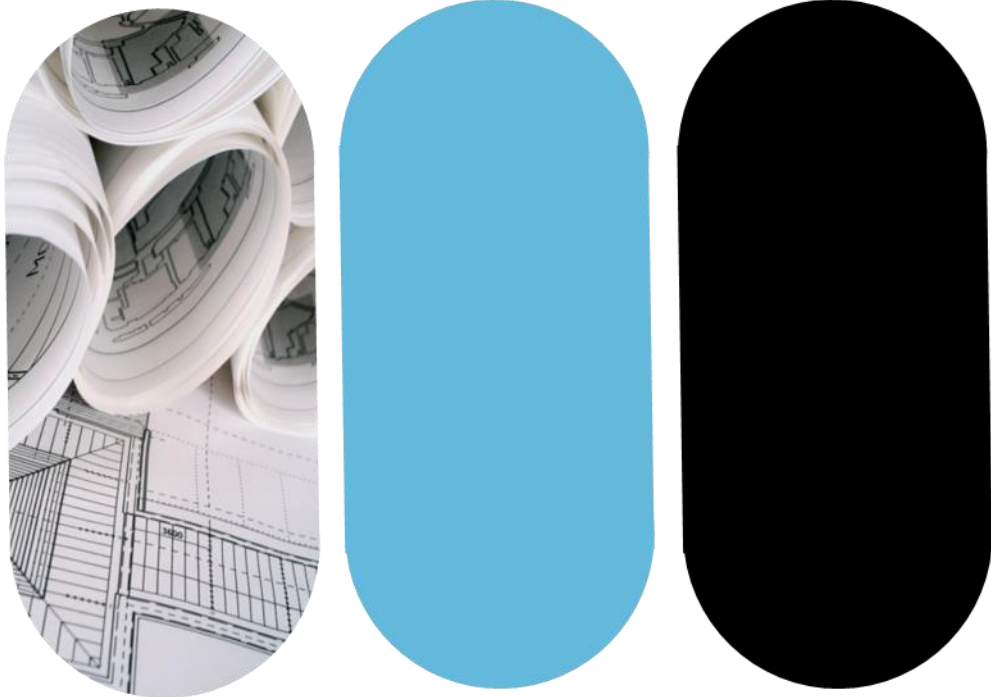




Planning Appeal in respect of Land East of Rugby
Road, Clifton-upon-Dunsmore

Rebuttal Planning Proof of Evidence of Gary Stephens on behalf
of the Appellant (Richborough)

Application Reference: R25/0565
Planning Inspectorate Reference: 6003106





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APPENDICES

Appendix 1	South West Rugby Viability Assessment prepared for Applicants
Appendix 2	Coventry Local Plan Inspectors – Action points from week one of the hearing sessions
Appendix 3	Land south of Bourton Road, Buckingham Appeal Decision 3372565
Appendix 4	Land off Woodrow Road, Melksham Appeal Decision 3374421



1. REBUTTAL IN RESPONSE TO HOUSING LAND SUPPLY PROOF OF EVIDENCE (CD10.1.7)

South West Rugby

1.1 Section 4.9 refers to South West Rugby as one of the main reasons for the housing supply shortfall. Paragraph 4.12 lists the actions the Council are taking to address delivery challenges. All of these actions were taken into consideration by the Inspector who determined the Rounds Garden Appeal and found the Council could only demonstrate a 3.4 year supply.

1.2 The land at South West Rugby is expected to contribute circa 350 dwellings to the five year housing land supply from sites that do not currently have outline planning permission. The land is subject to several undetermined outline planning applications. Those applications have submitted viability evidence (see Appendix 1) which demonstrates that even with 100% market housing (no affordable housing) the proposals are viability challenged. That issue remains unresolved, however based on the evidence at present it is unlikely the land will deliver policy compliant affordable housing and therefore not make a meaningful contribution towards addressing the affordable housing shortfall.

Housing Requirement and Five Year Land Supply

1.3 Section 4.13 states that the New Local Plan will close the five year housing land supply shortfall.

1.4 Paragraph 4.15 states that the new Local Plan will meet local housing need under the standard method in full. The Framework explains that the standard method is the minimum number of homes needed, and objections have been made by the Appellant and no doubt others to the Regulation 19 Draft Plan that the housing requirement should be higher than the minimum required.

1.5 Further, paragraph 4.15 states there is no unmet housing need in the HMA.



The Coventry Local Plan Examination is ongoing and the Inspector has yet to conclude on the issue of whether their housing requirement is sound, and has asked the City Council to provide an alternative higher figure (see page 2 of Appendix 2 – Housing requirement) which would necessitate additional allocations, and/or potentially unmet needs.

1.6 It cannot therefore be concluded the New Local Plan as drafted will address the five year housing supply shortfall.

1.7 Further, allocations in the New Local Plan are not expected to deliver homes until 2029 onwards (see Appendix 1 to the Regulation 19 Plan – CD5.25). Therefore, it cannot be concluded the Council will regain a five year housing land supply from Spring 2027 (even if that is the date the Plan is adopted).

Completion Rates

1.8 Paragraph 4.22 states that the Council would expect to see 40 completions per year on the Appeal site. The Council's evidence on past delivery (Appendix 2 of CD10.1.8 (page 22)) shows that many sites delivered over 40 dwellings per annum, and therefore a higher completion rate is not untypical in this area.



2. REBUTTAL IN RESPONSE TO PLANNING PROOF OF EVIDENCE (CD10.1.1)

- 2.1 Paragraphs 10.2 and 10.3 address paragraph 14 of the Framework and whether it is applicable in this appeal. The Appellant disagrees and will make submissions on this point, however it wishes to submit two appeal decisions to the Inspector where the issue of weight to be given to a conflict with a made Neighbourhood Plan has been considered (see Appendix 3 and 4).

Land off Cawston Lane, Rugby

Financial Viability Assessment

Prepared for

Catesby Estates

Instructions

This Financial Viability Assessment report (FVA) is submitted to Rugby Borough Council ('the Council') to accompany a planning application for the proposed development known as Land at Cawston Lane, Rugby ('the Subject Site'). The application is made on behalf of Catesby Estates ('the Applicant').

In producing this FVA we can confirm that all those involved, including sub-consultants, have acted objectively, impartially and without interference. Additionally, all those involved have given full consideration to how the proposed development will be delivered and the associated performance metrics. The conclusions of this assessment have been made with reference to all the appropriate guidance / policy including:

- National Planning Policy Framework (updated February 2025);
- Planning Practice Guidance (PPG) – Viability (updated December 2024);
- RICS Assessing viability in planning under the National Planning Policy Framework 2021 for England, 1st Edition (March 2021); and
- RICS Financial Viability in Planning: Conduct and Reporting 1st Edition (May 2019).

This FVA has been carried out with regard to the Professional and Ethical standards set out within PS2 of the RICS Valuation – Global Standards 2022 (the Red Book), effective from January 2025, and where applicable, with the UK National Supplement effective 1 May 2024.

We confirm that this report and all subsequent engagement with the Council and their reviewer has and will be conducted in a reasonable and transparent manner.

Confidentiality

We understand that the report will be submitted to Rugby Borough Council as a supporting document to the planning application. The report must not be recited or referred to in any document (save the consultants instructed by the Council to review the report) without our express prior written consent.

Report Limitations

Please note that the advice provided on values is informal and given purely as guidance. Our views on price are not intended as a formal valuation and should not be relied upon as such. No liability is given to any third party and the figures suggested are not in accordance with the RICS Valuation – Global Standards 2022 (incorporating the IVSC International Valuation Standards), together the 'Red Book', and neither Savills nor the author can accept any responsibility to any third party who may seek to rely upon it, as a whole or any part as such.

Overall sentiment in the development land market can be described as cautiously positive, with continued growth in both house prices and transactions. There is some regional variation in this sentiment, with more positivity in the North, Scotland and Wales, compared to the South of England. However, recent geopolitical uncertainty, with US tariffs announced on the 2nd April, have resulted in significant economic turmoil. The global stock markets suffered significant falls over the days following the announcement. At this stage, it is too early to assess the potential impact on the UK housing market.

Prior to 2nd April, wider economic uncertainty has been weighing on appetite for development land with inflation remaining sticky in recent months, (2.8% in February 2025) slightly above the Bank of England's target. House price growth has also slowed in recent months, with UK annual house price growth at 3.9% in the year to March 2025, according to Nationwide, a deceleration from the strong end to 2024 (4.7%). This stagnation is also evident in private sales rates for new homes, which have stabilised at c.0.6 per outlet per week in December 2024 and are likely to remain at this level in the absence of demand side support from Government. Over the last quarter, some major housebuilders have relied more on buyer incentives or a reduction in headline pricing to support sales rates.

Alongside a more muted economic outlook, mounting cost pressures persist, offsetting any potential growth in land values, particularly impacting brownfield land. These include ongoing build cost inflation, viability challenges and the introduction of policy measures such as the Building Safety Levy. In March 2025, the Government announced that the Building Safety Levy, a tax on all new homes, will come into force from Autumn 2026 creating an additional cost burden for developers, impacting how much parties can pay for land.

It is therefore important to recognise that our Financial Viability Assessment (FVA) has been prepared against the backdrop outlined above. Moreover, investor behaviour can change quickly during such periods of volatility. As such, the conclusions set out in this report are only valid at the report date and we would recommend that the value of the property is kept under regular review. For the avoidance of doubt, our FVA is not reported as being subject to 'material valuation uncertainty' as defined in the RICS Valuation – Global Standards.

Conflicts of Interest

We disclose that Savills has the following current involvement with the Applicant and the Council.

- Advice with regard to the provision of Appendix K costs on the overall viability of the South West Rugby Urban Extension

In relation to the above involvement the Applicant has confirmed that they are happy for Savills to proceed with the instruction given the conflict management procedures that have been put into place.

Declaration of Previous Involvement with Local Planning Authority

We confirm that we are unaware of any relevant previous material involvement with the Local Planning Authority.

Date of Appraisals

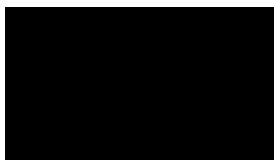
The date of the Appraisal(s) is the date of this FVA.

Confirmation of Reporting Timescales

We can confirm that an adequate amount of time has been allowed for in the preparation of this report and the timeframes stated within our Terms of Engagement were not extended.

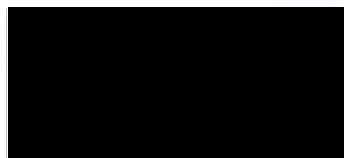
Signatures to the Report

Prepared by:



Sarah Gregory MRICS
Director

Reviewed by:



Andrew Galloway MRICS
Director

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Appendix 1 Site Location Plan

Appendix 2 Illustrative Masterplan

Appendix 3 Residential Market Paper

Appendix 4 Baseline Appraisal

1. Executive Summary

1.1. Introduction

1.1.1. The subject site is located off Cawston Lane, which forms part of the wider South West Rugby Urban Extension, and currently comprises of agriculture use (arable and a small area of woodland).

1.1.2. The proposed scheme comprises:

Demolition of all existing buildings and residential development of up to 470 dwellings, creation of associated vehicular access points to Cawston Lane, pedestrian / cycle access points, parking, landscaping, drainage features, open space, children’s play area and associated infrastructure (all matters reserved except for access).

1.1.3. We have assessed the development economics of the proposed scheme in order to identify the level of planning obligations the scheme can sustain. We have appraised the Residual Land Value (RLV) of the proposed scheme using proprietary software Argus Developer. The RLV is calculated by subtracting all associated development costs and a suitable level of developer profit from the Gross Development Value (GDV) of the proposed development, which is assessed by calculating all revenues and capital receipts realised by the developer. The assumptions adopted within our appraisal have been informed by market evidence and input from independent third party experts, where appropriate.

1.1.4. We have compared the RLV to our Benchmark Land Value (BLV) to ascertain whether there is a deficit or surplus against our BLV. In this case our BLV has been determined by giving consideration to the Existing Use Value (EUV) of the Subject plus a suitable landowner premium.

1.1.5. We have appraised the proposed scheme and summarise the results in the table below. Please see **Appendix 5** for the full appraisal.

Viability Appraisal Result

RLV	BLV	Deficit
-£6,202,689	£4,792,000	-£10,994,689

1.1.6. The key issues facing the proposed development are the costs associated with the development of the scheme, particularly the Appendix K costs that are required to deliver a successful comprehensive scheme.

1.1.7. Given that the RLV generates a deficit against the BLV, the scheme is not considered commercially viable in development viability terms.

2. Introduction

2.1. Client Instruction

2.1.1. We have been instructed by the Applicant to examine the economic viability of this residential led scheme, to determine the level of planning obligations that the proposed development can support whilst remaining viable.

2.2. Information

2.2.1. We have been provided with, and have relied upon, the following information from the Applicant:

- Site location plan as attached at **Appendix 2**;
- Appendix K has now been adopted and Section 106 are estimates as advised by the SW Rugby Consortium and Council;
- Build costs are adopted using BCIS.

3. Subject Description

3.1. Subject Location

- 3.1.1. The subject site is located off Cawston Lane and is part of the South West Rugby Urban Extension (SWRUE). It is located c. 2.5 km / 1.5 miles to the south west of Rugby town centre and benefits from facilities including a primary school, convenience store, pubs and takeaway food options and a community hall.
- 3.1.2. The site is located close to the M45, which connects to the M1 in the east. In addition, the M6 is located to the north of the town. Rugby train station is located c. 4 km / 2.5 miles to the north east of the site, and connects to Birmingham and London (with travel to London in just under an hour).
- 3.1.3. To the north, south and east of the site is residential, with agriculture to the west.
- 3.1.4. A location plan is attached at **Appendix 1**.

3.2. Subject Description

- 3.2.1. The subject site of 47.92 gross acres (19.40 ha) is made up of existing agriculture uses (arable and a small area of woodland).

3.3. Proposed Development

- 3.3.1. A planning application has been submitted which seeks outline planning permissions for
- Demolition of all existing buildings and residential development of up to 470 dwellings, creation of associated vehicular access points to Cawston Lane, pedestrian / cycle access points, parking, landscaping, drainage features, open space, children's play area and associated infrastructure (all matters reserved except for access).*
- 3.3.2. As the planning application is in outline, there is not a detailed accommodation schedule and therefore our assumptions are based on comparable schemes across the Midlands. We reserve the right to amend our assumptions should further detail be known throughout the planning application process.
- 3.3.3. An illustrative layout plan is attached at **Appendix 2**.

4. Methodology

4.1. Financial Viability Assessments

4.1.1. In line with the NPPF, site-specific financial viabilities may be a material consideration in determining how much and what type of affordable housing should be required in residential and mixed-use developments.

4.1.2. As such, viability appraisals can and should be used to analyse and justify planning obligations to ensure that Section 106 requirements do not make a scheme unviable.

4.1.3. The RICS define financial appraisals for planning purposes as:

“An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to a developer in delivering a project.”

4.1.4. The logic is that, if the residual value of a proposed scheme is reduced to significantly below an appropriate viability SVB, it follows that it is unviable to pursue such a scheme, and the scheme is unlikely to proceed.

4.1.5. If a scheme is being rendered unviable because of Section 106 requirements, it may be appropriate to look at reducing the burden of those requirements in order to facilitate viability.

4.2. Residual

4.2.1. The financial viability of development proposals is determined using the residual land valuation method. A summary of this valuation process can be seen below;

Built value of proposed private residential and other uses	+	Built value of affordable housing	=	GDV
GDV	-	Build costs, finance costs, Section 106 costs, CIL, sales fees, developers profit, etc	=	Residual Land Value

4.2.2. The Residual Land Value (RLV) is then compared to a Benchmark Land Value (BLV). If the RLV is lower and / or not sufficiently higher than the BLV the project is not technically viable.

5. Benchmark Land Value

5.1. Introduction

- 5.1.1. Identifying an appropriate BLV requires judgement bearing in mind that national planning guidance indicates that appropriate land for housing should be 'encouraged' to come forward for development.
- 5.1.2. In line with the RICS Guidance Note 'Assessing viability in planning under the National Planning Policy Framework 2021 for England', RICS Professional Standard 'Financial Viability in Planning: Conduct and Reporting (May 2019), and the latest PPG we have assessed the BLV using the Existing Use Value (EUV) of the Subject Site, plus a suitable landowner premium. Existing Use Value is sometimes referred to as Current Use Value (CUV), and these two terms are interchangeable when used for Financial Viability in planning. The latest guidance also requires us to investigate the Alternative Use Value (AUV) of the Subject Site where an existing planning consent may already exist or where the Subject Site may benefit from being converted to an alternative lawful planning use.
- 5.1.3. We are not aware that the Subject Site benefits from an existing planning consent or potential conversion to an alternative lawful planning use. As such we have not appraised the AUV of the Subject Site at this stage.

5.2. Adopted Benchmark Land Value

- 5.2.1. The Subject Site is in agriculture use and we have therefore adopted a benchmark land value of "Existing Use Value with a multiplier". We consider that the BLV of £100,000 per gross acre is appropriate. This is based on £10,000 per gross acre for the existing use, with a ten times multiplier.
- 5.2.2. As the gross area of the site is 47.92 acres, this produces a BLV of £4,792,000.

6. Development Revenues

6.1. Residential Values

6.1.1. We have assessed a number of comparable transactions in the area to form an opinion of value for the proposed homes at the subject site, taking into account the location, size, aspect, provision of outside space, proposed accommodation and parking provision.

6.2. Private Housing Values and Mix

6.2.1. This is an outline scheme, and there is not a specified mix at this stage, and as such we have adopted the following mix, based on the Nationally Design Space Standards and the South West Rugby Masterplan SPD (adopted December 2024)

Unit Type	Percentage	Indicative Unit Areas (Sq M)	Indicative Unit Areas (Sq Ft)
1 bed	8%	50	538
2 bed	31%	74.5	802
3 bed	44%	93	1001
4 bed*	17%	110.5	1189
		Average	934

*note that this includes some 5 beds

6.2.2. Based on our research (attached at **Appendix 3**) and advice from the Savills Development team we have adopted an open market Gross Development Value (GDV) for the proposed scheme of **£340 per sq ft**.

6.3. Affordable Housing Values and Mix

6.3.1. We have adopted the following mix for the affordable units, based on the Nationally Design Space Standards and the South West Rugby Masterplan SPD (adopted 11 December 2024):

Unit Type	Percentage	Indicative Unit Areas (Sq M)	Indicative Unit Areas (Sq Ft)
1 bed	25%	50	538
2 bed	35%	74.5	802
3 bed	30%	93	1001
4 bed	10%	110.5	1189
		Average	851

6.3.2. We understand the policy compliant tenure split is to be 50% social rent and 50% intermediate.

6.3.3. We have adopted the following percentage of Open Market Values for the different tenure types:

- Intermediate - 72% of OMV (28% deduction)
- Rented – 38% of OM (62% deduction)

6.3.4. These are blended rates and are based on an independent review Values from Pioneer based on the proposed affordable housing mix and open market values of £340 psf.

6.4. Summary of GDV

6.4.1. By adopting £340 per sq ft an applying it to the overall floor area, we arrive at a total Gross Development Value for a policy compliant scheme of **£126,964,745**.

7. Development Costs

7.1. Introduction

7.1.1. The following assumptions have been adopted in assessing the costs of the proposed scheme.

7.2. Build Costs

7.2.1. We have adopted BCIS costs for the scheme. The costs we have adopted are the Lower Quartile costs for Housing, Mixed Developments rebased to Rugby. As at March 2025 these equate to £127.55 per sq ft.

7.2.2. We have applied an externals rate of 15% to the base build cost.

7.2.3. There are a number of additional costs that we consider are not included within BCIS but are applicable for the scheme and wider sustainability standards:

- Part L & F costs - £4,850 per plot
- Future Homes Standards Net Zero Carbon from 2025 - £5,000 per plot
- Building Safety Levy - £2.62 per sq ft on the open market units only
- EV Charging - £500 per plot
- On-site plot costs - £20,000 per plot
- Cawston Lane Link - £2,020,701

7.3. Contingency

7.3.1. Given the early stage of the scheme and the lack of a formal cost plan, we applied a 5% contingency rate.

7.4. Professional Fees

7.4.1. In this instance we have adopted professional fees of 8%. We have not been provided with a detailed breakdown of anticipated professional fees and therefore reserve the right to review our approach in the future.

