

**Forest Heath District Council
Site Allocations Local Plan Examination**

**Matter 6: The spatial distribution of housing in the primary villages – Beck Row,
Exning, Kentford and West Row**

Hearing Statement

Hopkins Homes - Land at Gazeley Road, Kentford

Introduction

1. This Hearing Statement has been prepared by Carter Jonas on behalf of Hopkins Homes for the Examination into the Site Allocations Local Plan (SALP). We submitted representations to the Proposed Submission Site Allocations Local Plan consultation during January and March 2017 in respect of a site in Kentford.
2. Hopkins Homes is a regional housebuilder, who operates across Norfolk, Suffolk, Cambridgeshire and Essex. It is currently building houses in Suffolk and in Forest Heath District. Hopkins Homes controls land east of Gazeley Road in Kentford. The Site was assessed in the Strategic Housing Land Availability Assessment (SHLAA) (Final Report April 2016) and the Omissions Sites Report (November 2016) – Site Ref. K/14. We commented on the assessment of the Site in our representations.
3. Land east of Gazeley Road in Kentford is not allocated in SALP. In our representations to Proposed Submission SALP we requested that the Site should be allocated for the following reasons:
 - There is a need to boost significantly the supply of housing in accordance with Paragraph 47 of the NPPF. The housing land supply position is marginal, and as demonstrated in appeals it has fluctuated around the required five year supply;
 - The majority of the allocated sites, including all those in Kentford, have planning permission, and are expected to be completed by 2020/21. Paragraph 47 of the NPPF expects local planning authorities to identify deliverable and developable sites. No housing and affordable housing is expected in Kentford beyond the first two or three years of SALP.
 - Kentford is defined as a Primary Village, and it contains a range of services and facilities, employment opportunities, and it is accessible by public transport. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and direct housing to locations where it will enhance or maintain the vitality of rural communities.

- There are no constraints to development at the Site with careful design and layout and the implementation of mitigation measures including to deal with the adjacent landfill site, ecology, landscape, and highway access.
4. We conclude that SALP is unsound because it is not positively prepared, not justified and not consistent with national guidance.
 5. SALP could be made sound if land east of Gazeley Road in Kentford is allocated, in order to boost significantly the supply of housing.

Matter 6

6.1 In relation to all of the proposed sites in the primary villages:

- **Are the criteria in the allocations policies necessary, relevant and deliverable?**
 - **Is the extent of each site correctly identified?**
 - **Are the detailed requirements for each of the sites clear and justified?**
 - **Are all the allocated sites deliverable?**
6. The focus of our representations to Pre-Submission SALP was Chapter 5.11: Kentford and Policy SA13: Housing and Mixed Use Allocations in Kentford. We do not object to the two allocations in Kentford: Site SA13(a) – Land to the rear of The Kentford; and, Site SA13(b) – Land at Meddler Stud. There is another site in Kentford, at Kentford Lodge Land west of Herringswell Road for 60 dwellings included in the 5 Year Housing Land Supply [Doc Ref. D/8]. We note that all of these sites were located outside of the defined settlement boundary for Kentford. Our main concern is that all of these allocations are expected to be completed by 2020/21 – see Appendix A of Doc Ref. D/8.
 7. There is no strategy in SALP to meet development needs in Kentford in the medium (years 6 to 10) and longer term (years 11 to 15). Paragraph 47 of the NPPF expects local planning authorities to identify deliverable and developable sites. There will be a need for housing and affordable housing within Kentford in the future, and the existing services and facilities in the villages will need to be supported. There will be few opportunities for infill or windfall developments in Kentford, and those that do exist are likely to be small and fall below the +10 dwelling threshold where affordable housing is required. As such, we conclude that there is unlikely to be much, if any, housing and affordable housing delivered in Kentford beyond the next two or three years after the current permissions have been completed. The development strategy for Kentford is inconsistent with Paragraph 55 of the NPPF and Paragraph: 001 (ID: 50) of the PPG which acknowledge that additional housing in rural areas can support local services and facilities. The existing services and facilities within Kentford could be supported by further housing development in the village, and in particular at land east of Gazeley Road.
 8. As set out in our representations to Pre-Submission SALP, the circumstances at Beck Row and West Row (also defined as Primary Villages) is similar. The majority of the allocated sites in those villages also already have planning permission or a resolution to grant, development will be

completed in the short term, and no development is planned in the medium and long term during the plan period in those villages.

