

# Wellingborough North SUE Appeal

Proof of Evidence - James Williams

May 2009

PINS Reference: APP/H2835/A/08/2093066/NWF

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## 1. Introduction

### Personal Details

- 1.1 I am James Williams, a consultant of Drivers Jonas LLP (Drivers Jonas), Chartered Surveyors, 85 King William Street, London, WC4N 7BL. In addition to offices in London, the Firm has its principal UK regional offices in Manchester, Birmingham, Leeds, and Glasgow.
- 1.2 I hold a Master of Arts Degree in Geography from the University of Cambridge and a Diploma in Town Planning from the University of Newcastle upon Tyne.
- 1.3 I am a Fellow of the Royal Institution of Chartered Surveyors and a Fellow of the Royal Town Planning Institute.
- 1.4 Prior to joining Drivers Jonas in 1972, I was a planning assistant with Norfolk County Council and the Royal Borough of Kensington and Chelsea respectively. I was a partner of Drivers Jonas from 1984 until May 2004 and I now practise as a full time-consultant of the firm. I am involved in leading a wide range of planning and development projects on behalf of both private and public sector clients.
- 1.5 Private sector clients include major landowners and developers for whom I have undertaken a variety of projects. These include the identification and evaluation of commercial and residential development opportunities, and the negotiation of planning consents.
- 1.6 Public sector clients include local authorities and regeneration agencies, for which I have undertaken a wide range of assignments, particularly on planning policy issues arising from the promotion and implementation of major mixed-use and residential development schemes.
- 1.7 Over a period of approximately 25 years I have appeared as an expert witness at a large number of planning inquiries and Lands Tribunal

hearings, giving evidence on planning, compulsory purchase and compensation issues.

### Wellingborough Experience

- 1.8 I am fully knowledgeable of Wellingborough and its planning policies. I have provided planning advice to the Council, as required on specific matters, over a period in excess of twenty five years.
- 1.9 Drivers Jonas advised the Council as landowners on development for employment purposes of the Park Farm Enterprise Zone on the western side of the town in the 1970s and 1980s.
- 1.10 I have provided advice to the Council, and appeared as expert witness on its behalf, in respect of development proposals in the town centre and retail proposals in other parts of the town. Alongside 'commercial' colleagues in the Firm, I recently provided advice to the Council on economic and implementation issues relating to the LDF Town Centre Action Area Plan currently in preparation. I also recently provided advice to the Council on appropriate levels of retail provision to be planned for within the Sustainable Expansion Areas.

## 2. The Appeal Proposal

### The Site

- 2.1 The appeal site is described in the Statement of Common Ground (SoCG).
- 2.2 The appeal site is agricultural land measuring 252.5 hectares on the north side of Wellingborough. The site is largely an open arable landscape with low hedges and few trees.
- 2.3 The southern boundary of the site is defined by the A509 and A510 and Hardwick Road; the eastern boundary by Finedon Road industrial estate; the western boundary by an existing footpath; and the northern boundary by open fields.
- 2.4 A busy three lane road, A509, runs through the site connecting the town to Great Harrowden and onwards to Isham and Kettering. Redhill Grange housing estate is located on the eastern side of the road and outside the application area.
- 2.5 The land rises from about 68m AOD at Harrowden Brook in the south, to about 100m AOD at Great Harrowden, with a ridge line across the north of the site.

### The Scheme and its Content

- 2.6 The appeal site is described in the Statement of Common Ground (SoCG).
- 2.7 The appeal proposal includes the following components:
- 73.04 ha of residential development providing 3,000 dwellings;
  - 6.69 ha (gross) of employment land, generating approximately 26,120 sq. m of employment floor space for business uses under Classes B1a, b and c;
  - Retail and community facilities, including a main neighbourhood centre containing: retail uses; offices; community meeting place;

leisure uses; health centre; nursery; local waste management facility; and hotel;

- Two primary school sites and associated playing fields;
- 13.65 ha of formal open spaces and 115.78 ha of informal open space, which includes children's play spaces, allotments and replacement open space.

2.8 Three phases are identified for the development:

- Phase 1 (assumed years 1–5): The central part of the site west of the A509; construction of 1,500 dwellings and open space areas to the west of the proposed Isham–Wellingborough Road Improvement (IWimp);
- Phase 2 (assumed years 5–8): A further development of 700 dwellings completing the central part of the site and development to the west, completion of neighbourhood centre, local centre and employment development;
- Phase 3 (assumed years 8–10): Development of 800 dwellings, second local centre and primary school, completion of Brook Park and northern park area.

2.9 The proposed phasing assumes that the Isham-Wellingborough Road improvement (IWimp) would be provided during Phase 1 and completed before the commencement of Phase 2.

### **Consideration of the Appeal and Duplicate Application**

2.10 The appeal application ref: WP/2008/0150/OEIA was registered by the Council in February 2008. An appeal was lodged in respect of non-

determination of the application by the Council. The 'start date' for the appeal was 08 January 2009.

2.11 The appeal application is a duplicate of an earlier application that was already under consideration by the Council, ref: WP/2007/0750/OEIA, registered in November 2007. The earlier application was the subject of considerable discussions with the appellants, and was reported to the full Council on 04 February 2009. The officers' report to the Council (Core Document (CD)) recommended approval of the application, subject to conditions and a satisfactory legal agreement being entered into with the Council.

2.12 The Council members resolved to refuse the application for the following reasons:

- (i) *In the absence of a reasonable prospect of IWIMP (Isham - Wellingborough Road Improvement) being delivered within the lifetime of this permission, this implies that the traffic impact arising from the proposed development cannot be adequately/sufficiently mitigated. Therefore, this prevents a comprehensive development of a Sustainable Urban Extension (SUE), contrary to Policies 6 (Infrastructure Delivery and Developer Contributions); 7 (Delivering Housing); 9 (Distribution and Location of Development); and 16 (Sustainable Urban Extensions) of North Northamptonshire Core Spatial Strategy and contrary to the advice in Planning Circular 11/95.*
  
- (ii) *The initial SUE at Wellingborough East (WEAST) has not been successfully established in accordance with Policies 7 (Delivering Housing) and 9 (Distribution and Location of Development) of the North Northamptonshire Core Spatial Strategy. In the*

*circumstances the phasing expected will not be implemented if planning permission is given for the proposed development. This would be detrimental to the delivery and distribution of housing in Wellingborough contrary to the above policies.*

- (iii) The gap between the proposed development and the Harrowden Villages to the north would be insufficient to provide a sensitive transition to the adjoining areas in the countryside. This would be likely to result in an undesirable coalescence with the Harrowden Villages to the north. This is inconsistent with the principles of sustainable patterns of development contained in Planning Policy Statement 1 (Delivering Sustainable Development) and contrary to Policy 16 (para k) (Sustainable Urban Extensions) of the North Northamptonshire Core Spatial Strategy Policy MKSM Northamptonshire 4 of Regional Spatial Strategy for East Midlands (RSS 8).*
- (iv) In the absence of a planning obligation to secure community benefits and provide the necessary infrastructure to mitigate the adverse impacts of the development, the proposal is contrary to Policy 6 (Infrastructure Delivery and Developer Contributions) of the North Northamptonshire Core Spatial Strategy.*

### 3. Agreed Matters

#### Statement of Common Ground – Planning Matters

3.1 A Statement of Common Ground (SoCG) on planning matters has been agreed between the appellants and the Council (CD). This covers the following matters that are agreed:

- (i) Description of the Appeal Site and its surroundings;
- (ii) Planning History;
- (iii) The Proposed Development;
- (iv) Relevant Development Plan Policies;
- (v) Relevant National Planning Guidance and Statements;
- (vi) Relevant Informal Guidance;
- (vii) The Planning Policy Context, as contained within the RSS and CSS, and with reference to:

Housing Density;

Housing Type and Mix;

Affordable Housing;

Education Facilities;

Health Facilities;

Community Facilities;

Public Realm, Open Space and Recreation Facilities;

Employment Provision;

Landscape;

Ecology;

Archaeology/Historic Environment;

Flood Risk; and  
Other Environmental Issues.

(viii) Matters raised by the Secretary of State in the PINS letter of 27 January 2009, relating to:

PPS1 – sustainability credentials; design principles;  
and access to all sectors of the community.

PPS3 – housing mix; housing quantity; appropriate and  
sustainable location for SUE.

PPG13 – all transport matters (other than lack of  
commitment to IWimp).

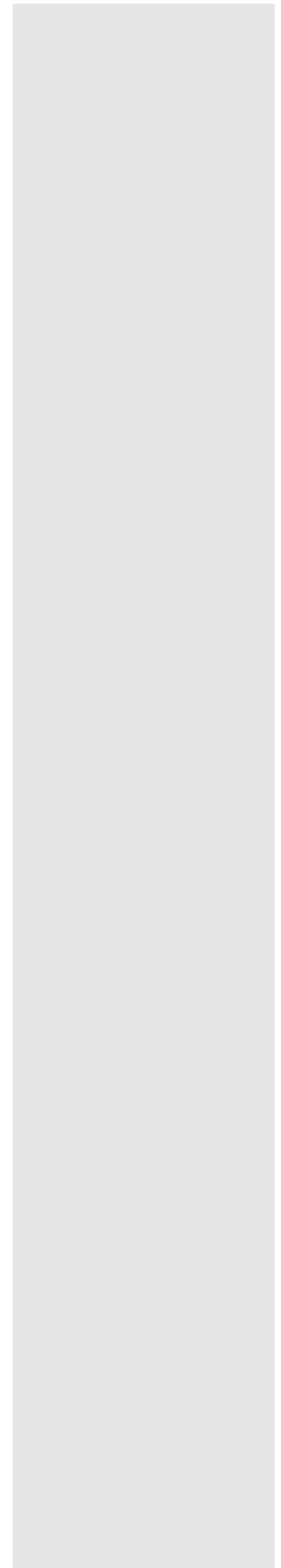
(ix) Identification of the Matters that are in Dispute.

3.2 At the time of writing my Proof, discussions were still taking place in respect of acceptable Planning Conditions in the event that the appeal is granted. I will provide an update on the position at the Inquiry.

