 obligations and trigger tables

12. WRITTEN REPRESENTATIONS

- 12.1 Written representations by other parties and individuals were made at the planning application stages only. These are summarised in the officers' reports to the JDCC¹.

13. CONDITIONS AND PLANNING OBLIGATIONS

- 13.1 Acceptability and delivery of the schemes depend on appropriate timing, phasing and design of the proposals and mitigating or enhancing measures to counter the effects of development. These would be secured through conditions or planning obligations.

13.2 Conditions

- 13.2.1 Save for Condition 4 on Clay Farm and Condition 5 for Glebe Farm, the conditions are largely agreed between the parties (ID42). They were discussed at the inquiry. I circulated notes and suggestions beforehand which elicited agreed written responses. The notes and the parties' joint responses form the subject of IDs 70A and 70B.
- 13.2.2 Should planning permission be granted, they should be subject to the conditions listed in Annex A of this Report. The conditions recommended are based on the agreed lists in ID42. I have modified the wording of some conditions and combined or deleted others, in the interests of clarity, brevity, compliance with Circular 11/95 or updated policy advice. The reasons for imposing the conditions are explained at the end of each condition. I include brief commentaries where necessary in relation to some conditions. These appear in italicised text following the relevant condition.
- 13.2.3 In the note circulated to the parties I expressed reservations about a number of conditions containing the words "*unless otherwise agreed by the Local Planning Authority*" (IDs70A and 70B). Despite resistance from the parties to delete those words², I continue to hold the view that the discretionary approach could allow for unofficial circumventing of S73, which provides the proper mechanism for reconsidering conditions attached to a permission. Now that there are statutory provisions for determining applications for minor amendments or non material amendments to proposals, there is even less justification for using this phrase even for minor matters, particularly given the potential uncertainty it introduces.
- 13.2.4 For Clay Farm, the City Council considers that suggested Condition 4 is necessary to ensure precision and clarity of what is being approved, particularly as the appellant's continue to rely on a fall-back position. In paragraph 14.1.4 of this Report, I conclude that Parameter Plans with the proposed secondary school form the basis of the application. That being the case, proposals to implement the fall back position would constitute a material departure requiring a separate grant of permission. Condition 4 is therefore unnecessary.

¹ CD 3.3 – Clay Farm Report, Appendices D, E, F, G and H and CD 7.7 – Glebe Farm Report, Appendices D, E and F

² IDs 70A and 70B – Parties' comments in red

- 13.2.5 No such fall-back proposal exists for the Glebe Farm site. Permission, if granted, will be in accordance with the submitted Parameter Plans, and suggested Condition 5 is rendered superfluous.
- 13.2.6 It is not my normal practice to recommend "Informatives" to accompany a grant of planning permission. Where necessary, I have incorporated wording from the informatives into the relevant conditions.

13.3 **Planning Obligations**

- 13.3.1 The Southern Fringe Community Development Strategy (CD11.33) points to the need for and benefits to be gained from investment in social and community development. Recognising problems experienced by new communities, the appellants and their consultants have prepared a report suggesting measures for social integration, at the heart of which is early provision of community facilities and subsequent support to residents¹.
- 13.3.2 The ADF sets out the community services and open space/leisure facilities necessary to serve the residents of the Southern Fringe. The Clay Farm development will include community facilities to serve Trumpington and other Southern Fringe developments. Appropriate apportionment of costs of facilities was considered early on in the planning of all the Southern Fringe developments². The proportion of contributions³ forthcoming across the developments varies according to size of development and distance from the Clay Farm site. All the Southern Fringe developments are also required to contribute to the costs of building the AAR and CGB. The amounts are apportioned in relation to trip generation.
- 13.3.3 Against this background, the appellants have submitted planning obligations in the form of agreements to accompany each of the sites. Details of what is being provided through the obligations are listed in IDs 49 and 50, which also indicate the triggers, the policy basis for the items required and justification for their provision. Individual components of the agreements have been identified and costed.
- 13.3.4 The main elements of the two agreements are as follows:

Financial contributions towards:

- AAR Phase 2, M11 junction improvements, CGB, Southern Corridor Area Transport Plan, conventional bus services, walking, cycling, equestrian routes.
- Fawcett Primary School extension, children's centre, new primary school, secondary school, lease of playing fields to the County Council.
- Community facilities, police and social services, health centre, community development worker, youth workers, community chest.

¹ CD24.2 – Appendix 11 to Mr Crook's proof of evidence

² The work was led by Cambridgeshire Horizons a Government funded local delivery company created to guide delivery of infrastructure in a co-ordinated manner

³ CD23.2 – Mr Studdert's Appendix 2

- Maintenance of the green corridor, ecological mitigation, tree maintenance, all weather pitch, swimming facilities, tennis courts floodlighting, maintenance of public open space, community and allotments.
- Air quality monitoring.
- Household waste recycling facilities
- Public art.

13.3.5 The fallback position would be implemented should the secondary school not be constructed within 10 years of the date of completion of the transfer of the school site to the County Council. Or if the County Council gives notice of its intention not to proceed with the school.

13.3.6 ID66 explains the terms and structure of the unilateral undertaking. Essentially, it seeks to provide a range of options for delivery of affordable housing on both sites and contributions to library provision on the Clay Farm site.

14. INSPECTOR'S CONCLUSIONS¹

14.1 Preliminary Matters

14.1.1 I refer the SoS to Appendix 6 of the Statement of Common Ground (SoCG) (CD10.2), which briefly addresses the issues raised in the recovery letter. The parties' joint response confirms that the schemes accord with the broad principles of national and development plan policies. Matters raised by other parties in the written representations are largely addressed through the ES and changes to the schemes that came through extensive public consultations. My conclusions, therefore, focus on the substantive areas of disagreement, namely proportion and delivery of affordable homes and library provision. [7.1, 8.1, 8.3, 12.1]

14.1.2 Although the appeals are in connection with two separate applications and proposals, the expectation is that Clay Farm and Glebe Farm will be developed together. Development on Glebe Farm is dependent on the drainage arrangements on the Clay Farm site. Furthermore, delivery of community facilities and open space provision on the latter are essential to the success of Glebe Farm. Early on in the inquiry process, I agreed that it would be appropriate to consider the evidence together and that is how my conclusions are drafted. [5.1.9]

14.1.3 An ES was prepared by the appellants, under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Before the inquiry opened, I satisfied myself as to the adequacy of the statements in terms of the scope of the information they provide, and there was nothing at the inquiry that might have caused me to take a different view. [2.1, 2.2]

14.1.4 The S106 provides the basis for omitting the secondary school on the Clay Farm site, should a review at some later date conclude that the school is not required. With this in mind, the Fallback Scheme Parameter Plans 1-6 do not form part of the application plans under consideration by the SoS. For that reason, the submissions made with regard to the fallback position are no longer material to the Clay Farm appeal. [5.1.2, 5.1.3, 9.6.1, 9.6.2, 9.6.3, 13.3.5]

14.2 Affordable Housing

Background

14.2.1 It has to be said that throughout the application and appeals processes the appellants, the City Council and County Council have collaborated closely to provide as much affordable homes as can viably be delivered on the two sites. This has been very much a case of all sides recognising the significance of the Southern Fringe to the Cambridge sub-region and working together to alleviate the pent up and unmet demand for new homes in the city, and to address the continuing substantial shortfall of affordable homes. The parties have worked towards a common aim of delivering socially cohesive, integrated, sustainable and pleasing developments to

¹ Numbers in square brackets refer to paragraphs in earlier sections of the Report

meet Cambridge's housing needs. There is no doubt that the appellants' with their long years of experience and success in creating such developments are well placed to meet those aspirations. [14.5.1, 9.1.1, 9.1.2, 9.1.3, 9.3.1, 10.2.1, 10.2.2]

- 14.2.2 At the time the Clay Farm application was submitted in June 2007, economic circumstances were very different to what it is today, or indeed in September 2008 when the City Council was approached with concerns about viability. Against a background of a depressed housing market and constraints on development finance, the appellants are seeking ways to deliver development on the two sites with as much affordable housing as they consider is viably possible. They offered solutions of their own, gave serious consideration to propositions by the Councils and co-operated at all levels to seek mutually satisfactory solutions to induce development on the sites. [9.3.4, 9.3.5, 9.3.6, 9.3.7, 10.2.45, 10.2.46]
- 14.2.3 The parties' collaborative and co-operating approach was evident at the inquiry. While fundamental disputes about methodology and sales values prevented total agreement over scheme valuation, individual members of the teams worked intensively before and during the inquiry to narrow down differences and reduce the scope for conflict. The result is an extensive schedule of agreed items, included in the SoCG, completion of two planning obligations by way of agreements and a summary of agreed valuation scenarios contained in ID61. [8.2, 8.3, 8.5]
- 14.2.4 ID61 is based on agreed data inputs and highlights the key differences between the parties. Its simplicity belies the complex process of intensive computation required to produce the final figures. Given its importance to the arguments, ID61 is reproduced at Annex D to this Report. [8.5]
- 14.2.5 The major outstanding differences of 1) approach to land assembly costs and 2) sales values achievable are key to establishing the degree to which the developments can viably support affordable houses. Before turning to these matters, it is worth reflecting on the policy and needs background driving the parties' respective positions. [8.6]

Policy Context

- 14.2.6 Urban extensions to Cambridge are expected to deliver some 6,000 homes, to meet the 12,500 city-wide target sought in LP Policy 5/1. The appeal sites (expected to deliver 2,550 dwellings) and development at Trumpington Meadows (1,200) are the major residential allocations in the Southern Fringe Area of Major Change and therefore of high strategic significance. The RSS also recognises the importance of the urban extensions to delivery of the 19,000 dwellings in Cambridge between 2001 and 2021. [6.1.4, 7.1.2, 9.2.1]
- 14.2.7 LP Policy 5/5 requires 40% or more affordable homes on sites meeting the threshold size. The policy is based on a need to address a major and growing problem of affordability in the Cambridge sub-region, and an estimated requirement of 734 units per year (predicated on the housing needs study). The up to date picture in the June 2008 SHMA shows that need has increased to 1,332 per year. [6.1.5, 7.1.2, 9.2.3, 10.2.1, 10.2.2]

- 14.2.8 LP Policy 5/5 allows for some latitude to the 40% to take account of viability, costs associated with development and other planning objectives that need to be given priority. The Affordable Housing SPD, adopted by the City Council in 2008, provides detailed guidance on application of the policy. Paragraph 42 is particularly pertinent to consideration of viability of developments. [9.3.1, 9.3.21, 9.3.22, 10.2.6]
- 14.2.9 Early delivery of houses to match increase in jobs is an important planning objective, but that objective cannot be disaggregated from the city's pressing needs for homes at all levels of affordability. After all, meeting a range of housing demands and needs was the driver for allocation of the urban extensions to Cambridge. Affordable housing is therefore as much a priority objective as delivery of additional homes on the urban fringe sites, to satisfy the city's demand for housing and keep pace with jobs. [6.1.4, 7.1.2, 9.2.2, 10.2.46]
- 14.2.10 As far as costs to the developments are concerned; major transport and highways infrastructure is paid for and in place, with some contributions from developments but mainly through public funds. The developers are unlikely to incur major land remediation costs; there are no land assembly issues and no significant ecological or heritage implications. [10.2.39, 13.3.4]
- 14.2.11 The community and open space provision secured by way of the S106 add considerably to the costs of development. But in all likelihood these would have been accounted for in the price the appellants paid for the land, as they were identified in the Local Plan and its subsidiary documents. Furthermore, save for the library costs, the S106 is now a settled package, which cannot increase; in fact, there may be scope for reducing costs should the secondary school not be required in later phases of the Clay Farm development. [7.1.3, 9.2.1, 10.2.11, 10.2.39, 13.2.4]
- 14.2.12 Apart from the affordable homes, the appellants do not argue to any great extent that the costs associated with the developments are so exceptional as to justify reducing the 40% affordable housing content, in accordance with the flexibility allowed in LP Policy 5/5. [9.2.2]

The Viability Model

- 14.2.13 The appellants' case is illustrated in scenarios 1-12 of ID61. While there was some fluctuating in the sales (or completions) rates, the consensual position of the main witnesses is that a rate of 60 per quarter is achievable and is a reasonable expectation over the lifetime of the development. The unilateral undertaking is based on £283 per sqft sales value, and 16.5% affordable housing is the residual outcome if the land cost of £62m is inputted into the valuation, as shown in scenario 5. [8.6, 9.3.13, 9.3.40]
- 14.2.14 ID61 assumes no grants or public subsidy, other than those outlined in the BPHA statement of case. The appellants' case stands on scenario 5, with scope for additional affordable units secured if grants were forthcoming. The question is: should the price paid for the land be included as a fixed development cost, and the affordable housing element treated as a variable residual figure, or is a RLV basis the appropriate approach to consider viability of the schemes? [11.1, 11.2, 11.3]

Land Assembly Costs

- 14.2.15 When the Clay Farm application was being considered, land assembly costs were input into the assessments. Similarly, land costs were used to appraise the Trumpington Meadows scheme. While on the face of it there appears to be some inconsistency in the City Council's methods, the appellants' viability concerns in September 2008 caused the Council to apply greater scrutiny to the work and approach the process on a RLV basis. Prior to that time, the matter was not at issue between the parties and indeed did not arise with Trumpington Meadows. All other references to land costs in exchanges between the parties I can only treat as part of an intensive and protracted negotiating process. The parties were seeking a mutually acceptable solution to a problem brought about by unforeseen and unprecedented economic conditions. [9.3.17, 9.3.18, 9.3.19, 10.2.5]
- 14.2.16 The RLV approach applied by the City Council is consistent with the basic valuation principles recommended in the Affordable Housing SPD and the GLA Toolkit. There may be some ambiguity in the way that the SPD calls for "*a full economic appraisal of the costs of development...*" but it unequivocally goes on to say that "*...appraisals should be presented on a residual land value basis...*" and rejects the use of purchase price. I agree that the relevance of existing use value to these cases is limited. The land is allocated for development and its current agricultural status will do little to diminish the "hope" value or aspirations of the landowners. [9.3.21, 9.3.22, 9.3.23, 9.3.24, 9.3.25, 10.2.6, 10.2.7]
- 14.2.17 I am reluctant to look for guidance in decisions by other Inspectors or the SoS, given the range of differing circumstances applying to each of the cases referred to me. The HCA does not in essence abandon the RLV approach but suggests renegotiation as an appropriate measure in cases where the RLV would not induce developers to proceed. Worked examples in Annex 1 of the HCA publication illustrate how developments unable to support affordable housing obligations at historic 2007 land prices can be rendered viable on the basis of current land values and reduced obligations. The document does indeed endorse flexibility, but its intention cannot be to protect developers from falls in land prices, which is precisely the effect that the appellants' valuation approach would have. [9.3.20, 9.3.26, 9.3.27, 10.2.9, 10.2.10]
- 14.2.18 The price paid for the land in 2007 reflected market circumstances at that time and, by some accounts, might even have been a good commercial deal. Given the policy framework firmly in place at time of purchase, affordable housing and other requirements would have been well known. Site constraints and its advantages would also have been considered in the price paid. Essentially, this was a commercial decision taken by experienced developers in a free market economy. [4.1.3, 9.3.16, 10.2.11]
- 14.2.19 The severity of the credit crunch, rapid decline in economic conditions and impact on development prospects cannot be underestimated. This is a national problem and one that has caused land values in Cambridgeshire to fall to the tune of 30-50% and house prices by at least 12%. The practical effects are demonstrated by scenario 17 of ID61. On a RLV basis, with 40% affordable housing included, the land value is estimated to fall to £41.6m,

as against a total purchase cost of £62m, or against £53m which is the present value of the appellants' land costs. [9.3.4, 10.2.12].