9. There is a need for a further allocation in Kentford for two reasons. As set out above, no new housing will be provided in the village beyond two to three years and after 2020/21. Secondly, recent appeals demonstrate that the housing land supply position has fluctuated recently around the required five year supply. The details of two appeals, which are provided in **Appendix 1**, are as follows: Land adjacent to 34 Broom Road, Lakenheath, Suffolk for 120 dwellings from July 2017 (Appeal Ref: APP/H3510/W/16/3149242); and Former Sperrinks Nursery, The Street, Gazeley, Suffolk for 20 dwellings from February 2016 (Appeal Ref: APP/H3510/W/15/3033503). Issue 6 (Paragraphs 44-59) of the Lakenheath appeal deal with the housing land supply position, and considered the methodology for calculating the supply, the appropriate buffer, the method to address the shortfall, and the deliverable supply. We note that there was a shortfall during a number of years (9 out of 15 years, or 5 out of 10 years), although there was some debate as to whether that shortfall could be described as persistent. The overall conclusion was that the Council could not demonstrate a five year housing land supply, which differs from the Council's conclusion in Doc Ref D/8 that it can demonstrate a 6.7 years supply. The Gazeley appeal demonstrates that a housing land supply shortfall has persisted for the last couple of years. A more robust approach, and one that was consistent with Paragraph 47 of the NPPF to boost significantly the supply of housing, to comfortably exceed the housing requirement by allocating additional deliverable sites. We request that land east of Gazeley Road in Kentford is allocated in SALP.
10. Furthermore, we note that the impact of airborne noise on external areas was identified as a constraint for the Lakenheath appeal site. As set out in our representations to Policy SA8: Focus of Growth - North Lakenheath, the impact of noise on external areas is also a concern for allocated sites on the northern edge of Lakenheath. The noise impacts could worsen if, as is likely, there is an increase in activities at RAF Lakenheath following the closure of RAF Mildenhall. We requested in our representations to Pre-Submission SALP that the sites in the northern part of Lakenheath are subject to more scrutiny in terms of suitability in order to avoid noise pollution. There must be uncertainty about the attractiveness of these sites to potential occupiers, at least until the future noise impacts are known. If those sites are not suitable or deliverable for the proposed quantum of development anticipated in SALP then alternative sites in other sustainable villages which are not constrained should be allocated to meet the housing target. There are other villages, e.g. Kentford, where suitable and deliverable sites exist which are not subject to noise constraints.
11. Therefore, and in response to the questions, we do not object to the allocations in the Primary Villages, and since most of them have planning permission already it would be reasonable to assume that they are deliverable. However, one of our main concerns is that those allocations will be delivered in the short term, with no housing provided in the medium and long term of the plan period in the Primary Villages, including in Kentford. We have other concerns that the Council cannot demonstrate a five year housing land supply, and that there is uncertainty about the suitability and deliverability of other allocated sites, including on the northern edge of Lakenheath. In these circumstances, additional sites should be allocated in the Primary Villages

to provide housing in the medium and longer term and to provide some certainty that a five year housing land supply can be maintained. We request that land east of Gazeley Road in Kentford is allocated for these purposes.

Potential Additional Allocation – Land east of Gazeley Road in Kentford

12. We provided a detailed reassessment of land east of Gazeley Road in Kentford in our representations to Pre-Submission SALP, and do not repeat them here. In summary, the main site specific points to support the allocation of the site are as follows:
 - Kentford is a sustainable village because it has a good range of services and facilities, it is accessible by public transport, and there are employment opportunities within village.
 - The Site is accessible to the services and facilities within the village by walking and cycling, and it is accessible to employment opportunities in the larger towns and regional centres by public transport.
 - The Site is adjacent to the area of built development in Kentford, and is located within close proximity of the settlement boundary for the village.
 - It would be inconsistent to reject development at the Site because of apparent conflicts with the linear character of the village, when other developments affecting that linear character have been accepted and allocated.
 - The woodland located to the north and south provide an opportunity to contain development within the Site. The retention of existing trees and woodland means that adverse impacts on the character of the landscape and visual impacts from the surrounding area would be avoided.
 - Natural England have previously stated that there is unlikely to be a significant impact on Stone Curlew from development at the Site. A previous ecological assessment concluded that habitat enhancement within a landscaping scheme at the Site would address any potential impacts on Stone-Curlew.
 - The woodland along the southern boundary of the site contains suitable foraging habitat for badgers, and suitable foraging and commuting habitat for bats species.
 - A geo-environmental and ground investigation reports was previously prepared for the Site. To the east of the site is a former landfill site. The previous ground investigation report recommended a high specification gas membrane and ventilated sub floor void to address ground gas at the Site. Further discussions will need to take place with the Environment Agency on landfill gas matters, but a technical solution to avoid risks should be possible.
 - A limited programme of post-consent archaeological investigation would safeguard the limited archaeological interest on the Site.
 - The previous transport assessment demonstrates that during peak periods capacity exists on the local road network within the village and surrounding area to accommodate residential development at the Site.
 - A pedestrian footway will be provided from the Site to the existing footway to ensure full pedestrian access to the services and facilities within the village.
13. We disagree with the decision to reject or defer the Site and consider that the evidence used to support that decision is not robust.