7.5. Disposal, Letting and Marketing

7.5.1. We have included the following allowances within our assessment:

- Private Residential marketing: 2%;
- Private Residential sales agent: 1%;
- Private and Affordable Residential sales legal: 0.25%;

7.6. Planning Obligations

7.6.1. We understand that there have been extensive discussions between the Applicant (and others) and the Council on the extent of Appendix K costs that are required as a consequence of the wider SUE. We understand that a pro-rata rate of £37,495 per unit has been agreed, and we apply this to the appraisal.

7.6.2. However, there will also be site specific planning obligations required, and following previous discussions between the applicant and the Council have applied the rate of £2,646 per unit.

7.6.3. The planning obligation package total £40,141 per unit, or £18,866,271 in total.

7.7. Profit

7.7.1. In assessing what constitutes an acceptable level of developer's return in the current market we have consulted with specialist colleagues within the Loan Security Valuation and Capital Markets departments of Savills, as well as applying our own development experience. In the current market if a developer was buying a site such as the subject site with a policy compliant mix of affordable housing, we consider that they would normally seek a return of at least 17.5% Profit on GDV (broadly equivalent to 21.21% Profit on Cost) in order to justify the risk of delivering the scheme.

7.7.2. However, if the site was to have no affordable housing, this increases the risk of the scheme and thus we would expect a developer's return of 20% of Private Residential GDV (broadly equivalent to 25% Profit on Cost).

7.8. Finance

7.8.1. In accordance with RICS guidance we have assumed that the development will be 100% debt financed, at a debit rate of 7.5%.

7.9. Timescales

7.9.1. We have assumed that given the size of the site, two operators could develop the site out. We have this adopted the following development programme:

- Purchase – 1 month
- Pre-construction – 3 months
- Construction – 67 months (assuming 7 units constructed a month)
- Sales – 67 months

8. Conclusions

8.1. Results

8.1.1. We have appraised the proposed scheme against our BLV in order to fully understand the economics of the development and to establish the maximum level of planning obligations, including affordable housing, that the scheme can reasonably support.

8.1.2. A summary of our appraisal results is set out below. Please see **Appendix 4** for the full appraisal.

Viability Appraisal Results (Policy Compliant)

RLV	BLV	Deficit
-£6,202,689	£4,792,000	-£10,994,689

8.1.3. Given that the RLV generates a deficit against the BLV, the scheme is not considered commercially viable in planning viability terms.

8.1.4. We have also run a scenario that looks at 100% open market sales, which shows the following:

Viability Appraisal Results (100% open market)

RLV	BLV	Deficit
£2,289,700	£4,792,000	-£2,502,300

8.1.5. This shows that due to the burden of the overall cost so the scheme, even with 100% open market units the proposals are viability challenged.

8.2. Sensitivity Analysis

8.2.1. The value of development sites can be volatile, and the residual approach adopted within this report is sensitive to changes in key variables. It is therefore useful to provide a sensitivity analysis, showing the effect on the RLV through small changes in key variables such as private sales values and build cost. We set out below a sensitivity analysis showing the effect of increasing and decreasing the private sales price and the build costs by 5% increments.

Sensitivity Analysis		Private Sales Values				
		-10%	-5%	0%	+5%	+10%
Build Cost	+10%	-£8,870,161	-£4,652,172	£560,482	£3,416,038	£7,382,174
	+5%	-£12,073,075	-£7,505,952	-£3,364,701	£687,720	£4,656,441
	0%	-£15,466,067	-£10,611,172	-£6,202,689	-£2,083,909	£1,930,362
	-5%	-£18,958,528	-£13,920,807	-£9,185,405	-£4,908,134	-£811,324
	-10%	-£22,451,515	-£17,386,778	-£12,415,596	-£7,797,407	-£3,618,669

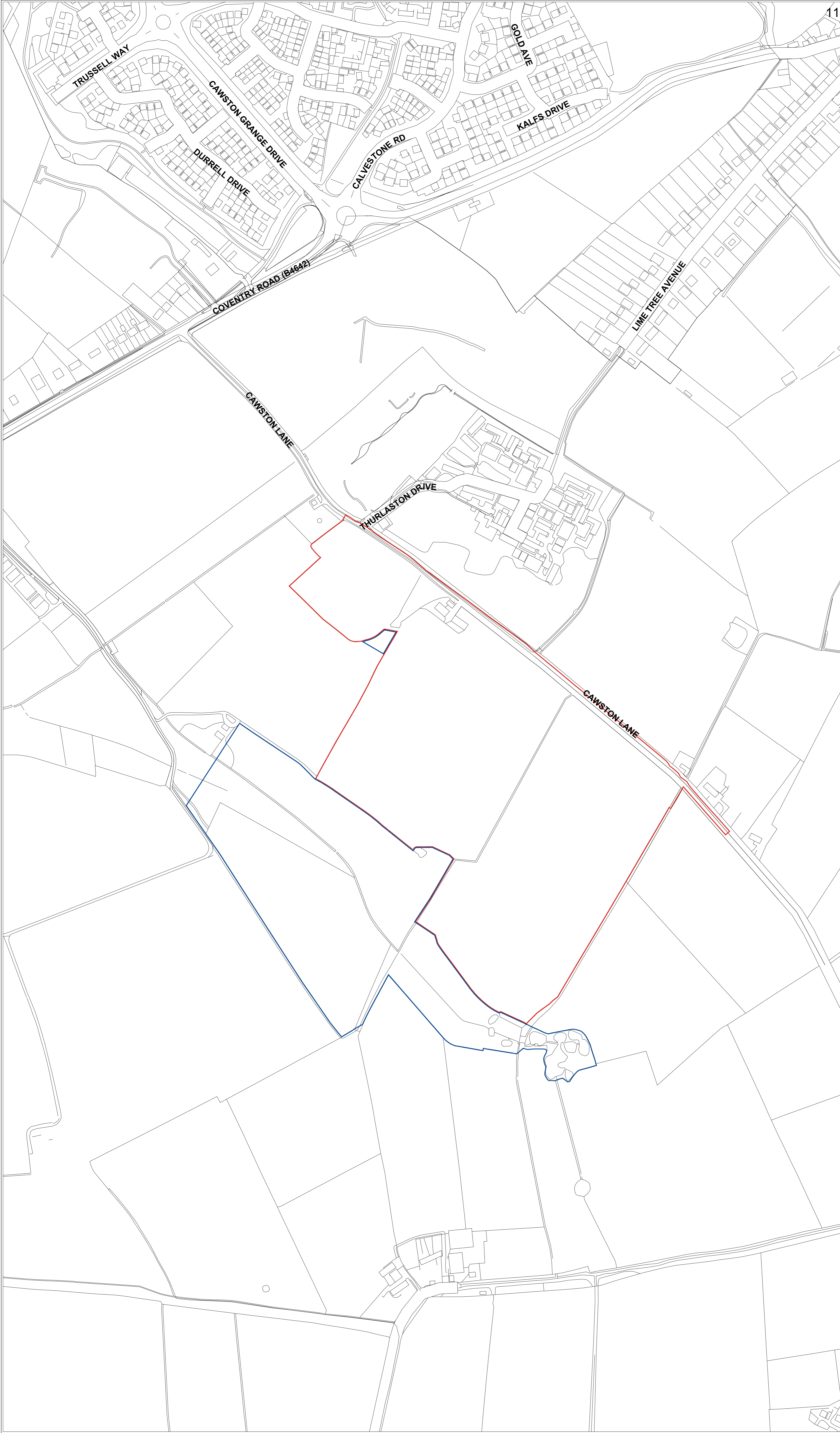
- 8.2.2. The above table demonstrates that for the scheme to become economically viable in planning terms, where the RLV generates a surplus against the BLV, there would need to be an increase in private sales values of 10% and a decrease in build costs of over 5%.

Appendices

Appendix 1 Site Location Plan



- Application Site Boundary: 19.40ha
- Land under the control of applicant: 10.12ha



Rev	Date	By	Description
I	22.05.25	DF	Blue line updates
H	20.05.25	DF	Updated to reflect Woodland transfer plan
G	03.12.24	EP	Updated to reflect Contract Plan
F	20.11.24	EP	Updated to reflect Contract Plan
E	04.01.23	EP	Minor amendments
D	29.11.22	EP	Site boundary updated

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Project Land off Cawston Lane, Rugby

Title Site Location Plan

Client Catesby Estates

Scale 1:2500 @ A1	Drawn SM
Date May 2022	Checked RR
Drawing No. CSA/5436/102	Rev 1

Appendix 2 Illustrative Masterplan



0 50 100 metres

- Application Site Boundary: 19.40ha
- Land in control of the applicant
- Land Use:**
- Proposed residential area: 11.84ha
Up to 470 homes @ 39dph
- Green and Blue Infrastructure:**
- Proposed attenuation basins (SuDS): 1.20ha
- Existing woodland and Root Protection Areas (source: Tree Survey)
- Ancient woodland
- Tree Preservation Order (TPO)
- Open space to serve development: 7.12 ha
- Proposed children's play area
- Potential locations for Trim-Trail stations and Nature Play
- Access and Movement:**
- Proposed vehicular access points
- Existing vehicular routes
- Tree-lined primary street and verges
- Potential secondary streets
- Potential private drives/lanes
- Combined 5.0m cycleway/footway
- Proposed recreational footways
- Potential pedestrian/cycle links
- Existing bridleway
- Existing public footpath



Approved development for 210 homes, green infrastructure and primary school

Approved Primary School

FOX COVERT

CAWSTON SPINNEY

Opportunity for new tree and hedgerow planting to protect the sensitive edge of the Site and further improve the Site's habitats and biodiversity value.

Alignment of existing public footpath retained within a green corridor.

Potential pedestrian and cycle linkages tie in new recreational routes with the existing Public Rights of Way network.

Footpath 168/R167/3

BOAT HOUSE SPINNEY

Combined cycleway/footway routed to minimise impact on TPO'd trees

Combined cycleway/footway to connect with approved Phase 1 cycleway/footway

Proposed vehicular access points

Lime Tree Village

Public Footpath R167

Opportunity to provide new hedgerow and tree planting along Cawston Lane.

Opportunity for footway to be extended to the adjacent development.

Cawston Lane south to Dunchurch

Bridleway R169c

Proposed Secondary School (Indicative Location)

The proposed tree-lined primary street forms a loop road within the new development.

Proposed Primary School (Indicative Location)

Opportunity for new landscaping to enhance existing hedgerow along south eastern boundary.

Proposed children's play area within a central green to be overlooked by the new homes.

Rev	Date	By	Description
E	22.05.25	DF	Blue line land amended
D	20.05.25	DF	Blue line land added
C	31.05.24	RC	Minor amendments
B	30.05.24	RC	Cycleway and LEAP locations amended
A	01.03.23	KP	Minor amendment

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Project Land off Cawston Lane, Rugby

Title Development Framework Plan

Client Catesby Estates

Scale 1:2500 @ A1 Drawn KP
Date February 2023 Checked RR
Drawing No. CSA/5436/120 Rev E

Appendix 3 Residential Market Paper

Land off Cawston Lane, Rugby

Market Report



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1. Quality Assurance



1.1. Purpose of the Report

Savills is instructed by Catesby Estates to prepare a Market Report relating to the open market housing within the proposed development at the subject site known as Land off Cawston Lane. We understand that our report is required to support the Financial Viability Assessment.

1.2. Terms of Reference

The purpose of this Report is to provide indicative sales values for Catesby Estates for their proposed development of the site. Market Value being defined as *'The estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.'* It should be noted that we have only appraised the market units of the proposed scheme.

1.3. Caveat

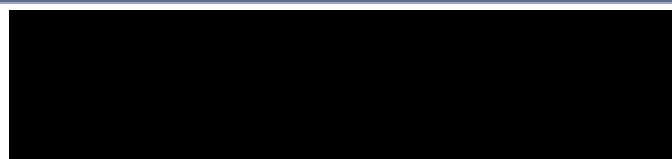
The report does not constitute a formal valuation. In accordance with our internal procedures, we are required to issue the following statement with regards to the work undertaken:

"This is to acknowledge receipt of your request to us to provide desktop sales value advice on the proposed development at land off Cawston Lane, Rugby."

In accordance with our standard procedures, all such advice is provided as indicative guidance only and is not a substitute for a valuation undertaken in accordance with the RICS Red Book. It should not be relied upon as the basis for any binding decision. Savills does not accept responsibility for the consequence of any binding decision that may be made on the basis of this advice. All correspondence (email or otherwise) hereinafter is on the basis of this position on reliance and responsibility. Please let us know immediately if this is not acceptable."

Quality Assurance Record

Checked By: Sarah Gregory
Date: 17th June 2025





2. Executive Summary

Land off Cawston Lane, Rugby

Market Report



Catesby Estates are intending to obtain planning consent for c.470 no. dwellings at their site in Rugby. The subject site forms part of the wider South West Rugby Sustainable Urban Extension.

- The subject site is on land to the south west of Ruby, within the county of Warwickshire;
- It is located c. 2.5 km / 1.5 miles to the south west of Rugby town centre.
- The site offers good transportation links, located close to the M45, which connects to the M1 in the east. In addition, the M6 is located to the north of the town. Rugby train station is located c. 4 km / 2.5 miles to the north east of the site, and connects to Birmingham and London (with travel to London in just under an hour)
- The subject site is located in an area where second-hand values are reflecting circa **£301psf**;
- A premium is being achieved for new build stock across Rugby, where average values are reflecting circa **£315 - £360psf**;
- We consider that an average of **£340 psf** could be achieved across the development.

3. The Subject Site – Context & Proposed Development

Land off Cawston Lane, Rugby

Market Report



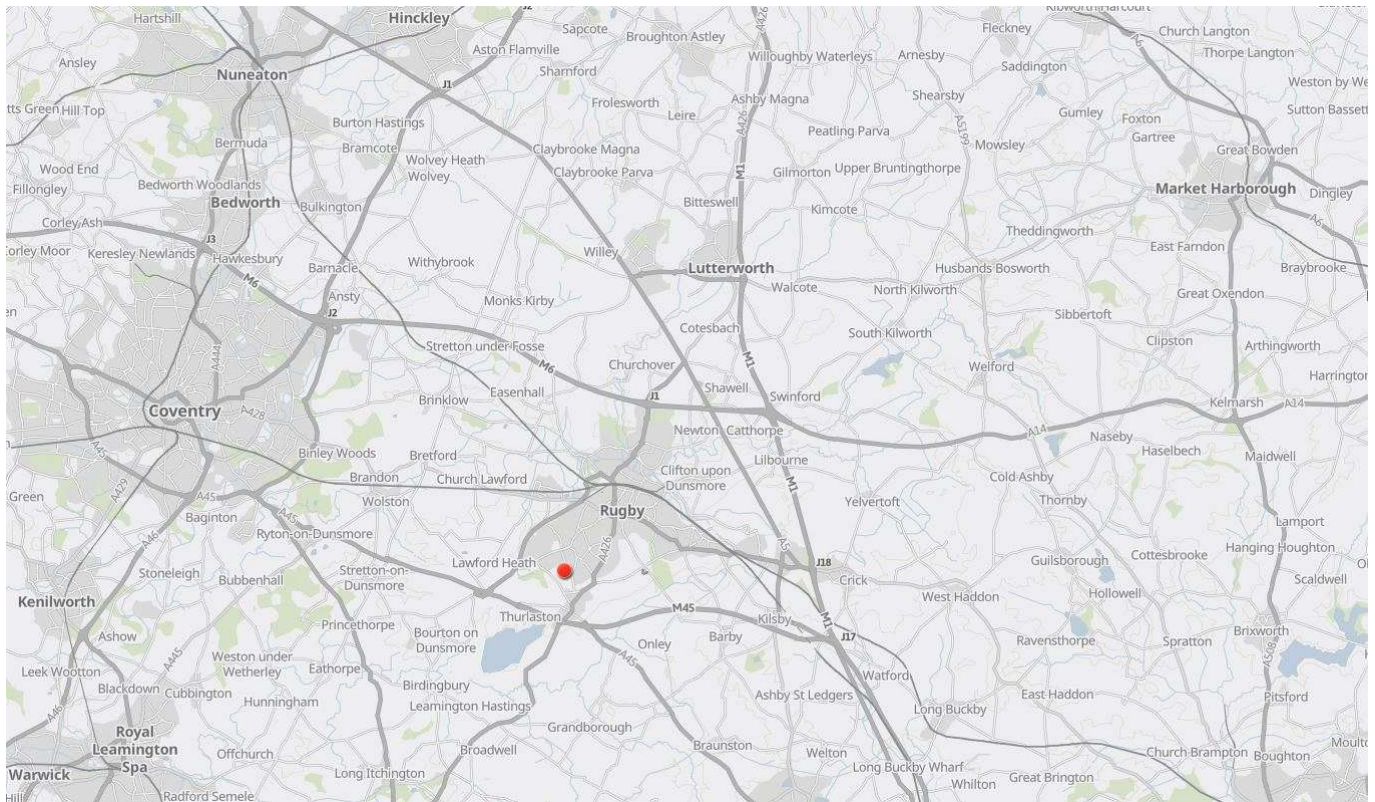
3.1. Location

The subject site is located to the south west of Rugby, and is part of the South West Rugby Urban Extension (SWRUE). It is located c. 2.5 km / 1.5 miles to the south west of Rugby town centre.

The site is located close to the M45, which connects to the M1 in the east. In addition, the M6 is located to the north of the town. Rugby train station is located c. 4 km / 2.5 miles to the north east of the site, and connects to Birmingham and London (with travel to London in just under an hour).

To the north, south and east of the site is residential, with agriculture to the west.

Figure 1: Location of South West Rugby Urban Extension (SWRUE) (source: Savills Maps, 2025)





4. Residential Market Overview

4.1. UK Housing Market Update

The Stamp Duty deadline has encouraged softening to demand levels and some price falls with price growth predicted to not fluctuate through Q2.

House prices fell by -0.6% in April, according to Nationwide. This means that annual house price growth slowed to 3.4%, a deceleration from March at 3.9%.

Completed transactions in March were recorded as the fifth highest number of transactions in the last decade, outpacing the 2017-19 average by 69% as buyers were racing to beat the Stamp Duty Land Tax (SDLT) deadline.

This represents a significant jump compared to last year, 89% higher than last March according to HMRC. Following the lowering of SDLT thresholds on 1st April, negative buyer sentiment continued with a further fall of new enquiries from prospective buyers, according to the latest RICS Survey.

According to the Bank of England, Mortgage approvals reduced over Q1, remaining just -0.2% below the 2017-2019 average. Following clarification around stress testing, buyers will be able to borrow up to 13% more than previously. Supply remained stagnant between March and April, projecting a good level of stock coming to the market and increasing the gap between supply and demand.

We attach our May 2025 (latest) Market update in **Appendix 1**.

4.2. Local Market Summary

The Land Registry states that the average house price in the Local Authority Area of Rugby as of March 2025 (latest available data) is £293,706 which is a yearly average increase of 0.9%. The average house prices for unit types are as follows:

Detached Average	Semi Average	Terraced Average	Flats Average
£480,153	£295,101	£229,448	£140,118

House prices in Rugby have an overall average of £294,367 over the last year.

The majority of properties sold in Rugby during the last year were semi-detached properties, selling for an average price of £295,101. Detached properties sold for an average of £480,153, with terraced properties fetching £229,448.

Overall, the historical sold prices in Rugby over the last year were 4% down on the previous year and 4% down on the 2022 peak of £307,001.

4.3. Re-Sale Transactions

We have undertaken a search of sold prices to understand the current re-sale housing market at Rugby within the past 12 months, and also to provide an indication of embedded values within the immediate locality.

Land off Cawston Lane, Rugby

Market Report



We also comment on average £psf by property type below:

Type	Lowest Value	Highest Value	Average Value	Average £psf	No. of Properties
Detached	£240,000	£1,250,000	£464,613	£321	82
Semi Detached	£153,000	£507,500	£279,946	£291	75
Terrace	£100,000	£320,000	£240,893	£283	23
Flats	£73,000	£275,000	£162,000	£225	21

As evidenced by the table above, recent sales of existing properties have produced an average figure of **£280 psf** and include a mixture of detached, semi-detached, terrace and flatted properties, these results come out with average values of circa **£286,863**.

We would expect a new build premium to be achieved in comparison to the re-sale stock.