3.3 The above matters have been agreed on behalf of the Council making the assumption that the package of Section 106 contributions offered by the appellants will be of a scale to enable the creation of a sustainable form of development at the appeal site. In the event that this is not the case, it will be necessary to reconsider some of the above matters. I am unable to comment further on this, because at the time of drafting my proof of evidence (and agreeing the SoCG) I have not seen the Section 106 package that is to be put forward by the appellants.

### Statement of Common Ground – Transport Matters

- 3.4 A Statement of Common Ground (SoCG) on transport matters is in the process of being agreed between the appellants, the Highways Agency and the County Council (CD).



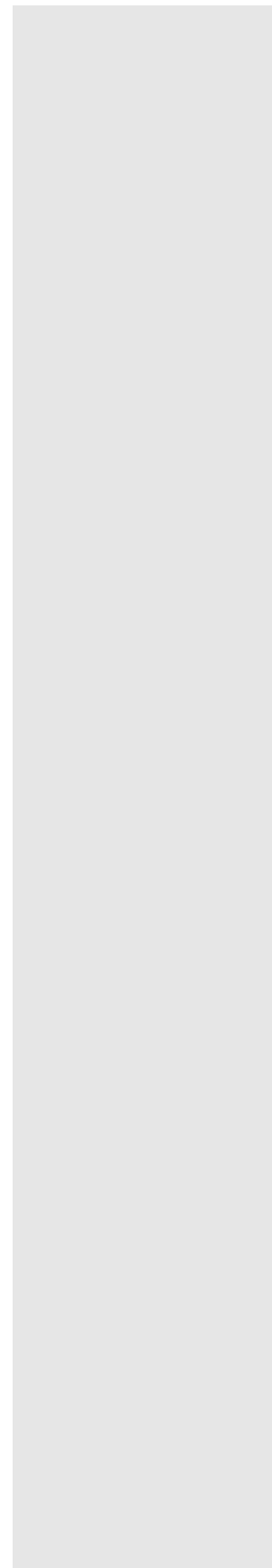
#### 4. The Development Plan

4.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 replaces Section 54(A) of the Town & Country Planning Act 1990 and requires that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.2 The development plan for the purposes of this statutory provision is:

- The Regional Spatial Strategy (RSS) March 2009, including the Milton Keynes – South Midlands Sub-Regional Strategy, March 2005 (MKSM);
- The North Northamptonshire Core Spatial Strategy, June 2008 (CSS);
- ‘Saved’ policies in the Northamptonshire County Structure Plan (CSP); and
- ‘Saved’ policies in the Wellingborough Local Plan (LP) and Northamptonshire Waste Local Plan.

4.3 In the following three sections of my Proof, I describe the relevant planning guidance and policy at the national, regional, and local level.



## 5. National Planning Policy

### Key Guidance Notes

5.1 In this Section I review the guidance in PPS1 and PPS3, as they are of most relevance to the appeal proposal.

### PPS1 Delivering Sustainable Development

5.2 PPS1 Delivering Sustainable Development was published in January 2005. It covers a wide range of issues. I refer here to key guidance only, that I believe to be relevant to the appeal proposal.

5.3 The Government's objectives for the planning system are set out in paragraphs 1-12 of PPS1. Paragraph 3 states that:

*“Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.”*

5.4 Paragraph 5 goes on to describe the role of Planning:

*“Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:*

- *making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life;*
- *contributing to sustainable economic development;*
- *protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;*
- *ensuring high quality development through good and inclusive design, and the efficient use of resources; and,*
- *ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed*

*communities with good access to jobs and key services for all members of the community.”*

Other than as indicated in the Council's grounds of refusal, I am satisfied that the appeal proposal is consistent with this government advice. As I have indicated in Section 3 of my Proof, in relation to the SoCG, my views are dependent on the Section 106 package being of a scale to enable the creation of a sustainable form of development at the appeal site.

- 5.5 Paragraphs 7 and 8 describe how the planning system should operate to achieve the Government's objectives:

*“To help meet these broad objectives, the country needs a transparent, flexible, predictable, efficient and effective planning system that will produce the quality development needed to deliver sustainable development and secure sustainable communities. National policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for that development to be managed effectively. Plans should be drawn up with community involvement and present a shared vision and strategy of how the area should develop to achieve more sustainable patterns of development.*

*This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.”*

- 5.6 Paragraph 8 reaffirms from earlier Government Guidance the primacy of the development plan. I believe that this is an important issue in this case for the reasons explained later in my proof.

5.7 Paragraphs 27-44 describe the role of development plans in delivering sustainable development, with paragraph 27 describing the approach that local authorities should take, covering such matters as:

- healthy and safe communities;
- improved access to jobs, health education, shops leisure and community facilities, open space sport and recreation;
- focussing retail, leisure and office developments that attract large numbers of people into existing centres;
- reducing the need to travel and encouraging accessible public transport provision;;
- higher density mixed use development; and
- conservation of landscape and the historic environment.

5.8 Matter (iv) of paragraph 27 refers to making land available for development. Local authorities should:

*“Bring forward sufficient land of a suitable quality in appropriate locations to meet the expected needs for housing, for industrial development, for the exploitation of raw materials such as minerals, for retail and commercial development, and for leisure and recreation – taking into account issues such as accessibility and sustainable transport needs, the provision of essential infrastructure, including for sustainable waste management, and the need to avoid flood risk and other natural hazards.”*

5.9 I believe that Wellingborough North is an appropriate and sustainable location for major new development, provided that it is brought forward in accordance with the development plan phasing strategy for the town and is supported by the necessary infrastructure and supporting facilities. The

latter is dependent upon the Section 106 package being of a scale to fund the necessary facilities.

**PPS3: Housing (November 2006)**

5.10 PPS3 Housing was published in November 2006. It sets out the Government’s commitment to improving the affordability and supply of housing in all communities, including rural areas. PPS3 replaces PPG3: Housing, which was published in March 2000.

*Strategic housing policy objectives*

5.11 The Government’s key housing policy goal is described in paragraph 9. It is:

*“... to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:*

- n *To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.*
- n *To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.*
- n *To improve affordability across the housing market, including by increasing the supply of housing.*
- n *To create sustainable, inclusive, mixed communities in all areas, both urban and rural.”*

*Planning for housing policy objectives*

5.12 Paragraph 10 indicates the specific outcomes that the planning system should deliver:

- n *“High quality housing that is well-designed and built to a high standard.*

- n *A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.*
- n *A sufficient quantity of housing taking into account need and demand and seeking to improve choice.*
- n *Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.*
- n *A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.”*

***Achieving high quality housing***

- 5.13 Paragraphs 12–19 indicate the importance of good design and high quality new housing, and their contribution to the creation of sustainable, mixed communities.

***Achieving a mix of housing***

- 5.14 Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. (Paragraph 20)

***Affordable housing***

- 5.15 Paragraph 27 emphasises the Government’s commitment to the provision of high quality housing for people who are unable to access or afford market housing.

5.16 Paragraph 29 indicates the matters that should be covered in LDDs. They should:

- n Set an overall (ie plan-wide) target for the amount of affordable housing to be provided.
- n Set separate targets for social-rented and intermediate affordable housing.
- n Specify the size and type of affordable housing that is likely to be needed in particular locations or, where appropriate, on specific sites.
- n Set out the range of circumstances in which affordable housing will be required.
- n Set out the approach to seeking developer contributions to facilitate the provision of affordable housing.

***Providing housing in suitable locations***

5.17 Paragraphs 36-39 describe the role of RSSs and LDDs in ensuring that land is made available for housing in suitable locations to create mixed and sustainable communities. In order to achieve this a number of considerations are identified, including:

- n Use of previously developed land;
- n An efficient use of land, with particular reference to appropriate housing density policies.

***Delivering a flexible supply of land for housing***

5.18 Paragraphs 54 and 55 describe the requirements for housing delivery:

*“Drawing on information from the Strategic Housing Land Availability Assessment and or other relevant evidence, Local Planning Authorities should identify sufficient specific deliverable sites to deliver housing in the first five years. To be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document:*

- n *Be **Available** – the site is available now.*
- n *Be **Suitable** – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.*
- n *Be **Achievable** – there is a reasonable prospect that housing will be delivered on the site within five years.*

*Local Planning Authorities should also:*

- n *Identify a further supply of specific, developable sites for years 6-10 and, where possible, for years 11-15. Where it is not possible to identify specific sites for years 11-15, broad locations for future growth should be indicated.*
- n *Linked to above, identify those strategic sites which are critical to the delivery of the housing strategy over the plan period.*
- n *Show broad locations on a key diagram and locations of specific sites on a proposals map.*
- n *Illustrate the expected rate of housing delivery through a housing trajectory for the plan period.”*

5.19 Paragraph 60 requires local authorities to ensure that there is a continuous five year supply of deliverable sites available by monitoring the supply of deliverable sites on an annual basis.

5.20 The Council has a key role to play in ensuring that PPS3 requirements are met, in particular the identification and allocation of appropriate levels of housing land and monitoring of performance / take-up. The Council is fulfilling these requirements through the development plans, the Strategic Housing Market Assessment (SHMA), and Annual Monitoring reports, to which I refer in Section 7 of my proof.

5.21 The Council is, however, dependent upon adequate contributions from development proposals to ensure that many PPS3 requirements are met. This applies in particular to:

- n High quality housing;
- n A good range of community facilities; and
- n Appropriate levels and types of affordable housing.

### Other Relevant Guidance

#### **Circular 11/95: Use of conditions in planning permission**

5.22 Circular 11/95 brings up to date the guidance contained in DOE Circular 1/85 (WO 1/85) and incorporates additional policy guidance issued since 1985, for example planning policy guidance notes.

5.23 Paragraph 2 states that the power to impose conditions when granting permission is wide-ranging and, if used properly, conditions can “*enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse permission.*”

#### ***Six Tests for Conditions***

5.24 Paragraph 14 sets out the six tests that conditions must meet. Conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. Paragraphs 14-42 describe in detail the tests that conditions should satisfy as a matter of policy. In brief, paragraphs 14-42 explain that conditions should be:

- (i) *necessary;*
- (ii) *relevant to planning;*
- (iii) *relevant to the development to be permitted;*
- (iv) *enforceable;*
- (v) *precise; and*

(vi) reasonable in all other respects.