- 14.2.20 ID61 also shows that on the appellants' approach to valuation, the land value on all the scenarios tested (scenarios 1-12) would remain constant. Purchase price is a non-negotiable item. The consequence is that with planning permission granted on the basis requested (i.e. within the terms of the unilateral undertaking), affordable housing levels are flexed until such time as the purchase price is restored. In other words, the historic land value is protected regardless of market conditions. [9.3.15, 10.2.17, 10.2.18]
- 14.2.21 The profit ranges as components of the valuation exercise would also remain steady on the appellants' approach and for that matter on the RLV basis. The 20% profit on cost¹ is intended to buffer developers against a range of risky conditions, which must include fall in land and sales values. In the circumstances of these particular sites, the 20% is not an ungenerous figure. The sites are to a large extent "de-risked". Many of the land or planning issues have either been overcome or do not exist. There is certainty about S106 costs, market conditions are likely to improve over the build out period and the BPHA revenue is in place for at least five years. So, while I agree the profit streams inbuilt into each of the scenarios illustrated in ID61 are necessary, they are also reasonable and in step with commonly expected profit figures. [9.3.34, 9.3.35, 9.3.36, 10.2.14, 10.2.15, 10.2.38-10.2.44]
- 14.2.22 With this in mind, the appellants' approach to assessing viability (scenarios 1-12) has the effect of protecting historic land values as well as insulating the developer against a risk for which he is already indemnified by the profit margins. Put another way, their approach protects them from historic falls and achieves a 20% profit on historic losses. This outcome would be at the expense of affordable housing levels and of a high planning priority in the region. The HCA cannot be anticipating that outcome nor is it intended by planning policy or the planning system. The RLV approach used by the City Council, and suggested in the SPD, is therefore the appropriate methodology for evaluating the economics of these developments.

Sales Values

- 14.2.23 It is difficult to come to any firm conclusions on sales values. Mr Bentley and Mr Haynes are experienced professionals in their fields, both familiar with the Cambridge market. There is merit in each of their respective approaches to assessing likely values at the appeal developments. [9.3.28-9.3.33, 10.2.20]
- 14.2.24 That said, I am less inclined to favour the city-wide approach to establish values for dwellings on the appeal sites. Mr Haynes' methodology of limiting the area of research to a "triangle of relevance" is more convincing in the particular circumstances of Cambridge. Even then, it is difficult to find near matches, as properties in large new urban extensions would

¹The blended profit used in ID61 is derived from 20% - market housing, 6% - affordable housing and 6% - commercial properties

operate in a different market to the smaller and more individual examples used in Mr Haynes' triangle. [9.3.30, 9.3.33, 10.2.20]

- 14.2.25 On the other hand, there are good reasons to be confident about the higher sales values. The appeal developments would steal a march over existing and forthcoming residential schemes, in terms of location, quality, accessibility, and given the ready-made market emerging with the Addenbrooke's expansion. The appellants have a proven track record in creating well designed, integrated developments. Their experiences elsewhere with tenure blind schemes demonstrate that a committed approach to affordable housing need not depress house values, while the BPHA and City Council's letting policies would assist with maintaining a stable community. Overall, the evidence suggests that the advantages of the new developments would outweigh the perceived drawbacks, thus likely to lift sales values above the £275 per sqft¹ blended averages predicted by Mr Bentley on behalf of the appellants. [9.3.29, 9.3.30, 10.2.23-10.2.29, 10.2.31]

Scheme Viability

- 14.2.26 If I am over-optimistic in taking this view, ID61 shows that the developments would be viable on the complete range of sales values tested in the scenarios based on the RLV approach (scenarios 13-17). The figures do not include grants which could enhance viability. Furthermore, the long build out period is likely to span a full economic cycle with a strong prospect of uplift in values, which has not been accounted for in the exercise. [5.1.9, 9.3.10, 10.2.47]
- 14.2.27 Having regard to the evidence before me, it does appear that the schemes are capable of being delivered viably with 40% affordable homes. Without that, the proposals would conflict with LP Policy 5/5 and with the Government's desire to achieve sustainable, inclusive communities. These major sites in the Southern Fringe are expected to assist with resolving the city's housing and affordability problems. There are no alternative sites and nowhere else for the affordable houses at the scale intended to be located. [10.2.31]

Delivering the Developments

- 14.2.28 On the appellants' proposition, the 40% would render the schemes unprofitable and unattractive to financiers. It is claimed that the site would be left undeveloped waiting for the market to recover. That may well be an unfortunate consequence of the current economic conditions, though I don't consider the argument is persuasive enough to allow the appeals on the terms sought. [9.3.11, 9.3.12]
- 14.2.29 I take that view because the evidence and long term predictions suggest that the housing market will recover. Without underestimating the impact of the current economic conditions, the current problem is likely to be short term. Furthermore, unlike sites in other less advantaged locations, there are incentives to deliver houses on the appeals sites without compromising

¹ The £275 figure emerged from Mr Bentley's market research, but the appellants agreed to an uplift to £283.

on levels of affordable units. For instance, the option of waiting could mean losing out on grants and funding assistance from BPHA, HCA or Cambridgeshire Horizons; not capitalising on Addenbrooke's when its demands peak, underutilising existing capital and deferring the profit stream. Delaying the projects could be costly. [10.2.48-10.2.51]

- 14.2.30 Nevertheless, as the City Council and Cambridgeshire Horizons recognised, there may be scope to explore options to induce commencement on site. A less rigid approach in the earlier stages could help kick-start the development and cushion the developer against the current fall in land value. I therefore recommend that the appellants be invited to reduce the affordable homes content in the initial phase or phases with mechanisms in place for recovering levels in later phases to achieve the 40% spread across the developments as a whole. [9.3.7, 9.3.41, 9.3.42, 9.3.43, 10.2.46, 10.2.58]
- 14.2.31 The unilateral undertaking accompanying the applications is not a suitable mechanism for this purpose. The matrix, while innovative, is not workable in the terms I suggest, because it bases the percentage of affordable housing on current market conditions and does not allow for savings in S106 costs. Furthermore, on the matrix approach the affordable housing percentage could unacceptably fall to nil, plus the cap of 40% does not allow for recouping shortfalls in future phases. It also does not prevent this or another developer from indefinitely delaying completion of a particular phase assessed in current market circumstances and implemented by minor works. [9.3.40, 9.3.45, 10.2.52-10.2.56]
- 14.2.32 The Council's option of reducing the affordable housing to 30% initially and recovering any shortfall with a higher proportion than 40% in later phases up to a maximum of 50% is, in my view, a reasonable solution and should be given serious consideration. The approach would not result in any more of an imbalanced community than the option of 16.5% in the first phase and up to 40% at later stages offered in the unilateral undertaking. With tenure blind developments, a mix within a range of 40-50% in any one phase would not be so readily apparent or unacceptable than a phase that is designed to provide say 30-40%. In my view, exceeding the 40% is not beyond the bounds of acceptability, particularly with the reputation that this developer has for delivering successful schemes. [9.1.1, 9.1.2, 9.1.3, 9.3.42, 10.2.27, 10.2.28, 10.2.58]
- 14.2.33 At the inquiry, Mr Hoyles for the appellants suggested that they would be prepared to consider other options. Should the SoS agree with my conclusions, the appellants should be given the opportunity to explore the prospect of a supplementary planning obligation accordingly. The obligation should provide for 30% affordable housing in the first phase, with a requirement to increase the level with grant funding and a catch up mechanism in later phases to enable a 40% spread overall. The prospect of such an arrangement was raised with the appellants in May 2009 and mooted at the inquiry, but there are no tangible arrangements in place to deliver this structure. [9.3.7, 9.3.8, 9.3.40, 10.2.45, 10.2.46]
- 14.2.34 Grant funding could uplift the proportion of affordable homes in the earlier stages. Whether the appellants accept grants or equity investment from

public bodies on terms offered is at their discretion, but rejecting the grants would not affect the minimum set at 30%. [9.3.7, 10.2.50, 10.2.51]

14.3 **Library Provision**

Policy Context

- 14.3.1 LP Policy 5/14 expects contributions from the developer to meet a need for community facilities generated by development; the scale of new facilities will depend partly on evidence of need, under Policy 5/13. Development in the urban extensions are expected to include community facilities appropriate to the development, under LP Policy 9/3, with life long learning centres identified as one of a number of items secured through planning obligations. There is no land use identification for a library or lifelong learning centre in LP Policy 9/5, though mention is made of such a facility in connection with other site specific allocations. [7.1.3, 9.4.1, 10.3.1]
- 14.3.2 The Council has not as yet adopted the draft Planning Obligations SPD but its contents are generally accepted by the appellants. It updates the 2004 Planning Obligation Strategy SPG and was produced to reflect the Circular which post-dates the adopted SPG. The Cambridge Southern Fringe ADF is not a SPD, but it has been the subject of extensive consultation and directs preparation of applications on the Southern Fringe, plus it plans for supporting services and infrastructure. Need for a library/lifelong learning centre of 350sqm is identified in the ADF. The centre of Trumpington or the Park and Ride site being the preferred locations. [6.2.1, 9.4.1, 9.4.2, 10.3.1]
- 14.3.3 Taken overall, there may be some ambiguity in local policy about precise facilities to be provided to counter the effects of development on the Southern Fringe. However, a library is no more or less equivocally provided for in the policy framework than say public art. The prime test in this case must be whether a need has been adequately demonstrated and, if so, the extent to which the Clay Farm and Glebe Farm projects should contribute. [9.4.2, 10.3.1]

Need for Library and Revenue Contributions

- 14.3.4 Circular 05/2005 advises that contributions are acceptable if a proposed development would give rise to the need for additional or expanded community infrastructure. The County Council has adopted its own service levels policy, specifying the type and standards of service to be provided from different groups of similar libraries. The parties, however, agree that the nationally applied levels of service applicable to libraries is currently met in the Cambridge area and that the developments would not offend any of the service standards set by DCMS. [9.4.2, 9.4.3, 9.4.4, 9.4.7, 10.3.1]
- 14.3.5 While that may well be the case, the standards also expect individual library authorities to provide a comprehensive and efficient service. In the particular circumstances of Trumpington that is not being achieved, as the current level of service warrants use of a mobile library to supplement static provision elsewhere. Intuitively it follows that the current service would be less able to "comprehensively and efficiently" serve the needs of the community, following an increase in the local ward population by over 8,000. [9.4.3, 9.4.8, 10.3.3]

- 14.3.6 Indeed, the Southern Fringe developments would extend the catchment population of existing Level 2 libraries at Rock Road and Great Shelford well beyond that expected for a key library in the County Council service levels. While the appellants point to adequate space capacity, and compliance with the 2 mile radius distances, meeting local needs is more than about complying with minimum quantitative standards. [9.4.10, 10.3.5]
- 14.3.7 A local library is as much a necessary part of the social capital and fabric of the community as a community centre. To properly serve its purpose, the library must be located at the centre of the community it intends to serve. Because of distances and relative inaccessibility from the appeal sites the Rock Road and Great Shelford libraries would not adequately provide that local function. [9.4.9, 10.3.4, 10.3.5, 10.3.7]
- 14.3.8 For the above reasons, I accept that capital contributions towards the provision of a library are justified and fall within the terms of the Circular. However, I agree with the appellants that using the Trumpington ward population would be a fairer method of establishing levels of contribution to come from the appeal proposals, as that is the catchment the new library is expected to serve. This would equate to a total of £267,873 contributions from both developments. In the absence of cogent evidence of a gap in the normal funding streams for setting up and operation of the new library, justification for the revenue contributions is less than convincing and the charge should not be imposed. [9.4.12-9.4.15, 10.3.8]
- 14.3.9 I am unable to speculate on whether or not a new library would lead to closure of Rock Road. That is a matter for the County Council but the comparatively low provision to the south of City and population growth in that area suggests that the likelihood of Rock Road closing is slim. [9.4.11, 10.3.6]
- 14.4 **Housing Land Supply**
- 14.4.1 The appeal sites are part of a long established development plan strategy to increase housing capacity in Cambridge. They comprise some of the largest allocations in the Local Plan. With the time and resources expended on these and other Southern Fringe sites to date, there must be reasonable certainty of their availability and deliverable potentials. There is a strong possibility, therefore, that the sites will contribute to the Council's five year supply. There may be some doubts about numbers and also delivery of some of the other larger sites listed in the trajectory. In present economic circumstances expectations of delivery are likely to be lower, though the Council is confident that it can demonstrate just over a five year supply. . However, even on the worst case scenario, I am satisfied that the City Council is able to demonstrate just over a 4 year supply. [9.5.1-9.5.5, 10.4.2-10.4.6]
- 14.4.2 As major allocations and inclusion in the five year trajectory, by definition, applications for development on the appeal sites should be considered favourably. But PPS3 does not expect permission to be granted at the expense of other important planning objectives – in this case, appropriately meeting the city's affordable needs. Allowing the developments to proceed in the terms sought by the appellants would undermine the strategy for the Cambridge sub-region, as the sites are earmarked to meet a range of

affordable needs. There is nowhere else to accommodate the affordable housing at the levels intended on the appeal sites. The shortfall in the Council's five year supply is not a determinant factor in these appeals. PPS3 is emphatic about maintaining a five year land supply but it is equally concerned with delivery of other planning objectives. [7.1.2, 10.2.31, 10.2.46]

Conditions and Planning Obligations

14.4.3 I have addressed conditions in section 13.2 of this Report. The conditions recommended in Annexes B and C are necessary and should be imposed.