14. SALP could be made sound if land east of Gazeley Road in Kentford is allocated for the following reasons:
- The allocation of the Site would boost significantly the supply of housing and affordable housing, would support the services and facilities in Kentford, and deliver sustainable development. This outcome represents a positively prepared approach and would be consistent with national guidance;
 - The technical evidence demonstrates that there are no constraints to development following careful design and layout and the implementation of mitigation measures. The allocation of the Site complies with the development strategy in SALP and with national guidance, which seek to direct development to sustainable locations with no constraints. The allocation of the Site would be a justified approach.
15. The site is controlled by Hopkins Homes, who are an experienced regional housebuilder that has developed sites elsewhere in Forest Heath. As such, the site is available for development and is deliverable. The site could accommodate approximately 60 to 70 dwellings.

Requested Change

16. As set out in our representations to Pre-Submission SALP, we request the following changes to Chapter 5.11: Kentford and Policy SA13:
- Land east of Gazeley Road in Kentford allocated for up to 70 dwellings
 - Specific policy requirements for development at land east of Gazeley Road based on findings of previous technical reports e.g. landscaping, ecological mitigation, footway improvements, and ground investigation mitigation.
 - Review evidence for boundary of 1500m Stone-Curlew Constraint Zone to ensure consistency with East Cambridgeshire Local Plan Proposals Map, and amend or delete boundary accordingly.

Carter Jonas – 4th October 2017

APPENDIX 1

APPEAL DECISIONS

Land adjacent to 34 Broom Road, Lakenheath, Suffolk for 120 dwellings from July 2017

(Appeal Ref: APP/H3510/W/16/3149242)

Former Sperrinks Nursery, The Street, Gazeley, Suffolk for 20 dwellings from February 2016

(Appeal Ref: APP/H3510/W/15/3033503)



Appeal Decision

Inquiry held 28 February – 3 March 2017

Site visit made on 3 March 2017

by KA Ellison BA, MPhil, MRTPI

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

Decision date: 05 July 2017

Appeal Ref: APP/H3510/W/16/3149242

Land adjacent to 34 Broom Road, Lakenheath, Suffolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Necton Management Ltd against Forest Heath District Council.
 - The application Ref DC/14/2073/FUL, is dated 3rd November 2014.
 - The development proposed is 120 dwellings comprising 15 one-bedroom bungalows; 25 two-bedroom bungalows; 28 two-bedroom houses; 38 three-bedroom houses; 13 four-bedroom houses and 1 four-bedroom bungalow together with associated access, landscaping and open space.
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Decision

1. The appeal is dismissed and planning permission for 120 dwellings comprising 15 one-bedroom bungalows; 25 two-bedroom bungalows; 28 two-bedroom houses; 38 three-bedroom houses; 13 four-bedroom houses and 1 four-bedroom bungalow together with associated access, landscaping and open space is refused.

Preliminary Matters

2. Lakenheath Parish Council was granted Rule 6(6) status. It provided written evidence in relation to highways and traffic matters. However, having reached common ground with the Appellant on these issues, the Parish Council made an opening statement to the inquiry but advised it no longer wished to act as a Rule 6(6) party. At the inquiry, a group of local residents raised concerns particularly in relation to education provision, the noise environment and highways issues. Given the extent of the group's involvement in the inquiry, I agreed that it should provide a closing statement.
3. The application originally sought permission for 147 dwellings but was amended to 120 dwellings in October 2015, prior to the appeal being made. At the inquiry, the Appellant proposed to amend the scheme in relation to the location of protective fencing to trees, to make some revisions to the junction with Broom Road and to clarify the highways improvement works beyond the site boundary¹. I agree with the Council that these amendments are minor in nature. I am satisfied that no interests would be prejudiced if they were taken

¹ The following amended drawings were provided: 16080/901 Rev C, 16080/002 Rev J, 16080/004 Rev A and 16080/005 Rev A

into account so that I have determined the appeal on the basis of the amended plans.

4. Prior to the inquiry, the Council set out the reasons why it would have refused permission, had it been in a position to determine the proposal². By the time the inquiry opened, it confirmed that its objections related to:
 - the location of the site in the countryside, outside the settlement boundaries as defined in the Development Plan
 - the adverse impact upon the Maidscross Hill Site of Special Scientific Interest (SSSI)
 - the design of the scheme in terms of its relationship with a line of Scots Pine trees along the eastern boundary of the site
 - effect on the character and appearance of the countryside
 - impact upon the habitat of skylarks and potential impact on bats
 - whether the proposal made appropriate provision with regard to education
 - the impact on living conditions due to noise from the nearby airbase.
5. By the final sitting day, considerable progress had been made in relation to the Planning Obligation. In the light of the discussions which had taken place, I adjourned the inquiry to allow the completed obligation to be submitted in accordance with an agreed timetable and to obtain the views of Natural England (NE) as regards proposed mitigation measures. These were all received and the inquiry was closed in writing.
6. The main parties were given the opportunity to provide additional comments on the implications of the decision of the Supreme Court in May 2017³ ('Suffolk Coastal'). I have taken those comments into account.