4.4. New Homes

4.4.1. Completed New Homes Sales

We have undertaken a search using the Land Registry to ascertain the sold transactions for new building housing in the area since the start of 2024. We summarise these below.

Taylor Wimpey – Paddock Rise



Paddock Rise is situated just off Ashlawn Road. This development comprises 1,2, 3 and 4 bedroom homes. Our research reveals that there have been 6 transactions in 2024 (latest available) which demonstrate average values of £336 per sq ft and average sales PCM of 3.0.

Land off Cawston Lane, Rugby

Market Report



Address	Accommodation	Square Foot	Gross Price	Date	Price per Square Foot
8, Azure Close, Rugby, Warwickshire CV22 5BT	Detached	1,011	£365,703	28/06/2024	£361
12, Azure Close, Rugby, Warwickshire CV22 5BT	Semi-detached	1,388	£400,000	28/06/2024	£288
1, Chartreuse Close, Rugby, Warwickshire CV22 5BY	Detached	678	£350,479	26/06/2024	£516
10, Azure Close, Rugby, Warwickshire CV22 5BT	Semi-detached	1,388	£389,500	28/06/2024	£280
22, Azure Close, Rugby, Warwickshire CV22 5BT	Semi-detached	904	£213,741	23/05/2024	£236
9, Chartreuse Close, Rugby, Warwickshire CV22 5BY	Detached	1,819	£465,500	03/04/2024	£340
		1,198			£336

Barratt Homes – Ashlawn Gardens



Barratt Homes Ashlawn Gardens is situated 2 miles east of the site in close proximity to David Wilson Ashlawn Gardens and is within close range of Houlton’s amenities. The scheme comprises of 3, 4 and 5 bedroom homes. Our analysis displays average sales values of £347 per sq ft, and that this development has an average sales rate of 0.6 per calendar month. Please note that these averages are taken from a very small sample of data available to date for 2024.

Address	Accommodation	Square Foot	Gross Price	Date	Price per Square Foot
12, Amber Close, Rugby, Warwickshire CV22 5GE	Semi-detached	957	£356,250	23/01/2024	£349
5, Lemon Close, Rugby, Warwickshire CV22 5GH	Detached	1,087	£384,250	30/08/2024	£353
14, Lemon Close, Rugby, Warwickshire CV22 5GH	Detached	1,130	£418,000	28/06/2024	£369

Land off Cawston Lane, Rugby

Market Report



10, Lemon Close, Rugby, Warwickshire CV22 5GH	Detached	1,506	£475,000	28/06/2024	£315
Average		1,170			£347

Persimmon Homes – Coton Park



Coton Park is situated 5 miles north of the subject site and is a development consisting of 2-5 bedroom homes. The table below shows average sales values of £365 per sq ft. being achieved and an average sales rate of 1 per calendar month. Please note that these averages are taken from a very small sample of data available to date for 2024.

Below we display sold £/sq ft data from the development.

Address	Accommodation	Size (sq. ft.)	Date Sold	Sold Price	£psf
21, Coneflower Close, Rugby, Warwickshire CV23 0YF	Semi-detached	667	30/04/2024	£242,500	£363
19, Coneflower Close, Rugby, Warwickshire CV23 0YF	Semi-detached	667	26/04/2024	£230,375	£345
17, Coneflower Close, Rugby, Warwickshire CV23 0YF	Semi-detached	742	27/03/2024	£255,550	£375
4, Vervain Drive, Rugby, Warwickshire CV23 0YH	Semi-detached	1,119	28/03/2024	£300,000	£379
Average		798			£365

Land off Cawston Lane, Rugby

Market Report



Lioncourt Homes – Abbey Grange



Abbey Grange is located just 5 miles to the south east of Coventry. Situated on the edge of Binley Woods, just off the Rugby Road, the development benefits from a large public open space with a dedicated play area and backs onto ancient woodland. This development offers a selection of 1, 2, 3 & 4 bedroom homes. Our research shows that the scheme is achieving average values of £417 per sq ft and an average sales rate of 3.0 per calendar month.

Address	Accommodation	Size (sq. ft.)	Date Sold	Sold Price	£psf
54, Boscage Road, Binley Woods, Coventry, Warwickshire CV3 2WJ	Semi-detached	645	08/11/2024	£319,950	£495
47, Boscage Road, Binley Woods, Coventry, Warwickshire CV3 2WJ	Detached	1,108	28/10/2024	£405,950	£366
44, Boscage Road, Binley Woods, Coventry, Warwickshire CV3 2WJ	Semi-detached	667	22/10/2024	£329,950	£494
43, Boscage Road, Binley Woods, Coventry, Warwickshire CV3 2WJ	Detached	1,119	23/08/2024	£550,950	£357
5, Estover Close, Binley Woods, Coventry, Warwickshire CV3 2WQ	Semi-detached	1,270	24/06/2024	£275,000	£412

Land off Cawston Lane, Rugby

Market Report



13 Marl Close, Binley Woods, Coventry, Warwickshire CV3 2XZ	Semi-detached	645	31/10/2024	£319,950	£495
8 Marl Close, Binley Woods, Coventry, Warwickshire CV3 2XZ	Semi-detached	1054	05/04/2024	£320,265	£303
Average		929			£417

4.5. New Homes Summary

We have summarised the new build schemes in the table below:

Table 4: Summary of Nearby New Build Schemes

Development	Sales £psf	Sales PCM*	Map reference
Paddox Rise – Taylor Wimpey	£335	3.0	1
Ashlawn Gardens – Barratt Homes	£322	0.6	2
Coton Park – Persimmon	£349	1.0	3
Lioncourt Homes - Abbey Grange	£332	3.0	4
Average	£366	1.9	

* Sales rates are calculated by collecting sales information from the land registry, and then working out many units have sold over a specific period of time for each development.

In addition, by way of comparison, we have analysed a number of schemes in the newly developed Houlton, which we have set out below:

Table 5: Summary of Houlton Outlets

Development	Sales £psf	Sales PCM*	Map reference
Houlton Meadows – Bellway	£356	1.0	5
Redrow at Houlton	£360	3.3	6
Morris Homes – The Beacons	£315	2.5	7
Mulberry Homes at Houlton	£343	3.3	8
Average	£344	2.5	

Land off Cawston Lane, Rugby

Market Report



As shown in the above tables we have been able to analyse the sold prices for the developments both within Rugby and the SUE of Houlton. This data suggests that new build sales across Rugby since January 2024 have produced an average sales value of circa **£366psf**.

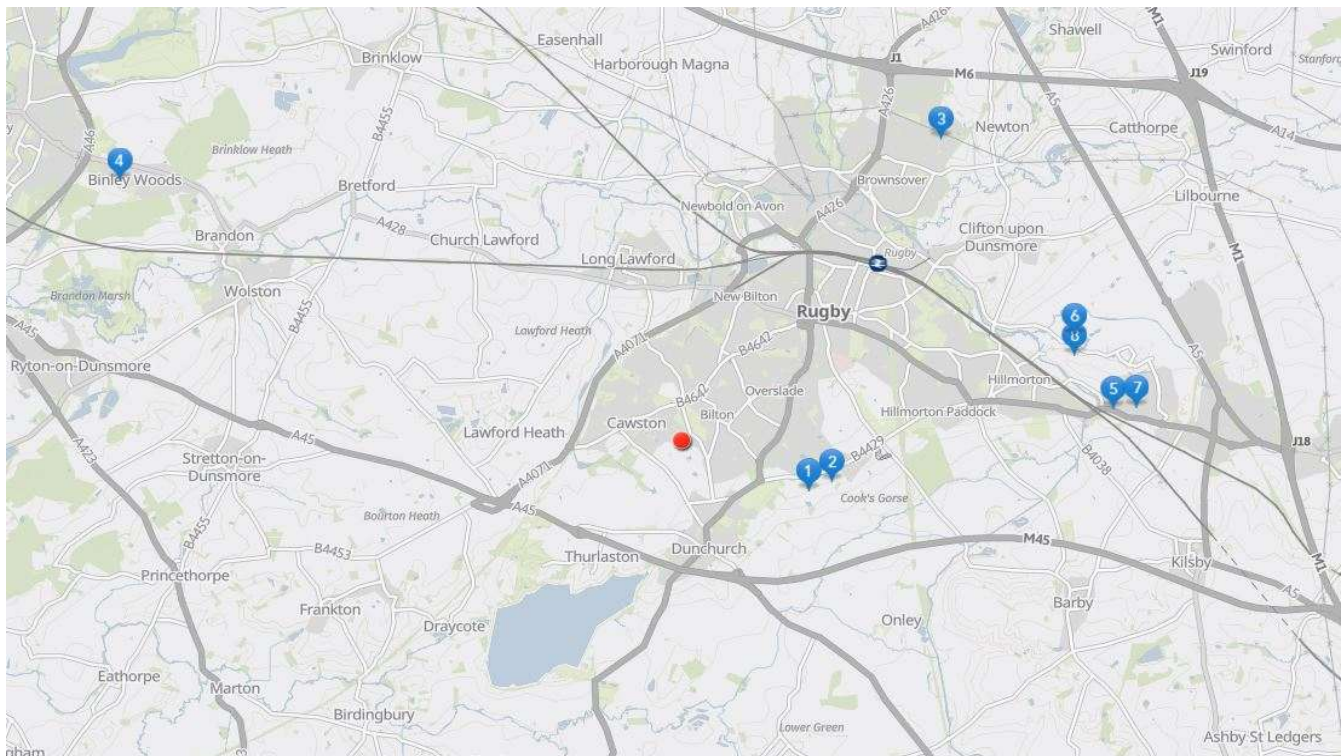
Our search of nearby schemes including Ashlawn Gardens, suggests that values are strong with average values being circa **£347psf**. Values at Houlton are slightly distorted with some Housebuilders doing better than others, which in our opinion is as a result of product offering, scheme density and locality on site. The average values at Houlton from the 2024 data suggests **£344psf**.

Nonetheless, there is a clear distinction between the values achieved for new build properties across Rugby compared to re-sale properties which achieved an average figure of **£280psf**.

We have assumed that the proposed dwellings at South West Rugby Urban Extension (SWRUE) will be built to a standard commensurate with high quality new build properties. We have had regard to the evidence above when forming our opinion of indicative values for the subject site. We consider that the schemes by Barratt at Ashlawn Gardens and Taylor Wimpey at Paddock Rise are most comparable in terms of locality and have applied more weight to these, when forming our own assessment of value. However, given the time lag from the Land Registry and the current market sentiment, we consider it would be appropriate to add a small premium to the comparables to reflect the above, and thus, an average of circa **£340psf** for the subject scheme feels applicable.

The comparables are shown in relation to the subject site within the figure below.

Figure 3: Map of Comparable Sites (Savills maps)





5. Proposed Scheme Analysis



5.1. Indicative Gross Development Value

Having considered the values that are being achieved on competing sites in the area, and taking into account the locality of the subject site. We are of the opinion that values will achieve in the region of **£340 psf** on a blended basis and we recommend that this figure is adopted within the FVA.



6. General Assumptions and Conditions

6.1. General Assumptions

Unless otherwise stated in this report, our report has been carried out on the basis of the following General Assumptions. If any of them are subsequently found not to be valid, we may wish to review our report, as there may be an impact on it.

1. That the Property is not subject to any unusual or especially onerous restrictions, encumbrances or outgoings contained in the Freehold Title. Should there be any mortgages or charges, we have assumed that the property would be sold free of them. We have not inspected the Title Deeds or Land Registry Certificate.
2. That we have been supplied with all information likely to have an effect on the value of the Property, and that the information supplied to us and summarised in this report is both complete and correct.
3. That the proposed building would be constructed and is used in accordance with all statutory and bye-law requirements, and that there are no breaches of planning control. Likewise, that any future construction or use will be lawful (other than those points referred to above).
4. That the property is not adversely affected, nor is likely to become adversely affected, by any highway, town planning or other schemes or proposals, and that there are no matters adversely affecting value that might be revealed by a local search, replies to usual enquiries, or by any statutory notice (other than those points referred to above).
5. That the building is structurally sound, and that there are no structural, latent or other material defects, including rot and inherently dangerous or unsuitable materials or techniques, whether in parts of the building we have inspected or not, that would cause us to make allowance by way of capital repair (other than those points referred to above). Our inspection of the property and this report do not constitute a building survey.
6. That the property is connected or capable of being connected without undue expense, to the public services of gas, electricity, water, telephones and sewerage.
7. That in the construction or alteration of the building no use was made of any deleterious or hazardous materials or techniques, such as high alumina cement, calcium chloride additives, wood wool slabs used as permanent shuttering and the like (other than those points referred to above). We have not carried out any investigations into these matters.
8. That the property has not suffered any land contamination in the past, nor is it likely to become so contaminated in the foreseeable future. We have not carried out any soil tests or made any other investigations in this respect, and we cannot assess the likelihood of any such contamination.
9. That the property does not suffer from any risk of flooding. We have not carried out any investigation into this matter.
10. That the property either complies with the Disability Discrimination Acts and all other Acts relating to occupation, or if there is any such non-compliance, it is not of a substantive nature.

11. That the property does not suffer from any ill effects of Radon Gas, high voltage electrical supply apparatus and other environmental detriment.
12. That there are no adverse site or soil conditions, that the property is not adversely affected by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, that the ground does not contain any archaeological remains, nor that there is any other matter that would cause us to make any allowance for exceptional delay or site or construction costs in our validation.

6.2. General Conditions

Our report has been carried out on the basis of the following general conditions:

1. We have made no allowance for any Capital Gains Tax or other taxation liability that might arise upon a sale of the property.
2. Our Validation is exclusive of VAT
3. No allowance has been made for any expenses of realisation.
4. Excluded from our validation is any additional value attributable to goodwill, or to fixtures and fittings which are only of value in situ to the present occupier.
5. Energy Performance Certificates (EPC's) are required for the sale, letting, construction or alteration of all residential buildings on non-domestic residential buildings over 538 sq ft (50 sq m) in England and Wales and on all buildings in Scotland. The effect of EPC's on value is as yet unknown, given that the market has yet to respond to their introduction. Therefore, we have not considered the property's EPC rating in forming our opinion of value. However, should this position alter, we reserve the right to reconsider our opinion of value.
6. No allowance has been made for rights, obligations or liabilities arising under the Defective Premises Act 1972, and it has been assumed that all fixed plant and machinery and the installation thereof complies with the relevant UK and EU legislation.
7. Our validation is based on market evidence which has come into our possession from numerous sources. That from other agents and valuers is given in good faith but without liability. It is often provided in verbal form. Some comes from databases such as the Land Registry or computer databases to which Savills subscribes. In all cases, other than where we have had a direct involvement with the transactions, we are unable to warrant that the information on which we have relied is correct although we believe it to be so.



6.3. Confidentiality and Responsibility

Finally, in accordance with the recommendations of the RICS, we would state that this report is provided solely for the purpose stated above. It is confidential to and for the use only of the party to whom it is addressed only, and no responsibility is accepted to any third party for the whole or any part of its contents. Any such parties rely upon this report at their own risk. Neither the whole nor any part of this report or any reference to it may be included now, or at any time in the future, in any published document, circular or statement, nor published, referred to or used in any way without our written approval of the form and context in which it may appear.



Appendices



Appendix 1.0
Savills Housing Market Update – May 2025 (Latest)

UK Housing Market Update



Stamp Duty changes take some of the heat out of the market, with economic uncertainty ahead

House prices fell by -0.6% in April, according to Nationwide. Annual house price growth sat at 3.4%, slightly below March (3.9%). The passing of the Stamp Duty deadline on 1st April has led to demand softening and some price falls, as is typical following increased Stamp Duty obligations. Price growth is likely to remain muted through Q2.

March saw the fifth highest number of transactions in any month of the last decade. HMRC provisionally reported 164,650 transactions in March, 66% above the 2017-19 average and 89% above March 2024. Transaction numbers have been above the 2017-19 average since the beginning of 2025, and March was 'crunch time' for those buyers looking to beat the Stamp Duty changes coming in on 1st April. Mortgage approvals, as reported by the Bank of England, have trended down over Q1, however they remain just -0.2% below the 2017-19 average.

Activity is likely to be held back over coming months by the uncertain economic picture, which has left buyers unsure about costs. According to a HomeOwners Alliance survey, 37% of respondents expected mortgage rates to go up compared to 16% expecting falls. The erratic introduction of US trade tariffs have raised alarms about a global recession and the International Monetary Fund (IMF) revised its UK growth forecast for 2025 down from 1.6% to 1.1%. These factors, alongside the Stamp Duty change, have dampened buyers' confidence.

Sub-4% mortgage rates returned to the market in April for buyers with lower loan-to-value mortgages (60% plus) as lenders compete for buyers in the market. Higher loan-to-value products have also seen their interest rates drop. This movement will be supported by Thursday's decision by the Monetary Policy Committee to cut the base rate to 4.25%.

Lower mortgage rates will ease affordability pressures, on top of which some lenders have softened their stress tests. Following the Financial Conduct Authority (FCA) clarification around the stress testing regulations, some banks have altered their affordability criteria. This will enable buyers to borrow more, according to Halifax, up to 13% more than previously. Additionally, the FCA is conducting a Mortgage Rule Review on the future of the mortgage market. Without more supply coming to the market, however, this is more likely to translate into greater house price inflation than increased accessibility to home ownership.

House price growth was highest in Scotland. In the year to January 2025, West Dunbartonshire, Renfrewshire, and Moray had the highest growth of 9.4%, 9.0%, and 7.9%, respectively. Coastal regions continue to see the greatest price falls, notably in Torridge (-5.4%), South Holland (-5.0%), and Ceredigion (-4.3%). Only 21% of local authorities saw house price falls during this period compared to over a third in the year to October.