*Conditions Dependant on the Actions of Others*

- 5.25 One of the Council's principal concerns in respect of this appeal is that a key infrastructure component that is essential to the scheme as a whole is implementation of IWimp, which is outside the control of the appellants.
- 5.26 Paragraphs 38-41 provide guidance on conditions depending on the actions of others. The guidance states that although it would be *ultra vires*, to require works which the developer has no power to carry out, or which would need consent or authorisation of a third party, it may be possible to achieve a similar result by a condition worded in a negative form, prohibiting development until a specified action has been taken.
- 5.27 Paragraph 40 states that such a condition should only be imposed on a planning permission "*if there are at least reasonable prospects of the action in question being performed within the time-limit imposed by the permission*", and goes on to refer to the case of British Railways Board (BRB) v Secretary of State for the Environment and Hounslow LBD [1994] J.P.L. 32; [1993] 3 P.L.R. 125.
- 5.28 In the BRB case the House of Lords established that the mere fact that a desirable condition, worded in a negative form, appears to have no reasonable prospects of fulfilment does not mean that planning permissions must necessarily be refused as a matter of law. This judgement does, however, leave open the possibility for the Secretary of State, to maintain as a matter of policy that there should be at least reasonable prospects of the action in question being performed within the time-limit imposed by the permission.

### Circular 05/2005 – Planning Obligations

5.29 This Circular provides guidance to local authorities in England on the use of planning obligations under section 106 of the Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1991.

#### *Provisions*

5.30 Planning obligations comprise both planning agreements and unilateral undertakings, and may be entered into by means of a unilateral undertaking by a developer as well as by agreement between a developer and a local planning authority.

5.31 Section 106(2) provides that a planning obligation may:

- (i) be unconditional or subject to conditions;
- (ii) impose any restriction or requirement for an indefinite or specified period;
- (iii) provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.

#### *Broad Principles*

5.32 Paragraph B1 indicates that *“the principal objective of the planning system is to deliver sustainable development through which Government social, environmental and economic objectives are delivered.*

5.33 Local authorities are asked to consider each application on its merits and reach a decision on whether the application meets with the relevant development plan. Failure to meet the requirements of the development plan may lead to refusal of the proposal (unless the development can be made acceptable through the use of conditions or planning obligations) – paragraph B1. This guidance is of direct relevance to the appeal proposal

where achievement of adequate planning obligations is essential to make the proposed development acceptable.

5.34 Planning obligations are private agreements negotiated between planning authorities and developers which are intended to make acceptable development which would otherwise be unacceptable in planning terms.

5.35 Paragraph B3 indicates that planning obligations can be used to prescribe the nature of a development; or to secure a contribution from a developer to compensate for loss or damage created by a development; or to mitigate a development's impact. These are all matters that are relevant in this case, particularly the necessity to mitigate any impacts arising from the development.

5.36 Annex B also states that a planning obligation must be:

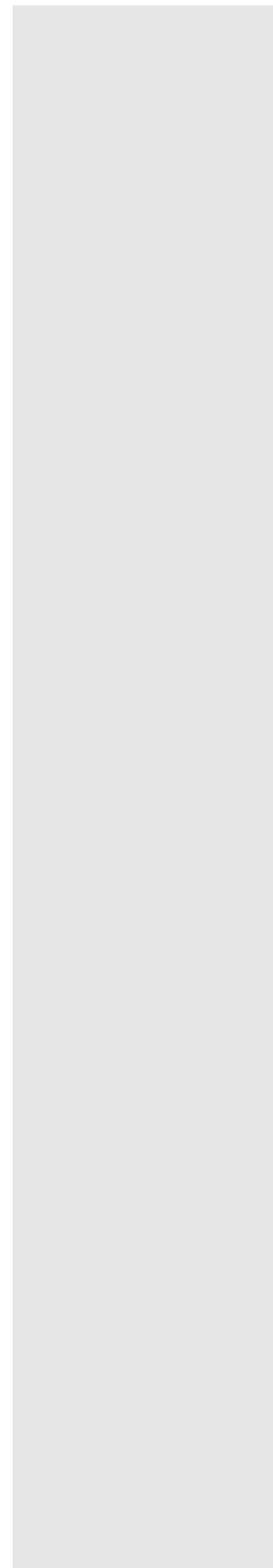
- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

5.37 Paragraph B10 has some relevance to this appeal as it indicates the flexibility that can be applied to the negotiation of planning agreements. It says:

*"In some instances, perhaps arising from different regional or on site specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and*

*national planning policies and still be economically viable. ...In such cases, decisions on the level of contributions should be based on negotiations with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place.”*

5.38 I draw on the guidance in Section 10 of my Proof dealing with the Section 106 Obligation.



## 6. Regional and Strategic Guidance

6.1 I review below relevant guidance within the RSS (East Midlands Plan) and the 'saved' policies of the County Structure Plan.

### East Midlands Plan (RSS8), March 2009

6.2 The regional spatial strategy for the East Midlands (RSS for the East Midlands RSS8, March 2005) was published in March 2009 as the East Midlands Regional Plan. It provides a broad development strategy for the East Midlands up to 2026.

6.3 The Milton Keynes and South Midlands Sub-Regional Strategy (MKSM SRS) covers a constituent part of the RSS8 area including the whole of Northamptonshire, and was adopted by the Secretary of State in March 2005.

6.4 Guidance within the MKSM SRS remains largely unaltered by the review of the Regional Plan except for two alterations relating to housing provision. Housing provision figures for Northamptonshire districts for the period 2021-26 have been added; and figures for the Northampton Implementation Area (NIA) for the period 2001-21 have been replaced as the original figures were quashed following a successful High Court challenge in 2006.

6.5 Apart from the above additions the MKSM SRS is unchanged from that issued in March 2005 and Part A of the Strategy remains extant. Part B (Northamptonshire) is replaced by new text in RSS8.

6.6 Appendix 6 of RSS8 sets out the southern sub-area transport investment priorities and refers to the A509 IWimp, identifying the County Council as the lead organisation and indicating an implementation date of 2011/2016.

## Milton Keynes and South Midlands Sub-Regional Strategy

- 6.7 The MKSM SRS is a coordinated review of policy for the Milton Keynes and South Midlands Sub-Region, which is at the intersection of three regions. The SRS provides strategic guidance on the scale, location and timing of development and associated employment, transport and other infrastructure to 2021.

### *Part A (MKSM SRS, March 2005)*

- 6.8 Paragraph 15 of the SRS identifies locations for growth, indicating that in Kettering and Wellingborough the emphasis will be on managing growth and job creation in a sustainable way that realises their potential.
- 6.9 Paragraph 19 indicates that housing growth at the six main towns, including Wellingborough, is to be monitored against progress in achieving employment growth targets; which in Corby, Kettering and Wellingborough Boroughs, and East Northants District is 43,800 net additional jobs by 2021.

### *Part B (East Midlands Plan, March 2009)*

- 6.10 Policy MKSM SRS Northamptonshire 1 indicates that the majority of development in the Northamptonshire Area should be concentrated at the Northampton Implementation Area and the neighbouring growth towns of Corby, Kettering and Wellingborough.
- 6.11 Policy 1 also sets out the annual housing provision for each local authority area in Northamptonshire for each of the five year phases over the period 2001-2026. North Northamptonshire HMA has a total provision of 66,075 new dwellings over the period 2001-2026. Wellingborough has an annual average of 595 dwellings over the period 2001-2011 and 685 between 2001-2021. The split of housing by district from 2021-2026 within the North

Northamptonshire HMA is indicative only and will be subject to review through the Joint CSS.

6.12 Wellingborough is identified as a location with potential for an increased level of new growth. However, it is important that it grows in a complementary way whilst retaining its separate identity. Wellingborough, alongside Corby and Kettering are identified as important retail, business and community centres serving their own individual catchments (paragraph 4.1.5).

6.13 Policy MKSM SRS Northamptonshire 4 relates to Corby, Kettering and Wellingborough. It requires the LDDs for the local planning authorities of Corby, Kettering, Wellingborough and East Northamptonshire to identify and provide for a joint approach, which will apply the principles for creating sustainable communities and put into effect the proposals of the Sub-Regional Strategy for North Northamptonshire. This should include a joint core strategy for North Northamptonshire with an increase of 34,100 dwellings to be accommodated in the neighboring growth towns of Corby, Kettering and Wellingborough by 2021.

6.14 The longer term perspective of the Sub-Regional Strategy for a further 28,000 additional dwellings between 2021-2031 should be borne in mind as an uncommitted planning assumption, subject to review.

6.15 The policy also states that proposals will be brought forward for sustainable urban extensions to provide additional development in each of the three growth towns. In respect of Wellingborough the areas of search are to include:

*“...to the east, north and west of Wellingborough.”*

**Northamptonshire County Structure Plan, March 2001**

6.16 Prior to the introduction of the new planning system the Structure Plan provided the strategic planning framework for the County. For the most part the Structure Plan has been superseded by the RSS.

6.17 However, one Structure Plan Policy (Policy SDA1) remains saved by the Secretary of State. The policy states:

*“Provision will be made for mixed-use urban extensions, termed strategic development areas. These are:*

- n .....
- n *East of Wellingborough (in the Borough of Wellingborough).*

*Development within these areas will:*

- n *Be adjacent to and integrated with the existing urban areas;*
- n *Be large enough to support a wide range of facilities and services, based on a minimum size of 1,000 dwellings and about 20 hectares of industrial and commercial development;*
- n *Provide a broad balance and range of housing and employment;*
- n *Incorporate a local centre with attractive civic spaces, a community centre, local employment, shops and retail services including a small supermarket, and other facilities;*
- n *Include schools, nurseries, local open spaces and children's play areas; and*
- n *Include local waste management facilities.”*

6.18 The policy identifies transport choice as being a key feature of these areas. Various measures should be incorporated to encourage walking, cycling and the use of public transport and reduce dependency on the private car. It also specifies various other criteria relating to retention of countryside

areas, large-scale advanced landscaping, conservation, flood prevention measures, etc.