14.4.4 The provisions of the S106 agreements were the subject of some considerable dialogue between the parties following submissions of the applications. The background and justification for individual elements of each agreement are detailed in IDs 49 and 50. Differences were ironed out during the course of the inquiry, save for the affordable housing and library issues. In the light of the policy background and the likely social, environmental and economic implications of the developments, the terms of the agreements meet the test of Circular 05/2005. The levels of payment secured are proportionate to the impacts of the two developments. [13.3.1-13.3.5]

14.5 Overall Conclusions

14.5.1 The major urban extension represented by these two applications have been taken through the statutory processes, much of the infrastructure has been built and planning permission should be granted on appropriate terms to ensure delivery of this opportunity to create a new community and to help restore the balance between jobs and housing in Cambridge. The Clay Farm site in particular is pivotal to the success of the Southern Fringe, as it will deliver the strategic open space, transport and community infrastructure requirements to serve this urban extension.

14.5.2 The appropriate terms in the case of these appeals are: delivery of 40% affordable homes across the developments as a whole and payment of £267,873 as capital contribution to a new library. The unilateral undertaking is worded to allow for this sum to be substituted in favour of the amount pursued by the City Council and, in my view, the decision letter needs to expressly state the amount to be secured. Equally, I take the view that the decision letter should state that revenue contributions are not required. No such satisfactory arrangements are currently in place to deliver the affordable housing in the terms recommended.

14.5.3 If the SoS agrees with my conclusions, he could either refuse planning permission, or approach the appellants with the option of securing the affordable housing along the lines recommended in paragraph 14.2.33 of this Report. My inclination is to pursue the second option, as refusing permission would unacceptably delay delivery of these important strategic sites.

15. RECOMMENDATIONS

- 15.1.1 I recommend that planning permissions be refused if the appellants do not agree to a supplementary planning obligation to deliver the affordable housing in the terms recommended in paragraph 14.2.33 of this Report.
- 15.1.2 Should the SoS be minded to grant planning permissions, they should be subject to the conditions listed in Annex B and Annex C.

Ava Wood
Inspector

ANNEX A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Forsdick of counsel	Instructed by Ms P Jewkes of Cambridge City Council Legal Services
He called	
Mr Peter Studdert BArch DipTP RIBA MRTPI	Director of Joint Planning for Cambridge Growth Areas and Northstowe New Town
Mr Richard Haynes BSc (Hons)	Partner, King Sturge LLP, Property Consultants
Mr David Roberts BA (Hons) MRTPI	Head of Policy and Projects, Cambridge City Council
Mr Chris Heaton MA MCLIP	Head of Development and Support, Community Learning and Development Directorate, Cambridge City Council

FOR THE APPELLANT:

Mr Robin Purchas QC	Instructed by Ms Julia Berry of Hill Hofstetter LLP
He called	
Mr Chris Crook RICS	Managing Director Countryside Properties (Southern) Ltd
Mr Jan Kinsman CEng MICE BSc(Eng) AGCI	Consultant, EFM Ltd.
Mr David Bentley (MNAEA)	Partner, Bidwells Property Consultants
Mr Jeremy Edge BSc FRICS MRTPI	Principal, Edge Planning and Development
Mr Robin Hoyles	Managing Director Countryside Properties (Special Projects) Ltd
Mr Michael Carpenter MRTPI	Partner, Bidwells Property Consultants

INTERESTED PERSONS:

Miss A Banks	On behalf of BPHA
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ANNEX B

CONDITIONS FOR CLAY FARM

Time Limits

1. Details of the access, appearance, landscaping, layout and scale of the site (hereinafter referred to as the "reserved matters") shall be submitted to the Local Planning Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
2. The first application for approval of reserved matters shall be made to the Local Planning Authority no later than 3 years from the date of this permission.
3. Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To accord with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

Because of the size, phasing and complexities of a development of this scale, 10 years is appropriate. I opted to reword suggested Conditions 1-3 to avoid the permission remaining extant for 10 years without the need for the appellants to apply for any reserved matters in that period. The suggested conditions could have that effect.

Strategic Phasing Plan

5. Prior to or concurrently with the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 planning obligation accompanying this application, dated 12 November 2009, for the provision of infrastructure and which covers the entire application site, shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include the proposed sequence of provision of the following elements:
 - (a) the development of tranches of land to the west of Hobson's Brook;
 - (b) major distributor roads/routes within the site, including vehicular access to Fawcett School;
 - (c) strategic foul and surface water features;
 - (d) structural landscaping/planting provisions;
 - (e) environmental mitigation measures;
 - (f) the allotments and community gardens; and
 - (g) phases within the green corridor to the east of Hobson's Brook.

No development shall commence, apart from enabling works previously approved in writing by the Local Planning Authority, until such time as the phasing plan has been approved in writing by the Local Planning Authority. The provision of the features shall be carried out in accordance with the approved sequencing, unless a revised sequence is otherwise agreed in writing by the Local Planning Authority. This condition does not prevent the construction periods for any tranches of land from running concurrently.

Reason: To clarify how the site is to be phased, to assist with the determination of subsequent reserved matters applications and in order to ensure that major infrastructure provision and environmental mitigation is provided in time to cater for the needs and impacts arising out of the development (Cambridge Local Plan 2006 policies 9/3, 9/5 and 10/1).

Design Code (Outline)

6. Prior to or concurrently with submission of the first of the reserved matters application(s) for the built-up area of the site, a Design Code, excluding the green corridor, shall be submitted to the Local Planning Authority for approval. The Design Code shall be prepared in accordance with the principles and parameters established in the outline application and shall include both strategic and more detailed elements. The Design Code shall include:
 - a) The character, mix of uses and density established through the parameter plans at the outline stage to include the block principles and the structure of public spaces;
 - b) The street hierarchy, including the principles of adopting highway infrastructure, and typical street cross-sections;
 - c) How the design of the streets and spaces takes into account mobility and visually impaired users;
 - c) Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, pedestrian access points, fronts and backs and perimeter of building definition;
 - d) Key groupings and other key buildings including information about height, scale, form, level of enclosure, building materials and design features;
 - e) The conceptual design and approach to the treatment of the public realm at: the five crossing points over Hobson's Brook; the Local Centre and the 5 other local squares shown as Landscape Matrix on Parameter Plan 3; proposed primary access points into both the secondary and primary schools; and transport interchanges;
 - f) Approach to incorporation of ancillary infrastructure such as pipes, flues, vents, meter boxes, external letterboxes, wires and cables required by statutory undertakers as part of building design;
 - g) Details of the approach to vehicular parking across the entire site including the location and layout of car club spaces and parking for people with disabilities and for each building type, including details of a design approach for access points into and the ventilation of undercroft/underground parking;
 - h) Details of the approach to cycle parking for all uses and for each building type, including the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles;

- i) The approach to the character and treatment of the structural planting to the development areas;
- j) The approach to the treatment of any hedge or footpath corridors and retained trees and woodlands;
- k) The conceptual design and approach to the sustainable drainage management train and how this is being applied to the built-up area to control both water volume and water quality including specification of palette of sustainable drainage features to be used, and planting strategies to enhance biodiversity and improve water quality as much as possible before discharge into the ponds and basins within the green corridor.
- l) The conceptual design and approach of the public realm to include public art, materials, signage, utilities and any other street furniture.
- m) The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;
- n) Details of waste and recycling provision for all building types and underground recycling points;
- o) Measures to demonstrate how opportunities to maximise resource efficiency and climate change adaptation in the design of the development will be achieved through external, passive means, such as landscaping, orientation, massing, and external building features;
- p) Details of measures to minimise opportunities for crime.
- q) Details of Design Code review procedure and of circumstances where a review shall be implemented.

No development, apart from enabling works previously approved in writing by the Local Planning Authority, shall commence until such time as the Design Code for the entire site, excluding the green corridor, has been approved in writing by the Local Planning Authority.

Reason: To ensure high quality design and coordinated development (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11, 3/12, 4/15, 9/3 and 9/5).

Design Code (Reserved Matters)

7. Any application for approval of reserved matters shall be in accordance with the Design Code approved by the Local Planning Authority under Condition 6 and as part of the application for Reserved Matters approval shall incorporate a statement demonstrating compliance with the approved Design Code. The development hereby permitted shall be completed in accordance with the approved Design Code.

Reason: To ensure high quality design and coordinated development (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11, 3/12, 9/3 and 9/5).

Materials

8. No development of a building/s shall take place until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1m x 1m and show the proposed

material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

Reason: To ensure that the appearance of the external surfaces is appropriate and accords with the principles of the Design Code (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12 and 3/14).

Youth Facility and Children's Play Provision Strategy

9. Prior to or concurrently with submission of the first of the reserved matters application(s) for residential development, a Strategy for Youth Facilities and Children's Play provision, in accordance with the principles set out in the Design Statement, dated December 2007, shall be submitted to the Local Planning Authority for approval. The Strategy shall include the following details:
- a) How the Strategy is intended to evolve following occupation of the site to meet the needs of future local residents, young people and children.
 - b) The size, type, location and provision of access to all youth facilities and play provision both within the built up area and adjacent to the green corridor.
 - c) A proposed phasing programme for the delivery of youth facilities and play provision both within the built up area and adjacent to the green corridor in relation to the delivery of housing on the site.

No residential development shall commence until the submitted Strategy has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To ensure that appropriate youth facilities and children's play provision are provided in relation to the development of the site (Cambridge Local Plan policies 3/8, 5/13, 5/14, 9/3 and 9/5).

Youth Facility and Children's Play Provision Details

10. Any reserved matters application for residential development or proposed recreational use within the green corridor, shall include the detailed design and specification of youth facilities and play provision, including surfacing material, within the reserved matters site for which approval is sought. The details shall be accompanied by a Play Statement that demonstrates how the proposal accords with the approved Strategy for Youth Facility and Children's Play provision and any emerging or approved details sought as part of a Design Code for the site. The youth facility and play provision shall be provided in accordance with the approved phasing programme, unless an alternative programme for provision for that phase is approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved details.

Reason: To ensure that youth facilities and children's play provision are provided in relation to the development of the site (Cambridge Local Plan policies 3/8, 5/13, 5/14, 9/3 and 9/5).

Green Corridor (Strategic)

11. Prior to or concurrently with submission of the first of the reserved matters application(s) for residential development for the site, a strategic landscape proposal for the green corridor, excluding the area designated for secondary school and community sports provision, shall be submitted to the Local Planning Authority for approval. The strategic landscape proposal shall be defined by the western edge of Hobson's Brook and the western edge of the Cambridge-London railway line and shall include the following:
 - a) Hard and soft areas, play areas, adventure play, mounding, surface materials, boundary treatment;
 - b) Strategic SUDS features such as balancing ponds, including edge treatments and any proposed bunding;
 - c) Strategic earth modelling, mounding, re-grading and/or embankment areas (if applicable), taking into account the proposed structural landscaping associated with the proposal for the Addenbrooke's 2020 site.
 - d) Strategic planting details within soft open space areas including any strategic planting as part of a combined structural landscaping scheme pursuant to the development of the adjacent Addenbrooke's 2020 site if applicable.
 - e) The location, size and access arrangements for the provision of allotments.
 - f) Vehicular and pedestrian access points, maintenance tracks, footpaths and cycleway routes.

No development shall commence apart from enabling works approved in writing by the Local Planning Authority until the strategic landscape proposal for the green corridor has been approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future residents of Clay Farm and other likely users of the green corridor and to ensure that a strategic approach to the development of the green corridor is agreed to safeguard the setting and special character of Cambridge, the retained Green Belt, surrounding open countryside and to ensure a suitable relationship and integration of the green corridor with its boundaries in terms of links and visual mitigation (Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 9/3 and 9/5)

Green Corridor (Detailed)

12. Within any reserved matters application pursuant to this approval for the green corridor, the landscape details required by condition 1 shall include a detailed landscaping scheme (including detailed designs and specifications) for the parcel of the green corridor that is being sought for approval. The details shall be accompanied by a design statement that demonstrates how the proposal accords with the approved green corridor strategy. The landscape designs and specifications shall include the following:

Soft Landscaping

- i. Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs (including tree pit details) to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- ii. 1:500 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales.
- iii. Full details of any proposed alterations to existing watercourses/drainage channels within the green corridor, including Hobson's Brook.
- iv. Details and specification of all earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out, including soil quantities and type, topsoil storage to BS 3882: 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- i. Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site.
- ii. Full details, including cross-sections, of all bridges and culverts.
- iii. Utility routes, type and specification.
- iv. The location and specification of minor artefacts and structures, including furniture, refuse or other storage units and signs.
- v. 1:500 plans (or at a scale otherwise agreed) including cross-sections, of paths, cycleways, boardwalks and access tracks.
- vi. Details of all hard surfacing materials (size, type and colour)

The landscaping within the green corridor shall be implemented in accordance with the approved phasing programme, unless an alternative programme for provision is otherwise agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of the amenity of future residents of Clay Farm and other likely users of the green corridor and to ensure that a detailed approach to the development of the green corridor (or parcels thereof) is agreed to safeguard the setting and special character of Cambridge, the retained Green Belt, surrounding open countryside and to ensure a suitable relationship and integration of the green corridor with its boundaries in terms of links and visual mitigation (Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 9/3 and 9/5).

Plantations

13. Within any reserved matters application pursuant to this approval abutting or covering a retained plantation as shown on Parameter Plan 3, the landscape details required by condition 1 shall include an accompanying landscaping scheme specifically concerning proposed landscaping measures associated with the affected plantation. The landscaping scheme shall include: full details of planting plans and written specifications, including cultivation proposals for

maintenance and management associated with plant and grass establishment; details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting; proposed buffer zones; access arrangements; retained trees; biodiversity enhancements; and proposed measures promoted by an approved ecological management plan. The scheme shall be carried out in accordance with the approved details and phasing plan ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of the amenity of future residents of Clay Farm and to ensure that a detailed approach to the management of the plantations (or parcels thereof) is agreed to safeguard their amenity value and secure a long-term retention and enhancement strategy (Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 4/2, 4/3, 4/4, 4/6, 4/7, 4/8, 9/3 and 9/5).

Landscaping within the Built-Up Area

14. Within any reserved matters application pursuant to this approval within the built-up area, the landscape details required by condition 1 shall include detailed landscape designs and specifications for the associated reserved matters site. The details shall be accompanied by a Design Statement that demonstrate how the landscaping scheme accords with any emerging or approved details sought as part of a Design Code for the site. The landscape designs and specifications shall include the following:

Soft Landscaping

- i. Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- ii. 1:200 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- iii. The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- iv. A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- v. The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- vi. Full details of any proposed alterations to existing watercourses/drainage channels, including Hobson's Brook.
- vii. Details and specification of proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- i. Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site.
- ii. Full details, including cross-sections, of all bridges and culverts.
- iii. Utility routes, type and specification.
- iv. The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- v. 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- vi. Details of all hard surfacing materials (size, type and colour)

The landscaping within the application site areas shall be implemented in accordance with the approved phasing programme unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of the amenity of future residents of Clay Farm and to ensure that a detailed approach to the development of the built-up area (or parcels thereof) is agreed, to safeguard the setting and special character of Cambridge, the retained Green Belt, surrounding open countryside and to ensure a suitable relationship and integration of the built development with its surroundings including the green corridor (Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 4/2, 4/3, 4/4, 9/3 and 9/5).