Figure 1 House price growth to Jan-25 since 07/08 peak

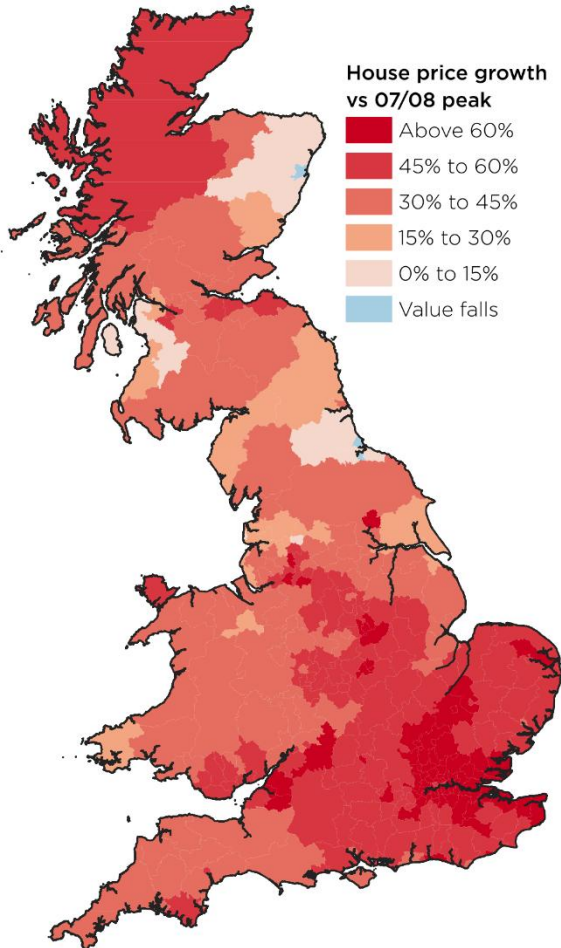
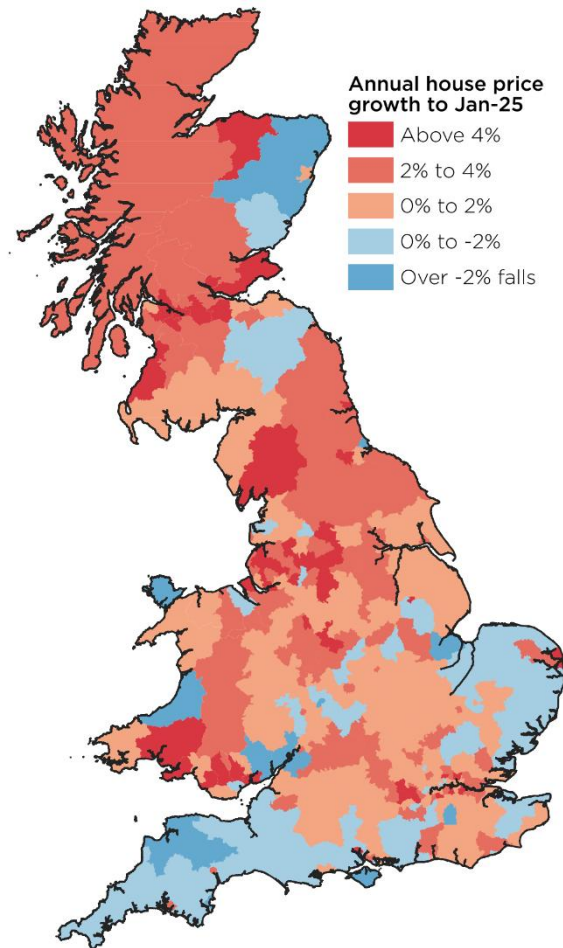


Figure 2 Annual house price growth to Jan-25



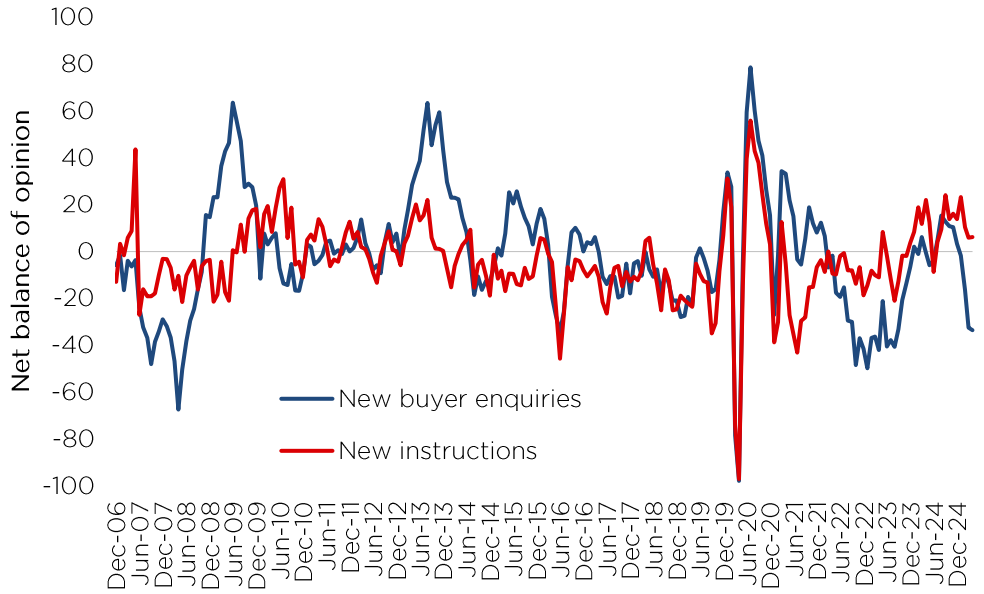
Source Savills using HM Land Registry and Registers of Scotland (6 month smoothed)*

Source Savills using HM Land Registry and Registers of Scotland (6 month smoothed)*

Figure 3 Buyer enquiries remain at their lowest level since 2023

Negative buyer sentiment continued in April, following the changes to SDLT, with a majority of surveyors reporting a small further fall in new buyer enquiries.

Supply remained at the same level between March and April, indicating a good level of stock coming to market. This has, however, widened the gap between supply and demand. Further price falls are, therefore, likely in the short term.



Source RICS (seasonally adjusted)

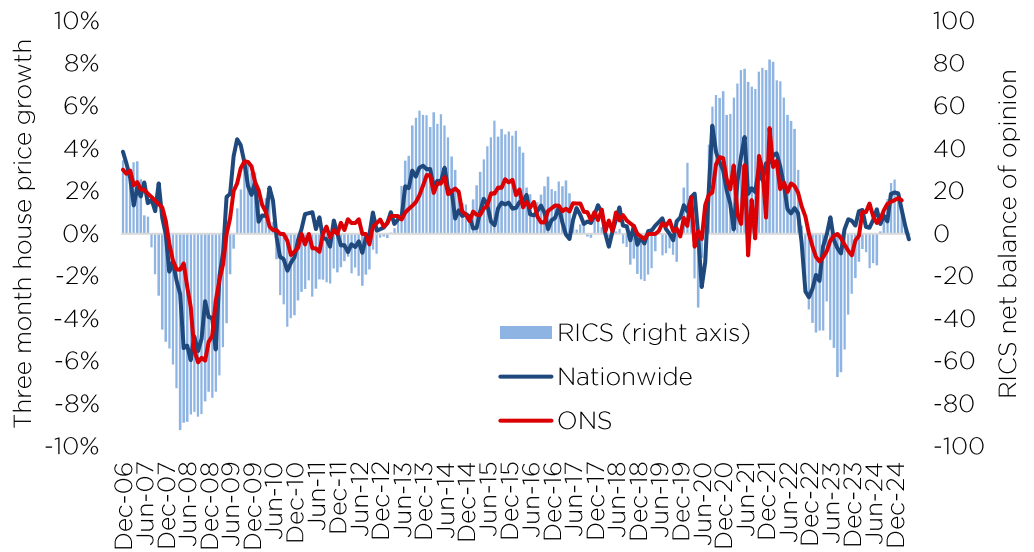
The RICS survey can be a good early indicator of house price movements which are later picked up by other indices.

Surveyor sentiment around price growth dipped into negative territory, meaning more surveyors saw price falls than price increases. This is typical following increases to SDLT obligations.

Nationwide data shows that house prices fell by -0.3% in the three months to April, mirroring the slight negative sentiment recorded by RICS.

House price growth was stronger on the more lagged ONS index, with 1.6% growth over the three months to February.

Figure 4 The most timely metrics report small house price falls

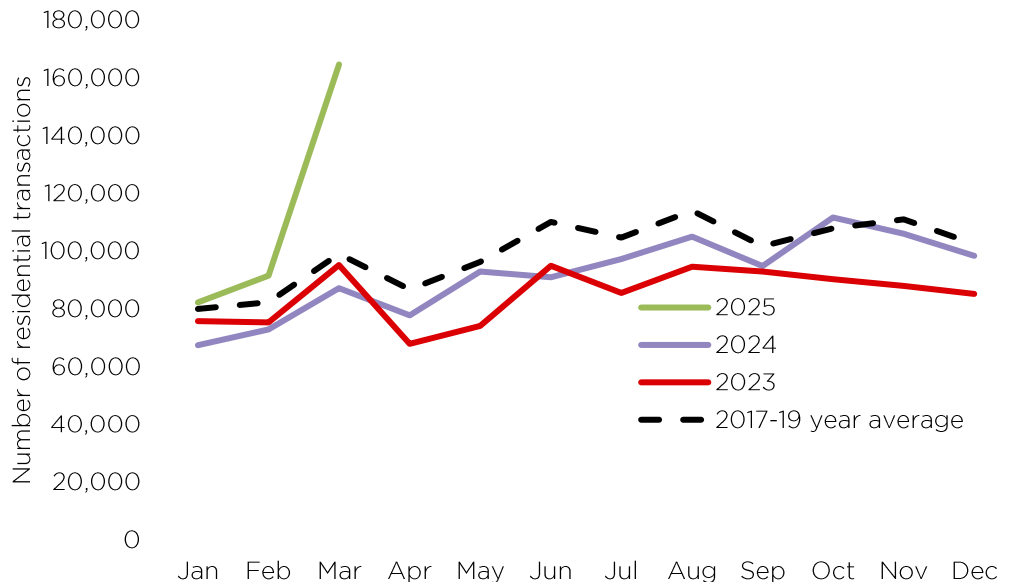


Source RICS, Nationwide (seasonally adjusted), ONS (seasonally adjusted)

164,650 transactions completed in March, according to HMRC. Sales were significantly bolstered by buyers rushing to complete before 1st April SDLT change. This was the fifth highest month for transactions in the last decade, with numbers 66% the 2017-19 average and 89% above March 2024. The other highest months all precede SDLT changes.

Activity has been trending upwards and will have reached its zenith in March. Looking forwards, we expect transaction numbers to be more muted for a couple of months.

Figure 5 Completed transactions sky-rocket as buyers rush to beat SDLT changes



Source HMRC (non-seasonally adjusted)

Annual rental growth across the UK in March was 2.9% according to Zoopla, flat from February (2.9%). This slowdown comes despite tenant demand picking up in the UK and available stock remaining low, according to RICS surveyors.

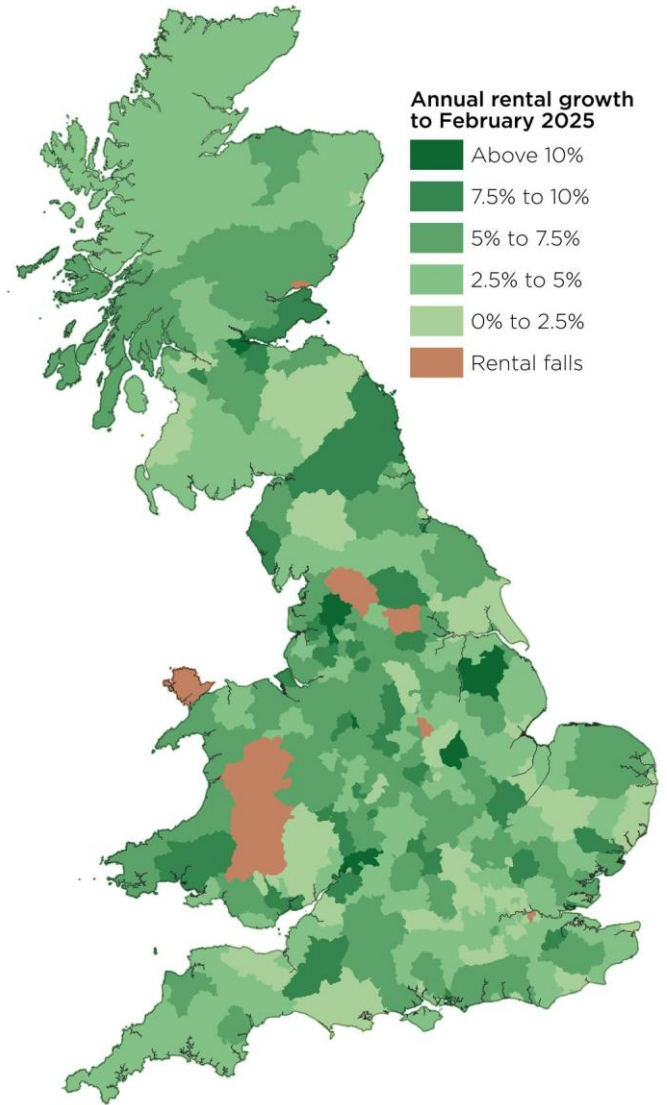
Rental growth is decelerating in most regions, but the picture remains quite variable. The South West saw the greatest increase in monthly growth of 0.4%, a deceleration from 0.6% last month. Yorkshire and the Humber, meanwhile, saw a monthly fall of -0.2%, but this is up from -0.3% in February. The North East saw the greatest annual rental growth of 5.4%, however this growth is slowing, suggesting even more affordable markets are subject to tenant sentiment.

Table 1 Regional rental growth to March 2025

	m/m	q/q	y/y
UK	0.2%	0.3%	2.9%
London	0.1%	0.1%	1.6%
South East	0.1%	0.5%	3.4%
East of England	0.2%	0.6%	3.7%
South West	0.4%	0.8%	3.4%
East Midlands	0.2%	0.5%	2.6%
West Midlands	0.1%	0.3%	3.8%
North East	0.2%	0.9%	5.4%
Yorkshire and the Humber	-0.2%	-0.8%	1.2%
North West	0.2%	0.3%	4.8%
Wales	0.4%	1.4%	5.2%
Scotland	0.3%	0.1%	2.5%

Source Zoopla Rental Index powered by Hometrack

Figure 6 Annual rental growth to February 2025

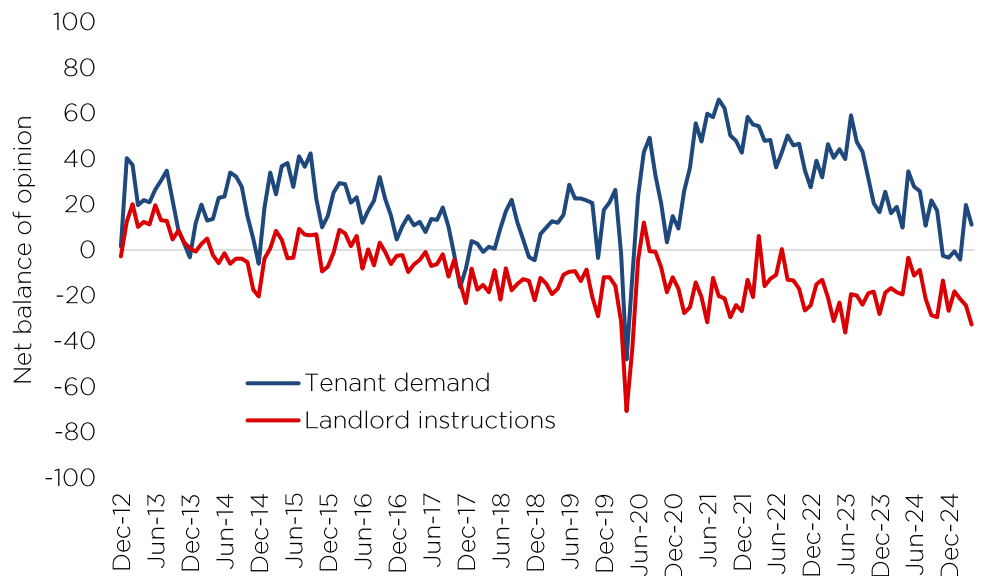


Source Zoopla Rental Index powered by Hometrack

The RICS survey showed a dip in both tenant demand and landlord instructions. Tenant demand remains positive, having surged in March. Landlord demand, however, has dropped to its lowest level since June 2023, with the majority of surveyors continuing to report falling numbers of new instructions to let.

The gap between supply and demand has widened slightly, and we are beginning to see rental growth slowly begin to accelerate again in some regions.

Figure 7 Landlord instructions drops to its lowest level since June 2023



Source RICS

Table 2 Rental forecasts (published November 2024)

Region	2025	2026	2027	2028	2029	5 years to 2029
UK	4.0%	3.5%	3.0%	3.0%	3.0%	17.6%
London	2.5%	2.5%	2.5%	3.0%	3.0%	14.2%

Source Savills

Table 3 Recent house price growth

	Nationwide (Regions to Q1 2025, UK to April 2025)			ONS (to February 2025)			Savills* (to January 2025)		
	m/m	q/q	y/y	m/m	q/q	y/y	m/m	q/q	y/y
UK	-0.6%	-0.3%	3.4%	0.5%	1.5%	5.3%	0.0%	0.3%	1.7%
London	-	1.2%	1.9%	-0.2%	0.3%	1.6%	0.0%	0.3%	1.8%
South East	-	1.3%	2.9%	0.3%	1.8%	4.5%	0.0%	0.2%	1.1%
East of England	-	1.5%	2.0%	0.2%	0.9%	4.2%	0.0%	0.4%	0.6%
South West	-	0.5%	2.6%	1.1%	1.6%	4.0%	0.0%	0.2%	0.1%
East Midlands	-	-0.1%	2.4%	0.6%	1.6%	6.1%	0.0%	0.2%	1.3%
West Midlands	-	2.0%	5.7%	0.8%	1.5%	6.0%	0.2%	0.3%	1.9%
North East	-	0.9%	4.6%	0.8%	2.3%	7.9%	0.1%	1.0%	3.4%
Yorks & Humber	-	1.7%	5.2%	1.5%	2.0%	7.6%	-0.1%	0.2%	2.4%
North West	-	1.7%	5.9%	0.8%	2.2%	8.0%	0.2%	0.4%	2.9%
Wales	-	1.7%	3.6%	-0.3%	0.3%	4.0%	-0.1%	-0.1%	2.3%
Scotland	-	0.6%	3.9%	0.5%	2.0%	5.6%	0.0%	0.7%	2.7%

Source Savills using HM Land Registry and Registers of Scotland (6 month smoothed)*, Nationwide (seasonally adjusted), ONS (seasonally adjusted)

Table 4 Mainstream house price forecasts (published November 2024)

Region	2025	2026	2027	2028	2029	5 years to 2029
UK	4.0%	5.5%	5.0%	4.0%	3.0%	23.4%
London	3.0%	4.0%	3.5%	3.0%	2.5%	17.1%
South East	3.0%	4.0%	3.5%	3.5%	2.5%	17.6%
East of England	2.5%	5.0%	4.5%	3.5%	3.0%	19.9%
South West	2.5%	5.5%	5.0%	4.0%	3.0%	21.6%
East Midlands	4.0%	5.5%	5.5%	4.5%	3.0%	24.6%
West Midlands	4.5%	6.0%	6.0%	4.5%	3.0%	26.4%
North East	5.0%	6.5%	6.0%	4.5%	3.5%	28.2%
Yorks & Humber	5.0%	6.5%	6.0%	4.5%	3.5%	28.2%
North West	5.0%	7.0%	6.5%	4.5%	3.5%	29.4%
Wales	3.5%	5.5%	6.0%	4.5%	3.5%	25.2%
Scotland	5.0%	6.0%	5.5%	4.0%	3.0%	25.8%

Source Savills

Savills team

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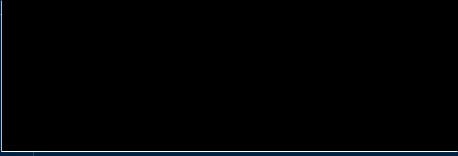
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*Savills index is an unadjusted repeat sales index based on HM Land Registry and Registers of Scotland price paid data. Note that Savills national index (labelled UK) is for Great Britain, not including Northern Ireland.

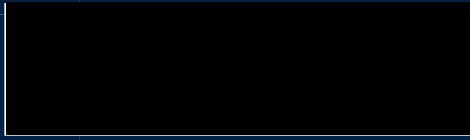
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Rhoda Chiradza
Graduate Surveyor



Sarah Gregory
Director



Appendix 4 Baseline Appraisal

Catesby SW Rugby
Baseline Viability
June 2025

Development Appraisal
Prepared by Savills (UK) Ltd
Savills
19 June 2025

**Catesby SW Rugby
Baseline Viability
June 2025**

Appraisal Summary for Phase 1 Catesby

Currency in £

REVENUE

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales	Adjustment
Catesby Open Market Units	329	307,286	340.00	317,560	104,477,240	0
Catesby Intermediate Units	71	60,421	340.00	289,340	20,543,140	(5,752,079)
Catesby Rented Units	<u>70</u>	<u>59,570</u>	340.00	289,340	<u>20,253,800</u>	<u>(12,557,356)</u>
Totals	470	427,277			145,274,180	(18,309,435)

NET REALISATION

126,964,745

OUTLAY

ACQUISITION COSTS

Residualised Price (Negative land)	(6,202,689)	(6,202,689)
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CONSTRUCTION COSTS

Construction

	ft²	Build Rate ft²	Cost
Catesby Open Market Units	307,286	128.39	39,452,450
Catesby Intermediate Units	60,421	128.39	7,757,452
Catesby Rented Units	<u>59,570</u>	128.39	<u>7,648,192</u>
Totals	427,277 ft²		54,858,094

Contingency	5.00%	3,198,318	3,198,318
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Other Construction Costs

Part L Blended	470 un	4,850.00 /un	2,279,500
Future Homes Standards	470 un	5,000.00 /un	2,350,000
EV Charging	470 un	500.00 /un	235,000
Externals		15.00%	8,228,714
On Site Plot	470 un	20,000.00 /un	9,400,000
Cawston Lane Link			2,020,701
Building Safely Levy	307,286 ft ²	2.62	805,089
			25,319,004

Section 106 Costs

BNG Credits -			1
Section 106 Costs	470 un	2,646.00 /un	1,243,620
Appendix K Costs	470 un	37,495.00 /un	17,622,650
			18,866,271

PROFESSIONAL FEES

All Professional Fees		8.00%	4,388,648	4,388,648
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MARKETING & LETTING

Marketing		2.00%	2,089,545	2,089,545
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DISPOSAL FEES

Sales Agent Fee		1.00%	1,044,772
Sales Legal Fee		0.25%	317,412
			1,362,184

TOTAL COSTS BEFORE FINANCE

103,879,376

FINANCE

Debit Rate 7.5000%, Credit Rate 0.0000% (Nominal)			
Land			(2,968,607)
Construction			3,835,169

**Catesby SW Rugby
Baseline Viability
June 2025**

Total Finance Cost	866,562
TOTAL COSTS	104,745,938
PROFIT	22,218,807

Performance Measures

Profit on Cost%	21.21%
Profit on GDV%	17.50%
Profit on NDV%	17.50%
IRR% (without Interest)	45.58%
Profit Erosion (finance rate 7.500)	2 yrs 7 mths

**Catesby SW Rugby
Baseline Viability
June 2025**

Net Sales

104,477,240

14,791,061

7,696,444**126,964,745**

**Catesby SW Rugby
Baseline Viability
June 2025**

Prepared by:

Sarah Gregory MRICS
Director



Examination of Coventry Local Plan

Inspectors: Simon Dean MA MRTPI and William Fieldhouse BA (Hons) MA MRTPI

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Examination website: [Coventry Local Plan Review | Helen Wilson Consultancy Limited](#)

IN7 Action points from week one hearing sessions

Introduction

Further to the discussions at the week one hearing sessions, the following actions are required in order to inform our examination of the Plan. We may decide in due course that other or different actions are required, including to the parts of the Plan that we refer to below.