6.19 The precise location, layout and form of development will be established in local plans.

**North Northamptonshire Core Spatial Strategy, June 2008**

6.20 The CSS for North Northamptonshire relates to the area that is covered by Corby, Kettering, Wellingborough and East Northamptonshire Councils. It was approved in June 2008. The CSS policies of most relevance to this appeal are Policies 9, 7 and 6.

6.21 CCS Policy 9 deals with the distribution and location of development and provides for SUEs, including east of Wellingborough. It also makes provision for additional development. In respect of SUEs the policy states:

*“Further development requirements will be focused on a small number of Sustainable Urban Extensions at Corby, Kettering and Wellingborough, comprising a mix of uses. Initial Sustainable Urban Extensions will take place to the north-east of Corby, east of Kettering, and east of Wellingborough as generally shown on the Key Diagram. Once these developments are successfully established, further Sustainable Urban Extensions will be brought forward to the west of Corby and north-west of Wellingborough. Site-specific Development Plan Documents may identify opportunities for smaller scale Sustainable Urban Extensions at Smaller Towns and Rural Service Centres.”*

6.22 CSS Policy 7 deals with the delivery of housing land and does permit in certain circumstances a review of the phasing of new housing developments/expansion areas.

6.23 The policy states:

*“Development Plan Documents will make provision for the rates of housing development set out in Table 3.*

*The supply of housing will be monitored and appropriate action taken to ensure that a deliverable five-year supply of sites for North Northamptonshire as a whole is maintained, including strategies to secure the development of suitable brownfield sites in accordance with policy 9. Local policies will ensure that the release of housing land is managed so that the supply is not exhausted early in the plan period.*

*Sustainable urban extensions will be phased broadly as shown in Figure 13. The initial sustainable urban extensions should make provision for between 4-6,000 dwellings. The detailed phasing of sustainable urban extensions in relation to infrastructure provision will be dealt with in district development plan documents. The phasing of the further sustainable urban extensions at Wellingborough and Corby may be reviewed and brought forward if:*

- a) strategic and local infrastructure constraints can be resolved at an earlier date; and either;*
- b) Progress with the initial sustainable urban extension for that town is delayed, or if the supply of housing from other sources falls significantly below anticipated levels, provided that appropriate efforts have been made to identify and address obstacles and constraints to housing delivery; or*
- c) The initial sustainable urban extension for that town has reached a critical mass, having delivered its first homes, primary school and local services, and brownfield sites are being delivered at anticipated levels. In this case, accelerating the delivery of the further*

*sustainable urban extensions will help ensure that growth targets are met to 2021.*

*Progress with the sustainable urban extensions will be monitored. If, despite best endeavours to overcome constraints to delivery, development of a sustainable urban extension does not commence, this Plan and other development plan documents will be reviewed. Where necessary, sites will be de-allocated and planning permissions will not be renewed.”*

6.24 I describe in Section 8 of my Proof why reconsideration of the phasing of the appeal proposal is not justified on the basis of the considerations specified in Policy 7.

6.25 Figure 13 of the CSS sets out the phasing of sustainable urban extensions and includes Wellingborough East and NW of Wellingborough. The figure identifies the expected housing numbers that each SUE could deliver and the order within which the SUE should come forward. Wellingborough East is shown as being delivered prior to NW Wellingborough.

6.26 CSS Policy 6 relates to infrastructure delivery and developer contributions. It states:

*“New development will be supported by the timely delivery of infrastructure, services and facilities necessary to provide balanced, more self-sufficient communities and to secure a modal shift away from car use and road freight haulage.*

*Progress on the delivery of strategic infrastructure will be monitored. Planning permission will be grated for development in accordance with phasing in the Core Spatial Strategy, subject to solutions to infrastructure constraints being resolved, or be interim measures or phasing conditions where appropriate. Development will be phased in relation to the delivery*

*of infrastructure and/or performance against targets to reduce demands on infrastructure.*

*Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development wither alone or cumulatively with other developments...”*

- 6.27 CSS Policy 10 relates to the distribution of housing. The policy states that new housing will be focussed at the three Growth Towns, with modest growth at the Smaller Towns and Rural Service Centres. The policy states that DPDs will make provision for the amounts of housing (net new dwellings) as set out in Table 5, which identifies Wellingborough as delivering 12,800 new additional dwellings between 2001 and 2021 with 11,590 being delivered in growth town areas and 1,210 in rural areas.
- 6.28 CSS Policy 13 sets out the general sustainable development principles stating that development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. The policy goes on to set out a number of criteria that development should meet.
- 6.29 CSS Policy 16 is specific to the production of masterplans in respect of Sustainable Urban Extensions. The policy lists a number of criteria that masterplans should take into account during their production.
- 6.30 I raise concern in respect of policies 13 and 16 in relation to two matters only. The first is that in the absence of a commitment to IWimp the Council cannot be satisfied that the SUE as a whole will be implemented (Section 9). The second is that it has not yet been demonstrated that the package of Section 106 contributions would be adequate to fund necessary requirements of the policies e.g. community facilities (Section 10 of my Proof).

## 7. Local Planning Policy

### Wellingborough Local Plan

7.1 The Wellingborough Local Plan was first adopted in April 1999, and a further alteration to the Local Plan was adopted in March 2004. As a result of Directions received from the Secretary of State, and the adoption of the North Northamptonshire Core Spatial Strategy in June 2008, certain policies in the Local Plan have been saved and continue to be used in the determination of planning applications. In time, these policies will be replaced by those within the LDF DPDs.

7.2 The saved following policies of most relevance to this appeal relate to affordable housing and the Wellingborough East SUE. The relevant policies are:

- Policy H8 – Affordable Housing requirements on large sites.
- Policy UT1 – Wellingborough East - Access to and from the Primary Road Network.
- Policy U14 – Wellingborough East - Mixed-use development allocation.
- Policy U17 – Land between Finedon Road. & the Railway – Mixed-use development allocation.
- Policy U18 – Neilson’s Sidings – Employment and Distribution Uses allocation.

7.3 I refer to the policies in respect of development at Wellingborough East in Section 8 of my Proof.

### Planning Guidance for Wellingborough North SUE, January 2009

7.4 Interim planning guidance for Wellingborough North SUE was approved by the Council in January 2009. Although not a supplementary planning document (SPD), it is a material consideration in the determination of applications for Wellingborough North SUE. In accordance with the guidance and policies of the RSS8, the North Northamptonshire CSS and the Local Plan, it sets out the planning framework for the Wellingborough North SUE.

7.5 The principal matters covered in the guidance are:

- (i) Site description and development boundary;
- (ii) Phasing;
- (iii) Housing provision;
- (iv) Employment provision;
- (v) Green infrastructure;
- (vi) Biodiversity;
- (vii) Open space, sport and recreation;
- (viii) Transport including public transport and pedestrians and cyclists;
- (ix) Historic environment;
- (x) Retail provision; and
- (xi) Community facilities.

### **North Northamptonshire Strategic Housing Market Assessment, July 2007**

7.6 A Strategic Housing Market Assessment (SHMA) is a new procedure for assessing housing markets, formally initiated by PPS3: Housing, published in November 2006.

7.7 The North Northamptonshire SHMA provides an assessment of the following:

- (i) Current dwelling stock and tenure;
- (ii) Housing market drivers, trends and affordability;
- (iii) Housing market demand and housing need;
- (iv) The total future housing numbers by age and type; and
- (v) The current and future numbers of households in need by size.

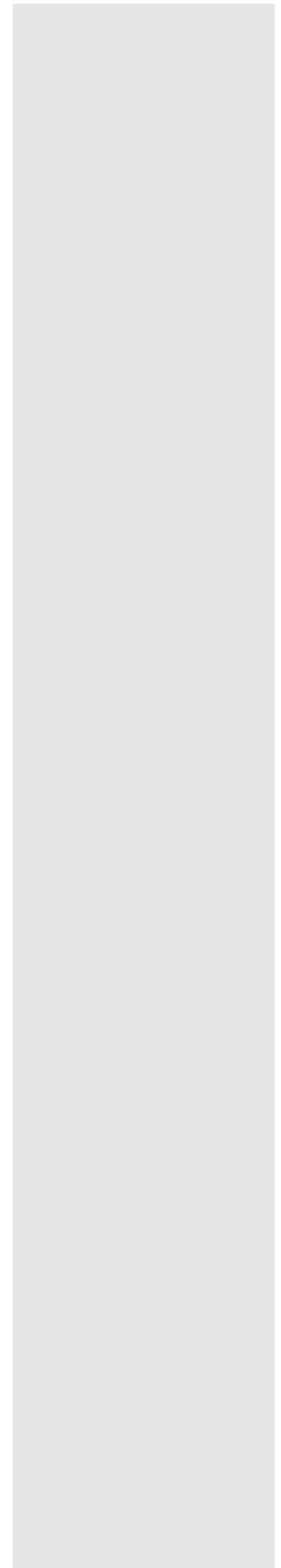
### **Annual Monitoring Report Dec 2008**

7.8 The Annual Monitoring Report (AMR) covers the period from 01 April 2007 to 31 March 2008. It monitors delivery of the Local Development Scheme (LDS) and the extent to which a number of targets and indicators identified within the report are being met including; housing, the economy, retail, the built and natural environment, transport and spatial connectivity and development control performance.

7.9 Specifically in relation to housing, the AMR covers:

- (i) Housing Tenure;
- (ii) Dwelling completions;
- (iii) Housing completions – Urban/Rural split;
- (iv) Affordable housing;

- (v) The density of residential development;
- (vi) Previously developed land;
- (vii) The five year housing land supply, including an assessment of the level of housing to be delivered, potential housing sites and an assessment of deliverability; and
- (viii) Future housing trajectory.