Main Issues

7. The site lies some 3.6km from the Breckland Special Protection Area (SPA). On 14 February 2017, Natural England advised that it maintained its objection to the proposal not only in relation to the impact on the Maidscross Hill SSSI but also the Breckland SPA. Having regard to that letter and the matters addressed at the inquiry, I consider that the main issues in this appeal are:
 - (i) The effect of the proposal on the character and appearance of the surrounding area especially with regard to the location beyond the defined settlement boundary and the relationship of the development to protected trees
 - (ii) Whether the proposal makes adequate provision to meet recreational demands arising from the development, particularly with regard to its impact on the Breckland SPA and the Maidscross Hill SSSI
 - (iii) Whether the proposal makes adequate provision to address other effects arising from the development, especially with regard to the efficiency of the local highway network and the supply of school places
 - (iv) Whether the proposal adequately addresses any impact on protected species, especially with regard to skylarks and bats

² CD3.24

³ [2017] UKSC 37 dated 10 May 2017

(v) Whether the proposal would provide an acceptable level of amenity for future occupants with particular reference to the acoustic environment

(vi) Whether any material considerations identified would be sufficient to outweigh any conflict with the Development Plan.

Planning policy context

8. In relation to this appeal, relevant policies are contained in the Forest Heath Core Strategy, adopted May 2010 and the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015. Those parts of the Core Strategy dealing mainly with the quantum and distribution of housing were quashed by order of the High Court, in particular policy CS7. The Council has prepared a Single Issue Review (SIR) of policy CS7, along with a Site Allocations Local Plan (SALP). At the time of the inquiry these were at Pre-Submission stage. I am advised that they have since been submitted for examination.

Reasons

9. The appeal site is an agricultural field, some 5.8 ha in size and broadly rectangular in shape, which lies immediately to the east of Lakenheath. There is a row of Scots Pine along part of the eastern boundary, beyond which lies a public footpath and open countryside. This countryside includes Maids Cross Hill which, as well as being a SSSI, is a well-used area of natural green space. There is existing residential development to the north, on the opposite side of Broom Road, as well as to the south. There is also a substantial area of housing beyond the narrow strip of open land which lies along the greater part of the western boundary of the site. Lakenheath itself is a village of modest size which contains a range of services including a primary school. It is identified in the Core Strategy⁴ as a Key Service Centre. RAF Lakenheath, described as the largest military air base in Europe, lies to the south east.
10. The scheme would consist of housing grouped around shared driveways and courtyards as well as three areas of open space distributed through the site, all served by a sinuous central spine road.

Issue 1: character and appearance

11. The appeal site has the appearance of an agricultural field. Whilst there is housing to the north, west and south, the land to the east is in active agricultural use. Notwithstanding the presence of this other development therefore, I consider that the site forms part of the existing countryside, which is open in character. The layout would be one where the dwellings along the eastern part of the site faced onto the access roads, so that much of the eastern boundary to the scheme would consist of close-boarded fencing around private garden space, creating an inward-looking layout. The change from open agricultural land to a developed residential area, together with this inward-looking character, would result in considerable harm to this part of the countryside.
12. Development Plan⁵ policy DM5 seeks to protect areas designated as countryside⁶ from unsustainable development. The appeal proposal does not

⁴ CD2.3 Core Strategy Development Plan Document 2001-2026

⁵ CD2.4 Forest Heath and St Edmundsbury Local Plan, Joint Development Management Policies Document 2015

fall within any of the forms of development which would be permitted, nor does it satisfy the relevant criteria. Consequently, I consider that the proposal is in conflict with this policy.