The Council should send its written responses to the Programme Officer by **midday on Wednesday 8 April 2026**. We will discuss those responses during week 2 and 3 hearing sessions as relevant.

Policy DS1 part 4 and policy DS2

Policy DS1 part 4 relates to a future review of the Plan. Policy DS2 relates to the duty to cooperate and partnership working. We will publish an action point later in the examination relating to both those policies when we have considered other relevant matters and issues including employment land requirement and supply.

Policy DS3 Sustainable development

AP1. Council to amend the next version of the schedule of main modifications to be produced in due course to replace version 2 [PM1.2] to show paragraphs 3.17 and 3.18 as deleted from the Plan (in addition to the deletion of policy DS3) and to not include an additional paragraph 3.19.

Policies H2.1 and DS4 part C Keresley SUE

AP2. Council to include policy DS4 part C as set out in the Erratum Statement [CD1b] in the next version of the schedule of main modifications to be produced in due course to replace version 2 [PM1.2].

AP3. Council to prepare a map indicating the extent of the green and blue infrastructure corridor referred to in policy DS4 part C (iv) for site H2.1 Keresley SUE. We note that the ancient woodlands are already proposed to be included on the policies map; these should be included in the green and blue infrastructure corridor as appropriate [PM2.1].

Policy H2.2 Eastern Green SUE

AP4. Council to prepare a map indicating the extent of the green infrastructure and blue infrastructure corridor and the green infrastructure along the western edge of the site referred to in policy DS4 part D (vi) and (vii) for site H2.2 Eastern Green SUE.

HELAA sites

AP5. Council to prepare a potential modification to Table 6.2 to include the “identified HELAA sites” that are assumed to contribute to the housing land supply summarized in the November 2025 trajectory [PS5] as individual allocations.

AP6. Council to produce a summary of the trajectory and evidence for each of the “identified HELAA sites” using the same proforma as those in PS10/PS10a.

Table 6.2 – “total dwellings”

AP7. Council to prepare potential modifications to:

- (a) Table 6.2 to delete “total dwellings” and insert “indicative capacity” as the heading to column 4.
- (b) The reasoned justification to policy H2 to explain the basis for the “indicative capacity” figures¹ and that the actual number will be determined by masterplanning and/or planning applications through a design-led approach to optimize capacity and meet relevant policy requirements in the Plan.

Table 6.2 – allocation figures

We understand that the following changes to Table 6.2 are needed to reflect the housing trajectory published in November 2025 [PS5] but were omitted in error from the schedule of main modifications published on 10 March 2026 [PM1.2].

AP8. Council to include the following in the next version of the schedule of main modifications to be produced in due course to replace version 2 [PM1.2]:

- a) Correct the indicative capacity in Table 6.2 for H2.3 Walsgave Hill Farm.
- b) Correct the indicative capacity in Table 6.2 for H2.9 London Road/Allard Way.
- c) Delete completed site H2.11 Elms Farm from Table 6.2.
- d) Change Table 6.2 for H2.36 Spon End to delete 750 and insert 297 (net) in the indicative capacity column heading.

¹ For example, a simplified version of the text in M3/1 Q3.2

Policy H2.30 Whitefriars Street Car Park

AP9. Council to amend the potential modification to Table 6.2 for H2.30 Whitefriars Street Car Park in PM1.2 to read: “The design, layout, scale and site capacity of development proposals must be informed by, and responsive to, preliminary archaeological site investigation...” (or similar)

Policy H2.19 Mitchell Avenue

AP10. Council to prepare a potential modification to the requirement in Table 6.2 for H2.19 Mitchell Avenue relating to replacement sports pitches to reflect agreement with Sport England.

Housing trajectory

AP11. Council to update the housing trajectory in PS5 as necessary to reflect the above action points, including the potential allocation of the “identified HELAA sites”.

Housing requirement

The Council’s response to PQ23 advises that the most up to date ONS affordability data before the Plan was submitted for examination relates to 2024, and if that were applied to the HEDNA methodology it would indicate a need for 1,447 homes per year.

AP12. Council to advise what the minimum housing requirement would be for the period 2024 to 2042 based on an annual need for 1,447 homes.

Simon Dean William Fieldhouse

27 March 2026



Appeal Decision

Hearing held on 5 March 2026

Site visit made on 6 March 2026

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Appeal Ref: APP/J0405/W/25/3372565

Land South Of Bourton Road, Bourton, Buckingham.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Bloor Homes Limited and David & Ann Verey (Joint Applicants) against Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 24/03426/AOP.
 - The development proposed is outline application (all matters reserved apart from access) for residential development (including affordable dwellings), pre-school/nursery (E/F1), SuDS attenuation, public open space including children's play area, access arrangements off Bourton Road and associated landscaping, infrastructure and ancillary development.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development (including affordable dwellings), pre-school/nursery (E/F1), SuDS attenuation, public open space including children's play area, access arrangements off Bourton Road and associated landscaping, infrastructure and ancillary development at Land South Of Bourton Road, Bourton, Buckingham in accordance with the terms of the application, Ref 24/03426/AOP, subject to the conditions in the attached schedule

Preliminary Matters

2. The planning application the subject of this appeal was made in outline form with all matters reserved for future consideration apart from access. I have treated the appeal in the same way and considered the submitted plans as illustrative only, with the exception of the parameter plan which outlines the broad areas for development, open space and the height of the built form.
3. The appeal is made against the failure of the Council to give notice within the prescribed period of a decision on the outline planning application. However, the appeal was submitted after consideration of the application at the Committee meeting where members resolved to refuse the planning application and before the production of the decision notice. Therefore, the Council relies on two putative reasons for refusal relating to conflict with the spatial strategy and the alleged adverse effect on the character and appearance of the area.
4. With agreement, a signed and dated legal agreement was submitted after the Hearing. I turn to this matter later in the decision.

5. As the proposal has the potential to impact on the setting of a listed building, I have had regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

6. The main issues are:
 - Whether the proposed location for the development would be acceptable having regard to local and national policy;
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on heritage assets.

Reasons

Policy

7. The spatial strategy is set out in Policy S2 of the Vale of Aylesbury Local Plan 2013-2033 adopted 2021 (the Local Plan) which allocates a total of 28,600 houses to be delivered across the district. Buckingham is included as one of the settlements to receive housing as part of the primary focus for strategic levels of growth and investment with an allocation of 2177 new homes. The Local Plan was adopted in September 2021 and therefore the housing requirement in the plan is valid until September 2026.
8. Policy S3 of the Local Plan requires that the scale and distribution of development should accord with the settlement hierarchy outlined in Policy S2. Development in the countryside should be avoided especially where it would compromise the character of the countryside between settlements, and result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence.
9. Policy D3 of the Local Plan allows for larger scale development beyond allocated sites and where located within or adjacent to the existing developed footprint of the settlement where the council's monitoring of housing delivery across Aylesbury Vale shows that the allocated sites are not being delivered at the anticipated rate. This is except where a Neighbourhood Plan denotes a settlement boundary. Proposals will need to be accompanied by evidence demonstrating how the site can be delivered in a timely manner. The proposal must contribute to the sustainability of that settlement, be in accordance with all applicable policies in the Plan and fulfil all of a number of criteria some of which relate to the effect of the development on the character and appearance of the area.
10. Similarly Policy S8 of the Local Plan allows for development in circumstances where the spatial strategy is not delivering housing as expected. However, it also needs to accord with other relevant policies in the Local Plan.
11. Policy S1 of the Local Plan sets out the principles of sustainable development for Aylesbury Vale, largely relying on the wording of the National Planning Policy Framework (the Framework) at that time. Although there have been changes to the exact wording of the Framework since that time, the principles of sustainable development remain at its core. The Policy also includes a list of criteria against which development proposals would be assessed one of which is that

development minimises impacts on landscapes, with which the Council allege conflict. While the policy is out of date due to the lack of five year housing land supply, it is in broad accordance with the Framework, and I give any conflict in terms of landscape harm full weight.

12. The Buckingham Neighbourhood Plan (the NP) was made in February 2026 and includes a settlement boundary and housing allocations. The appeal site is not an allocation in the NP and is sited beyond the defined settlement boundary. Furthermore, the Council allege that the proposal causes harm to the character and appearance of the area. Consequently the proposal is in conflict with the spatial strategy, including Policy HP1 of the NP which supports housing development within the settlement boundary area.
13. However, the Council is unable to demonstrate a five year housing land supply with the Council alleging 3.9 years and the appellant 3.03 years. Even taking the Council's figure of 3.9 years this is a substantial shortfall which renders the policies of the Local Plan and NP out of date.
14. The emerging Buckinghamshire Local Plan (eLP) is at an early stage, and it is agreed in the Statement of Common Ground (SOCG) that the emerging policies cannot be afforded any weight at this time. I agree. However, the SOCG also states that using the national standard Local Housing Needs method the minimum housing requirement is around 95,000 homes. With just over 22,000 homes committed this leaves an outstanding figure of 69,000 new homes required for Buckinghamshire. This is a considerable uplift from 2,319 dwellings per annum required in the current development plans covering the Council area to 4,319 dpa in the eLP. This is a material consideration, and with already a substantial shortfall in the housing supply situation across the districts which formerly comprised Buckinghamshire, the situation is likely to get considerably worse. Indeed the Minister for Housing and Planning issued a Local Plan Intervention Letter to Buckinghamshire Council dated 13th February 2026 referencing the existing land supply situation and the Councils history of poor performance with plan-making and failure to adhere to previous Local Development Schemes (LDS). The direction is for an updated LDS to be published by 11th March 2026 setting out a programme for submission for examination by the end of 2026.
15. I do understand the Council's view regarding the weight to be given to the conflict with the spatial strategy and particularly the coverage of Policies S3 and D3 which relates to other matters than the spatial strategy such as character and appearance. However, they derive from Policy S2 and concern the location of development in relation to the spatial strategy and, given that the housing land supply shortfall is substantial, I give conflict with the relevant policies limited weight. This is also the case for policy HP1 of the NP. Although the NP has only just been made and was predicated on housing figures supplied by the Council, it still supplements the spatial strategy by providing a settlement boundary as required by Policy D3. Given the substantial lack of five year housing land supply any conflict should attract limited weight.

Character and appearance

16. The appeal site is allocated as a Local Landscape Area (LLA). The supporting text to Policy NE4 of the Local Plan considers that all of the landscape in Aylesbury Vale can have innate value as referred to in the Framework at that time. However,

Areas of Attractive Landscape are of the greatest significance followed by LLAs. It explains that neither of the designations is seeking to resist development in principle unless regard has not been given to the distinctive features and key characteristics of each designation. This is reflected in policy NE4 which states that development will be supported where appropriate mitigation to overcome any adverse impact to the character of the receiving landscape has been agreed.

17. The LLA is identified as a small, shallow enclosed river valley with gently rolling sides. It is an intimate, often enclosed landscape adjacent to the river with some scenic views and provides the setting for a number of intact historic features. The special qualities of the LLA are identified in the document Defining the Special Qualities of Local Landscape Designations in Aylesbury Vale District reflecting the overall river valley designation.
18. The appeal site is at the southern edge of the designation some distance from the river. It is relatively open but nevertheless contributes in a limited way to the LLA through its gently sloping landscape.
19. The appeal site is sited within two Landscape Character Types (LCTs) identified in the Aylesbury Vale Landscape Character Assessment 2008. These are Gawcott Ridge to the west where the land rises towards the edge of Buckingham and Padbury Valley as part of the Shallow Valleys LCT to the east. The Lower Great Ouse Valley covers the landscape to the north of the appeal site. On the ground there is little distinction between the character areas other than the rise in level of the site to the west towards the Gawcott Ridge. The rest is relatively flat, with hedgerows forming the boundaries of small to medium sized fields, together with occasional trees in the hedgerows and small areas of trees forming areas of copse within the landscape.
20. The area to the north contains the Ouse river and is recognisable as a relatively flat river valley, rising to the north and west with evidence of development both in Buckingham and along the Stratford Road. The line of the river is picked out in views across the valley by the bankside vegetation. The canal is more difficult to pick out in the landscape.
21. The appeal site itself is formed from a number of fields with gently sloping land rising to the west, typical of the LCTs. It therefore contributes positively to the character of the area. Its development for the provision of 220 houses would inevitably change that character and cause major adverse harm. However, the majority of the existing hedgerows would be retained and reinforced with the submitted parameters plan showing the proposed housing enclosed within the existing field pattern. The reinforcement of hedges would align with the landscape guidelines for the Padbury Valley LCA.
22. Due to its location to the south of Bourton Road, east of the A413 and north of the A421, although possessing inherently rural characteristics, it also is influenced by surrounding development and manmade features. The roads are fairly prominent in the landscape with evidence of street lighting, traffic lights and vehicles. The level of parking on Bourton Road, is a particular urbanising influence, associated with the buildings in this vicinity which are numerous. While they are a mixture of housing and agricultural buildings, the design of some of the houses is suburban and the associated activity influences the character of the area. I also saw that one of the buildings is used as a café, also generating activity. Although the solar park

is extensive, it does not have a particularly harmful impact on the landscape, nor is it overly obtrusive when walking through the landscape. Nevertheless, it effectively encloses the site to the east.

23. Development on the edge of Buckingham is visible, from both the appeal site and the surrounding Public Rights of Way, albeit they would be less visible in the summer months due to the intervening landscaping particularly to the Badgers estate. Nevertheless, the proposed housing would not be viewed in a wholly rural environment, and the existing development would mitigate, to an extent, the harm caused to the character and appearance of the area.
24. The A413 to the west divides the appeal site from the main part of Buckingham. Associated landscaping provides a good screen which reinforces the divide. Nevertheless, at my site visit I saw that housing is still visible at the Badgers estate, Linden Village and Page Hill. In addition, development to the south of Stratford Road can be clearly seen extending over a large area east of the A413, Furthermore, the development along Bourton Road extends development to the east of the A413, which in my view constitutes development over and above that being expected in the countryside. Moreover, I am aware that the NP includes a large allocation to the east of the A413 facilitating a development in association with the canal. While the 90 units of housing proposed here are to be enabling development, they would still constitute development on the eastern side of the A413. While this has not been determinative, it reinforces my view that, given the particular circumstances of the built form here, the A413 is not such a well-defined edge as to present a barrier to further development
25. The existing development also effectively divorces the appeal site from the wider LLA, with limited views from within the appeal site towards the north of the LLA as opposed to elsewhere in the LLA from PROW. Furthermore, to my mind the area surrounding the Ouse river more readily displays the special qualities, readily visible from PROW associated with the LLA. Here the flat river valley is visible, together with the canal and the route of the river meandering through the historic field pattern, with a sense of tranquillity. Indeed the appeal site is identified as the least tranquil part of the LLA being adjacent to main roads and existing development on Bourton Road and I found that to be the case at my site visit. There is no direct effect on historic features such as Thornborough Bridge or the Roman Barrows, both of which are some distance from the appeal site.
26. I saw that there would be some visibility from the Ouse Valley Way when walking towards the appeal site. However, this would be effectively mitigated by the existing built form and the placement of open space as demonstrated on the parameter plan. Views would also only be possible from a small, localised area of the footway, which is a long distance PROW.
27. Consequently, even if I were to consider this as a valued landscape, as suggested by the Council at the Hearing, the proposed development, would not overly impact on the understanding of the LLA and its special qualities such as to be significantly harmful. This would be particularly the case when considered in the context of Policy NE4 which states the designations are not seeking to resist development in principle unless regard has not been given to the distinctive features and key characteristics of each designation. That is not the case in this instance. I am satisfied therefore that the LLA would be preserved in a manner commensurate with its statutory status and identified quality in the development plan.

28. I saw at my site visit that due to intervening topography and the existing built development, including the solar farm that views of the appeal site from the furthest viewpoints identified in the Landscape and Visual Impact Assessment were limited with the exception of the area to the west on the higher land. Here housing would be very apparent, however it would be in the context of the edge of town location and the existing development on Bourton Road which is also prominent in views.
29. Walking from the north along the PROW towards the appeal site the site is again screened to an extent by the existing development with the exception of the gaps between the buildings where housing would be visible. However, I noted that as you are walking these footpaths, while you are aware of the rurality of the location, you are also aware that you are close to an urban environment, through the hustle and bustle of the A413 and the development beyond as well as the development along Bourton Road. To see housing would not therefore be particularly unexpected but would change the current user experience of the PROW.
30. Viewpoints closer to the appeal site, particularly 1, 2, 3 and 6 would yield a quite different experience. While those at 1 and 6 would primarily only be experienced by vehicle users along the A421, the change would be significant from a green field site to a housing estate, with little mitigation other than the existing hedgerow which would be reinforced.
31. Viewpoints 2 and 3 are taken from the footpath to the west of the appeal site (Berwood Jubilee Way) and the housing would be very noticeable in views to the east. However, again walkers would be aware of the influence of the existing development and that they are on the edge of a town. Indeed I saw a similar relationship to the south and north as the PROW passes housing and industrial buildings. This would also only be a very short section of what is a long distance footway.
32. The occupiers of Home Farm Cottages, High Croft Cottage and Rose Cottage would experience direct views of the development from their rear elevations and gardens, notwithstanding the presence of large areas of open space and single storey dwellings being proposed to the rear of High Croft. However, it is not alleged that there would be harm caused to the living conditions. Even so there would be minor harm caused by the change in views experienced, given there is no right to a private view.
33. I have also had regard to requirement of Policy NE4 to minimise the impact of lighting to avoid blurring the distinction between urban and rural areas. The A413 has lighting columns, as does the start of the A421 by the roundabout. Nevertheless, the proposal would extend lighting into the countryside in conflict with this policy.
34. The proposal would also be mitigated to an extent by the proposed and existing landscaping. This would be extensive in the form of open space to the north and eastern boundary taking advantage of existing planting particularly to the east. There is less landscaping proposed to the west where the housing would already be set behind a large green space which incorporates the PROW. To the south landscaping is also minimal and it is perhaps here that the development will be most visible in that vehicles driving along this road will experience housing where

there is currently none which would be a moderate adverse effect given the lower sensitivity of vehicle users.

35. Drawing all of the above together, the proposal has a limited visual envelope due to existing development, landform and vegetation. The harm to landscape character while significant would be moderated by the conditions I describe above. There would also be moderate localised visual effects.
36. For the reasons above the proposal would be contrary to Policies BE2 and NE4 of the Vale of Aylesbury Local Plan 2013-2033 adopted 2021 (the VALP). Together these require that development minimises impact on visual amenity, respects local character and distinctiveness and respects and complements the physical characteristics of the site and its surroundings including the scale and context of the site and its setting.
37. These policies generally accord with the requirements of the Framework. While they are out of date due to the lack of five year housing land supply I give the conflict with them full weight.