Landscaping Replacement

15. Any trees or plants provided as part of any landscaping scheme which, within a period of 5 years of planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of future residents of Clay Farm and other likely users of the green corridor and open landscaped spaces and to safeguard the setting and special character of Cambridge, the retained Green Belt and surrounding open countryside (Cambridge Local Plan 2006 policies 3/2, 3/7, 3/11, 3/12, 4/3, 4/4, 9/3 and 9/5).

Management and Maintenance of Landscaping

16. Within any reserved matters application pursuant to this approval, the landscaping details required by condition 1 shall include the following landscape management and maintenance plans
 - a) Relating to the green corridor, a management plan that includes long-term design objectives, management responsibilities, management and maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements, for a minimum period of 25 years.
 - b) Relating to the plantations, a management plan that includes long-term design objectives, management responsibilities and management and

maintenance schedules/specifications, including proposed restoration, thinning, replacement and new planting, biodiversity and ecological enhancements approved as part of the ecological mitigation strategy, for a minimum period of 25 years.

- c) Relating to reserved matters applications that come forward within the built-up area, a management plan that includes long-term design objectives, management responsibilities and management and maintenance schedules/specifications for all landscape areas, including hard and soft elements, for a minimum period of 5 years.

All landscape management and maintenance plans shall include the following details: an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; management details relating to SUDS features; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting (the first five years after planting). The landscape management plan shall be carried out as approved ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To ensure satisfactory arrangements are in place to ensure the proper management and maintenance of landscaped areas (Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 4/2, 4/3, 4/4, 9/3, and 9/5).

Permitted Development Restrictions (Green Corridor)

17. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order with or without modification) the erection, construction or alteration of a gate, fence, wall or other means of enclosure shall not be allowed within or adjacent to the green corridor ~~without the granting of specific planning permission or reserved matters approval from the Local Planning Authority.~~

Reason: To safeguard visual amenity (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/14).

Permitted Development Restrictions (Built-up area)

18. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order with or without modification) no hard surfacing of front gardens shall be carried out ~~without the granting of express planning permission from the local planning authority.~~

Reason: In the interests of visual amenity ensuring that front gardens are retained as attractive landscape elements, in the interests of sustainable travel ensuring that there is no uncontrolled proliferation of car parking within the site, and to ensure that SUDS measures are not eroded on a piecemeal basis. (Cambridge Local Plan 2006 policy 3/4, 3/12 and 4/16).

Tree Survey

19. No development within a site for which reserved matters approval is sought shall take place until such time as a land survey, tree survey and arboricultural implications assessment, applicable to the associated site, in accordance with BS:5837:2005, have been submitted to and approved in writing by the Local Planning Authority: The surveys shall include:
- i. The location of all trees, shrub masses and hedges.
 - ii. The location of streams, buildings and other structures, boundary features and services.
 - iii. Spot heights of ground level throughout the site.
 - iv. The location of trees on land adjacent to or which overhang the development site.
 - v. A categorization of trees or groups of trees for their quality and value in accordance with table 1 of the British Standard.

Reason: In the interests of accurately establishing the quality and value of trees on or adjacent to the site and the implications for development (Cambridge Local Plan 2006 policies 4/3 and 4/4).

Tree Removal and Retention Plan

20. No development within a site for which reserved matters approval is sought shall take place until such time as an arboricultural method statement, tree constraints plan and tree protection plan, applicable to the associated site, in accordance with BS:5837:2005, have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- i. Plans showing trees to be removed, identified by number.
 - ii. Plans showing trees to be retained, identified by number, with canopies accurately plotted.
 - iii. A tree constraints plan that identifies root protection areas of retained trees within, adjacent to, or which overhang the development site.
 - iv. The precise location and design details for the erection of protective tree barriers and any other physical protection measures.
 - v. A method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard.

The arboricultural method statement shall be carried out as approved ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4).

Trees: Protective Fencing

21. No development within a site for which reserved matters approval is sought shall take place until such time as fencing for the protection of any retained tree within, adjacent to, or which overhangs the development site, has been fully erected in accordance with the approved plans and particulars. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. Nothing shall be stored or placed in any fenced area in accordance with

this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4).

Trees: Excavation Trenches

22. No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within, adjacent to, or which overhangs the development site, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4).

Allotments & Community Gardens

23. Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development, an Allotments and Community Gardens Proposal shall be submitted to the Local Planning Authority. The Proposal shall include the following details:
- i. Management guidelines to show how they will be managed and how the provision of plots will adapt following occupation of the allotments and community gardens to meet the needs of future plot holders and local residents;
 - ii. A plan of the allotments and community gardens, principles of plot layout and design providing for a range of plot sizes, raised beds, variable height planters and 'club' plots, designed to allow flexibility to meet the needs of future plot holders and access to areas for communal composting, chipping pile, and communal supplies of, for example, manure and compost;
 - iii. Shadow studies to the allotments and community gardens, taking into account proposed landscaping and boundary treatment and buildings both within and adjacent to the site demonstrating adequate levels of sunlight, rainfall and nutrition available to the allotments;
 - iv. Provision of good quality soil to British Standard or equivalent, structure and texture to allow free drainage, and suitable for cropping;
 - v. Access and parking arrangements to allow easy and safe access to the allotments and community gardens, including regular access by plot holders and for the occasional delivery of bulk goods. This should include vehicular access and a turning area, access for those with disabilities and cycle parking within the site, and associated parking within the adjacent residential area;
 - vi. Permeability of the sites to encourage access to communal areas, enjoyment of biodiversity and natural surveillance whilst maintaining security and integrity of food growing areas and standing crops;

- vii. Location and form of the communal buildings including secure storage for tools, seeds and crops serving allotments and community gardens, provision for administration with toilet provision, possibly including a composting toilet;
- viii. Boundary treatment, including security arrangements for the allotments;
- ix. Location of communal areas;
- x. The location of any Local Equipped Area for Play to be provided within or adjacent to the community gardens;
- xi. Water supply, including use of stored rainwater and SUDs for watering crops; and
- xii. Timing of the submission of detailed drawings for the design of the individual buildings and other details as appropriate.

No development, apart from enabling works agreed in writing by the Local Planning Authority, shall commence until such time as the Allotments and Community Gardens Proposal has been approved in writing by the Local Planning Authority. The provision of allotments and community gardens shall be carried out in accordance with the approved details and in accordance with the approved phasing programme ~~unless an alternative programme for provision is otherwise agreed in writing by the Local Planning Authority.~~

Reason: To ensure that appropriate allotments and community gardens are provided in relation to development of the site (Cambridge Local Plan policies 3/8, 9/3 and 9/5).

Allotments: Vehicular Access

24. Notwithstanding the approved plan Parameter Plan Two and accompanying text, ~~unless otherwise agreed in writing by the Local Planning Authority,~~ vehicular access across Hobson's Brook between the allotments and community gardens shall be provided.

Reason: To ensure that there is adequate access to the allotments to be provided in relation to the development of the site (Cambridge Local Plan policies 3/8, 9/3 and 9/5).

Allotments: Approval Plan

25. Notwithstanding the approved plan Parameter Plan Three and accompanying text, 1.4 ha of allotments shall be provided within the green corridor and 0.6 ha of community gardens shall be provided within the built-up area as shown on plan reference no. A2246M/1.3/012 rev A, dated October 2009.

Reason: To ensure that an appropriate level of allotments is provided in relation to development of the site in accordance with the adopted standards (Cambridge Local Plan policies 3/8, 9/3 and 9/5).

Housing

26. Any reserved matters application for residential development shall include a plan showing the distribution of market and affordable dwellings, including a schedule of dwelling size (by number of bedrooms) within the reserved

matters site for which approval is sought. ~~Between 6 and 25 affordable dwellings can be clustered together with no more than 8 affordable houses adjacent to or abutting one another or 12 apartments accessed from a common stairwell or lift unless, based on the size and design of the affordable housing, unless otherwise agreed in writing by the Local Planning Authority.~~ No development shall commence within the site for which reserved matters approval is being sought until such time as the affordable housing distribution and dwelling mix has been approved in writing by the Local Planning Authority. The affordable housing units shall be provided in accordance with the approved details, ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To ensure that the scheme provides an appropriate balance and mix of housing units, as identified in the Affordable Housing SPD (Cambridge Local Plan policies 3/7, 5/5, 9/3 and 9/5)

As distribution and mix of affordable homes will be the subject of a plan to be agreed, there is no requirement for the condition to prescribe the requirements of the SPD. Any scheme put forward should accord with the SPD in any event.

Life time Homes

27. A minimum of 15% of all market dwellings and all affordable housing units built on any parcel of land shall meet the life-time homes standards as set out in "Meeting Part M and Designing Lifetime Homes" published by the Joseph Rowntree Foundation 1999, ~~unless otherwise agreed in writing by the local planning authority.~~ Any reserved matters application for residential development shall include a plan showing the distribution of those dwellings to be built to life-time homes standards.

~~Note: Under the Cambridgeshire Challenge all affordable housing units to be to Lifetime Homes standards~~

Reason: To ensure that new dwellings cater for the needs of residents throughout their lifetime, including the possibility of impaired mobility (Cambridge Local Plan policy 5/9).

Local Centre: Uses

28. Prior to or concurrently with the submission of any application for reserved matters approval for the Local Centre, the distribution and size of all A1, A2, A3, A4, A5 and D1 units shall be submitted to and approved in writing by the Local Planning Authority. The units shall ~~generally~~ accord with the mix and balance of uses as specified in the schedule of uses shown on page 20 of the Design and Access Statement, dated December 2007. The reserved matters application shall accord with the approved unit size and distribution. The Local Centre shall be completed in accordance with the approved size, mix and distribution.

Reason: To ensure that the Local Centre provides an appropriate range of facilities and services required by the development (Cambridge Local Plan policies 6/7, 9/3 and 9/5).

As the size, mix and distribution of the units are the subject of control as part of this condition, Conditions 30 and 31 limiting floorspace become unnecessary. This approach further allows the parties to agree floorspace limits to suit the circumstances at the time of the reserved matters application.

Local Centre: Amalgamation

29. There shall be no amalgamation of the A1, A2, A3, A4, A5 or D1 units that comprise the Local Centre, ~~unless otherwise agreed in writing with the Local Planning Authority.~~

Reason: To ensure that the local centre provides an appropriate range of facilities and services required by the development (Cambridge Local Plan policies 6/7, 9/3 and 9/5).

Local Centre: Extraction/Filtration Equipment

30. No development of a commercial unit within the Local Centre shall commence until such time as details of equipment for the purpose of extraction and/or filtration of fumes and/or odours have been submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration scheme shall be fully installed before the use hereby permitted is commenced and maintained thereafter in accordance with the manufacturers' instructions.

Reason: To protect the amenity of occupiers of nearby properties (Cambridge Local Plan 2006 policy 4/13).

Detailed Renewable Energy Statements

31. No development shall commence within a site for which reserved matters approval is being sought until such time as a renewable energy statement for that site, which demonstrates that at least 10% of the reserved matters site's total predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

Renewable Energy Uplift

32. If any reserved matters application is submitted after three years from the date of outline planning permission and if a specific policy regarding renewable energy that stipulates a higher on-site renewable energy percentage requirement than 10% is formally adopted as part of the Local Development Framework prior to the making of any such reserved matters application, the specified higher on-site renewable energy percentage requirement specified by the new policy shall apply pursuant to condition 31, unless it is demonstrated that to require full compliance would not be economically or technically viable. The Energy Statement, installation, operation and maintenance of the renewable energy technologies shall continue to apply pursuant to condition 31.

Reason: The period of consent for which outline planning permission is given is for a longer period than the standard 3-year permission. There is a likelihood, given that Government policy on sustainable development and renewable energy is moving rapidly, that new policies will be adopted within the Local Development Framework that will require a higher renewable energy percentage requirement that, without this condition, could not be accounted for. The approach is consistent with the aims and objectives of PPS1 Delivering Sustainable Development (2005) and PPS1 Planning and Climate Change (2007)

Code for Sustainable Homes

33. No development of a residential building on a reserved matters site shall take place until an interim certificate following a design stage review, based on design drawings, specifications and commitments, has been issued by a Code for Sustainable Homes Licensed Assessor to the Local Planning Authority, indicating the following:
- i. that all proposed market dwellings forming part of the reserved matters site are capable of achieving a minimum of level 3 of the Code for Sustainable Homes.
 - ii. that all proposed affordable dwellings forming part of the reserved matters site are capable of achieving a minimum of level 4 of the Code for Sustainable Homes.

All residential buildings shall be constructed to meet the applicable Code for Sustainable Homes specified minimum level as above. Prior to the occupation of any dwelling, a Post-Construction Stage assessment shall be undertaken for that dwelling. Should that assessment indicate that the specified minimum code level as above has not been met, appropriate mitigation to ensure the code level can be met shall be undertaken. Prior to occupation, or in accordance with an alternative timetable to be agreed with the Local Planning Authority, the developer shall submit to the Local Planning Authority a certificate from the Building Research Establishment (BRE) or another certificated third party, indicating that the relevant code level has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development, ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

BREEAM (standards)

34. Prior to or concurrently with the submission of the first of the reserved matters applications within the built-up area, a BREEAM Plan for Provision of Non-Residential Buildings (excluding any primary and secondary school and community facility buildings) shall be submitted to the Local Planning Authority for approval.

The Plan shall include details and plans that indicate the following:

- i. The location and floorspace of 95% of the proposed non-residential buildings (which shall be equivalent to 95% of non-residential floorspace) to be constructed to at least BREEAM 'very good' rating.
- ii. The location and floorspace of at least 5% of the proposed non-residential buildings (which shall be equivalent to a minimum of 5% of non-residential floorspace) to be constructed to at least BREEAM 'excellent' rating.

No development shall commence within a site within the built-up area for which reserved matters approval is being sought until such time as the BREEAM Phasing Plan has been approved in writing by the Local Planning Authority. The BREEAM Plan shall be carried out in accordance with the approved details ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

BREEAM Uplift

35. Notwithstanding condition 34, all reserved matters applications for non-residential buildings that are submitted after 31st March 2013, shall be designed and constructed to meet BREEAM 'excellent' rating.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

BREEAM Pre-assessment Report

36. No development of a non-residential building shall take place until a pre-assessment BREEAM report - which is based upon an approved BREEAM plan

for provision of non-residential buildings - prepared by an accredited BREEAM Assessor, indicating that the building is capable of achieving the applicable 'very good' or 'excellent' rating as a minimum, has been issued to the Local Planning Authority.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

BREEAM Post-construction Certificate

37. All non-residential buildings shall be constructed to meet the applicable approved BREEAM rating as a minimum. No later than 6 months after the occupation of any non-residential building, a certificate following a post-construction review, shall be issued by an approved BREEAM Assessor to the Local Planning Authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

Surface Water (Strategic)

38. Notwithstanding the details of the submitted surface water strategy, ~~unless otherwise agreed in writing by the local planning authority,~~ a strategic site wide surface water strategy shall be submitted to and approved in writing by the Local Planning Authority prior to, or concurrently with, the first of the reserved matters applications submitted for approval. No development shall be carried out until such time as the Strategic Site Surface Water Strategy has been approved in writing by the Local Planning Authority.