13. The most significant visual feature in the vicinity of the site is the line of Scots Pine along the eastern boundary. The Arboricultural Implications Assessment records that trees 1-69 are all Scots Pine. Whilst it notes that none of the trees are of high value individually, it states that collectively they form 'a large part of the landscape scene'⁷.
14. A Tree Preservation Order (TPO) for this group of trees was confirmed in October 2016. The TPO notes that such tree lines are recognised to be an important landscape feature, characteristic of the Breckland landscape character type. It also notes that the trees are of high visual amenity value particularly in relation to Broom Road and the footpaths in the immediate vicinity. The contribution made by lines of trees such as this to the character of the local landscape is recognised in the National Character Area profile NCA 85, which refers to 'distinctive twisted and gnarled lines and belts of pine trees'. NCA 85 seeks to conserve and enhance these characteristic Scots pine lines⁸.
15. The layout would place development close to these trees. In many cases, the dwellings or garages would sit within the root protection area (especially plots 78, 103 and 104). I take the point that there may be a range of methods which would ensure a reasonable degree of protection during the period that construction was underway so that the trees would not necessarily be harmed during the construction process. It would also be feasible to reposition any structure which was found to intrude to an unacceptable extent into a root protection area. However, the layout of the housing is such that the scheme does not relate well to the pine line in visual terms either, with the trees being relegated to rear gardens if they are within the site or sitting adjacent to close boarded fencing, if they are outside it. This would be an awkward relationship, rather than a positive response to such an important local characteristic.
16. Moreover, as the Arboricultural Implications Assessment notes, this particular type of tree is quite brittle and during windy conditions branches can be damaged or break off completely. It may well be the case that Scots Pine can exist quite happily in urban areas. As is always the case with trees however, their longer term health in a residential setting is heavily dependent on the relationship between the individual tree and its particular surroundings. The twisted appearance of the Scots Pine means that the individual tree is unlikely to be perceived as a visually attractive feature in or close to what would be quite modestly sized gardens. Nor, due to its brittle character, would the tree be regarded as a welcome presence in such proximity to gardens or buildings. To my mind, this would be likely to lead to pressure for works to reduce or remove those trees and, given the characteristics of the trees, such pressure would be hard to resist. It is likely, therefore, that in the longer term the proposal would diminish the contribution which the group as a whole makes to the character and appearance of the surrounding area. In this respect therefore, the proposal would fail to satisfy policies CS5, DM13 and DM22.

⁶ defined in the supporting text as the area outside development boundaries

⁷ CD1.7

⁸ GD Appx 32

These encourage designs that reinforce local distinctiveness and require development to be informed by the character of the landscape as well as to maintain or create a sense of place by, amongst other things, basing design on an analysis of the existing landscape and fully exploiting the opportunities this presents.

17. For these reasons, I conclude that the proposal would cause considerable harm to the character of the countryside and would be likely to diminish the contribution currently made by the Scots Pine line. As such, it would have a significant adverse effect on the character and appearance of the surrounding area.

Issue 2: provision to meet recreational demands

18. Within Lakenheath, Maidscross Hill SSSI and LNR is the only sizeable area of natural green space. It lies just over 200m to the east of the site. The SSSI is an area of some 45ha notified on the basis of the presence of very dry Breck grassland and associated species on a range of soil types, as well as recolonised areas of former gravel extraction⁹. As recently as 2016, the condition of the SSSI was assessed as unfavourable and in decline¹⁰. The Appellant suggests this situation is due to a lack of proper management. There is some justification for this, since a requirement for a warden has already been identified. However, the need for such management arises at least in part from the current level of recreational pressure on Maidscross Hill, particularly its use by dog walkers.
19. The Breckland SPA is characterised by an extensive area of grass heath, large arable fields and the largest coniferous forest in lowland England. It holds internationally important populations of stone curlew, nightjar and woodlark. Stone curlew establish nests on open ground provided by arable cultivation in the spring, while nightjar and woodlark breed in recently felled areas and open heath areas within the conifer plantations.¹¹ Disturbance has been shown to have a particular impact for each of these species. A visitor survey conducted in 2010¹² found that visitors particularly came to the Thetford Forest, a component part of the Breckland SPA, often weekly, with many coming more frequently. Dog-walking was the main activity. It also found that Thetford Forest was used as a local greenspace so that development within 10km would be likely to result in increased access and, therefore, potentially increased recreational disturbance which could adversely affect Annex 1 birds. It concluded that any new housing within this radius should be identified as development that would be likely to have a significant effect as a result of recreational disturbance. It also concluded that the closer new housing was to the Forest, the greater the additional recreational pressure would be. Lakenheath is some 7.5km from the heath and forest components of Breckland SPA¹³.
20. The Accessible Natural Greenspace Study, which forms part of the evidence base for the SIR and SALP¹⁴, notes that Maidscross Hill SSSI and LNR is sensitive to recreational pressure and has limited capacity for additional

⁹ CD3.19

¹⁰ CD3.20, GD20

¹¹ GD Appx 19

¹² GD Appx 16

¹³ GD Appx 20

¹⁴ GD Appx 20

visitors. Whilst a warden service would increase this capacity, it recommends additional provision of natural open space to divert pressure away not only from the SSSI but also the Breckland SPA. The paper envisages a strategic network of natural green space in Lakenheath, to be provided in association with the proposed housing allocations in the village.