## 8. Conflict with the Expansion Area Strategy for Wellingborough

### Conflict with CSS Policies 9 and 7

8.1 I have referred in Section 6 of my Proof to Policy 9 of the CSS, which provides for Sustainable Urban Extensions (SUE), including to the east of Wellingborough. It also makes provision for additional development:

*“Once these developments are successfully established, further Sustainable Urban Extensions will be brought forward to the west of Corby and north-west of Wellingborough.”*

8.2 The East of Wellingborough SUE has not yet been successfully established, and a grant of planning permission for the appeal proposal (Wellingborough North) would therefore conflict with CSS Policy 9.

8.3 CSS Policy 7 does permit reconsideration in certain circumstances of the phasing of new housing developments/expansion areas. I have set out these considerations in Section 6, which are reiterated below:

(a) *“strategic and local infrastructure constraints can be resolved at an earlier date; and either;*

(b) *Progress with the initial sustainable urban extension for that town is delayed, or if the supply of housing from other sources falls significantly below anticipated levels, provided that appropriate efforts have been made to identify and address obstacles and constraints to housing delivery; or*

(c) *The initial sustainable urban extension for that town has reached a critical mass, having delivered its first homes, primary school and local services, and brownfield sites are being delivered at anticipated levels.”*

These considerations do not apply in this case.

8.4 In respect of Consideration a), I describe in the following section of my proof the lack of commitment to the Isham-Wellingborough Road Improvement (IWimp). This is a fundamental piece of infrastructure that is essential for the creation of an effective sustainable expansion area at Wellingborough North. Because of the current circumstances in relation to IWimp (described in Section 9 of my Proof), reconsideration of the phasing of the Wellingborough North SUE is not justified having regard to Consideration a).

8.5 Considerations b) and c) apply to the 'initial' sustainable extension, which in the case of Wellingborough is Wellingborough East. I do not believe that reconsideration of the phasing of the Wellingborough North SUE is justified having regard to either of these considerations. I explain the reasons for this below. I provide an explanation of the formulation and evolution of the Wellingborough East proposals through the development plan and spatial strategy for the Sub-region and the commitments that have been made by the Council and other stakeholders.

### Wellingborough East

#### Wellingborough Local Plan, April 1999

8.6 The origin and justification for Wellingborough's expansion area strategy is found in the Local Plan approved in April 1999, to which I have referred in Section 7 of my Proof. I have referred in Section 6 to the saved policies in the Local Plan relating to Wellingborough East.

8.7 In the early 1990s further expansion of the town had been envisaged in a northward direction. The Redhill Grange Estate had been developed in the 1960s and the expectation was that further development would follow broadly in the location of the current Wellingborough North appeal

proposal. Policy WE16 of the Deposit Local Plan had allocated 149 hectares of land to the north west of the urban area of Wellingborough for housing development, which would have provided for some 2,700 dwellings.

8.8 The Wellingborough East proposals arose from the Inspector's consideration of the Deposit Local Plan policies at the Public Inquiry into the Plan from January 1996 to May 1996. The Inspector recommended deletion of Policy WE16 which she found to conflict with Government policy on the countryside and sustainability, and replacement with the allocation of housing land to the East (Policy WE6). The Inspector's consideration of the matter and her findings can be seen in the relevant extracts of her report to the Council, which I attach as Appendix LPA/1/3/1.

8.9 In respect of Wellingborough North (Policy WE16), the Inspector considered that the open countryside had considerable landscape attraction and that its development would represent a major intrusion into the open countryside. She found the allocation to be contrary to Government countryside policies (PPG7), and contrary to Government policy on sustainable development in PPG1 and PPG13 (paragraphs 9.18.5 - 9.18.7).

8.10 She also concluded that *"this allocation would do nothing to assist the regeneration of the older areas of the town"* and conflicts with PPG1 and PPG3, which urge the reuse of previously developed land (paragraph 9.18.8)

8.11 Conversely she found that land to the east of Wellingborough offered considerable advantages. Having regard to former iron workings she considered that it could to a large extent be described as 'brownfield'. It was closer to the urban edge and older residential areas on the eastern

side of the town. She also found that *“The town centre and other existing community, educational and leisure facilities are potentially within walking or cycling for much of the Land to the East.”* (paragraph 4.3.8)

8.12 The Inspector recommended that (paragraph 4.3.11):

*...part of the Land to the East between Finedon Road and the railway be allocated for 69 hectares of housing, 12 hectares of employment uses and 7 hectares of leisure and community uses under Policy WE6 of the Plan.*

8.13 The Council accepted the Inspector’s recommendations in respect of these policies, and the Local Plan was adopted in April 1999.

**Local Plan Review, March 2004**

8.14 Within a short period of time, the 1999 Local Plan had to be reviewed, because the eastern development area could not accommodate the scale of development that was subsequently required. The County Structure Plan, approved in March 2001, made provision for a Strategic Development Area (SDA) in Wellingborough, which added a further 1000 houses to the housing requirement.

8.15 In order to match the timescale required by ‘housing cycles’ for the development of Wellingborough East, it was decided to partially review the Local Plan to account for housing and employment throughout the urban area within the plan-period to 2016, with particular focus on land to the east. The Local Plan Inquiry took place in November 2002 and the Local Plan was adopted in March 2004.

8.16 I have referred to the saved policies of the Local Plan Review relating to Wellingborough East. Policy U14 states:

*“Land is allocated at Wellingborough East, as defined on the Proposals Map for mixed-use development including 2,875 dwellings, 110.8 hectares*

*of employment, 9 hectares of leisure uses, community and social facilities and open space.“*

- 8.17 Policy U17 refers to a similar allocation between Finedon Road and the railway.
- 8.18 Policy U18 allocates land at Neilson's sidings for employment and distribution uses involving transport by rail.
- 8.19 The overarching justification for these policies is set out in paragraph A9.33 of the Local Plan review.

*“In accordance with the County Structure Plan the area to the east of Wellingborough is allocated as a Strategic Development Area (SDA). This area of land provides the opportunity to provide an exciting mixed development of housing, leisure and employment uses integrated with the existing urban area of Wellingborough and the facilities it offers. This site is considered to be the most sustainable option for developing Wellingborough. It offers the potential for maximising the use of brownfield land and other disturbed land, thereby minimising the amount of greenfield development. It also has the opportunity for maximising the use of the railway.”*

#### CSS Policy Housing Strategy

- 8.20 The CSS formulated the housing strategy for Wellingborough over the period to 2021. It carried forward the Local Plan commitment to Wellingborough East as the 'Initial' SUE for the town. However, in order to meet housing requirements over the longer plan-period, it introduced further SUEs, including north-west of Wellingborough, that could take place once the initial sustainable extensions were established.

### The Council's Commitment

- 8.21 In order to make progress towards the realisation of a sustainable development at Wellingborough East capable of supporting the Council's vision for the future of its community, the Council committed itself to funding substantial pre-development costs. Whilst these were heavy costs for the Council, it was recognised that, for this short term investment, the developers would be injecting far higher orders of expenditure in the long term.
- 8.22 Officers and Members formed a new sub-committee to develop a vision statement for Wellingborough East to capitalise on previous developments in Wellingborough, the region, and the country. The Council envisaged Wellingborough East providing an opportunity to bring in high value-added, new technology companies, improve the employment offer and provide the basis for regenerating the town centre and bring benefits for the whole Borough.
- 8.23 In order to achieve this vision, the full Council, with cross-party support, elected to rise above its statutory role as local planning authority, and expend resources from its own balances to fund exploratory work, to test the feasibility of its vision and build a partnership with the private sector that would enable the development of a sustainable urban extension.
- 8.24 The Council declared the Wellingborough East development a top corporate priority. The work programme of the Council's Economic Development Officer was focussed on the development; consultants were appointed to carry out a feasibility study with subsequent traffic, flood and economic viability studies. A consultant was appointed as the Project Manager to establish a Council development team and act as a 'broker'

between the Council and the landowners in order to affect a working partnership.

8.25 The Council does not own any of the land in the development area, which comprises the significant proportion of available brownfield land as well as a central floodplain. Access to the development demands the crossing of two rivers and a railway line, making the full infrastructure costs unbearable by any one landowner. The Council supported the landowners as they formed a consortium in order to seek a land equalisation agreement with the appointment of a developer capable of bringing about one masterplan and planning application for the main development. The Council developed an Advisory Panel to steer the development project, with observers from neighbouring Councils.

8.26 Workshops, presentations and discussions have been held with the community throughout the Borough of Wellingborough to explain the development proposals. The community, including residents, voluntary organisations and businesses have been brought together in small focus groups and larger planning groups to hear about and influence the design of the forthcoming masterplan. Bovis Homes Ltd has also undertaken some community consultation on their proposed masterplan and development name.

#### Planning Guidance

8.27 Supplementary Planning Guidance (SPG) documents have been produced by the Council to provide further guidance.

#### *Wellingborough East Development Framework*

8.28 The Wellingborough East Development Framework SPG was developed, consulted upon and adopted in November 2003. This document:

- will co-ordinate the detailed Masterplans and the Development Briefs for specific areas;
- illustrates how planning and design policies and principles set out in the Wellingborough Local Plan and other supplementary documents should be implemented;
- reflects the views and values of the local people and stakeholders involved in the process to date and provide a positive basis for furthering the constructive dialogue;
- articulates and illustrates the vision for taking WEAST forward as an exemplary sustainable urban extension;
- establishes clear urban design principles to ensure that the development achieves the highest possible standards; and
- explains the next steps that are anticipated in the planning and design of the site.

*Development Briefs*

8.29 Development Briefs which look at specific areas of Wellingborough East in more detail have been developed and consulted on through a number of workshops and presentations. These have been adopted for the Neighbourhood Centre and Station Island (land between the railway and the floodplain) and Land East of Eastfield Road. These Development Briefs supplement the Development Framework by:

- working with existing landowners, local residents, businesses and other interested parties to establish a shared vision for the area;
- establishing the basis for comprehensive regeneration of the area that will serve as the framework for implementation;

- setting out the detailed planning and urban design parameters and guidelines to serve as a basis for the determination of planning applications and highway agreements.