Legal agreement

38. A signed and dated legal agreement accompanies the appeal and secures a number of obligations. These include 35% affordable housing, contributions towards education, health care, bus service, traffic regulation order funding, Buckingham Transport Strategy, sports and recreation, travel plan monitoring fee, and the legal agreement monitoring fee. In addition there are obligations regarding the provision of off-site highway works, self-build and custom build housing, different types of open space, 30% minimum Biodiversity Net Gain and the provision of a 60-place nursery/preschool.
39. In the context of the delivery of 220 houses and the consequent increase in population, I am satisfied that the obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. In addition I am content that the offsite highway works are necessary to enhance connectivity to Buckingham.
40. The legal agreement includes the requirement for the owner to pay a Discounted Market Sales Housing Unit (a DMS) transfer administrative fee of £2000 to the Council as a contribution towards the Council's costs incurred with each transfer or sale of a DMS unit. The Council explained at the Hearing that on average such a request takes about 12 hours of work split between three departments and four members of staff to carry out the required checks on the dwelling and sale including the valuation and how that compares to local prices as well as the eligibility of the purchaser. I have no reason to doubt the extent of work needed to check the transfer of such units and I am content this meets the requirements of paragraph 58 of the Framework and Regulation 122 of the CIL Regulations 2010 (as amended).

Other Matters

41. The appeal site consists of about 82% Best and Most Versatile Agricultural Land (BMVAL). This equates to about 8.6ha of land which is grade 2 land. Policy NE7 of the Local Plan requires that where significant development would result in the loss of BMVAL it not be granted unless there are no otherwise suitable sites of poorer

agricultural quality that can accommodate the development and the benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land.

42. The appellant, although not having done a formal study, points out the lack of land around Buckingham that is of poorer quality and the likelihood that to meet the housing requirements development will need to occur on BMVAL. It is debateable that this development would lead to a significant loss of BMVAL given the limited amounts involved, however, the proposal would technically be in conflict with Policy NE7, but I give that conflict minor weight due to the limited amount of land involved.
43. The proposes housing would be in the setting of Rose Cottage a grade II listed building and Manor Farm a non-designated heritage asset (NDHA). Rose Cottage is a fine seventeenth century timber framed cottage with a plain tile roof, presenting a rear elevation to the appeal site. Its significance is largely derived from its architectural and historic interest, but its setting is largely informed by the rural surroundings which allow an appreciation of the early domestic architecture in its original setting. Manor Farm is a farmhouse with associated agricultural buildings dating from the early 1800s. Its significance is largely derived from its architectural and historic interest in the form of farm buildings of the time. The surrounding farmland gives authenticity to the group of buildings, enabling an appreciation of their function in the landscape.
44. The proposed development would erode the rural setting of both heritage assets diminishing the ability to understand each asset. However, the parameters plan sets out that areas of green space would be included closest to the assets together with buildings of a low height especially near to Rose Cottage. While the harm caused would be less than substantial, for these reasons it would be at the lower end of the spectrum.
45. At the application stage a number of residents raise concerns regarding the capacity of Anglian Water's water recycling centre to deal with foul flows from the proposed development. Anglian Water has confirmed that this matter has been resolved, and a condition is suggested to ensure that Anglian Water confirm capacity prior to the occupation of the dwellings. I understand that the use of the condition on a different site is the subject of legal action. However, at the current time I am content that such a condition would meet the tests in paragraph 57 of the Framework.

Conditions

46. An agreed list of conditions was included in the SOCG. I have had regard to the Framework and the advice in the Planning Practise Guidance (PPG) and imposed conditions accordingly. I have made some minor amendments including the insertion of implementation clauses to ensure compliance with the relevant guidance.
47. Conditions requiring the submission of the reserved matters and a phasing plan as well as ones to secure compliance with the approved plans and to restrict the number of houses to 220 are necessary to ensure clarity. The requirement to submit the reserved matters for the first phase within 18 months is necessary to comply with the requirements of Policy D3 of the Local Plan for development to be delivered in a timely manner (1-8).

48. A condition is necessary to ensure the recommendations within the breeding bird survey are complied with to protect important wildlife (9). A general condition which includes a number of matters relating to the key design principles of the development is required to ensure its satisfactory integration into the character and appearance of the area (10).
49. Conditions regarding highway matters are necessary to minimise danger, obstruction, and inconvenience to highway users, and to provide safe and suitable pedestrian and cycle access to encourage sustainable travel to and from the development (11-12).
50. Condition 13 is necessary to ensure the development is carried out in accordance with the energy strategy statement to maximise energy efficiency and use of natural resources/renewable energy.
51. Details of elements of the landscape strategy to be submitted with the reserved matters are required to maintain the character and appearance of the area (14). A condition including details showing how ambient noise levels are satisfactorily achieved at the pre-school/nursery is necessary to ensure appropriate noise levels for the users of the nursery and surrounding residents (15).
52. A construction management plan is required to be agreed prior to commencement of works to ensure that the living conditions of existing residents and highway safety are protected (17).
53. Details of tree protection are required prior to work commencing on site to ensure that existing trees and vegetation are adequately protected and not damaged during construction (18). A habitat management and monitoring plan is necessary prior to work commencing on site to provide appropriate protection to habitats, wildlife and biodiversity (19).
54. A construction environmental management plan and a construction method statement are required prior to work commencing on site to adequately protect wildlife, including amphibians, from development (20-21). Details of archaeological investigations are required prior to work commencing on site to ensure that any affected underground heritage assets are appropriately protected and recorded (22).
55. A condition regarding land contamination is necessary prior to work commencing on site to ensure that any ground or water contamination is appropriately addressed to ensure the safety of the end users (23). Conditions dealing with the specific noise levels with regard to the pre-school/nursery and the housing are imposed to safeguard the living conditions of residents (24-26).
56. Conditions regarding foul water drainage for the nursery together with whole site details for surface water drainage and the maintenance of the systems are necessary to appropriately manage flood risk and the layout of the development to enable the required infrastructure (27-29).
57. Details to facilitate the availability of a high-speed broadband connection for residents are necessary to ensure effective communications (30). The requirement to provide the access in accordance with the approved plan is necessary to ensure highway safety (31). The need to provide offsite highway works in accordance with

detailed design drawings to be agreed by the Council accords with the need to promote sustainable modes of transport and secure links to Buckingham (32-33).

58. Travel plans for both the housing and the pre-school/nursery are necessary to promote and maximise the use of sustainable modes of transport (34-35). Details of lighting are necessary to protect the character and appearance of the area and wildlife (36).
59. A condition is imposed to ensure that written confirmation from Anglian Water is received confirming that there is sufficient capacity at the water recycling centre to accommodate the foul flows from the site to protect water quality and prevent pollution (37).
60. A condition requiring the implementation of approved landscaping scheme is necessary to protect the character and appearance of the area (38). The housing mix is secured to reflect the latest evidence of housing need (39). A condition is necessary to ensure compliance with part M4(2) of the Building Regulations and for 15% of the affordable units to accord with part M4(3) of the Building Regulations to ensure that the development is accessible and inclusive (40).
61. I have considered the disputed condition relating to Policy DH4 of the NP regarding addressing the performance gap. The condition suggested by the Council requires explanation of how the scheme has considered Passivhaus or equivalent standards and an explanation of how the scheme has considered the zero-carbon ready design principles. Finally a Whole Life-Cycle Carbon Emissions Assessment should be submitted. I agree with the appellant that the first two criteria would be difficult to discharge for the Council. There is nothing to assess the proposals against or to suggest what would be acceptable or not. Furthermore, the Policy only lends support to these energy efficient principles – it is not a requirement for a scheme to embody these principles. However, the Policy does require major development to be accompanied by a Whole Life Cycle Carbon Emission Statement. This will encourage the proposals to be designed for adaptability, longevity and disassembly and there is a preferred methodology to be followed. I therefore consider that this part of the condition is reasonable and justified with reference to Policy DH4 of the NP and I have imposed an amended condition accordingly (16).

Planning and Heritage Balance and Conclusion

62. The proposal would be contrary to the spatial strategy contained in the Local Plan and NP. It would also cause moderate adverse harm to the character and appearance of the area. Furthermore, there would be less than substantial harm to a designated heritage asset, harm to a NDHA and limited harm caused by the loss of BMVAL.
63. In the absence of a five year housing land supply the provision of 220 houses would be a substantial benefit, given the extent of that shortfall and the likely future increase in the extent of the shortfall. The delivery of 35% of that housing as affordable would also be a substantial benefit given the need for 754 affordable homes identified in the Buckingham Housing Needs Assessment to 2040. Although the provision would not be above the requirement of policy within the NP, it would still provide a level of affordable housing for which there is a need.

64. The number of custom and self-build housing attracts moderate weight. The provision of a pre-school/nursery would not only provide for the needs of the development, but also serve the wider area, and already the nearby primary academy has expressed interest in the new facility. This would be a significant benefit for the local community.
65. The sustainable and active travel transport package includes a number of measures to improve connectivity in the local area as well as a contribution to the local bus service and attracts moderate weight.
66. The requirement by obligation to provide a minimum of 30% BNG would exceed the 10% mandatory requirement and provide significant benefits for the local area, particularly given the offsite BNG achieved within the PROW network.
67. Public open space and green infrastructure would be a limited benefit of the development given it would primarily be used by residents of the appeal site.
68. The economic benefits of construction, employment opportunities and increased revenue from future residents would be of moderate weight.
69. Finally limited weight would be given to the investment in infrastructure and services primarily secured through the obligations in the legal agreement.
70. I am satisfied that those very substantial benefits would outweigh the less than substantial harm caused to Rose Cottage even giving that harm considerable importance and weight, as well as the harm to the NDHA. I note this view is shared by the parties.
71. I have given consideration as to whether paragraph 14 of the Framework applies in this case. There is no dispute that the NP became part of the development plan five years or less before the date of this decision given it has only recently been made.
72. However paragraph 14b requires the NP to contain policies and allocations to meet its identified housing requirement. While it does contain policies and allocations, are these predicated on a housing requirement which uses the latest evidence of housing need as required by paragraph 70 of the Framework?
73. It was a difficult time for the NP to be updated, given that the eLP is still very much in early preparation. It is clear, from the email trail provided by the appellant from 2024, that Buckingham Town Council used a figure of 74 homes per annum derived from a Housing Needs Survey undertaken by AECON assuming that Buckingham would take the same proportion of allocation as previously, basing the population sizing on the 2021 census figures. This was calculated as an annual figure of 2862 with a 2.6% share by population being allocated to Buckingham leading to 74 dwellings per annum. As Buckingham would have reached the required figure in the Local Plan at the start of the new NP, the decision was taken to restart the clock for the Plan period of 2024-2040 giving 1100 dwellings, which the Council agreed to. The email goes on to state that given the NP was substantially developed before Government announcements it remained appropriate to proceed with those figures, noting that the plan may need to be reviewed once the eLP was made.
74. The examiner for the NP found that the Council and Buckingham Town Council sought to agree an indicative figure for the neighbourhood area both generally and

given the interrelationship between the preparation of the neighbourhood plan and the emerging Local Plan. The approach taken reflects the size and sustainability of the town and the Council's current approach to its capacity to deliver new growth as part of the overall strategy for the County in the eLP. As such they were satisfied that it was a positive response to PPG (ID:41-102-20190509) on the way in which a local planning authority should identify indicative housing requirement figures for designated neighbourhood areas. They go on to say that plainly there would be the possibility that the eventual outcome of the eLP will be that Buckingham need to deliver a higher level of growth than that currently proposed in the submitted NP. In this context the Examiner notes that the Council advises that it has been agreed that any additional housing requirement will be dealt with through either the eLP itself or a review of the NP. They considered that such an approach would address this scenario in a satisfactory and plan-led way. This is reflected in the NP.

75. The issue is, in this time of limbo before the eLP is progressed further, the uncertainty of the levels of housing that would be required for Buckingham. I appreciate that parties have been aware that the standard method of calculating the housing requirement from would be used from September 2026 for some time, which would equate to 210 dwellings per annum (dpa), a significant uplift on the 74 dpa used by the Town Council. However, the exact strategy of the Council is not known. Although, the SOCG agrees that Buckingham would be one of only two Tier two settlements in the former Aylesbury Vale Plan area and is the only settlement not constrained by Green Belt and National Landscape designations, the level of growth for the settlement is not known at this time other than it is likely there will be an uplift in housing required. Consequently, I am satisfied that BTC used the most up to date figures available at the time, and responded to the requirement of the Local Plan, the most recently available planning strategy, for growth in Buckingham to be led by neighbourhood planning in accordance with paragraph 70 of the Framework.
76. Paragraph 14 of the Framework states that where the criteria are met, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, even using the paragraph 14 emphasis for my paragraph 11dii balance, in this instance the adverse impacts of allowing development, including in conflict with the NP, would still not significantly and demonstrably outweigh the very substantial benefits. This is particularly so given that the principal policy with which it is alleged there is conflict is Policy HP1, by virtue of the fact that the proposal is not within the settlement limit of Buckingham to which I have given limited weight due to the substantial lack of five year housing land supply.
77. Consequently, while the proposal would conflict with the development plan as a whole, there are considerations, including the Framework, which outweigh that conflict and therefore the appeal should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Ms Danika Hird	Principal Planning Officer Buckinghamshire Council
Ms Rebecca Jarratt	Principal Planning Officer, Buckinghamshire Council
Ms Louise Anderson	Principal Planning Officer, Buckinghamshire Council
Mr Jonathan Bellars	Landscape Architect, Buckinghamshire Council

FOR THE APPELLANT

Mr Zack Simons, Kings Counsel	Instructed by:
Mr Neil Hall	Technical Director (Planning) WSP
Mr Neil Furber	Senior Director (Landscape), Pegasus
Mr Tom Wilson	Associate Director (Cultural Heritage) WSP
Ms Vicky Fowler	Partner and Planning and Environment Team Leader, Gowlings WLG

INTERESTED PERSONS

Ms Jane Mordue	Buckingham Town Council
Mr Roger Newall	Buckingham Town Council

DOCUMENT SUBMITTED AFTER THE HEARING

Signed and dated Section 106 legal agreement

SCHEDULE OF CONDITIONS

- 1) Details of access (other than the main vehicular access), appearance, landscaping, layout and scale, (herein after called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Prior to or at the same time as the submission of the first reserved matters application a phasing plan shall be submitted for approval in writing by the Local Planning Authority. The plan will show the phasing of market dwellings, affordable housing, the self-build and custom build dwellings, the area and location for the nursery and the Green Infrastructure open space areas. The phasing plan should be accompanied by an Accommodation Schedule setting out the broad location, type, size, tenure and wheelchair accessible dwellings in each phase. The development shall thereafter be constructed in accordance with the approved details.
- 3) Application for approval of the reserved matters in respect of the first phase of the development shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission.
- 4) Application for approval of the reserved matters in respect of any subsequent phase of the development shall be made to the Local Planning Authority before the expiration of 3 (three) years from the date of this permission.
- 5) The first phase of the development hereby permitted shall be begun before the expiration of 2 (two) years from the date of the approval of the related reserved matters application.
- 6) Subsequent phases of development hereby permitted shall be begun either before the expiration of 4 (four) years from the date of this permission, or before the expiration of 2 (two) years from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is later.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: • Drawing No. 70117870-WSPE-FG-T-00001_P01.2 Site Location Plan received 19th November 2024, Drawing No: 70117870-WSPE-DR-OT-00001-P02 Rev P01 Proposed Access Design received 2nd April 2025, Drawing No: 70117870-WSPE-FG-T-00005_P03 Land Use and Landscape Parameters Plan received 9th May 2025.
- 8) The total quantum of residential development on the site edged in red on approved site location plan 70117870-WSPE-FG-T-00001_P01.2 received 19th November 2024 shall not exceed 220 dwellings.
- 9) The development shall be implemented in accordance with the agreed recommendations provided within the Breeding bird survey (WSP, October 2024) and bat survey report (WSP, November 2024).
- 10) Plans and particulars submitted for any Reserved Matters application pursuant to Conditions 3 and 4 of this permission shall be in general accordance with the ‘Key design principles’ set out within the Design and

Access Statement. Any reserved matters application pursuant to Conditions 3 and 4 of this permission shall include the following details:

- i) any proposed access road(s) including details of horizontal and vertical alignment;
- ii) any existing access points within the application site that are not required for the development, and which are proposed to be closed when new accesses forming part of the development are brought into use;
- iii) the layout and specification of
 - (1) any internal roads not covered by the above,
 - (2) footpaths,
 - (3) access facilities for the disabled and
 - (4) individual accesses;
- iv) the materials to be used on the external faces of all the buildings to which the details relate;
- v) the positions, design, dimensions, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided, including details on excavations and methodologies required for their implementation;
- vi) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels relative to existing land levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
- vii) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
- viii) a waste strategy including details of bin and recycling storage;
- ix) Details of any external lighting to any building(s) or parking areas either associated with those buildings or separate visitor spaces; and
- x) Evidence that the natural buffers required between proposed infrastructure and hedgerows, woodland parcels and watercourses, as set out in the Ecology Officer's response dated 19th December 2024 have been achieved, or evidence that no harm will arise to protected species and biodiversity as a result of these buffers not being achieved.

The development shall be implemented in accordance with the approved details.

- 11) The details to be submitted for the approval of the Local Planning Authority within any Reserved Matters application pursuant to Conditions 3 or 4 of this permission seeking to determine matters of Layout shall include details of the additional emergency vehicular access as shown indicatively on drawing 70117870-WSPE-DR-OT-00002-P02 Rev P02 received 7th March 2025

(only if this additional access is to be provided), and the pedestrian and cycle accesses onto Bourton Road, and all cycle and pedestrian routes within the site. For the avoidance of doubt, suitably surfaced, lit, and LTN 1/20 compliant pedestrian and cycle routes are required, and these will need to be constructed to the appropriate Buckinghamshire Council highway standards. The approved scheme shall be implemented and made available for use before any dwelling within the development associated with that Reserved Matters application is occupied and shall be retained as such thereafter.

- 12) The details to be submitted for the approval of the Local Planning Authority within any Reserved Matters application pursuant to Conditions 3 and 4 of this permission seeking to determine matters of Layout shall include:
- i) Details on parking and manoeuvring for all necessary vehicle types (including emergency vehicles and refuse collection vehicles);
 - ii) Details on cycle parking/storage on site for each dwelling as well as the pre-school/nursery; and
 - iii) Details on electric vehicle charging infrastructure to be installed at each dwelling and within the pre-school/nursery car park.

These details shall be fully in accordance with the adopted parking standards. The approved details shall be implemented and made available for use before any dwelling (or business) within the development associated with that Reserved Matters application is occupied and shall be retained as such thereafter.

- 13) The development shall be implemented utilising a Fabric First Approach and Air Source Heat Pumps in accordance with the Energy Strategy Statement prepared by Briary Energy, dated October 2024 and received 14th November 2024. Prior to or at the same time as the first reserved matters application, details of the Air Source Heat Pumps to be utilised in the development shall be submitted to the Council for approval in writing. The development shall then be implemented in accordance with those approved details.
- 14) The landscape details to be submitted pursuant to Conditions 3 and 4 above shall include the following:
- i) a scaled plan (preferably 1:200) showing all existing trees, shrubs and hedgerows to be retained, including crown spreads and Root Protection Areas for trees and plants to be planted;
 - ii) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 1. permeable paving
 2. sustainable urban drainage integration
 3. use within tree Root Protection Areas (RPAs);
 - iii) a schedule detailing species, sizes and numbers/densities of all proposed trees/plants; including soil volume requirements, support measures, guards or other protective measures; biosecurity procedures including best working practices to reduce the spread of pests and disease. Species selected must be suitable to the soil and climate resilience and meet the Landscape Institute's 10:20:30 rule for species, genera and families;

- iv) a minimum 5m natural buffer to each face of retained and proposed hedgerows;
- v) specifications the type, dimension, soil volume and infill components of the proposed planting pits of all new trees, including soil volume requirements and cross-sectional drawings, noting that trees in more densely built areas will require the use of underground rooting apparatus or modular systems to achieve soil;
- vi) tree-lined streets with verges of sufficient width and length to accommodate tree planting and full tree establishment (a starting point of 2.5m width and length for verges should be used here);
- vii) locations of all existing services and those proposed, which should be positioned within the highways to ensure they do not conflict with existing or proposed trees, including underground rooting apparatus; and
- viii) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; methods to improve the rooting environment for retained and proposed trees and landscaping including watering, weed control, pruning, etc.

The approved landscaping scheme shall be implemented in accordance with the requirements of Condition 38 of this permission. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless already agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting.