21. The appeal proposal makes provision for some 0.74ha of open space within the site, in three main parcels. Whilst it is agreed that this would be sufficient to meet the relevant standards, the Council draws attention to the shortfall in the availability of larger natural green space in the Lakenheath area.
22. The appeal site is only a few minutes walk from Maidscross Hill and there would be easy access to it via the public footpath which runs along the site's eastern boundary. This suggests that Maidscross Hill would offer a particularly attractive area for residents who were dog owners, especially since there would be little scope within the appeal site itself to allow a dog to exercise in a traffic free setting. Furthermore, given the survey data as to the use of Thetford Forest, it seems to me that the proposed development would be likely to give rise to additional recreational pressures on the Breckland SPA, particularly in relation to dog-walking so that a likely significant effect could not be ruled out, unless mitigation was in place.
23. Within the SALP, the approach for Lakenheath has been developed in consultation with Natural England. It aims to mitigate the impact of increased recreational demand on the Maidscross Hill SSSI and the Breckland SPA by means of a wardening service for Maidscross Hill and improvements to the wider green infrastructure network in Lakenheath (draft policies SA7 and SA8). All allocated housing sites are expected to contribute to these measures.
24. The various exchanges during the course of the inquiry between the main parties and Natural England on the question of mitigation of recreational pressures led to some revision to the measures to be provided. By the end of the inquiry, Natural England's position was that mitigation should take the form of support for a wardening service at Maidscross Hill, contribution to strategic green infrastructure in Lakenheath and avoidance measures within the development itself to act as a barrier to the SSSI¹⁵. The proposed mitigation, as contained in the Planning Obligation, is in the form of a contribution towards a wardening service for the SSSI (6 hours per week) sufficient to cover a period of either 10 or 30 years and a contribution towards Strategic Green Infrastructure in Lakenheath.
25. The Council takes the view that the recreational impact will persist over the lifetime of the development so that the wardening contribution should be in perpetuity. It draws attention to previous guidance¹⁶ which stated that it could be appropriate to secure maintenance payments in perpetuity towards the provision of facilities which are predominantly for the benefit of the users of the associated development.
26. I accept that recreational pressures will occur over the lifetime of the development. However, I do not agree that the wardening service should be viewed as akin to a maintenance payment. A maintenance payment would be expected to finance the upkeep of specific facilities such as landscaped open

¹⁵ Email from Natural England, 15 March 2017

¹⁶ Planning Obligations – Practice Guidance 2006

space which have clearly identifiable functions and costs. In contrast, insofar as mitigation of the effects of this development on the SSSI is concerned, I understand that the function of the warden would not generally be to directly remedy the impact of, say, an increased number of dogs being exercised on site. Rather, the post would be primarily educational, seeking to influence recreational choices and attitudes and to support conservation activities by local volunteers. Once that educational or supportive work had been shown to be effective in delivering the appropriate attitudes and behaviours therefore, it would be difficult to identify a specific effect from this development which warranted further mitigation or funding. As such, I do not accept that it is necessary for the payment to be made in perpetuity.

27. That then leaves the question of whether sufficient mitigation would be provided through funding for a 10 or 30 year period. There is no information before me to indicate what length of time would be required for appropriate attitudes and behaviours to become established in a typical local population. However, it would be reasonable to anticipate that it might involve work to ascertain the true extent of the additional pressures on the SSSI and any associated adverse impact, to develop and implement the appropriate educational and volunteer strategies and then to review such strategies to ensure their effectiveness. To my mind, the 10 year option may not allow a sufficient period of time to be confident that this process could be securely established. Consequently, I consider that a 30 year period would be necessary in order to minimise the risk of an adverse effect on the SSSI. In this respect, I note that Natural England advises that 30 years would be sufficient¹⁷. Bearing in mind the principles set out at NPPF paragraph 118 therefore, it seems to me that in these circumstances it is the 30 year period that would be fairly and reasonably related in scale and kind.
28. There is however the further issue relating to the layout of the proposed development, which is designed to facilitate access to the public footpath. This, in turn, would allow ready access to Maids Cross Hill. I recognise that the very proximity to Maids Cross Hill would make it an attractive destination, thus reducing the scope for effective avoidance measures. Nevertheless, the relationship with Maids Cross Hill SSSI and the implications of recreational pressures on the biodiversity value of that green space are not matters which have been explicitly considered in the Design and Access Statement or the Planning Statement. This indicates to me that the need to have regard to the impact on the SSSI was not a factor which shaped the design approach, such as in relation to the form of the open space provision or the implications of such easy access to the adjacent public footpath. The failure to address the scope for avoidance measures within the layout must therefore count against the proposal.
29. Through the Planning Obligation, the Strategic Green Infrastructure contribution would be paid prior to the commencement of development. This would support the provision of an alternative walking route around the village, with the aim of diverting some of the pressure from Thetford Forest. Natural England advise that this would represent adequate mitigation in relation to the cumulative recreational effects to Breckland Forest SSSI/Breckland SPA. I see no reason to disagree.