#### Outline Planning Permission Resolution, March 2006

8.30 An Outline Planning Application for the majority of Wellingborough East was registered on 26<sup>th</sup> August 2004. The Council undertook consultation with the public and statutory bodies. During this period Bovis undertook a competition in the local paper and this development became known as Stanton Cross. Officers considered the comments received on this application and requested further information, which was submitted in August 2005. The comments received on this supplementary submission were considered and a report was taken to an extraordinary Full Council meeting on 8<sup>th</sup> March 2006. This application was approved subject to the completion of a S106 agreement.

#### Section 106 Agreement

8.31 Following approval at an extraordinary Full Council meeting, the Council and the Developers worked to negotiate a Section 106 and in summer 2006 Bovis identified that due to viability issues the scheme was not able to provide the full amount of planning obligations that had been required.

8.32 The Council requested further information and gained support from the North Northants Development Company (NNDC) to consider the viability issues. Once this information was received and the Council and NNDC were content that the information supplied by Bovis was accurate and verifiable, Bovis submitted some further supplementary information in October 2006 which was again consulted on. Once again the Council assessed the comments received and then took the revised proposal back

to another extraordinary Full Council meeting on 12<sup>th</sup> December 2006 identifying the changes and the impact of the S106 viability issues. This was approved subject to the signing of the S106 agreement.

- 8.33 By June 2007 the Council had completed negotiation on the S106 agreement and finalised the wording for the legal document. The final S106 agreement was signed by the landowners and developers (Anglo Irish Bank, British Steel Pension Fund Trustee Ltd, Bovis Homes, Northamptonshire County Council, the Chancellor Masters and Scholars of the University of Cambridge, Hanson Quarry Products Europe Ltd, Wellmere Ltd) on 28th January 2008 and the planning permission was issued.

#### **Masterplan and Design Codes**

- 8.34 The conditions of the outline application required that a Masterplan and Design Codes be provided. A copy of the Masterplan submitted by Bovis in October 2006 is shown in Appendix LPA/1/3/2.
- 8.35 The Council has been working with its Urban Design advisors Matrix, Bovis and their consultants to complete the first of these Design Codes. This document was approved at Planning Committee in September 2008.

#### **Causes of Delay**

- 8.36 I describe below the principle causes of delay in bringing forward the Wellingborough East proposals.

#### ***Access Route 4, Midland Road Bridge***

- 8.37 Access Route 4, via a new bridge over the railway line, will be the principal access point to Wellingborough East from the town centre, Appendix LPA/1/3/3.

- 8.38 A full planning application for the Midland Road Bridge was registered by the Council in October 2004 (and amended in May 2005). This forms part of wider strategic proposals for Wellingborough East and comprises an extension to the eastern end of Midland Road, running past Wellingborough Railway Station, over the railway line and across the River Ise. This application was taken to Resources Committee on 22<sup>nd</sup> June 2005 and was approved.
- 8.39 The Council received approval for £10.6m funding to bring forward this piece of key infrastructure early. A large amount of work was undertaken by Bovis, the Highways Authority (NCC) and the Council to take this forward to enable the appropriate agreements to be completed.
- 8.40 However in September 2005 Bovis informed the Council that a developer (Bee Bee under the name of Wellmere Ltd.) had purchased land along the bridge and road's alignment and they could not secure a licence to deliver this bridge or purchase the land. Bee Bee had acquired an area of land to the east of the railway and south of the proposed road bridge Appendix LPA/1/4/4, and wished to renegotiate with the Council and Bovis a revised scheme for Route 4 (Midland Road Bridge). The Bee Bee proposals required a new junction on the western side of the railway allowing for a link road to be provided from the Midland Road Bridge running northwards along the western side of the railway through the proposed Eastfield Urban Quarter and joining up with Finedon Road.
- 8.41 Due to the Government funding criteria, there was a strict timetable within which the Access Route 4 proposals had to be brought forward. The Council through its planning powers had provided all of the consents that were needed for the bridge to be built and delivered in time. Unfortunately, however, the intervention of Bee Bee delayed matters, as a result of which the majority of the funding was lost.

8.42 In addition to the loss of funding, the intervention of Bee Bee caused a considerable delaying effect in getting agreement from all parties to move forward in an acceptable manner. The discussions on delivery of the Midland Road Bridge are now tied in with a collaboration agreement between the developers Bovis Homes and Bee Bee Developments and should see the provision of slightly revised bridge infrastructure, which delivers a junction on the western side of the railway allowing for the new link road to Finedon Road, to be constructed.

8.43 I understand that if the technical and planning requirements for the new link road and revised junction are not met within a certain timescale, the original bridge and road infrastructure to service Stanton Cross will be implemented.

*Access Route 2, Whitworths*

8.44 A further delay in bringing forward the development has been the lack of agreement on the sale of land owned by Whitworths to facilitate the delivery of Route 2 across the River Nene floodplain from the embankment to Irthlingborough Road.

8.45 In order to push forward the delivery of Stanton Cross and one of its principal access routes, a decision was made by the Council in June 2007 to make its Compulsory Purchase Order (CPO) powers available for the acquisition of Route 2. This report was approved and provided an updated road layout from the previous resolution made at Resources Committee in November 2004. Further negotiation between the landowners and developers was deemed to be worthwhile to expend all efforts to bring this required land within the scheme without the use of CPO, however this has not appeared to be possible.

8.46 The Council does own some land on the access routes 2 & 6 for Stanton Cross and it is currently in the process of agreeing legal terms with Bovis Homes to sell this land to them to allow the development to come forward.

## Findings

### Housing Land Strategy

8.47 The housing land strategy for Wellingborough has been brought forward through the statutory development plan. The Wellingborough East SUE was promoted by the Local Plan (1999) Inspector on the grounds of it being a sustainable location for new housing development; in contrast to Wellingborough North which she considered to be an unsustainable location, particularly because of its high landscape quality and poorer linkages with the town.

8.48 The CSS has reintroduced Wellingborough North as a 'follow-on' SUE, to serve the longer term housing needs of the town to 2021. The 'follow-on' status of Wellingborough North, required as a matter of policy in the CSS, is consistent with the findings of the Local Plan Inspector.

8.49 The Council has committed itself fully to the development of Wellingborough East through the development plan and supporting planning guidance; through the grant of the necessary planning consents; and through its activities as a regeneration agency. The latter has involved significant financial commitments by the Council.

8.50 Delays in bringing forward Wellingborough East have been caused by landowner difficulties in relating to the access points into the area. The Council has taken the necessary actions to resolve these landowner difficulties, including resolving to make available its compulsory purchase powers, should this be necessary.

### Wellingborough East Benefits

8.51 The Council's commitment to Wellingborough East recognises the wider benefits that will arise from the development of this area for new housing.

These include:

- (i) it is the most sustainable location for new housing development in Wellingborough;
- (ii) It reuses large areas of previously developed land;
- (iii) It has the best linkages with the existing urban area;
- (iv) The new housing is closely linked with the major employment areas of the town;
- (v) It is linked with a major upgrading of Wellingborough station and a new rail linked employment area at Neilson's Sidings.

### Implications of Phasing Change

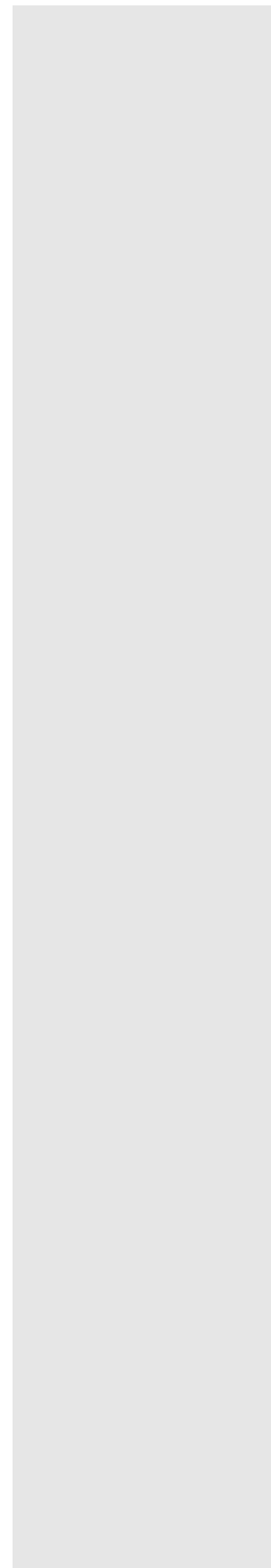
8.52 In my opinion a grant of planning consent for the Wellingborough North SUE (in conflict with the development plan) would risk further delays in bringing forward Wellingborough East. It would create excessive amounts of committed housing land in the town, at a time when the housing market is in extreme difficulties nationally. Excessive housing supply relative to housing demand risks suppressing land values, thus potentially damaging viability. This in turn is likely to make it more difficult to achieve the necessary agreements between the landowners at Wellingborough East.

8.53 I am not aware of any major benefits that would arise from revising the housing land phasing programme so that Wellingborough North is brought forward in advance of Wellingborough East. Alongside Wellingborough East, it would deliver additional housing land, but I have described above

why, in a difficult housing market, I believe that this would create disbenefits rather than benefits.

8.54 On the assumption that the necessary commitment is able to be made, the Wellingborough North scheme might provide an earlier delivery of IWimp. However, given that a principal justification for, and benefit of, IWimp is to enable housing development at Wellingborough North, there is limited weight that can be attached to this as a benefit for the town as a whole.

8.55 In summary, I believe that the housing land delivery strategy for Wellingborough is soundly based, and I believe that there is no justification for it being revised so as to bring forward new housing land at Wellingborough North in advance of Wellingborough East.



## 9. Development unacceptable in the absence of IWimp

- 9.1 The Isham-Wellingborough Road Improvement (IWimp) is a proposed extension to the Isham Bypass scheme. To the north, the main improvement line joins with the preferred route for the Isham bypass and then diverges west from the proposed Hill Top roundabout passing west of Great Harrowden before rejoining the existing A509 (Niort Way) north of Hardwick Road. The scheme also provides a link road from the new junction south west of Great Harrowden to the existing A509/A510/A5183 roundabout junction.
- 9.2 The road is to a dual carriageway standard and includes three new at grade roundabout junctions.
- 9.3 The appeal proposal indicates that Phase 1 of the development (1,500 dwellings) will be served from the existing principal highway network; and that Phases 2 and 3 (1,500 dwellings) will commence following completion of the IWimp.