The Strategy shall be based upon a SUDS hierarchy, as espoused by DTI publication 'Sustainable Drainage Systems CIRIA C609' and this Council's adopted supplementary planning document 'Sustainable Design and Construction' (2007). The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.

If source control infiltration SUDS methods are demonstrated to be impracticable or only partly feasible, the strategy shall promote other measures such as swales, surface water retention ponds, wetlands or other surface water retention measures to promote infiltration and mimic, as far as possible, existing natural greenfield run-off patterns (rates and volumes).

The strategy shall include details of all flow control systems and the design, location and capacity of all strategic SUDS features and shall include

ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of the measures to adequately manage surface water within the site without the risk of flooding to land or buildings. Details of phasing during drainage operations and construction shall also be included.

The approved drainage works shall be carried out in their entirety, fully in accordance with the approved details, prior to the occupation of any building or in accordance with phased drainage operations agreed in writing by the Local Planning Authority.

Reason: In order to safeguard against the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site (Cambridge Local Plan 2006 policy 4/16).

Site Surface Water (Reserved Matters Applications)

39. Any reserved matters application shall include a detailed surface water strategy pursuant to the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details of the strategic site wide surface water strategy. The strategy shall be based upon a SUDS hierarchy, as espoused by DTI publication 'Sustainable Drainage Systems CIRIA C609' and this Council's adopted supplementary planning document 'Sustainable Design and Construction' (2007). The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.

If source control infiltration SUDS methods are demonstrated to be impracticable or only partly feasible, the strategy shall promote other measures such as swales, surface water retention ponds, wetlands or other surface water retention measures to promote infiltration and mimic as far as possible existing natural greenfield run-off patterns (rates and volumes).

The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.

The development shall be carried out in accordance with the approved details and no dwelling on the particular reserved matters site for which approval is being sought shall be occupied until all the necessary surface water drainage to serve that dwelling has been completed in accordance with the approved details.

Reason: In order to safeguard against the increased risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of

water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site (Cambridge Local Plan 2006 policies 4/16 and 9/3m).

Ground Water

40. Prior to the commencement of development, apart from enabling works agreed in writing by the Local Planning Authority, a hydrological/hydrogeological report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide advice as to whether the development of the site will have any impact upon the ground water spring flow of Nine Wells Local Nature Reserve. Should the report demonstrate any significant detrimental impact on the spring flow, it shall also propose appropriate mitigation to be carried out in accordance with a proposed phased programme of implementation. Any mitigation shall be carried out in accordance with the approved report and details of timing.

Reason: To safeguard the ground water spring flow of Nine Wells Local Nature Reserve (Cambridge Local Plan 2006 policy 4/6).

Ecology: Site Wide Nature Conservation Management Plan

41. Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application.

The Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:

- i. Contractor responsibilities, procedures and requirements.
- ii. Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity.
- iii. Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post-development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features.
- iv. Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site. Prescriptions shall be provided to detail how habitat and species management and enhancement shall be provided alongside measures to provide habitat restoration and creation to deliver targets in the Cambridgeshire and UK Biodiversity Action Plans such as: the provision of bat and bird boxes on buildings and on trees around the site; the provision of other nesting features for bird species such as bird ledges; reptile hibernacula including small log and rubble

- piles; the creation of new aquatic habitats where possible within permanent areas of open water of minimum depth 0.5m; the provision of wetland margins and habitat islands; the management of grassland; enhancements to Hobson's Brook to improve its value to wildlife; the provision of buffer zones alongside the woodlands/plantations, the Cambridgeshire Guided Busway and Hobson's Brook, including rough grassland strips, scrub and shrub planting and pollard willows.
- v. A summary work schedule table, confirming the relevant dates and/or periods that the prescriptions and protection measures shall be implemented.
 - vi. A programme for Monitoring/Environmental Audits to be carried out four times annually during the construction phase, which shall include a further survey of fauna within Hobson's Brook.
 - vii. Confirmation of suitably qualified personnel responsible for over-seeing implementation of the Ecological Conservation Management Plan commitments, such as an Ecological Clerk of Works, including a specification of role.
 - viii. A programme for long-term maintenance, management and monitoring responsibilities for a period of 12 years to ensure an effective implementation of the Ecological Conservation Management Plan ensuring periodic review of the objectives and prescriptions.

No development shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan, ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To ensure that the development of the site conserves and enhances ecology (Cambridgeshire and Peterborough Structure Plan 2003 policies 7/1 and 7/2, Cambridge Local Plan 2006 policies 4/3, 4/6, 4/7 and 4/8).

Ecology: Reserved Matters Applications

- 42. Any reserved matters application shall include an Ecological Conservation Management Plan Statement that demonstrates how it accords with the aims and objectives of the Ecological Conservation Management Plan. It shall detail which specific ecological measures are proposed and the timing for their delivery. No development shall commence within the site for which reserved matters approval is being sought until such time as the Ecological Conservation Management Plan Statement has been approved in writing by the Local Planning Authority. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

Reason: To ensure that the development of the site conserves and enhances ecology (Cambridgeshire and Peterborough Structure Plan 2003 policies 7/1 and 7/2, Cambridge Local Plan 2006 policies 4/3, 4/6, 4/7 and 4/8).

Transport: Long Road Access Details

43. No dwellings to be served from the Long Road access shall be occupied until that access has been fully laid out and implemented in accordance with a detailed engineering scheme/plan that has been submitted to and approved in writing by the Local Planning Authority. The scheme/plan shall include cross sections (existing/proposed), levels changes, accurate tree survey data in relation to tree loss, tree retention, tree protection and planting proposals. ~~The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Transport: Off-site Works and Long Road Occupation Restriction

44. No dwellings to be served off Long Road access shall be occupied until the proposed off-site highway improvements to the Long Road/Trumpington High Street junction have been fully laid out and implemented in accordance with detailed engineering schemes/plans that have been submitted to and approved in writing by the Local Planning Authority. ~~The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Transport: AAR and Long Road Occupation Restriction

45. No more than 300 dwellings that are served from the Long Road access shall be occupied, until such time as the Addenbrooke's Access Road and a vehicular link from it to Robinson Way is completed and fully operational, ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Transport: Temporary Access and Shelford Road Occupation Restriction

46. None of the dwellings to be served via a temporary access onto Shelford Road shall be occupied until the temporary access has been fully laid out and implemented in accordance with a detailed engineering scheme/plan that has been approved in writing by Local Planning Authority.

No further development will be permitted via Shelford Road until this temporary access has been closed to vehicular traffic and access to these dwellings provided via the Addenbrooke's Access Road. In addition, the temporary access is to be converted to a pedestrian/cycle access in accordance with a detailed engineering scheme/plan that has been submitted

to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the conversion to footway/cycleway shall be complete prior to the occupation of more than 120 dwellings via Shelford Road.

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Transport: AAR Roundabout and Occupation Restriction

47. No dwellings to be served from the proposed Addenbrooke's Access Road roundabout shall be occupied until the access details have been fully laid out and implemented in accordance with a detailed engineering scheme/plan that has been approved in writing by the Local Planning Authority. ~~The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Transport: AAR Phase 2/Shelford Road and Occupation Restriction

48. No more than 220 dwellings that are served from either Phase 2 of the Addenbrooke's Access Road or Shelford Road, shall be occupied, until such time as Phase 2 of the Addenbrooke's Access Road is completed and fully operational and a vehicular link, from the end of Phase 2 of the Addenbrooke's Access Road to Robinson Way, is completed and fully operational, ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Transport: Access Plans for Dwellings Served from the AAR

49. No dwellings that are served from accesses onto the Addenbrooke's Access Road shall be occupied, until such time as the applicable access that serves the dwellings, has been fully laid out and implemented in accordance with a detailed engineering scheme/plan that has been approved in writing by the Local Planning Authority, ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Transport: Dwelling Occupation and Completion of Base Course

50. No dwelling or community facilities shall be brought into use until any road and/or footway linking that building/facility to public highway network is completed to base course level and main services installed and available for connection to said building/facility.

Reason: To ensure adequate access is provided to the dwellings and community facilities in accordance with (Cambridge Local Plan Policy 9/5).

Access to Fawcett School

51. Prior to or concurrently with the first of the reserved matters application(s) for residential development for the built-up area of the site, a revised site parameter plan showing vehicular, pedestrian and cycle access to Fawcett School including the Children's Centre from the development site shall be submitted to the Local Planning Authority for approval. No development shall commence until such time as the revised site parameter plan has been approved in writing by the Local Planning Authority. The access shall be implemented in accordance with the agreed Strategic Phasing Plan pursuant to condition 5 (b).

Reason: To ensure appropriate access to Fawcett School is provided to meet the needs of future residents and to safeguard the amenities of the occupiers of properties in Alpha Terrace (Cambridge Local Plan policies 3/4, 3/7, 9/3 and 9/5).

Car Parking

52. The number of residential parking spaces within the site shall not exceed 3,427 off-street spaces plus 575 on-street residential visitor spaces, excluding any car parking spaces that are designated for the sole and specified use for an approved car club. No individual dwelling shall have more than 2 associated car parking spaces. In the event that the total number of residential units on the site is under 2,300, a reduced maximum level of car parking provision shall be agreed in writing by the Local Planning Authority prior to the construction of car parking spaces associated with those reserved matters plots and the car parking spaces provided accordingly.

Reason: To ensure an appropriate level of car parking provision (Cambridge Local Plan policy 8/10).

Disabled Parking

53. 5% of all visitor parking spaces provided within each reserved matters parcel shall be suitable for, and reserved for, people with disabilities.

Reason: To ensure an appropriate level of car parking provision for people with disabilities (Cambridge Local Plan policy 8/10 and appendix C).

Cycle Parking Details

54. Any reserved matters application for a building shall include details of facilities for the covered, secure parking of bicycles for use in connection with the approved development in accordance with the City Council standard for cycle parking and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for site. The facilities shall be provided in accordance with the approved details before use of the development commences and shall thereafter be retained and shall not

be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2006 policy 8/6).

Foul Water

55. Any reserved matters application shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No development shall commence until details of the foul water drainage for the site have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved. Should the foul water drainage and trade effluent connection not discharge to the Cambridge Sewage Treatment Works, the foul water drainage details shall include submission of a full flood risk assessment in accordance with PPS25 advice to demonstrate that the alternative strategic connection will not increase the risk of flooding to property.

Reason: To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property (Cambridgeshire and Peterborough Structure Plan 2003 policies P1/2 and P6/4, Cambridge Local Plan 2006 policies 4/16, 8/18).

Levels

56. No development of a building shall take place until full details of the proposed levels of the building, associated structures and associated building plot, compared to existing levels of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved development shall be constructed in accordance with the approved levels details ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard the character and appearance of the area (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/12).

Contamination

57. Notwithstanding the submitted contamination report as part of the Environmental Statement, prior to the commencement of development, a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority. The contaminated land assessment and associated remedial strategy shall adhere to the following points:

- i. The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses including any use of radioactive materials and propose a site investigation strategy based on the relevant information discovered by the desk study. No investigations shall occur on site prior to approval of the investigation strategy by the Local Planning Authority.

- ii. The site investigation, including relevant soil, soil gas, radioactivity, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
- iii. A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority for approval. The written approval of the Local Planning Authority to such remedial works as are required shall be obtained prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
- iv. Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- v. If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme approved in writing by the Local Planning Authority
- vi. Upon completion of the works, a closure report shall be submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: To ensure that any contamination of the site is identified and remediation measures are appropriately undertaken to secure full mitigation in the interests of environmental and public safety. (Cambridge Local Plan 2006 policy 4/13).

Strategic Construction Environmental Management Plan

58. Prior to the commencement of development, a Strategic Construction Environmental Management Plan (SCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The SCEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application. Development shall take place in accordance with the SCEMP which shall include the consideration of the following aspects of construction:
 - i Indicative site wide construction and phasing programme.
 - ii Construction hours and delivery times for construction purposes¹.

¹ As construction and delivery are to form part of the SCEMP, I see no need for Conditions 65 and 66. The specific time limits specified in these conditions are to be agreed with the local Planning Authority.

- iii Outline Waste Management Plan (OWMP), providing a statement of site specific reuse and recycling objectives with appropriate targets, compliance training for sub-contractors, construction code of conduct together with regular auditing and reporting on target achievements and quantities disposed, ensuring that such materials are only consigned to authorised treatment/recovery or disposal facilities, including consideration of participation in a Materials Re-use and Recycling Forum covering the Cambridge Southern Fringe sites.
- iv Noise method, monitoring and recording statements in accordance with the provisions of BS 5228 (1997).
- v Maximum noise mitigation levels for construction equipment, plant and vehicles.
- vi Vibration method, monitoring and recording statements in accordance with the provisions of BS 5228 (1997).
- vii Maximum vibration levels.
- viii Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- ix Membership of the Considerate Contractors Scheme.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13).

Detailed Construction Method Statement

59. Prior to the commencement of development of any reserved matters approval, a Detailed Construction Method Statement (DCMS) pursuant to the reserved matters approval site shall be submitted to and approved in writing by the Local Planning Authority. The DCMS shall demonstrate how the construction of the reserved matters approval accords with the details of the SCEMP, except criterion (v), and shall include the consideration of the following aspects of construction:
- i. Location of contractor offices and parking arrangements, site storage areas/compounds for building materials, plant and equipment.
 - ii. Screening and hoarding details.
 - iii. Contractor access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
 - iv. Soil management and storage details.
 - v. Dust management and wheel washing measures.
 - vi. Site lighting.
 - vii. Drainage control measures including the use of settling tanks, oil interceptors and bunds.
 - viii. Access and protection arrangements around the site for pedestrians, cyclists and other road users, including external safety and information signing and notices.
 - ix. Liaison, consultation and publicity arrangements including dedicated points of contact and complaints procedures.
 - x. Consideration of sensitive receptors.
 - xi. Prior notice and agreement procedures for works outside agreed limits.

Thereafter the development shall be undertaken in accordance with the agreed details ~~unless otherwise agreed in writing by the Local Planning Authority.~~

60. Prior to the commencement of development of any reserved matters approval, a Demolition, Construction noise and Vibration Impact report pursuant to the reserved matters approval site shall be submitted to and approved in writing by the Local Planning Authority. The report should include the following: details regarding the phasing of the demolition, the demolition activities of each phase, the timetable for that phasing, associated predicted noise and vibration levels at the nearest noise sensitive locations, details of any noise/vibration mitigation measures and noise/vibration monitoring. The report should also detail liaison, consultation and public relation arrangements.