- 15) Any Reserved Matters application submitted pursuant to Conditions 3 or 4 of this permission which include details on the appearance, scale and layout of the pre-school / nursery shall also include details showing how the facility has been designed so that the appropriate ambient noise levels in internal and external environments are achieved in accordance with the Institute of Acoustics and ANC guidance document 'Acoustics of Schools design guide(2015)' as follows:
- i) For new schools, 60dB LAeq, 30 min should be regarded as an upper limit for external noise at the boundary of external premises used for formal and informal outdoor teaching, and recreational areas;
 - ii) Noise levels in uncopied playgrounds, playing fields and other outdoor areas should not exceed 55dB LAeq, 30 min; and
 - iii) At least one area suitable for outdoor teaching activities where noise levels are below 50dB LAeq, 30 min.

These details concerning noise levels must be provided in writing for approval alongside the details of appearance, scale, and layout, in the form of an Environmental Acoustics Report, which must be approved in writing by the Local Planning Authority as part of that Reserved Matters application.

- 16) Any reserved matters application pursuant to Conditions 3 and 4 of this permission shall include a carbon statement which includes:

A Whole Life-Cycle Carbon Emissions Assessment prepared using a recognised methodology demonstrating actions taken to reduce embodied and operational carbon

The development shall be carried out in accordance with the approved details for that phase.

Pre-commencement Conditions

- 17) Prior to the commencement of any development works on the site, including site clearance and demolition of any buildings, related to the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and shall include the following details:
 - i) Construction access;
 - ii) Construction traffic routing;
 - iii) Delivery hours outside of highway network peak periods;
 - iv) The parking of vehicles of site personnel, operatives, and visitors off the highway;
 - v) Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway;
 - vi) Site specific measures to control and monitor impacts arising in relation to noise, vibration, dust, smoke and fumes;
 - vii) The erection and maintenance of security hoarding and gates;
 - viii) Wheel-washing facilities; and
 - ix) Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.

- 18) No works or development (including demolition) shall take place until an Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) has been submitted in accordance with current British Standard 5837 and approved in writing by the Local Planning Authority. Tree protection measures, including the erection of tree protective fencing and installation of ground protection, shall be in situ prior to the commencement of any works on site (including demolition) and shall conform to current British Standard 5837 guidance. No work shall be carried out, or materials stored within the construction exclusion zone or other protected areas without prior written agreement from the Local Planning Authority. The AMS and TPP shall include:
 - i) Details of trees to be removed and retained;
 - ii) Detailed plans for demolition (if applicable) and construction showing location of the tree protective fencing and any additional ground protection whether temporary or permanent;
 - iii) Details as to the location of proposed and existing services and utilities including sustainable drainage, attenuation basins and swales, where these are close to Root Protection Areas (RPAs);
 - iv) Details as to the method, specification and materials to be used for any "no dig" cellular confinement systems where the installation of no-dig surfacing is within the Root Protection Areas of retained or planted trees is to be in accordance with current nationally recognised best practice guidance British Standard BS 5837 and current Arboricultural Guidance Note 'Cellular Confinement Systems Near Trees'; demonstrating that

they can be accommodated where they meet with any adjacent building damp proof courses;

- v) Details of the proposed level changes close to existing trees or their root protection areas;
- vi) Details of all proposed access facilitation pruning, including root pruning, as outlined in current British Standard 5837 guidance shall be carried out in accordance with current British Standard 3998;
- vii) All phases and timing of the project, including phasing of demolition and construction operations, in relation to arboricultural matters and details of supervision by a suitably qualified arboriculturist with details of how evidence of this supervision may be made available to the Local Planning Authority and escalation where details are not complied with; and
- viii) Siting of work and welfare facilities, contractor parking, areas for the storage of materials and machinery and siting of skips, the erection of scaffolding any required working spaces.

The development thereafter shall be implemented in strict accordance with the approved details and the approved tree protection measures shall be retained and maintained until all building, engineering or other operations have been completed.

- 19) No development shall be commenced unless and until the habitat management and monitoring plan (HMMP) has been submitted to and approved in writing by the local planning authority. The content of the HMMP shall include the following:
- i) Description and evaluation of features to be managed;
 - ii) Ecological trends and constraints on site that might influence management;
 - iii) Aims and objectives of management which will (without limitation) include the provision provided within the Biodiversity net gain assessment (WSP, June 2025);
 - iv) Details of appropriate biodiversity enhancement features to be integrated into at least 25% of the proposed buildings along with hedgehog holes in appropriately located fences/barriers to allow wildlife migration;
 - v) Wildlife sensitive lighting strategy details including identifying those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb;
 - vi) Appropriate management options for achieving aims and objectives;
 - vii) Soil sampling is required in areas proposed for other neutral grassland in order to provide the secured habitat and condition through appropriate management in reflect of soil conditions;
 - viii) Prescriptions for management actions;

- ix) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- x) Details of the body or organization responsible for implementation of the plan; and
- xi) Ongoing monitoring and remedial measures.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of thirty years.

- 20) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- i) Risk assessment of potentially damaging construction activities;
 - ii) Identification of “biodiversity protection zones;”
 - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). To include protection measures for the retained trees (specifically identified T17 and T25) and measures in place to protect ecological valuable habitats (including natural buffers along linear features);
 - iv) Reptile precautionary method statement;
 - v) Details of pre-commencement badger survey;
 - vi) The location and timing of sensitive works to avoid harm to biodiversity features;
 - vii) The times during construction when specialist ecologists need to be present on site to oversee works;
 - viii) Responsible persons and lines of communication;
 - ix) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - x) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 21) Prior to the commencement of any development a construction method statement shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of reasonable avoidance measures for amphibians including great crested newts. The development shall proceed in accordance with the approved measures.
- 22) Archaeology: this condition has three parts:

- i) Prior to the submission of the first reserved matters application a written scheme of investigation which shall include a scheme for trial trenching shall have been submitted to and approved in writing by the Local Planning Authority.
- ii) Prior to or at the same time as the submission of the first reserved matters application an archaeological evaluation shall have been undertaken in the form of trial trenching in accordance with the approved written scheme of investigation.
- iii) Where the trial trenching reveals archaeological remains that, Buckinghamshire Council concludes, should be preserved in situ required no development shall take place in these areas until the applicant has provided an appropriate methodology for this which has been submitted by the applicant and approved by the planning authority.
- iv) Where archaeological remains are concluded to be appropriate to be recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, no commencement of the development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work to record the remains that which has first been submitted by the applicant and approved by the planning authority.

The archaeological investigation(s) should be undertaken by a professionally qualified archaeologist working to the agreed written scheme of investigation(s) based on our on-line template briefs and take the form of trial trenching at a minimum of 4% in the first instance.

- 23) No development shall take place until a risk assessment in relation to ground contamination has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, in alignment with the recommendations of the Phase 1 Geo-environmental Desk Study dated March 2024, prepared by WSP and received by the Council on 14th November 2024 The following shall be submitted to and approved in writing by the Local Planning Authority.
- i) Phase 1 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.
 - ii) Phase 2 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be submitted to and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme, and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Pre-stage Conditions

- 24) Prior to the commencement of construction of any dwelling a written noise impact assessment for the site shall be submitted in writing to, and approved by, the Local Planning Authority. The report shall demonstrate that the layout and construction of dwellings and associated external amenity space reflects good acoustic design together with details of appropriate mitigation

measures, where required, so that internal and external noise levels specified below will not be exceeded:

Location	Daytime (07:00 to 23:00)	Night time (23:00 to 07:00)
Living Room	35 dB LAeq, 16hour	-
Dining Room	40 dB LAeq, 16hour	-
Bedroom	35 dB LAeq, 16hour	30 dB LAeq, 8hour 45dB LAmax - no more than 10 times per night

Where it is necessary to rely on closed windows to achieve the above internal noise levels then an alternative adequate means of ventilation and cooling, meeting the requirements of Building Regulations Approved Document F and O, shall be provided that do not compromise the performance of the relevant façade insulation measures. Where mechanical ventilation is proposed it should, in normal operation, achieve compliance with NR20 in bedrooms between 23:00 to 07:00 and NR25 in all habitable rooms between 07:00 to 23:00.

Noise levels in external amenity spaces provided for the sole use of the occupiers of the dwellings shall not exceed 55dB LAeq, 16hr.

Any agreed mitigation measures required to meet the internal and external noise levels specified above in respect of a dwelling shall be fully implemented prior to the first occupation of that dwelling and shall be retained as such for the duration of its residential use.

- 25) No construction work on any dwellings or the pre-school/nursery hereby permitted, other than site clearance and demolition, shall take place until a written management plan detailing how noise arising from mechanical air ventilation, heating, and cooling plant is to be mitigated has been submitted to and approved in writing by the Local Planning Authority. The scope of this condition should be interpreted as including plant associated with both domestic and non-domestic land uses (i.e., plant installed for the benefit of the pre-school/nursery).

No part of the development shall be occupied until the mechanical air ventilation, heating and cooling plant authorised by this condition have been installed and commissioned in strict accordance with the management plan, and the plant shall be maintained in full accordance with manufacturer's recommendations for the lifetime of the development.

- 26) Either before or together with the submission of any Reserved Matters application pursuant to Conditions 3 and 4 of this permission which include details of the appearance, scale and layout of the pre-school/nursery, a report detailing the proposed noise mitigation, including any necessary ventilation requirements will be submitted, to and approved in writing by, the Local Planning Authority. The report will detail the mitigation required to ensure that internal noise levels, from any external source, do not exceed those specified in table 4 of BS8233:2014 and that noise levels in bedrooms do not exceed 45dB LAmaxf more than 10 times per night.

Any specific building ventilation requirements needed to ensure that the above levels can be maintained will also be detailed in the report. It will also

detail the mitigation required to ensure that noise levels in external amenity spaces do not exceed 55dB LAeq16hr.

Any agreed mitigation measures required to meet the internal and external noise levels specified above in respect of a dwelling shall be fully implemented prior to the first occupation of that dwelling and shall be retained as such for the duration of its residential use.

- 27) No development on any dwelling or the pre-school/nursery shall commence, other than site clearance and demolition, until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. The strategic foul water strategy shall identify a sustainable point of connection to the public foul network.

The foul water drainage works approved by this condition must have been carried out in complete accordance with the approved scheme prior to the occupation of any dwelling or the pre-school/nursery.

- 28) No works (other than site clearance and demolition) shall begin until a surface water drainage scheme for the site, based on based on the principles set out within the Flood Risk Assessment and Outline Drainage Strategy report (doc.ref. 70117870-Rev.1, September 2024, WSP) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) Detailed drainage surveys and condition assessment of downstream culverts and land drainage ditches to the north of the redline which are proposed to receive discharges from the proposed development site drainage scheme. Note that these fall with Applicant's blue line land ownership;
- ii) Hydraulic/hydrological assessment of existing land drainage flows entering the site from the Ditches 1, 2 and 3 identified in Figure 2-3 of the FRA);
- iii) Discharge rates from the drained impermeable area shall be based on QBAR greenfield rate of 3l/s/ha in accordance with the greenfield run off calculations provided within the approved FRA and Drainage Strategy Report;
- iv) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event, without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site;
- v) The calculations must include an assessment of the impacts of surcharged outfall conditions at the points of connection into the Upper Great Ouse to inform the sizing of attenuation basins and the design of emergency overflows and requirements for flap values for outfalls. Typically, a reasonable worst case scenario in terms of joint probability of a pluvial/fluvial event occurring simultaneously is represented using the design storm event for the drainage network (1%AEP+CC) in combination to a 1 in 2 year event (QMED) fluvial event, which equate to approximately the bankfull water level within the Upper Great Ouse at the location of the proposed outfall;

- vi) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction, taking into account vulnerable receptors within the zone of influence of the site;
 - vii) Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components;
 - viii) Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS component(s);
 - ix) Construction details of all SuDS and drainage components; and
 - x) Floation calculations for all buried drainage elements (attenuation ponds, tanks, permeable paving etc...) based on groundwater levels encountered during the winter monitoring period (November-March).
- 29) No works (other than site clearance and demolition) shall begin until a 'whole-life' maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) during and following construction, with details of who is to be responsible for carrying out the maintenance. The surface water drainage scheme approved pursuant to Condition 28 of this permission and the associated maintenance plan for the site shall be implemented in accordance with the approved details.
- 30) Prior to the commencement of the construction of any estate roads serving any phase of the development subsequently approved as part of reserved matters applications submitted pursuant to Conditions 3 and 4 of this permission, details of measures to facilitate the availability of a high-speed broadband connection to the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the building to which it relates.

Pre-occupation Conditions

- 31) No part of the development hereby permitted shall be occupied, until the principal means of vehicular access off Bourton Road has been provided in general accordance with the approved planning drawing (70117870-WSPE-DR-OT-00001-P02 Rev P01 Proposed Access Design received 2nd April 2025) and constructed to the appropriate Buckinghamshire Council access standards.
- 32) No part of the development hereby permitted shall be occupied, until the off-site improvement works concerning Bourton Road and the Toucan crossing over the A413, including the installation of raised kerbs and bus stops along the A413, have been provided in general accordance with the drawings listed below, and in accordance with detailed design/drawings which have been submitted to and approved in writing by the Local Planning Authority. Where relevant, the improvements will need to be suitably surfaced, lit, and LTN 1/20 compliant pedestrian and cycle routes constructed to the appropriate Buckinghamshire Council highway standards.

- i) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements Overview Plan received 7th March 2025
 - ii) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements Sheet 1 of 3 received 7th March 2025
 - iii) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements Sheet 2 of 3 received 7th March 2025
 - iv) Drawing No: 70117870-WSPE-DR-OT-00002-P02 Rev P01 Bourton Road Pedestrian and Cycle Connection Improvements (including approximate locations of bus stops) Sheet 3 of 3 received 7th March 2025
- 33) No part of the development hereby permitted shall be occupied, until detailed design and technical details concerning the off-site improvement works relating to the provision of a footpath to the south of the A421 generally in accordance with the following drawing, has been submitted to and approved in writing by the Local Planning Authority.
- i) Drawing No: 70117870-WSPE-DR-OT-00003_P01 Rev S2-P01 A421 pedestrian and cycle connection improvements (Appendix F of the Transport Assessment, October 2024).

The off-site improvements hereby approved by this condition must be implemented prior to the occupation of any dwelling or the pre-school / nursery.

- 34) No part of the residential development shall be occupied until a detailed Residential Travel Plan is submitted to and approved in writing by the Local Planning Authority. The approved Residential Travel Plan shall be implemented and monitored thereafter.
- 35) No part of the Pre-school / Nursery shall be occupied until a detailed Pre-school / Nursery Travel Plan is submitted to and approved in writing by the Local Planning Authority. The approved Nursery Travel Plan shall be implemented and monitored thereafter.
- 36) No dwelling on any phase shall be occupied until full written details of artificial lighting for that phase is submitted to and approved in writing by the Local Planning Authority. In addition to considering the impact on residential amenity for adjacent neighbouring residential properties, the lighting scheme shall incorporate a 'lighting design strategy for biodiversity' for the entirety of the proposed development. The strategy shall:
- i) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, in accordance with the approved details, and these shall be maintained thereafter in accordance with the strategy, for the lifetime of the development.

- 37) Prior to occupation of any dwelling or the pre-school/nursery approved as part of this development (or any subsequent phase of development), written confirmation from Anglian Water must be submitted to the Council, confirming there is sufficient capacity at the water recycling centre to accommodate the foul flows from the development site.

Compliance Conditions

- 38) All planting, seeding or turfing included in all approved landscaping details (regardless of phase) shall be carried out in the first planting and seeding season following the occupation of the development/phase hereby permitted or the completion of the development/phase, whichever is the sooner. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of ten years from the occupation or completion of the development/phase, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 39) The sizes and types of dwellings (i.e. the housing mix) to be submitted pursuant to Conditions 3 and 4 of this permission shall have regard to the Housing and Economic Development Needs Assessment (2017) or latest evidence of housing need.
- 40) The proposed dwellings shall be designed to provide an appropriate level of accessibility and adaptability, with all dwellings compliant with Category 2 (Part M4(2) of the Building Regulations and 15% of the affordable units compliant with Category 3 (Part M4(3) of the Building Regulations) unless demonstrated by an accompanying report that the development would be unviable to do so.

*****END OF CONDITIONS*****



Appeal Decision

Inquiry held on 3 – 5 February and 12 February 2026

Site visit made on 5 February 2026

by **H Baugh-Jones BA(Hons) DipLA MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 9th April 2026

Appeal Ref: APP/Y3940/W/25/3374421

Land off Woodrow Road, Melksham, Wiltshire, SN12 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Waddeton Park Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/10674.
 - The development proposed is Outline application with all matters reserved except for access for the development of up to 70 dwellings, open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for Outline application with all matters reserved except for access for the development of up to 70 dwellings, open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping. at Land off Woodrow Road, Melksham, SN12 7AY in accordance with the terms of the application, Ref PL/2024/10674, subject to the conditions in the attached schedule.

Procedural and Preliminary Matters

2. I held a Case Management Conference on 9 December 2025 at which the main parties were present. The purpose of this was to provide an opportunity for me to give a clear indication as to the ongoing management of the case and the presentation of evidence so that the Inquiry was conducted in an efficient and effective manner. There was no discussion of evidence or the merits of the appeal.
3. The Council refused the planning application for a number of reasons including in relation to flood risk and the absence at the time of agreed planning obligations. In advance of the Inquiry opening, and during its course, there was considerable narrowing of the disputed matters such that the Council's previous objections fell away in relation to flooding, planning obligations and landscape harm. However, insofar as they are relevant, I have addressed those matters in my decision.
4. I have been provided with a signed planning obligation under section 106 of the Town and Country Planning Act 1990. The Agreement sets out a number of provisions to come into effect if the appeal is allowed. I return to this later in my decision.
5. Following the close of the Inquiry, the Council received a letter from the Inspectors examining the new local plan; the contents of which are potentially material to my

determination of this appeal. The parties subsequently provided written evidence on this specific matter, which I have taken into account.

Main Issue

6. Whether the proposal accords with development plan policies for the location of development including its effects on the character and appearance of the area.
7. Whilst my framing of the main issue broadly follows the remaining reason for refusal on the Council's decision notice, evidence was presented separately on matters of planning and the area's character and appearance. I therefore address them under separate headings.

Reasons

Planning policy

8. The development plan for Wiltshire includes the Core Strategy (2015) (the CS) and the Joint Melksham Neighbourhood Plan 2 (2020) (the JMNP2). CS Policy CP1 identifies Melksham as a second-tier settlement with the potential for significant development. It is set to take the most amount of housing of all the Market Towns. Beyond Policy CP1, locations for development are managed through Policies CP2 and CP15.
9. Policy CP2 sets out a presumption in favour of sustainable development within the development boundaries of settlements including the market towns such as Melksham. Unless permitted by other CS policies, development is not permitted outside those boundaries. Policy CP2 also sets out the spatial strategy for the Melksham Community Area (MCA). Policy CP15 says, amongst other things, that growth in the MCA will be in accordance with Policies CP1 and CP2.
10. The JMNP2 allocates a number of sites for housing development in Melksham. Those allocations exceed the need for new housing identified in the Melksham and Melksham Without Housing Need Assessment (July 2022) which assessed need in the neighbourhood area. Whilst the appeal site was included in the 'call for sites' as part of a larger site, it was not allocated in the JMNP2. JMNP2 Policy 6 sets out that housing outside settlement boundaries will be managed in accordance with the adopted development plan and should meet evidenced local housing need. It thereby defers to the CS and the evidence on housing need. This is set out in the supporting text to JMNP2 Policy 6 and which makes clear that the settlement boundaries it is referring to are those defined in the CS.
11. However, the CS sought to meet needs between 2006 and 2026, and the settlement boundaries were drawn up to accord with that plan period and not beyond it. Even if all of the JMNP2 allocations come forward, a housing land supply deficit would remain. Moreover, housing land supply is calculated across the whole of the Council's area and is not based on any particular settlement. This is recognised by the Council in its considerations on the Land at Snarlton Farm proposal (Application PL/2024/07097). Whilst that scheme was for substantially more dwellings than in this appeal, I see no reason to divert from that general principle. The appeal scheme would provide a meaningful contribution to Wiltshire's housing land supply.
12. Moreover, the minimum housing target expressed in the CS of 42,000 homes over the plan period was not met, with a shortfall of around 1000 homes. Exacerbating

this is the Council's five-year housing land supply shortfall of over 9,500 dwellings and a separate affordable housing need of over 1,200. It is inevitable and accepted by the Council, that permission for housing will need to be granted on unallocated greenfield sites even though that will conflict with CS Policies CP2 and CP15.