### History and Evolution of IWimp

- 9.4 The history and evolution of the IWimp is described in the SoCG Transport.

### Appeal Proposal Phasing

- 9.5 The applicant anticipates that the IWimp will be constructed and opened to traffic during Phase 1 of the development (construction of 1,500 dwellings) and before the commencement of works in connection with Phases 2 and 3.

### Planning Permission

- 9.6 The IWimp is within the County Council's Major Infrastructure Programme and has been the subject of public consultation. The masterplan makes

provision for IWimp. However, no planning application has been submitted for the road.

9.7 Obtaining planning permission is a fundamental requirement of any development proposal including new highways. It cannot be assumed that planning permission will be granted for any development scheme. To do so would make a mockery of the planning system. The decision as to whether to grant planning permission is made having regard to a wide range of considerations, including the views of community and relevant agencies.

9.8 In my opinion, in the absence of planning permission for IWimp or public consultation as part of the planning application process, it cannot be assumed that planning would be granted at any point in time. New road schemes, in particular generate public interest, which can often be of a hostile nature.

#### Funding

9.9 The Government included the IWimp scheme in the indicative list for the period 2009/10 to 2015/16. However, no provisional funding has been allocated to the scheme at this stage. I understand that the County Council has funding for IWimp from the Growth Area Fund (GAF) only to the stage of submission of a detailed planning application.

9.10 In short, there is currently no funding commitment in place to implement the IWimp.

#### Grampian Condition

9.11 Consideration has been given to use of a negative precondition ('Grampian' condition) that would require construction of the IWimp before Phases 2 and 3 of the appeal proposal could be commenced. In the circumstances of this case, I believe that such a condition would be unacceptable.

- 9.12 I have referred in Section 5 of my Proof to the guidance in paragraph 40 of Circular 11/95 stating that such a condition should only be imposed on a planning permission *“if there are at least reasonable prospects of the action in question being performed within the time-limit imposed by the permission”*.
- 9.13 In this case the *“action in question”* is implementation of IWimp and *“the time limit imposed by the permission”* is the outline planning consent under consideration at this appeal and the date by which Phase 1 must have been commenced. The Council needs assurance that there is a commitment to IWimp before any development commences. In the absence of such a commitment Phase 1 could be commenced without there being a reasonable prospect of Phases 2 and 3 being implemented. This would not be an acceptable situation for the reasons I explain below.
- 9.14 The Council is discussing / negotiating appropriate conditions with the appellants in respect of the phasing of development and implementation of associated infrastructure. At the time of writing my Proof the wording of such conditions had not been finalised. For the purposes of my Proof, I am treating the proposed conditions as requiring commencement of development of Phase 1 of the scheme within five years of the date of the outline consent.
- 9.15 In my opinion in this case, in the absence of planning permission and funding, it cannot be assumed that there is reasonable prospect of IWimp being implemented within five years of the date of the outline consent being granted.
- 9.16 IWimp is a vital piece of strategic infrastructure required to serve the northern expansion area as a whole. Although the expansion area is proposed to be implemented in stages, the appeal proposal seeks consent

for the development as a whole. I believe that the sustainability credentials of the appeal proposal would be severely prejudiced if the development as a whole were not able to be delivered. Implementation of Phase 1 only would give rise to a scale and form of development that was unsatisfactory and unsustainable as an urban expansion, in conflict with the objectives to achieve sustainable forms of development set out in both PPS1 and the CSS.

9.17 The CSS requires that SUEs (paragraph 3.83) *“will be of sufficient scale to include a mix of homes, jobs and other uses and to deliver the high quality infrastructure, facilities and environment needed to support a step change in the rate of housing development and to create thriving communities where people want to live and work.”* I believe, therefore, that Phase 1 of the appeal proposal in isolation would not accord with the strategy for the creation of sustainable new urban extensions set out in the CSS.

9.18 The form and content of the master plan clearly assumes that the development as a whole will be implemented, and can only be justified on this assumption.

9.19 Having regard to the importance of IWimp as key infrastructure to serve the appeal proposal, the absence of a planning consent for it and the and lack of a funding commitment, I believe that a Grampian condition would not be acceptable. I therefore consider that the appeal proposal is in conflict with the development plan (CSS Policy 6).

## 10. Section 106 Obligation

10.1 I have referred in Section 5 to the guidance in Circular 05/05 to the key role that Planning Obligations play in bringing forward major development schemes. It is essential to ensure that Obligations are in place that deliver or make financial contributions to the necessary infrastructure and community facilities to enable the development to go ahead. This requirement applies in this case.

10.2 The achievement of a satisfactory legal agreement is of fundamental importance with a development of this scale and nature. An important objective of the Agreement is to ensure that a 'sustainable' form of development is achieved. A Section 106 agreement has been under negotiation between the Council and the appellants, and has been the subject of independent viability analysis by the Council in collaboration with the Council's consultants EDAW, and NNDC.

10.3 Initial indications from EDAW have indicated that there are issues of viability, when applying the policy requirements relevant to the appeal scheme. The policy requirements vary in their nature and financial impact. The principal matters for which the Council has been seeking obligations from the appellants are:

- Phasing of Development and Highway Infrastructure;
- Transport and Highway Improvements, Travel Plan, Public Transport, and Footpaths;
- Affordable Housing;
- Education;
- Open Space / Leisure;
- Neighbourhood Community Centre;

- Sustainability Strategy;
- BREAM standards for office and industrial premises;
- Flood Mitigation Measures;
- Waste Management Arrangements;
- Management of Facilities and Construction Practice;
- Public Art;
- Public Services (Fire and Police); and
- Development Monitoring and Financial Arrangements with the Council.

10.4 Some of the obligations are essential to enable the development to proceed. For example, any unacceptable impacts arising directly from the development must be mitigated to enable the development to proceed. This must apply, for example to flood mitigation measures. With other obligations there may be some flexibility, e.g. public art.

10.5 The appellants indicate in their Rule 6 Statement (paragraph 6.15) that they are preparing a 'Unilateral Obligation'. The Council has indicated its willingness to discuss the terms of any such undertaking with the appellants.

10.6 At the time of writing this Proof, initial meetings have taken place between the appellants and Council officers at which the appellants have put some initial proposals to the Council in respect of proposed obligations. Further meeting(s) are programmed.

10.7 I am expecting further progress to be made in advance of the Inquiry, but I am not yet in a position to describe the Council's position in respect of the

Undertaking that will be brought forward by the appellants. I am, however, anticipating the possibility of a gap between the obligations on offer, and the obligations / contributions required to ensure a 'sustainable' form of development is achieved.

10.8 Faced with this scenario, the Council will adopt a flexible approach in accordance with the guidance in Circular 05/05. In Section 5 of my Proof I have referred to paragraph B10 of the circular, which states that, where it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable, an approach should be adopted that is reasonable in relation to the level of contributions required to enable the development to take place. This is the approach that the Council will take.

10.9 The Council's approach will be in line with that adopted by the Inspector and Secretary of State in an appeal into a major housing development at Maidenhead Ref APP/TO355/A/08/2073713 (SoS decision letter of 27 January 2009 and Inspector's Report included as CD)

10.10 In this case viability was a major issue, largely arising out of a £28m cost of remediating contaminated land. There was disagreement between the Council and the appellants in respect of the requirements of the development, but there was acceptance between the parties of an independent assessment of viability. The Inspector addressed the matter by undertaking a 'Balancing Exercise' (paragraphs 286-290 of report). This approach was supported by the Secretary of State.

10.11 In her decision letter the Secretary of State says (paragraph 35):

*“...if no other factors were relevant to this appeal, the conclusion in paragraph 34 above on the contributions to off-site works and services would clearly point to rejecting the appeal.”*

10.12 She went on in the same paragraph to describe why she consent was granted, which was the significant weight she attached to the remediation of a heavily contaminated site.

10.13 The Council will follow the approach in the Maidenhead case, but in the case of Wellingborough North there are in my opinion no 'significant benefits' arising from the development, to which 'significant weight' should be attached. I have described in Section 8 the principal benefit of Wellingborough North being IWimp (on the assumption that the necessary commitment is able to be made), but that the principal beneficiary of IWimp is the development itself.

10.14 The key objective of the Council in respect of obligations is to ensure that a 'sustainable' form of development is achieved. The Council will be having regard to the requirements of the following policies in particular:

- CSS Policy 6: Infrastructure Delivery & Developer Contributions;
- CSS Policy 13: General Sustainable Development Principles;
- CSS Policy 16: Sustainable Urban Extensions;
- LP Policy: G25: Planning Obligations;
- Planning Guidance for Wellingborough North Sustainable Urban Extension, January 2009;
- Draft Planning Contributions Guide June 2008, SPG on the Use of Planning Obligations, SPG on Planning Obligations and LEA School Provision.

## 11. Matters Raised By the Secretary of State

11.1 The Council’s views on the matters raised by the Secretary of State in her letter of 27 January 2009 were described in the Council’s Statement of Case.

*A) The extent to which the proposed development would be in accordance with the development plan for the area*

11.2 The Council believes that the proposed development is not in accordance with the development plan for the area. The principal conflicts are with the following policies:

**CSS**

- Policy 9: Distribution and Location of Development;
- Policy 7: Delivering Housing;
- Policy 13: General Sustainable Development Principles;
- Policy 16: Sustainable Urban Extensions;
- Policy 6: Infrastructure Delivery & Developer Contributions;

**LP**

- Policy G25: Planning Obligations.

11.3 The CSS makes provision for a SUE to the north west of Wellingborough once the SUE to the east of Wellingborough has been “successfully established.” (Policy 9 Distribution and Location of Development). The Wellingborough East SUE has not yet been successfully established.