¹⁷ Email dated March 2017

30. Policy CS2 seeks, among other things, to protect areas of biodiversity interest within the District. This is reinforced through the development principles in policy DM2, which include that proposals should not adversely affect sites of ecological interest. Policy DM12 expects all developments to include measures designed to protect biodiversity and mitigate any impacts. As it now stands, I am satisfied that the proposal includes sufficient measures to mitigate the potential impact on the Breckland SPA. However, whilst the wardening contribution and the Strategic Green Infrastructure contribution would go some way towards mitigating the impact on Maids Cross Hill SSSI, the proposal does not address the possibility of incorporating design measures which could divert or minimise recreational pressure on the SSSI. To this extent therefore, it fails to satisfy policies CS2, DM2, DM11 and DM12 or to make adequate provision to meet recreational demands arising from the development.

Issue 3: Other effects

31. On highways matters, the Appellant reached agreement with the County Council, as highway authority, as set out in the Highways Statement of Common Ground¹⁸. Agreement was also reached with Lakenheath Parish Council, which had initially maintained an objection in relation to traffic impact. Nevertheless, technical evidence was submitted on behalf of a third party which disputed the basis for the agreement with the County Council. In addition, although a Statement of Common Ground had also been agreed with the County Council in relation to education, FHDC disputed the basis on which provision would be made for primary education, in the light of the stance taken by Lakenheath Community Primary School that it would not agree to take extra children¹⁹.

The local highway network

32. Lakenheath is the focus of a significant level of developer interest for housing. The draft SALP allocates sites for 828 new dwellings. At the time of the inquiry, there were six other proposals for residential development under consideration by the Council which would deliver a higher number of dwellings. The B1112/Eriswell Road T junction (also referred to as the Sparkes Farm junction) was identified as already operating at capacity. Consequently, additional capacity at that junction will be necessary to address the impact of any further residential development in Lakenheath, including the appeal proposal.
33. A study commissioned by the County Council (the Aecom study) indicated two options to signalise the B1112/Eriswell Road junction. One could be delivered within land under the control of the highway authority (Option B) and a larger scheme with more capacity would require land under the control of a third party (Option A). The Appellant relies on this study to support its position that the traffic impact of the appeal scheme could be mitigated through the implementation of Option B.
34. A third party (Elveden Estates) disputes whether option B could in fact deliver the requisite capacity, questioning the robustness of the traffic survey data and whether there is enough space for the scheme to operate²⁰. The results of the

¹⁸ CD1.47

¹⁹ Doc 12

²⁰ Letter dated 30/6/16 and technical response dated 5/1/17 on behalf of Elveden Estates

Aecom survey, undertaken in 2016, differ from those of an earlier assessment for Elveden Estates which was undertaken in 2015. I note the questions raised regarding the use of data from a Monday and whether the time periods covered the full peak period. However, the County Council as highway authority has confirmed it accepts the results of this study. I am satisfied that it provides a reasonable basis for the assessment of the operation of the junction. In addition, drawings have been provided to demonstrate that there is sufficient space at the junction to accommodate the proposed scheme²¹. I accept, therefore, that the scheme would increase the capacity of this junction, even taking into account that drivers waiting to turn right may not always place themselves so as not to block traffic approaching from behind²².

35. The work commissioned by the County Council was concerned with a comprehensive assessment of highways issues associated with several potential development proposals. Option B was assessed as being able to accommodate over 840 dwellings. Even if it were the case that Option B delivered a lower level of additional capacity than predicted, it is clear that it would be more than sufficient to address the impacts of this particular scheme. As such, the proposal would satisfactorily mitigate the traffic impact of the development, as required by policies CS12 and DM45.

The supply of school places

36. It is estimated that the proposal would generate a need for 26 additional primary school places. However, Lakenheath Primary School advises that the school is at or near capacity and that temporary classrooms would not be feasible so that it would not agree to take extra children. Although one of the other housing proposals before FHDC includes provision for a new primary school in Lakenheath, that has not yet received planning permission. Thus, even though the County Council states that it intends to open the first phase of the new school in September 2018, there is no certainty at present as to when the school will be provided. Consequently, it is likely that any children of primary age residing in the appeal scheme would need to travel to a school out of the village.
37. The Planning Obligation makes appropriate provision for contributions towards the cost of the new primary school. However, given the lack of certainty as to when that school will be delivered, it also makes provision for a School Transport Contribution, on an average cost basis for primary school transport. Since this form of arrangement would be sufficient to ensure that the educational needs of those children could be met, it would not conflict with policy CS13, which expects that suitable arrangements will be put in place to improve infrastructure, services and community facilities to mitigate the impact of development.

Issue 4: impact on protected species

38. Site surveys have identified a small number of skylarks nesting in adjacent fields. As an open field, the site has some potential to accommodate ground nesting birds, including skylark. However, residents confirm that the site is regularly crossed by dog walkers, which would make it less attractive to such birds. In addition, as an area of agricultural land the field would not

²¹ AECOM Technical note dated 26/1/17

²² WSP Rebuttal note 27/2/17; Create Highways Technical notes 1 & 2 27/2/17 and 2/3/17

necessarily remain in its present, fallow state if the appeal proposal did not succeed so that there is no clear prospect of the habitat being retained in the longer term. As such, whilst the proposal would lead to the loss of some potential habitat, I consider that this is unlikely to have a material adverse effect locally on this species.