13. The Council submitted a new local plan for examination. In evidence, it was referred to as the 'emerging local plan'. However, the issues latterly highlighted by the examining Inspectors clearly indicate that there is a significant amount of further work needed on the plan to make it sound. In their letter to the Council of 27 February 2026, the Inspectors offer the Council the option of either withdrawing the plan or request that they proceed to prepare their report. The letter makes it very clear that the latter option would inevitably lead to a recommendation that the plan is not adopted because of it being found unsound. Whilst I therefore note the Council's argument that the plan has not been withdrawn at this stage and is thus still at examination, the examining Inspectors' letter provides me with sufficient reason to conclude that the plan as it stands will not be going forward. In this circumstance, it cannot therefore be considered as having any semblance as an emerging plan. Notwithstanding that, for ease of reference in my decision, I will continue to refer to it as the 'emerging Local Plan'.
14. The implication of this is that there will not be a strategic plan in place to lead development in Wiltshire for the foreseeable future. Importantly there will be no plan led mechanism to rectify the housing land supply shortfall, thus making it ever more pressing that housing continues to come forward in a timely manner in sustainable locations such as Melksham. The appeal site is well related to the existing built-up area and would form a logical extension to this part of the town.
15. I note that planning permission has been granted for around 500 dwellings on the 'emerging Local Plan's' allocation at Blackmore Farm and other applications are under consideration for a similar number of dwellings on other allocations. However, I have no evidenced certainty that they will receive planning permission. Furthermore, allocations in the JMNP2 are beginning to come forward. Nevertheless, whilst that all assists in addressing the chronic housing land supply shortfall in Wiltshire it does not place a bar on other sustainable development.
16. In summary, given that the appeal site lies outside the development boundary of Melksham, the proposal runs counter to Policies CP2 and CP15. This is not in dispute between the parties. The Council's decision notice includes reference to CS Policy CP1. However, it was confirmed by the Council that there is no conflict with that policy, and I have no reason to take an alternative view.

Character and appearance

17. The site is part of a larger parcel of agricultural land located immediately beyond the north-eastern edge of the town. The River Avon is located further to the west. An access would be formed in a gap between houses before they extend in a ribbon to the north-east along Woodrow Road. Because of the presence of this line of houses, the site is not readily visible from Woodrow Road. Nor is it widely seen from other surrounding roads.
18. There are Public Rights of Way (PRoWs) running along the site's southern boundary adjacent to the settlement edge and from north-south in the area where

the site's western boundary would be formed. There would be clear views of the proposed development from these public vantage points.

19. Currently, this part of Melksham has a hard edge formed by residential development. The indicative masterplan for the proposed development shows a substantial area of public open space in the part of the site crossed by overhead power lines.
20. The parties are now in agreement that a suitably designed landscape scheme could come forward along the northern site boundary, within the open space. Whilst this could not take the form of a continuous planting belt because of the necessary power lines easement, it would provide sufficiently large blocks of appropriate planting to satisfactorily help assimilate the proposed development into its surroundings. Importantly, it would also provide for an improvement to the existing hard edge to this part of Melksham. There is also now agreement between the parties that the proposal overall would not result in unacceptable harm to the landscape or the experiences of those using the PRowS. I have no reason to disagree. These matters are capable of being secured by suitably worded planning conditions.
21. There would be no conflict, with CS Policy CP16 which seeks to safeguard the links to the Melksham Link Canal or the similar objectives of CS Policy CP53. The proposal would meet the objectives of CS Policy 51, which broadly seeks to protect, conserve and where possible, enhance landscape character. Further, it would accord with the landscape management strategy for the Melksham Open Clay Vale Landscape Character Area as described in the West Wiltshire Landscape Character Assessment (2006). It would not run counter to the countryside protection policies in the JMNP2.

Other Matters

22. At the Inquiry, I heard from a significant number of interested parties who very eloquently detailed their objections to the proposed scheme. In addition to those matters covered elsewhere in my decision, these included transport/highways, drainage and flooding. However, I must make my decision based on clear evidence and note that neither the highway authority nor any of the statutory undertakers have raised any objections.
23. In terms of flooding, with the imposition of suitably worded planning conditions, I am satisfied that there would be no increase in flood risk arising from the proposed development. I have taken into account the highways evidence and took the opportunity to travel along the local roads including the A350 towards to Lacock. I saw nothing of concern which would lead me to conclude that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Consequently, whilst I do not doubt the sincerity of the interested parties' contributions to the appeal, I do not find anything to lead me away from my overall conclusion that the appeal should be allowed.

Planning Obligations

24. The Agreement is an executed document dated 25 February 2026. I have considered the various obligations with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations) and the policy tests in paragraph 58 of the Framework.

Agreement Provisions

Affordable Housing

25. Provision is made for 21 affordable homes, representing a 30% of the total number of proposed dwellings, compliant with CS Policy CP45 and paragraph 66 of the Framework. The affordable housing element would comprise a tenure mix of 16 affordable rented homes and 8 for affordable home ownership. Given the pressing need for affordable homes, the obligations are necessary.

Education

26. The Agreement provides contributions to early years (£157,698), primary (£356,402) and secondary (£68,820) education. Current early years provision within a two-mile safe walking route, is operating at full capacity. The development would generate a need for 9 additional early years places at a cost per place of £17,522. The money would be put towards one of the suitably located new schools. The development would generate a need for 19 new primary places at a cost of £18,758 per place. These are also to be secured at one of the new schools. In terms of secondary education, 3 new places would be generated by the development at a cost of £22,940 per place. This contribution would be spent on the expansion of Melksham Oak Community School. These obligations are therefore necessary to meet the additional education provision generated by the development in accordance with CS Policy CP3.

Open Space, Play and Sport

27. The obligations provide for on-site public open space and a location within it for new play equipment. There is also provision in the Agreement for off-site contributions in the circumstance that the on-site provision, for some reason, falls short of the requirements. The contributions have been calculated to be £83,999.41 for the open space element and £17,841.60 for play equipment. A further, policy compliant obligation provides a contribution towards a 3G artificial turf pitch at Lancaster Road Playing Fields or elsewhere in the vicinity of the appeal site.
28. The obligations are necessary to provide a satisfactory recreational environment for future residents of the development and provide new facilities for the district's growing population in accordance with CS Policies CP3 and CP52.

Waste and Recycling

29. The Agreement provides for a contribution of £8,050 towards the provision of waste and recycling facilities for each proposed dwelling. Such facilities are essential to support new development as identified in CS Policy CP3. The costs are identified in the Council's Guidance for Developers SPD. The contribution is necessary to ensure appropriate waste and recycling facilities are provided and to cover the associated costs.

Highways and Public Rights of Way (PRoWs)

30. The obligations provide for necessary improvements to PRoWs next to the site and cycling facilities to encourage the use of sustainable transport modes by providing ease of access to and from the development. It accords with CS Policies CP52, CP57 and paragraph 105 of the Framework.

Public Art

31. The Revised Wiltshire Planning Obligations SPD supports CS policies, including CP3 (Infrastructure Requirements). It identifies the planning obligations the Council will seek for development that generates new infrastructure needs. It sets out explicit thresholds for the contributions required for various types of obligations that may be necessary. Art and design requirements are set out in Chapter 10 of the SPD albeit without the level of detail applied to other obligations such as for affordable housing; open space/green infrastructure; and transport/highways. It includes a footnote reference to a Guidance Note published in 2011.
32. That 2011 guidance has been replaced by the 'Art and design in the public realm in Wiltshire – 2024 Guidance'. The threshold for public art in the Guidance is set at £300 per dwelling for developments of 50 dwellings or more. However, it has not been subject to consultation or any formal local planning process. The Framework says that good design is a key aspect of sustainable development. The provision of public art could be said to fall within that ambit. It would serve a clear planning purpose, with development plan support. Being located within the development or in its vicinity would satisfy the test of being directly related to the development.
33. However, I must agree with the findings of the Inspector in the Land off Spitfire Road appeal wherein he found there to be no evidence base, or calibration against any benchmark, for the £300 figure. In the absence of an identified scheme and in the context of there having been no public consultation on the Guidance, I cannot conclude that this obligation would pass all of the statutory tests and am thus unable to take it into account as a reason for granting planning permission.

Conclusion on Planning Obligations

34. With the exception of public art, all of the other planning obligations are necessary, directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they meet the relevant tests in Regulation 122(2) of the CIL Regulations and the Framework.

Planning Balance

35. Given the Council's housing land supply of 2.42 years, it is common ground that the most important policies for determining this appeal are out of date. Therefore, Framework paragraph 11d) ii says that permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination'. Whilst the proposal does not accord with the development plan as a whole, in light of the above, I give limited weight to the spatial policy harm.
36. There would be social benefits arising from the proposal through the provision of market and affordable housing. Whilst housing delivery in Wiltshire may have been strong in the past, that does not justify reducing the weight to the provision of future housing in an area with a chronic housing land supply shortfall. Given the extent of that shortfall, the benefits of market and affordable housing each attract very substantial weight.

37. Economic benefits would arise from construction and employment and support for Melksham's role as a Market Town. These carry significant weight. In reaching that conclusion, I have had regard to what paragraph 85 of the Framework says about placing significant weight on the need to support economic growth, taking into account local business needs and wider opportunities for development.
38. There would be improvements to the current hard development edge through new planting as part of the creation of settlement edge open space. This would result in very positive improvements to the landscape around this part of Melksham and the open space would be available to existing local residents as well as the occupiers of the development. This attracts significant weight. A further environmental benefit would result from BNG going over and above the minimum requirements also attracting significant weight.
39. The weight of these benefits set against the limited weight to the harm would normally tilt the balance very firmly and straightforwardly in favour of the appeal scheme. However, given the JMNP2 has only relatively recently been made, it is necessary to go to Framework paragraph 14. This says that, in situations where the presumption (at paragraph 11d) ii applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
 - a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
40. The parties agree that the JMNP2 satisfies the first of those tests. The Council asserts that it also meets the second on the basis that it meets (and exceeds) its identified housing requirement of 270 dwellings. It further argues that Policy 17 of the 'emerging Local Plan' falls to be considered under Framework paragraph 69. This means that for such a proposition to be sustained, an emerging policy must be capable of falling within the bounds of Framework paragraph 69 and thus generate an identified housing requirement for the purposes of Framework paragraph 14b).
41. The allocations in the JMNP2 have been tested through independent examination. However, in so doing, the examiner noted that the Council was seeking to address the matter of housing land supply both generally and through "the emerging Local Plan". He therefore recommended a review of the JMNP2 to address any need for a revision to the housing requirement for the neighbourhood area should this arise as an outcome of the examination of the Local Plan. Having regard to the examining Inspectors' letter of 27 February 2026, this outcome has clearly come about, given their serious questions over whether the Council has sufficient sites.
42. The source of the 270 figure in the JMNP2 is the 'emerging local plan' and thus, for the above reasons, the validity of that requirement cannot now be relied upon. Whilst the JMNP2 clearly contains policies and allocations to meet its identified housing requirement, that requirement is derived from a plan that is now extremely unlikely to go forward. This tempers the weight that I give to the identified housing requirement in the JMNP2.

43. Regardless of the parties' contrary positions on the application of Framework paragraph 69, in the parlance of Framework paragraph 14 'likely' does not and cannot mean 'absolute'. It does not place a firm bar against development going ahead even if counter to a Neighbourhood Plan that meets the tests in Framework paragraph 14. I acknowledge that the JMNP2 has relatively recently been made and reflects the wishes of those who supported it at referendum. I also note that development has been coming forward in Melksham, but the Council's housing land supply shortfall is acute and county-wide. Action to address that needs to be taken now through the provision of housing on suitable sites.
44. Given the status of the 'emerging local plan', there is uncertainty as to the level of housing that might need to be allocated at the settlement. I make no judgement on that as it is solely a matter for the examination of the plan, whenever that may be. However, the weight that I attach to that plan in terms of housing policies is negligible and has no material bearing in the planning balance.
45. In the context of Melksham as a Market Town, at which significant development is envisaged, the provision of 70 dwellings on the appeal site would not be of such magnitude to have a detrimental effect on its ability to grow in a sustainable manner or materially disrupt its future planning. Nor, in my view, would it seriously undermine confidence in the plan making process. It would, however, provide much needed housing now and result in a number of important benefits.
46. Taking all of the above into account, the balance tilts in favour of the appeal scheme. The circumstances of this appeal are such that I find it necessary to take a decision otherwise in accordance with the development plan.

Conditions

47. Conditions are imposed to ensure the development is carried out in accordance with prescribed timescales. A condition specifying the approved plans is necessary to ensure certainty. Conditions related to visibility splays, surface water, parking and site access are necessary in the interests of vehicular and pedestrian safety. I have imposed a condition related to cycle parking and a Residential Travel Plan in the interests of promoting alternatives to the use of private motorised transport.
48. I have imposed a series of conditions related to ecology both during and after construction. These are all necessary to protect and promote habitats and species. In the interests of the historic environment, I have imposed a condition requiring archaeological investigation and recording of any archaeological finds.
49. In the interests of protecting against climate change and to ensure the development's sustainable credentials, I have imposed necessary conditions. These cover a Sustainable Energy Strategy and water efficiency measures.
50. I have imposed conditions related to drainage as these are necessary in the interests of safeguarding the water environment. A condition requiring the submission and approval of a Construction Management Plan is necessary to safeguard the amenities of local residents and to protect the natural environment. Similarly, I have imposed a condition related to the times when demolition and construction operations can take place. I have made this a standalone condition for clarity.

51. Finally, conditions related to hard and soft landscaping are necessary to ensure the appearance of the development is satisfactory.

Conclusion

52. For the reasons set out, the appeal succeeds.

H Baugh-Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lord Banner KC	Instructed by Waddeton Park Ltd
He called:	
Neil Furber BSc (Dual Hons) PGDipLA CMLI	Senior Director, Pegasus Group
Mark Scoot MRTPI MRICS	

FOR THE LOCAL PLANNING AUTHORITY:

Edward Arash Abedian	Instructed by Hannah Bartlett, Wiltshire Council
He called:	
Paul Robertson BA(Hons) DipLA MSc CMLI	Senior Landscape Officer, Wiltshire Council
Mark Reynolds BSc(Hons) MSc MRTPI	Managing Director, Context Planning Ltd

INTERESTED PARTIES:

Councillor John Glover	Chair of Melksham Without Parish Council
Councillor Saffi Rabey	Mayor of Melksham Town Council
Councillor David Pafford	Chair of Melksham Neighbourhood Plan Steering Group
Chris Holden	Chair of Melksham Community Partnership and Member of Melksham NHP Steering Group
Councillor Richard Wood	Chair of MWPC Planning Committee and Chair of NHP Steering Group
Anne Henshaw	Chair of CPRE Wiltshire
Graham Ellis	Chair of Melksham Transport User Group and NHP Steering Group member
Councillor Alan Baines	Melksham Without Parish Council and resident of Woodrow Road
Councillor Simon Wise	Vice Chair of Lacock Parish Council
Andy Webster	National Trust Lacock

Councillor Phil Alford

Wiltshire Councillor for Ward

Graham Hill

Co-Chair of Wiltshire Area Localism
and Planning Alliance

Vaughan Thomson

Place Studio

Teresa Strange

Clerk, Melksham Without Parish
Council

Phil Rigg

Local business owner and resident

Jill Tubbs

Woodrow Community Speed Watch

Will Humphries

Local resident

DOCUMENTS

- ID01 List of interested party speakers and their evidence
- ID02 Northern Power – clearance to objects
- ID03 Emails between the Council and SSE
- ID04 Appellant’s opening statement
- ID05 Council’s opening statement
- ID06 Comparison of Effects Upon Visual Receptor Groups
- ID07 Illustrative landscape masterplan
- ID08 Illustrative cross sections
- ID09 Wiltshire Local Plan Inspectors’ letter and programme of works
- ID10 Extract from Planning and Compulsory Purchase Act 2004
- ID11 Site visit route suggestions

CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;The development shall be carried out in accordance with the approved details.
3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan drawing no. 220313 L 01 01; Wider Location Plan drawing no. 220313 L 01 02, Proposed Site Access General Arrangement & Visibility drawing no. PD01; Proposed Habitats Plan drawing no. eg211147.02
5. No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.
6. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private surface water from entering the highway in accordance with details that shall have first been submitted to and approved in writing by the local planning authority
7. The development hereby approved shall not be occupied until parking space for the parking of vehicles for each dwelling together with a vehicular access thereto has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The parking spaces shall not be used other than for the parking of vehicles or for the purpose of access.
8. The development hereby approved shall not be occupied until details of secure covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for that use thereafter.
9. The development shall not be occupied until a Residential Travel Plan has been implemented in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.
10. No development shall commence until details of the access works, as shown indicatively on SLR drawing 'Proposed Site Access, General Arrangement & Visibility' 422.065278.00001 - PD01, have been submitted to and approved in writing by the LPA. The approved access works shall thereafter be completed prior to the occupation of any dwelling on site.

11. The development shall be carried out in accordance with the recommendations in the following documents:
 - Proposed Habitats Plan (Engain, 07/05/2025).
 - Avoidance, Mitigation and Enhancement measures detailed in Section 6 of the Ecological Impact Assessment (Engain, 05/11/2024).
12. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority and approved in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - b. Pollution prevention measures including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle washdown plant/machinery, and the location and use of oils/chemicals.
 - c. Restrictions on artificial lighting and any measures to be implemented to reduce light spill on sensitive ecological features.
 - d. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.Development shall be carried out in accordance with the approved CEMP.
13. All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 0.5 lux (or no higher than existing).
14. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of new features for wildlife shall be submitted to and approved in writing by the local planning authority. The provision will include new roosting features for bats and new nesting features for birds at a suitable ratio of feature to building. The approved details shall be implemented before final occupation of the development. These features shall continue to be available for the target species for the lifetime of the development.
15. Prior to the start of construction on site, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
16. No development shall commence until:
 - i. a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - ii. The approved programme of archaeological work has been carried out in accordance

with the approved details.

17. A final Sustainable Energy Strategy shall be submitted as part of the reserved matters application(s) for the development to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, and sustainable transport for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
18. The development shall not be occupied until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.
19. No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters: A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes.
 - i. calculations which demonstrate that the required 30% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.
 - ii. overland exceedance routes are to be shown on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event.
 - iii. evidence that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels. The minimum is 600mm above whichever of the following levels is the highest:
 - The average ground level of the site
 - Adjacent road levels to the building
 - Estimated river or sea level for the site

The development shall then be carried out in accordance with the approved details. No part of the development shall be occupied until surface water drainage has been constructed in accordance with the approved scheme.

20. No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
21. No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - i. the movement of construction vehicles;
 - ii. the parking of vehicles for site operatives;
 - iii. the cutting or other processing of building materials on site;
 - iv. wheel washing and vehicle wash down facilities;
 - v. the transportation and storage of waste and building materials;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
 - vii. a scheme for recycling/disposing of waste arising from construction works;
 - viii. measures for the protection of the natural environment;

- ix. pre-condition photo survey of local roads and infrastructure;
- x. vehicle routing plan;
- xi. traffic management plan (including signage drawing(s));
- xii. number (daily/weekly) and size of delivery vehicles;
- xiii. number of staff vehicle movements;
- xiv. details of temporary/permanent Traffic Regulation Orders;
- xv. construction phasing plan;
- xvi. the loading and unloading of equipment and materials;
- xvii. the location and use of generators;
- xviii. the method of any piling.

The approved Construction Management Plan shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

22. Demolition or construction works shall take place only between 0800-1800 on Mondays to Fridays; 0800-1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
23. No development shall commence above ground floor slab level until full details of a hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - i. location and current canopy spread of all existing trees and hedgerows on the land;
 - ii. details of all existing trees and hedging to be retained, together with measures for their protection during development;
 - iii. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - iv. all means of enclosure;
 - v. vehicle parking layouts;
 - vi. refuse and recycling collection points;
 - vii. bin storage areas;
 - viii. vehicle and pedestrian access and circulation areas;
 - ix. all hard and soft surfacing materials.
24. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.