Thereafter the development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13).

Noise: Report and Mitigation

61. Prior to the commencement of development of any residential unit located adjacent to Long Road, the Clay Farm Spine Road, the Addenbrooke's Access Road or Shelford Road, a noise report prepared in accordance with the provisions of PPG 24 "Planning and Noise" that considers the impact of the existing noise source from the specified roads upon the proposed residential units, shall be submitted to and approved in writing by the Local Planning Authority. The noise report should include the following:
- i. residential units fronting the AAR are to be acoustically protected by a noise insulation scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:1999 "Sound Insulation and noise reduction for buildings-Code of Practice" derived from the World Health Organisation Guidelines for Community Noise: 2000.
 - ii. A scheme of sound insulation should provide internal design noise levels of 30 L_{Aeq} (Good) and 40 L_{Aeq} (Reasonable) for living rooms and 30 L_{Aeq} (Good) and 35 L_{Aeq} (Reasonable) for bedrooms.

Any recommendations along with proposals for mitigating and/or protecting the proposed residential units from ambient noise that could have a detrimental effect on the amenity of the proposed residential units shall be implemented in accordance with the agreed mitigation details prior to the occupation of the affected residential unit(s).

62. The noise level from plant, vents etc associated with this permission should not raise the existing background level by more than 3 dB both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to

this permission and having regard to noise sensitive premises, both those existing in the area and any proposed noise sensitive premise within the development itself. Tonal / impulsive noise frequencies should be eliminated or should carry an additional 5dB(A) correction.

Reason: To protect residential amenity of the occupants (Cambridge Local Plan 2006 policy 4/13).

Noise: Mitigation Adjacent to Non-Residential Uses

63. The noise level from plant, vents etc associated with non-residential uses should not raise the existing background level by more than 3 dB both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises, both those existing in the area and any proposed noise sensitive premise within the development itself. Tonal / impulsive noise frequencies should be eliminated or should carry an additional 5dB(A) correction.
64. Prior to the commencement of development of any residential development adjacent to a non-residential use, a noise attenuation/insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the bedrooms/living rooms to the high ambient noise levels in the area is to be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999. The development shall be undertaken and shall remain unaltered in accordance with the approved details ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To protect residential amenity of the occupants (Cambridge Local Plan 2006 policy 4/13).

Noise: Piling

65. In the event of the foundations for any building requiring piling, prior to the development of the building taking place, a report/method statement shall be submitted to and approved in writing by the Local Planning Authority detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 – Part 4: "COP for noise and vibration control applicable to piling operations". Development shall be carried out in accordance with the approved details.

Reason: To safeguard the residential amenity of adjacent occupiers (Cambridge Local Plan policy 4/13)

Detailed Waste Management Plan

66. Prior to the commencement of development of any reserved matters approval, a Detailed Waste Management Plan (DWMP) shall be submitted to and approved in writing by the Local Planning Authority. The DWMP shall demonstrate how the construction of the reserved matters approval will accord with the details of the principles of the Outline Waste Management Plan. The DWMP shall include details of:
- i. the anticipated nature and volumes of waste.
 - ii. Measures to ensure the maximisation of the reuse of waste.
 - iii. measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
 - iv. any other steps to ensure the minimisation of waste during construction
 - v. the location and timing of provision of facilities pursuant to criteria ii/iii/iv.
 - vi. proposed monitoring and timing of submission of monitoring reports.
 - vii. the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.

~~Unless otherwise agreed in writing,~~ Thereafter the implementation, management and monitoring of construction waste shall be undertaken in accordance with the agreed details and no individual building subject to a Detailed Waste Management Plan shall be occupied until the Waste Management Closure Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the sustainable management of construction waste (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3).

Temporary Recycling Facility

67. No more than 50 dwellings cumulatively across the application site shall be occupied until temporary neighbourhood waste recycling facilities are provided on site in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The temporary facility shall remain in place until one of the permanent waste recycling facilities is provided and available for use. The land on which the temporary facility is sited shall be made good within a period of 3 months from the installation of the permanent waste recycling facility within the local centre.

Reason: To ensure that future residents have adequate temporary means by which to recycle prior to permanent arrangements being made available (Cambridge Local Plan policy 3/1)

Permanent Recycling Facilities

68. No residential development shall commence until such time as details relating to the location, design, specification, management/maintenance and phasing

of provision of recycling facilities has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the scheme approved and in accordance with the approved phasing programme.

Reason: To ensure that future residents have adequate means by which to recycle (Cambridge Local Plan 3/1)

Residential Waste Storage

69. Prior to the commencement of residential development on any phase, full details of on-site storage facilities for waste, including waste for recycling, for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. No buildings shall be occupied until the approved facilities have been provided for that building and the facilities shall be retained thereafter ~~unless alternative arrangements are agreed in writing by the Local Planning Authority.~~

Reason: To protect the amenities of nearby residents/occupiers, to safeguard visual amenity and to ensure adequate waste storage and recycling provision (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policy 3/12).

Archaeology

70. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with the approved Archaeological Specification (Scott Wilson 2008) and Project Design (OA 2008).

This written scheme includes the following components, completion of each of which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority);

(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented and recorded (Cambridge Local Plan 2006 policy 4/9).

Landscape Ecological Mitigation Area

71. Notwithstanding Plan Parameter Plan Three and accompanying text, the Cambridgeshire Guided Bus Landscape and Ecological Mitigation Area shall be provided in accordance with approval plan reference 1818/005A, dated July 2009.

Reason: To ensure adequate Landscape and Ecological Mitigation areas are provided in accordance with the Cambridgeshire Guided Bus approval (Cambridge Local Plan policy 4/3)

ANNEX C

Conditions for Glebe Farm

Reserved Matters Approval for Development Phases

1. Details of the access, appearance, landscaping, layout and scale of the site (hereinafter referred to as the "reserved matters") shall be submitted to the Local Planning Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: To ensure that all necessary details are acceptable (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/11, 3/12, 4/2, 4/3, 4/4, 9/3, 9/5).

Time Limit

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

Time Period for Development of Reserved Matters Approvals

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

Strategic Phasing Plan

4. Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a Strategic Phasing Plan, which accords with the trigger for the provision of infrastructure in the S106 planning obligation, accompanying this application and dated 12 November 2009, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the proposed sequence of provision of the following elements:
 - a) the development of reserved matters parcels
 - b) major distributor roads/routes within the site
 - c) strategic foul and surface water features
 - d) structural landscaping/planting provisions

e) environmental mitigation measures

No development shall commence, apart from enabling works approved in writing by the Local Planning Authority, until such time as the Strategic Phasing Plan has been approved in writing by the Local Planning Authority. The provision of the features shall be carried out in accordance with the approved sequencing, unless a revised sequence is otherwise agreed in writing by the Local Planning Authority.

Reason: To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that major infrastructure provision and environmental mitigation is provided in sequence that appropriately meets the needs of occupants and impacts arising out of the development (Cambridge Local Plan 2006 policies 9/3, 9/5 and 10/1).

Design Code (Outline)

5. Prior to or concurrently with the submission of the first of the reserved matters applications for the built-up area of the site, a Design Code shall be submitted to the Local Planning Authority for approval. The Design Code shall be prepared in accordance with the principles and parameters established in the outline application and shall include both strategic and more detailed elements based on 'Design Codes for Major Development Sites within the Cambridge Area' (October 2007). The Design Code shall more particularly but not exclusively include:
 - a. The character, mix of uses and density established through the parameter plans at the outline stage to include the layout of blocks, the structure of public spaces and the street hierarchy.
 - b. Block principles to establish use, density and building typologies. In addition, design principles including primary frontages, access, fronts and backs and threshold definition shall be provided.
 - c. Details of the approach to cycle parking across the entire site and for each development block, including the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles.
 - d. The character and treatment of the structural planting to the development areas.
 - e. The treatment of any hedge or footpath corridors, retained trees and/or woodlands and local areas of play.
 - f. Guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for Sustainable Urban Drainage Systems features (using a Sustainable Urban Drainage Systems hierarchy), considerations for implementing during construction and adoption, maintenance and management requirements from strategic to disposal to individual transferee or lessee.
 - g. Details of waste and recycling provision for all building types and their location within the development block.

- h. Details of measures to enhance biodiversity in the built up area.
- i. Analysis of the relationship between the boundaries of the existing urban edge and the application site.
- j. Detailed parceling strategy.
- k. The extent of the adoptable highway, process for adoption of streets, typical street cross-sections, street trees and detailed design elements. Details of the approach to design and management of vehicular parking across the entire site and for each development block, including the location and layout of car club spaces.
- l. Key groupings and other buildings, including information about height, scale, form, level of enclosure, building materials and design features of accent, marker and secondary marker buildings.
- m. Approach to the incorporation of ancillary infrastructure such as pipes, flues, vents, meter boxes, fibres, wires and cables required by statutory undertakers as part of building design, and how elements such as letterboxes can be easily accessed.
- n. Comprehensive plans and designs for key areas of the public realm, such as the northern area of shared space, homezones and green streets, to include public art, materials, lighting (to maximise energy efficiency and minimise light pollution), signage, utilities and any other street furniture.
- o. Details of measures to minimise opportunities for crime.
- p. Details of the approach to ensuring all dwellings have access to private amenity space of a specified standard (including, but not to the exclusion of other solutions such as balconies, terraces, private or communal gardens).
- q. Measures to demonstrate how opportunities to maximise resource efficiency and climate change adaptation in the design of development will be achieved through external, passive means, such as landscaping, orientation, massing and external building features in accordance with the agreed level of the Code for Sustainable Homes or equivalent.
- r. Details of the Design Code review procedure and of circumstances where a review shall be implemented other than by agreement between the applicant and the Local Planning Authority.
- s. Details pursuant to clauses a-j and clause r shall not be applicable should a comprehensive reserved matters application for access, appearance, landscaping, layout and scale be submitted to the Local Planning Authority that covers the entirety of the site. In such an event, details pursuant to criteria k-q shall be submitted within a Design Statement.

No development shall commence until such time as the Design Code/Statement, as appropriate to criteria, has been approved in writing by the Local Planning Authority.

Reason: To ensure high quality design and coordinated development (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11, 3/12, 4/15, 9/3 and 9/5).

Design Code (Reserved Matters)

6. Any application for approval of reserved matters subsequent to and including the first shall be in accordance with the Design Code approved by the Local Planning Authority under condition 5 and as part of the application for Reserved Matters approval the Design and Access Statement shall incorporate a statement demonstrating compliance with the approved Design Code. There shall be no variation or amendment to the approved Design Code unless this follows the procedure detailed in the Design Code and is then approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved Design Code or Design Statement, as required by clause (s) of condition 5.

Reason: To ensure high quality design and coordinated development (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11, 3/12, 9/3 and 9/5).

Materials

7. No development of a building(s) shall take place until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1m x 1m and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until the completion of the development.

Reason: To ensure that the appearance of the external surfaces is appropriate (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12 and 3/14).

Landscaping

8. Within any reserved matters application pursuant to this approval, the landscaping details required by condition 1 shall include detailed landscape designs and specifications for the associated reserved matters site. The details shall be accompanied by a Design Statement that demonstrates how the landscaping scheme accords with any emerging or approved details sought as part of a Design Code for the site. The landscape designs and specifications shall include the following:

Soft Landscaping

- i. Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.

- ii. 1:200 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- iii. The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- iv. A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- v. The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- vi. Details of changes of level across the site to be carried out.
- vii. How the proposed landscaping relates to landscaping approved as part of the AAR.

Hard Landscaping

- i. Full details of all adventure play and play equipment areas, including surfacing materials.
- ii. Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site.
- iii. Utility routes, type and specification.
- iv. The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- v. 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- vi. Details of all hard surfacing materials (size, type and colour).

The landscaping within the application site areas shall be implemented in accordance with the approved timing condition for implementation and replacement of landscaping, ~~unless otherwise agreed in writing by the local planning authority~~. No development within the site for which reserved matters approval is sought shall commence until the landscaping scheme has been approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details ~~unless otherwise agreed in writing by the local planning authority~~.

Reason: In the interests of the amenity of future residents of Glebe Farm and to ensure that a detailed approach to the development (or parcels thereof) is agreed to safeguard the setting and special character of Cambridge, the retained Green Belt, surrounding open countryside and to ensure a suitable relationship and integration of the built development with its surroundings (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 4/2, 4/3, 4/4, 9/3 and 9/5).

Landscaping Implementation and Replacement

9. All hard landscaping shall be completed prior to the occupation/use of any part of the building(s) approved through the relevant reserved matters, ~~unless otherwise agreed in writing by the local planning authority~~. All planting, seeding or turfing comprised in the approved details of soft landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner, unless an alternative landscaping phasing plan is submitted to and approved in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure landscaping implementation is carried come forward at an appropriate time and in the interests of the amenity of future residents of Glebe Farm, to safeguard the setting and special character of Cambridge, the retained Green Belt, surrounding open countryside and to ensure a suitable relationship and integration of the site with its boundaries in terms of links, visual mitigation and transition between urban and rural edges (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 4/2, 4/3, 4/4, 9/3 and 9/5).

Landscaping Management and Maintenance

10. Within any reserved matters application pursuant to this approval, the landscaping details required by condition 1 shall include a landscape maintenance and management plan, including long-term design objectives, management responsibilities and management and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens. The landscape maintenance and management plan shall include where applicable, but not be limited to, the following details: an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; management details relating to SUDS features; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting (1-5 years). The landscape maintenance and management plan shall be carried out as approved ~~unless otherwise agreed in writing by the local planning authority~~.

Reason: To ensure satisfactory arrangements are in place to ensure the proper management and maintenance of landscaped areas (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/2, 3/4, 3/7, 3/8, 3/11, 3/12, 4/2, 4/3, 4/4, 9/3, and 9/5).

Permitted Development Restrictions

11. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that order with or without modification) no hard surfacing of front gardens shall be carried out ~~unless formally approved through the granting of express planning permission from the local planning authority.~~

Reason: In the interests of visual amenity ensuring that front gardens are retained as attractive landscape elements and in the interests of sustainable travel ensuring that there is no uncontrolled proliferation of car parking within the site. (Cambridge Local Plan 2006 policies 3/4 and 3/12).

Hedge Protection

12. No development shall take place until such time as details showing how the existing hedge that runs north to south within the site will be protected throughout the course of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge protection plan, in accordance with BS:5837:2005, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual amenity and safeguarding the existing hedge that is worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4).

Protective Fencing

13. No development shall take place until such time as fencing for the protection of the hedge has been fully erected in accordance with the approved plans and particulars. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and safeguarding the existing hedge that is worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4).