11.4 CSS Policy 7 does permit reconsideration of the phasing of SUEs in Wellingborough in certain circumstances, specified in the policy a) – c). I have described in Section 9 of my proof the current lack of commitment to the necessary infrastructure at Wellingborough North (IWimp), item a) of

Policy 7. I have described in Section 8 the current position at Wellingborough East, and explain why the circumstances described in items b) and c) do not apply.

11.5 The lack of a commitment to implementation of the IWimp is in conflict with the requirements of CSS Policy 6.

11.6 In the absence of Phases 2 and 3 of the appeal proposal (that are dependent upon implementation of the IWimp), the appeal proposal would not represent a sustainable form of development as required by CSS Policies 13 and 16 (see item Bi below).

11.7 At the time of writing my proof it has not been demonstrated that the appeal proposal is supported by an agreed package of planning obligations, and it therefore conflicts with requirements of CSS Policy 6 and LP Policy G25.

*B) The extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1: 'Delivering Sustainable Development', and accompanying guidance 'The Planning System: General Principles' with particular regard to:*

*i) The achievement of sustainable development and sustainable communities through an integrated approach to social cohesion, protection and enhancement of the environment, prudent use of natural resources and economic development;*

11.8 I raise no issues in respect of the sustainability credentials of the proposed development as a whole; other than any sustainability considerations arising from the areas of concern set out in Sections 8, 9 and 10 of my proof.

11.9 I do, however, believe that it is vital for the development as a whole to be achieved in accordance with the masterplan, in order to achieve a sustainable form of development.

11.10 The form and content of the master plan is based upon achievement of the whole development. I have referred in Section 9 of my proof to the lack of any commitment to the delivery of the IWimp, and in these circumstances, I believe that it is inappropriate to grant a planning permission relating to the whole of the development.

11.11 Implementation of Phase 1 only would, in my opinion, give rise to a scale and form of development that was unsatisfactory and unsustainable as an urban expansion. The CSS requires that SUEs (paragraph 3.83) *“will be of sufficient scale to include a mix of homes, jobs and other uses and to deliver the high quality infrastructure, facilities and environment needed to support a step change in the rate of housing development and to create thriving communities where people want to live and work.”*

11.12 I believe that Phase 1 of the appeal proposal in isolation would not accord with the strategy for the creation of sustainable new urban extensions set out in the CSS.

*ii) Whether the design principles in relation to the site and its wider context, including the layout, scale open space, visual appearance and landscaping, are appropriate in their context and take the opportunities available for improving the character and quality of the area and the way it functions, having regard to the advice in paragraphs 33-39 of PPS1;*

11.13 The application is in outline with all matters reserved for subsequent approval. Detailed design issues will therefore be addressed through reserved matters applications.

11.14 The appellant's Design and Access Statement and masterplans have been the subject of much discussion and negotiation with Council officers, arising from which the Council is supportive of the design principles adopted. The Council has had regard to the guidance in PSS1 and the 'Planning Guidance for Wellingborough North Sustainable Urban Extension'.

*iii) The extent to which the proposed development takes into account the needs of all in society, including people with disabilities – including access to and into buildings, having regard to the advice in paragraphs 36 and 39 of PPS1;*

11.15 The application is in outline with all matters reserved for subsequent approval. On receipt of reserved matters applications, it is the intention of the Council to ensure that the needs of all are met, including people with disabilities, in accordance with advice in paragraphs 36 and 39 of PPS1.

*iv) Advice on prematurity in paragraphs 17-19 of 'The Planning System: General Principles', having regard to progress towards adoption of any emerging development plan documents or saved policies under the transitional arrangements:*

11.16 It is not the Council's case that the proposed development is premature in the context of emerging development plan documents.

*C) The extent to which the proposed development is consistent with Government planning for housing policy objectives in Planning Policy Statement 3 (PPS3) Housing with particular regard towards delivering:*

*i) high quality housing that is well designed and built to a high standard;*

11.17 The application is in outline with all matters reserved for subsequent approval. On receipt of reserved matters applications, it is the intention of the Council to ensure that the housing is well designed and built to a high

standard. The Council will seek the imposition of conditions requiring the preparation of design codes for each phase of development.

11.18 The appellant's Design and Access Statement and master plans have been the subject of much discussion and negotiation with Council officers, arising from which the Council is supportive of the design principles adopted for the provision of new housing, in the context of guidance in PSS3 and the Council's 'Planning Guidance for Wellingborough North Sustainable Urban Extension'.

11.19 The proposed housing density is consistent with the Government's guidelines and with the CSS.

*ii) a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;*

11.20 The North Northamptonshire Strategic Housing Market Assessment (SHMA) advises that on sites of more than 50 dwellings, a relatively even mix of 2, 3 and 4-bed homes should be provided. Although the application is in outline, the submitted documentation indicates the possibility of achieving a broad mix of detached, semi-detached and terraced dwellings, townhouses, mews, apartments and bungalows. This mix is generally consistent with the SHMA advice, and it would be the intention of the Council to review and control the detailed proposals at each stage through the design codes.

11.21 The CSS (Policy 15) requires a minimum provision of 30% affordable housing in Wellingborough. The Council's Site Specific Proposals Development Plan Document will set out more detailed affordable housing requirements. The 'Planning Guidance for Wellingborough North Urban Extension' sets out interim guidance in respect of Wellingborough North,

which includes 20% affordable housing; 15% of open market housing to be low cost; and 5% of open market housing to be wheelchair accessible. These requirements are consistent with the SHMA.

11.22 The Council requires a commitment from the appellants on the numbers, type, design and location of the affordable units, which should form part of the Section 106 Agreement. Similarly the Council requires that the phasing of the affordable housing, build delivery price, and tenure cascade should be part of the Section 106 Agreement.

*iii) a sufficient quantity of housing taking into account need and demand and seeking to improve choice;*

11.23 The CSS (Figure 13 page 44) identifies a figure of 2,300 dwellings to be provided NW of Wellingborough in the period up to 2021. The plan (paragraph 3.66) also recognises that there is potential for further growth beyond 2021.

11.24 The appeal proposal makes provision for 3,000 dwellings, which is in excess of the numbers required by the CSS. However, this number of additional dwellings can be accommodated within the environmental envelope of the site, giving an average density of about 40 dwellings per hectare.

11.25 The Council raises no issues in respect of the number of dwellings proposed.

*iv) housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;*

11.26 I am satisfied that, provided the necessary infrastructure is in place or committed (particularly the IWimp), the appeal site is a suitable location for a major SUE.

*v) a flexible, responsive supply of land – managed in a way that makes efficient use of land, including re-uses of previously developed land, where appropriate.*

11.27 With a view to delivering the necessary housing requirements, making the most efficient use of land, and maximising the use of brownfield sites, CSS Policy 9 requires a distribution and location of housing development that excludes development of the appeal site in advance of the Wellingborough East SUE.

11.28 Bringing forward the appeal site now, which is greenfield, would not in my opinion represent an efficient use of land.

*D) The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 13: 'Transport', in particular on the need to locate development in a way which helps to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; reduce the need to travel, especially by car and whether the proposal complies with local parking standards and advice in paragraphs 52 to 56 of PPG13;*

11.29 The Highway Authority has confirmed that the IWimp is required to be in place in order to provide satisfactory access to Phases 2 and 3 of the proposed development. I have stated that in Section 9 of my Proof that in the absence of a clear commitment to delivery of IWimp the application should be refused.

11.30 The Highway Authority has also indicated a package of transport measures that are required to be put in place and funded in order to mitigate the transport impacts of the proposal.

11.31 The Council raises no issues in respect local parking standards and related advice set out in paragraphs 52-56 of PPG13.

*E) Whether any permission should be subject to any conditions and, if so, these should take;*

11.32 At the time of writing my Proof, discussions were still taking place in respect of acceptable Planning Conditions in the event that the appeal is granted. I will provide an update on the position at the Inquiry.

*F) whether any planning permission granted should be accompanied by any planning obligations under Section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable.*

11.33 This matter is covered in Section 10 of my Proof.

## 12. Other Matters

### Gap between the Development and Harrowden Villages

- 12.1 The Council's third ground of refusal relates to the gap between the proposed development and the Harrowden Villages to the north. The Council has given further consideration to this matter and no longer raises any issues on this. The appellants have been informed of this.

### Scale of Retail Development

- 12.2 In its Statement of Case the Council states that the scale of retail development proposed is excessive.
- 12.3 The appeal proposal contained 4,000 sq m gross retail and service floorspace, which the Council considered was excessive having regard to the policies of the RSS, CSS and the submitted Town Centre Area Action Plan; all of which emphasise the key role that the town centre is to play as the focus for retail development in Wellingborough.
- 12.4 The Officer's report to the Council on the duplicate application recommended (paragraph 6.53) the following:
- "..... in the interest of safeguarding the vitality and viability of the town centre and given that the application is in outline, it is recommended that a condition be imposed limiting the quantum of retail floor space within the development to a threshold not more than 2600 square metres"*
- 12.5 The appellants have agreed to the imposition of such a condition. The Council therefore raises no further issues on this matter.

## 13. Conclusions

- 13.1 The appeal proposal is for a major mixed-use development, including provision for some 3,000 new dwellings on the north side of Wellingborough.
- 13.2 The concept of an SUE in this location is identified in the CSS, and is supported by the Council.
- 13.3 A considerable amount of discussion has taken place between Council officers and the appellants, arising from which many aspects of the development proposal are acceptable to the Council.
- 13.4 The Council has three concerns in respect of the appeal proposal.
- (i) First, bringing forward the Wellingborough North SUE in advance of the 'Initial' Wellingborough East SUE conflicts with the housing land strategy for the town as set out in the CSS (Policy 9).
  - (ii) Second, to qualify as a 'sustainable' urban extension Wellingborough North is dependent upon implementation of IWimp. There is currently no commitment to this key element of infrastructure.
  - (iii) Third, it is essential that 'sustainable' forms of development on the appeal site are achieved. Currently there is no package of 'obligations' in place, which enables the Council to satisfy itself that this can be achieved.
- 13.5 For the above reasons, I believe that the proposed development is not in accordance with the development plan for the area and that there are no other material considerations that outweigh this conflict. I recommend therefore that the appeal is dismissed.