Allotments

14. Prior to or concurrently with the submission of the first reserved matters application, an Allotments Proposal shall be submitted to the Local Planning Authority. The Proposal shall include the following details:

- i. Management guidelines to show how they will be managed and how the provision of plots will adapt following the occupation of the development to meet the needs of future plot holders and local residents;
- ii. A plan of the allotments, principles of plot layout and design providing for a range of plot sizes, raised beds, variable height planters and 'club' plots, designed to allow flexibility to meet the needs of future plot holders and access to areas for communal composting, chipping pile, communal supplies of manure and compost etc;
- iii. Provision of good quality soil to British Standard or equivalent, structure and texture to allow free drainage, and suitable for cropping;
- iv. Access and parking arrangements to allow easy and safe access to the allotments, including regular access by plot holders and for the occasional delivery of bulk goods. This should include vehicular access and a turning area, access for those with disabilities and cycle parking within the site;
- v. Location and form of communal buildings including secure storage for tools, seeds and crops serving the allotments, provision for administration with toilet provision, possibly including a composting toilet;
- vi. Boundary treatment, including security arrangements;
- vii. Water supply, including use of stored rainwater and SUDs for watering crops; and
- viii. Timing of the submission of detailed drawings for the design of the individual buildings and other details as appropriate.

The allotments shall be carried out in accordance with the approved details and the approved phasing programme ~~unless an alternative programme for provision is otherwise agreed in writing by the Local Planning Authority.~~

Reason: To ensure that appropriate allotments are provided in relation to the development of the site (Cambridge Local Plan policies 3/8, 9/3 and 9/5).

Housing

15. Any reserved matters application for residential development shall include a plan showing the distribution of market and affordable dwellings, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. No development shall commence within the site for which reserved matters approval is being sought until such time as the affordable housing distribution and dwelling mix has been approved in writing by the Local Planning Authority. ~~No more than 12 affordable units shall be located together, or 15 affordable units if no more than 12 of those units are socially rented.~~ The affordable housing units shall be provided in accordance with the approved details, ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that the scheme provides an appropriate balance and mix of housing units (Cambridge Local Plan policies 3/7, 5/5, 9/3 and 9/5).

As distribution and mix of affordable homes will be the subject of a plan to be agreed, there is no requirement for the condition to prescribe the requirements of the SPD. Any scheme put forward should accord with the SPD in any event

Life time Homes

16. A minimum of 15% of all market dwellings and 15% of all affordable housing units built on any parcel of land shall meet the life-time homes standards as set out in "Meeting Part M and Designing Lifetime Homes" published by the Joseph Rowntree Foundation 1999. Any reserved matters application for residential development shall include a plan showing the distribution of those dwellings to be built to life-time homes standards. The development shall be carried out in accordance the proposed distribution ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that new dwellings cater for the needs of residents throughout their lifetime, including the possibility of impaired mobility (Cambridge Local Plan policy 5/9).

Detailed Renewable Energy Statements

17. Within any reserved matters application pursuant to this approval for a building(s), a renewable energy statement, which demonstrates that at least 10% of the Reserved Matters site predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority. No development shall commence within a site for which reserved matters approval has been given until such time as the renewable energy statement has been approved in writing by the Local Planning Authority.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

Code for Sustainable Homes

18. No development of a residential building on a reserved matters site shall take place until an interim certificate following a design stage review, based on design drawings, specifications and commitments, has been issued by a Code for Sustainable Homes Licensed Assessor to the Local Planning Authority, indicating the following:

a that all proposed market dwellings forming part of the reserved matters site are capable of achieving a minimum of level 3 of the Code for Sustainable Homes.

b that all proposed affordable dwellings forming part of the reserved matters site are capable of achieving a minimum of level 4 of the Code for Sustainable Homes.

All residential buildings shall be constructed to meet the applicable Code for Sustainable Homes specified minimum level as above. Prior to occupation of any dwelling, a Post-Construction Stage assessment shall be undertaken for that dwelling. Should that assessment indicate that the specified minimum code level as above has not been met, appropriate mitigation to ensure the code level can be met shall be undertaken. Prior to occupation, or in accordance with an alternative timetable to be agreed with the Local Planning Authority, the developer shall submit to the Local Planning Authority a certificate from the Building Research Establishment (BRE) or another certificated third party, indicating that the relevant code level has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2006 policies 3/1, 9/3 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

Off-Site Surface Water Infrastructure

- 19.No development shall commence, apart from enabling works agreed in writing by the Local Planning Authority, until an Off-Site Surface Water Infrastructure Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall examine both temporary and permanent infrastructure measures to be put in place on the Clay Farm site to ensure that surface water run-off into Hobson's Brook shall not exceed the current greenfield run-off rate for Clay Farm. The measures shall relate to pre-development, development and completion phases of Clay Farm and link to a phasing strategy for the development of Glebe Farm. The Strategy shall include triggers and phasing information in relation to the approved measures applicable to the development of both sites. The Strategy shall be carried out in accordance with the approved details ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: Because Glebe Farm site does not currently drain into Hobson's Brook, to ensure a sustainable surface water drainage system is in place to serve the Glebe Farm development and to prevent an additional discharge of surface water to Hobson's Brook without appropriate measures and infrastructure in place to control the flow of water (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 4/16 and 9/3m).

Strategic Surface Water Strategy

20. ~~Unless otherwise agreed in writing by the Local Planning Authority, The Strategic Site Wide Surface Water Strategy for the entire site shall accord with that within the approved Flood Risk Assessment (Appendix H of the ES volume 3) dated February 2008.~~

Reason: In order to safeguard against the increased risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 4/16 and 9/3m).

Detailed Surface Water Strategy

21. Any reserved matters application shall include a detailed surface water strategy pursuant to the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details of the surface water strategy held within the Flood Risk Assessment (Appendix H of the ES volume 3) dated February 2008. The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.

If source control infiltration SUDS methods are demonstrated to be impracticable or only partly feasible, the strategy shall promote other measures such as swales, surface water retention ponds, wetlands or other surface water retention measures to promote infiltration and mimic as far as possible existing natural greenfield run-off patterns (rates and volumes).

The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings. The development shall be carried out in accordance with the approved details and no dwelling on the particular reserved matters site for which approval is being sought shall be occupied until such time as the approved detailed surface water measures to serve that dwelling have been fully completed in accordance with the approved details.

Reason: In order to safeguard against the increased risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 4/16 and 9/3m).

Pollution Control

22. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control to the water environment shall be submitted to and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time/s as may be specified in the approved scheme.

Reason: To prevent the increased risk of pollution to the water environment (Cambridge Local Plan 4/13)

Ecology: Site Wide Nature Conservation Management Plan

23. Prior to or concurrently with the submission of the first reserved matters application for development of the site, a site wide Ecological Conservation Management Plan shall be submitted to the Local Planning Authority for approval. As a matter of principle, the Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:

- i. Contractor responsibilities, procedures and requirements.
- ii. Full details of appropriate habitat and species surveys (pre and post-construction).
- iii. Full details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post-development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features.
- iv. Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site. Prescriptions shall be provided to detail how habitat and species management and enhancement shall be provided alongside measures to provide habitat restoration and creation to deliver targets in the Cambridgeshire and UK Biodiversity Action Plans such as: the provision of bat and swift bird boxes on buildings and on trees around the site; the provision of other nesting features for bird species such as bird ledges; reptile hibernacula including small log and rubble piles; the creation of new aquatic habitats where possible within permanent areas of open water of minimum depth 0.5m; the provision of wetland margins and habitat islands; the management of grassland and provision of natural/calcareous grassland buffer zones alongside the retained hedgerow.
- v. A summary work schedule table, confirming the relevant dates and/or periods that the prescriptions and protection measures shall be implemented.

- vi. A programme for monitoring/environmental audits carried out four times annually during the construction phase, which shall include further survey information.
- vii. Confirmation of suitably qualified personnel responsible for over-seeing implementation of the Ecological Conservation Management Plan commitments, such as an Ecological Clerk of Works, including a specification of role which shall include the briefing of all contractors as to the sensitive ecological issues on the site.
- viii. A programme for long-term maintenance, management and monitoring responsibilities for a period of 12 years to ensure an effective implementation of the Ecological Conservation Management Plan ensuring periodic review of the objectives and prescriptions.

No development shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan, ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that the development of the site conserves and enhances ecology (Cambridgeshire and Peterborough Structure Plan 2003 policies 7/1 and 7/2, Cambridge Local Plan 2006 policies 4/3, 4/6, 4/7 and 4/8).

Ecology: Reserved Matters Applications

24. Any reserved matters application shall include an Ecological Conservation Management Plan Statement that demonstrates how it accords with the aims and objectives of the Ecological Conservation Management Plan. It shall detail which specific ecological measures are proposed and the timing for their delivery. No development shall commence within the site for which reserved matters approval is being sought until such time as the Ecological Conservation Management Plan Statement has been approved in writing by the Local Planning Authority. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

Reason: To ensure that the development of the site conserves and enhances ecology (Cambridgeshire and Peterborough Structure Plan 2003 policies 7/1 and 7/2, Cambridge Local Plan 2006 policies 4/3, 4/6, 4/7 and 4/8).

Transport: Site Access

25. No dwellings to be served from the Addenbrooke's Access Road shall be occupied until that access has been fully laid out and implemented in accordance with a detailed engineering scheme/plan that has been submitted to and approved in writing by the Local Planning Authority. The scheme/plan shall include cross sections (existing/proposed), levels changes and planting proposals. ~~The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: In order to safeguard highway safety and network capacity and to secure an appropriate means of access for users of the development (Cambridge Local Plan 2006 policies 3/7, 8/2 and 8/11).

Off-site Highways Works

26.No dwelling shall be occupied until such time as schemes for off-site highways works at the following locations have been submitted to and approved in writing by the Local Planning Authority:

- a. pedestrian/cycle improvements on the east side of Hauxton Road.
- b. pedestrian/cycle improvements from the northern site boundary to Bishop's Road.
- c. pedestrian/cycle improvements from Bishop's Road to Hauxton Road Toucan Crossing.

The detailed engineering schemes/plans shall be ~~substantially~~ in accordance with the off-site highways improvements as per the Glebe Farm Transport Assessment Addendum, Faber Maunsell drawing no. 55499/SK/009. The schemes/plans shall include cross-sections (existing/proposed), levels changes, accurate tree survey data in relation to tree loss, tree retention, tree protection, planting proposals, foundation design and construction details. Prior to the occupation of any dwelling or in accordance with an alternative phasing plan which has been submitted to and approved in writing by the Local Planning Authority, the off-site highway works shall be fully laid out and implemented in accordance with the approved plans and timescale for implementation.

Reason: In order to promote sustainable forms of transport to and from the site (Cambridge Local Plan 2006 policies 8/3, 8/4 and 8/5)

Dwelling Occupation and Completion of Base Course

27.No dwelling shall be brought into use until any road and/or footway linking that building to public highway network is complete to base course level and main services installed and available for connection to said building.

Reason: To ensure adequate access is provided to the community facilities in accordance with Policy 9/5 Cambridge Local Plan.

Disabled Parking

28.5% of all visitor parking spaces provided within each reserved matters parcel shall be suitable for, and reserved for, people with disabilities.

Reason: To ensure an appropriate level of car parking provision for people with disabilities (Cambridge Local Plan policy 8/10 and appendix C).

Cycle Parking Details

29. Any reserved matters application for a building shall include details of facilities for the covered, secure parking of bicycles for use in connection with the development in accordance with the City Council standards for cycle parking provision and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for site. The facilities shall be provided in accordance with the approved details before use of the associated building commences and shall thereafter be retained and shall not be used for any other purpose ~~unless otherwise agreed in writing by the Local Planning Authority.~~

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2006 policy 8/6).

Foul Water

30. No development shall commence until details of foul water drainage for the site, including a phasing programme, have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of the development hereby approved, ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property (Cambridgeshire and Peterborough Structure Plan 2003 policies P1/2 and P6/4, Cambridge Local Plan 2006 policies 4/16, 8/18).

Levels

31. No development of a building shall take place until full details of the proposed levels of the building, associated structures and associated building plot, compared to existing levels of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved development shall be constructed in accordance with the approved levels details ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: In order to safeguard the character and appearance of the area (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/12).

Lighting

Prior to or concurrently with the submission of the first of the reserved matters applications for the site, a detailed outdoor lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall state how it accords with the Design Code details and shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light

within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution (Cambridge Local Plan 2006 policies 3/11, 4/13 and 4/15).

Strategic Construction Environmental Management Plan

32. Prior to the commencement of development, a Strategic Construction Environmental Management Plan (SCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The SCEMP shall accord with and give effect to the principles for such a statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:

- i. Indicative site-wide construction and phasing programme.
- ii. Construction hours and delivery times for construction purposes¹.
- iii. Outline Waste Management Plan (OWMP), providing a statement of site specific reuse and recycling objectives with appropriate targets, compliance training for sub-contractors, construction code of conduct together with regular auditing and reporting on target achievements and quantities disposed, ensuring that such materials are only consigned to authorised treatment/recovery or disposal facilities, including consideration of participation in a Materials Re-use and Recycling Forum covering the Cambridge Southern Fringe sites.
- iv. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228 (1997).
- v. Maximum noise mitigation levels for construction equipment, plant and vehicles.
- vi. Vibration method, monitoring and recording statements in accordance with the provisions of BS 5228 (1997).
- vii. Maximum vibration levels.
- viii. Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- ix. Membership of the Considerate Contractors Scheme.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13).

¹ As construction and delivery are to form part of the SCEMP, I see no need for Conditions 40 and 41. The specific time limits specified in these conditions are to be agreed with the Local Planning Authority.

Detailed Construction Method Statement

33. Prior to commencement of development of any reserved matters approval, a Detailed Construction Method Statement (DCMS) pursuant to the reserved matters approval site shall be submitted to and approved in writing by the Local Planning Authority. The DCMS shall demonstrate how the construction of the reserved matters approval accords with the details of the SCEMP, except clause (v) and shall include the consideration of the following aspects of construction:
- i. Location of contractor offices and parking arrangements, site storage areas/compounds for building materials, plant and equipment.
 - ii. Screening and hoarding details.
 - iii. Contractor access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
 - iv. Soil management and storage details.
 - v. Dust management and wheel washing measures.
 - vi. Site lighting.
 - vii. Drainage control measures including the use of settling tanks, oil interceptors and bunds.
 - viii. Access and protection arrangements around the site for pedestrians, cyclists and other road users, including external safety and information signing and notices.
 - ix. Liaison, consultation and publicity arrangements including dedicated points of contact and complaints procedures.
 - x. Consideration of sensitive receptors.
 - xi. Prior notice and agreement procedures for works outside agreed limits.

Thereafter the development shall be undertaken in accordance with the approved ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13).

Noise

34. Prior to commencement of development of any residential unit located alongside the western or southern boundaries of the site adjacent to either Hauxton Road or Addenbrooke's Access Road, a noise report prepared in accordance with the provisions of PPG 24 "Planning and Noise" that considers the impact of the existing noise source from the specified roads upon the proposed residential units, shall be submitted to and approved in writing by the Local Planning Authority. The noise report should include the following:

residential units fronting the AAR are to be acoustically protected by a noise insulation scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:1999 "Sound Insulation and noise reduction for buildings-Code of Practice" derived from the World Health Organisation Guidelines for Community Noise: 2000.

A scheme of sound insulation should provide internal design noise levels of 30 L_{Aeq} (Good) and 40 L_{Aeq} (Reasonable) for living rooms and 30 L_{Aeq} (Good) and 35 L_{Aeq} (Reasonable) for bedrooms.

Any recommendations along with proposals for mitigating and/or protecting the proposed residential units from ambient noise that could have a detrimental affect on the amenity of the proposed residential units by virtue of the residential units falling within NEC band C, shall be implemented in accordance with the agreed mitigation details prior to the occupation of the affected residential unit(s).

Reason: In order to protect the amenity of future occupants of the proposed properties in accordance with the terms of the Environmental Statement (Cambridge Local Plan policy 4/13).

Noise: Piling

35. In the event of the foundations for any building requiring piling, prior to the development of the building taking place, a report/method statement shall be submitted to and approved in writing by the Local Planning Authority detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 – Part 4: "COP for noise and vibration control applicable to piling operations". Development shall be carried out in accordance with the approved details.

Reason: To safeguard the residential amenity of adjacent occupiers (Cambridge Local Plan policy 4/13)

Detailed Waste Management Plan

36. Prior to commencement of development of any reserved matters approval, a Detailed Waste Management Plan (DWMP) shall be submitted to and approved in writing by the Local Planning Authority. The DWMP shall demonstrate how the construction of the reserved matters approval(s) will accord with the details of the principles of the Outline Waste Management Plan. The DWMP shall include details of:
- i. the anticipated nature and volumes of waste.
 - ii. Measures to ensure the maximisation of the reuse of waste.
 - iii. measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the

- maximisation of waste materials both for use within and outside the site.
- iv. any other steps to ensure the minimisation of waste during construction
 - v. the location and timing of provision of facilities pursuant to criteria b/c/d.
 - vi. proposed monitoring and timing of submission of monitoring reports.
 - vii. the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.

~~Unless otherwise agreed in writing,~~ Thereafter the implementation, management and monitoring of construction waste shall be undertaken in accordance with the approved details and no individual building subject to a Detailed Waste Management Plan shall be occupied until the Waste Management Closure Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the sustainable management of construction waste (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3).

Underground Recycling Facility

- 37.No development shall commence until such time as details relating to the location, design, specification, management/maintenance and phasing of provision of the underground recycling facility within the site has been submitted to and approved in writing by the Local Planning Authority. The underground recycling facility shall be provided in accordance with the approved details and in accordance with the approved phasing programme of provision.

Reason: To ensure that future residents have adequate means by which to recycle (Cambridge Local Plan 3/1)

Residential Waste Facilities

- 38.Any reserved matters application for a building shall include full details of on-site storage facilities for waste, including waste for recycling. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for disposal of waste. The approved facilities shall be provided prior to the occupation of the building(s) and shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of future residents/occupiers, to safeguard visual amenity and to ensure adequate waste storage and recycling provision

(Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policy 3/12).

Archaeology

39. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance in writing with the Local Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork, unless otherwise agreed in writing with the Local Planning Authority).

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences (Cambridgeshire and Peterborough Structure Plan 2003 policies 1/2 and 7/6 and Cambridge Local Plan 2006 policy 4/9).

Contamination

40. Notwithstanding the submitted contamination report as part of the Environmental Statement, prior to the commencement of development, a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority. The contaminated land assessment and associated remedial strategy shall adhere to the following points:

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses including any use of radioactive materials and propose a site investigation strategy based on the relevant information discovered by the desk study. No investigations shall occur on site prior to approval of the investigation strategy by the Local Planning Authority.
- b) The site investigation, including relevant soil, soil gas, radioactivity, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any

receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority for approval. The approval of the Local Planning Authority to such remedial works as are required shall be obtained prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority

f) Upon completion of the works, a closure report shall be submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In order to ensure that any contamination of the site is identified and remediation measures are appropriately undertaken to secure full mitigation in the interests of environmental and public safety. (Cambridge Local Plan 2006 policy 4/13).

ANNEX D

Scenario	Private completions pa	Private Sales Value £/sqft	Land Cost £m	Affordable Housing %	Model Outputs requested by Countryside					Private Residential & Other Profit on GDV %	Affordable profit on GDV %	Commercial Profit on GDV %
					Total Cost £m	GDV £m	Profit £	Blended Profit on Cost %	Blended Profit on GDV %			
Countryside Base*	60	275	£62.0	1.5%	527	630	103	19.54%	16.35%	-	5.30%	15.20%
Countryside Base**	60	283	£62.0	16.5%	506	600	94	18.58%	15.67%	-	5.30%	15.20%
Scenario 1	60	£ 310.00	£62.0	45.3%	465	541	76	16.34%	14.05%	16.55%	5.30%	15.20%
Scenario 2	60	£ 304.50	£62.0	41.0%	478	557	79	16.53%	14.18%	16.53%	5.30%	15.20%
Scenario 3	60	£ 296.50	£62.0	34.4%	480	562	82	17.08%	14.59%	16.49%	5.30%	15.20%
Scenario 4	60	£ 288.50	£62.0	25.2%	493	581	88	17.95%	15.15%	16.45%	5.30%	15.20%
Scenario 5	60	£ 283.00	£62.0	17.1%	505	598	93	18.42%	15.55%	16.42%	5.30%	15.20%
Scenario 6	50	£ 310.00	£62.0	41.0%	472	550	78	16.53%	14.19%	16.53%	5.30%	15.20%
Scenario 7	50	£ 304.50	£62.0	36.0%	485.88	568.63	82.75	17.03%	14.55%	16.51%	5.30%	15.20%
Scenario 8	50	£ 296.50	£62.0	28.7%	495	582	87	17.58%	14.95%	16.47%	5.30%	15.20%
Scenario 9	50	£ 288.50	£62.0	16.8%	514	609	95	18.48%	15.60%	16.43%	5.30%	15.20%
Scenario 10	50	£ 283.00	£62.0	6.9%	529	630	101	19.09%	16.03%	16.39%	5.30%	15.20%
Scenario 11	40	£ 310.00	£62.0	33.6%	500	566	86	17.20%	14.69%	16.50%	5.30%	15.20%
Scenario 12	40	£ 283.00	£62.0	0.0%	Deficit of £27m			17.08%	14.69%	17.08%	5.30%	15.20%
King Sturge Scenarios												
Land Value £m												
Scenario 13	60	£ 310.00	£61.3	40.0%	481	561	80	16.63%	14.26%	16.53%	5.30%	15.20%
Scenario 14	60	£ 304.50	£57.3	40.0%	476	554	78	16.39%	14.08%	16.52%	5.30%	15.20%
Scenario 15	60	£ 296.50	£51.5	40.0%	466	543	77	16.52%	14.19%	16.52%	5.30%	15.20%
Scenario 16	60	£ 288.50	£45.6	40.0%	456	532	76	16.67%	14.29%	16.52%	5.30%	15.20%
Scenario 17	60	£ 283.00	£41.6	40.0%	450	524	74	16.44%	14.12%	16.51%	5.30%	15.20%
Scenario 18	50	£ 310.00	£57.4	40.0%	481	561	80	16.63%	14.26%	16.53%	5.30%	15.20%
Scenario 19	50	£ 304.50	£53.6	40.0%	475	554	79	16.63%	14.26%	16.52%	5.30%	15.20%
Scenario 20	50	£ 296.50	£48.0	40.0%	466	543	77	16.52%	14.18%	16.52%	5.30%	15.20%
Scenario 21	50	£ 288.50	£42.3	40.0%	456	532	76	16.67%	14.29%	16.52%	5.30%	15.20%
Scenario 22	50	£ 283.00	£38.5	40.0%	451	525	74	16.41%	14.10%	16.51%	5.30%	15.20%
Scenario 23	40	£ 310.00	£51.3	40.0%	481	561	80	16.63%	14.26%	16.53%	5.30%	15.20%
Scenario 24	40	£ 283.00	£33.5	40.0%	451	525	74	16.41%	14.10%	16.52%	5.30%	15.20%

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* Countryside Base & Base+ position include for £850k carry costly at Q1 2008.
 All other scenarios are include carry costs at £250k beginning at Q3 2009 and spread over 1 year.
 If adjusted to £850k there is an approximate 0.6% decrease in affordable or £1m reduction in land value.
 The present value of Countryside's land cost is £53m, the present value of the King Sturge land value is as shown in the table.
 Scenarios 13, 18 & 23 all show the same total cost at £481m. This is because the land cost is flexing and accordingly the interest calculation is also changing by the same amount.

ANNEX E

Inquiry Documents List

- ID1 – Countryside Properties Opening Statement
- ID2 – City Council and County Council Opening Statement
- ID3 – BPHA Statement of Case
- ID4 – Appeal Decision Sovereign House, Sovereign Way, Tonbridge, Kent, TN1 1RG
- ID5 – 516 -520 Commercial Road, London, E1 0HY
- ID6 – Affordable Housing – Development Control Toolkit: Guidance Notes (2008/09)
- ID7 – Strategic Housing Land Availability Assessments DCLG July 2007
- ID8 – Appendix O Clay Farm Committee Report 14th May 2008
- ID9 – Base Position Clay and Glebe Farm Jeremy Edge
- ID10 – Base Plus position Clay and Glebe Farm Jeremy Edge
- ID11 – Cambridge Report Bidwells New Homes August 2009
- ID12 – Savills Residential Property Focus August 2009
- ID13 – Residential Research UK Residential Development Land Market June 2009
- ID14 – Trumpington Meadows s106
- ID15 – Trumpington Meadows Committee Report Feb 2008 (was included in core document list but not on CD)
- ID16 – Trumpington Meadows Committee Report June 11th 2008
- ID17 – House Price Index
- ID18 – East of England VOA
- ID 19 – Richard Haynes Without Grant
- ID 20 – Richard Haynes With Grant
- ID21 – Appendix 22 Chris Crook Strutt and Parker letter
- ID22 – Updated unilateral
 - A - 28/09/09
 - B – 29/09/09
 - C – 04/10/09
 - D – 08.10.09
 - E – 19/10/09
- ID23 – Maps from Site Visit 28/09/09
- ID24 – Statement of Common Ground Amendments
 - A – Covering letter
 - B – Library Statement
 - C – Viability Update
- ID25 – 5 year housing delivery trajectory
- ID26 – Cambridge City Housing Requirement
- ID27 – Local Development Framework Proposals Map – Cambridge East
- ID28 – Clay/Glebe Farm s106 UU explanatory note
- ID29 – A - Glebe s106 19/10/09
- ID30 – Key Points Chris Heaton
- ID31 - Letter to Glen Richardson 08/08/05
 - A – Draft Area Development Framework
- ID32 – Library addendums
- ID33 – Library Statistics
- ID34 – E-mail Chris Heaton 16th September 2009 Library Statistics
- ID35 – Letter confirming authorization for countryside to act
- ID36 – E-mails Julia Berry
- ID37 – Saving Direction Local Plan
- ID38 – Mind the Gap – housing supply in a cold climate

- ID39 – Cambridgeshire Horizons Board Meeting 24th September 2009
- ID40 – Northstowe Land Trading Model
- ID41 – Affordable Housing SPD Oxford City Council
- ID42 – Clay and Glebe Farm updated conditions including notes from inspector
- ID43 – Milton Road Library Profile 06/07
- ID44 – Library Costs (Supersedes JK8)
- ID45 – A - Clay Farm s106 19/10/09
- ID46 – Photos of Vie
- ID 47 – Site Visits Kings Sturge and Bidwells Comparables
- ID48 - Map Disagreement on delivery rate
- ID49 – Clay Farm 106 obligations and triggers table
- ID50 – Glebe Farm 106 obligations and triggers table
- ID51 – Parameter Plans (reduced size) Pack Clay Farm
- ID52 – Parameter Plans (reduced size) Pack Glebe Farm
- ID53 – Clay/Glebe Farm Estimate of works Countryside
- ID54 – Proposed Changes to the Growth Fund for 2010-11 DCLG
- ID55 – Fallback position Notes
- ID56 – Letter from Countryside 05 Oct 2009
- ID57 – Richard Haynes e-mails re: units per quarter
- ID58 – Summary Table and detailed background - Model Outputs requested by Countryside
- ID59 – Letter from HCA dated 6th October 2009
- ID60 – Updated matrix 06/10/09
- ID61 – Updated summary table – disaggregated blend summary
- ID62 – Estates Gazette Article Pg 42 3rd Oct 09
- ID63 – Quarterly Cashflow, southern fringe analysis
- ID64 – Cambridge City Council Lettings Policy
- ID65 – E-mail re Trumpington Meadows Build out rate
- ID66 – Clay/Glebe Farm s106 UU explanatory note
- ID67 – Matrix above 40%
- ID68 – Appendix M Conditions
- ID69 – Clay Farm – community building
- ID70 – A – Clay Farm Condition comments
B – Glebe Farm Condition comments
- ID71 – Disagreement on housing figures
- ID72 – E-mail re Housing Trajectories
- ID73 – A - outline pp Trumpington Meadows City
B - outline pp Trumpington Meadows S.Cambs
- ID74 – Appeal Decision Lydney, Forest of Dean Council
- ID75 – Considerations associated with the UU for the SoS
- ID76 - Closing Forsdick (City)
- ID77 – Closing Purchas (Appellants)
- ID78 – Certified Copy of planning obligation for Clay Farm
- ID79 – Certified Copy of planning obligation for Glebe Farm
- ID80 – Certified Copy of unilateral undertaking

ANNEX F

Glossary of Abbreviations Used

AAR	Addenbrooke's Access Road
AMR	Annual Monitoring Report
CD	Core Document
CGB	Cambridge Guided Bus
DCMS	Department for Culture Media and Sport
DPD	Development Plan Document
GDV	Gross Development Value
HCA	Homes and Community Agency
ID	Inquiry Document
JDCC	Joint Development Control Committee
LDF LP	Local Development Framework Cambridge City Local Plan 2006
MLA	Museum Library and Archives Council
MSPQ	Market Sales per Quarter
PIM	Pre-inquiry Meeting
PLSS	Public Library Service Standards
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RLV	Residual Land Value
RSS	Regional Spatial Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State
SP	Cambridgeshire and Peterborough Structure Plan 2003

SPG Supplementary Planning Guidance

SPD Supplementary Planning Document