39. The Council draws attention to the fact that the biodiversity survey had identified that one of the Scots Pine was used as an occasional summer roost for a single noctule bat. In addition, there is evidence that bats use the pine line for commuting and foraging, which would be consistent with the comments from local residents that they regularly observe bats over the field. I recognise that, given the poor relationship between the row of pines and the proposed housing, there is a risk that the tree containing the roost hole might be lost and the opportunity for foraging might be reduced following the loss of other trees. However, this was thought to be an occasional summer roost rather than one for maternity or hibernation. Since the proposal includes provision of bat roost boxes to be affixed to the trees, as well as additional planting along this boundary, it provides an adequate level of mitigation for the potential risks and does not conflict with policy DM11, which seeks to prevent development which would have an adverse impact on protected species.

Issue 5: The acoustic environment

40. The appeal site lies just to the west of RAF Lakenheath and about 1km from the runway. The most recent assessment of military aviation noise from the RAF²³ places the site within the 72dB contour (L_{Aeq16h}), which is the highest of the contours identified. From this, the Appellant estimates²⁴ that the majority of the appeal site would be about 75dB L_{AeqT} .
41. On more than one occasion, I was able to observe aircraft taking off, where I noted that their flight path took them across the appeal site at quite low levels. I accept, therefore, that residents' concerns are well-founded as regards the acoustic environment for future occupants and that this would relate not only to noise levels but also to noise vibration. Moreover, the effects would be not only at times when aircraft are airborne but also during Engine Ground Run operations. In addition, the stated intention to transfer the operations from the nearby Mildenhall air base to Lakenheath and station additional squadrons there indicates that the level of aircraft activity and associated aviation noise seems set to increase.
42. The Appellant confirms that even using the latest contours, internal noise levels for properties on the appeal site would be within the limits set out in *BS 8233:2014 – Guidance on sound insulation and noise reduction for buildings*. They would also be below the lowest observable effect level (LOAEL) referred to in the Noise Policy Statement for England and Planning Practice Guidance (PPG). The supporting information does not address the question of noise vibration, which local residents identified as a problem. If this is the case, it is reasonable to expect that future residents would have a similar experience. Even so, I am satisfied that the proposal would afford a reasonable level of amenity in relation to inside living space.

²³ CD4.2

²⁴ Doc 8

43. As regards outdoor space, perimeter acoustic fencing would serve to screen noise from ground-based activity and there was some reference to the use of shelters in public amenity areas. Even so, the Appellant acknowledges there would be very limited scope to mitigate airborne noise. The main adverse effects for residents would be in relation to aircraft noise and the contrast with the generally quiet rural surroundings. In the absence of the ability to provide mitigation for the external areas therefore, the proposal would conflict with that part of policy DM2 which expects that sensitive development should not be sited where users would be significantly affected by noise.

Issue 6: material considerations and conflict with the Development Plan

Housing land supply

44. Within the Statement of Common Ground, it is agreed that it is appropriate to use the housing requirement contained in the Council's Objectively Assessed Housing Need Update, August 2016 and proposed in the SIR. The Appellant suggests that this figure (6,800 dwellings or 340 dwellings per annum) should be accorded only limited weight since it has not yet been tested through the Local Plan examination. I recognise that draft policy CS7 of the SIR can carry limited weight, since the Plan has yet to complete its examination. However, no detailed criticism of the 340dpa figure has been made and no alternative has been put, so I have taken that figure as the basis for my assessment.
45. By the end of the inquiry, there were four remaining areas of disagreement: the Council's use of the 'year forward' method; the calculation of the shortfall; the period over which the shortfall should be made up; and whether particular sites should be regarded as deliverable.

The 'year forward' method

46. Given the timing of this inquiry, the Council identifies a problem in that an assessment of housing land supply which takes the base date as the last complete financial year (in this case, 31 March 2016) does not provide an up-to-date picture of housing delivery. Drawing on a range of data sources including commencements, completions, Council Tax records and returns from developers, the Council advises it expects to meet its housing requirement for 2016-17. This is based on confirmed data for the period to 31 August, with completions anticipated for the remainder of the year. The five year supply it demonstrates then runs from 1 April 2017.
47. Of necessity, the completions figure for 2016-17 is an estimate, although I note that the extracts provided from building control records and the Council's own monitoring data indicate it has a reasonably sound basis²⁵. The Council suggests that this method increases certainty, since sites completed during the relevant year are removed from the supply. However, this method also introduces uncertainty into the process, around anticipated completions. This would be the case irrespective of whether the exercise took place early or late in the relevant year. Moreover, such a figure would need to be reviewed as the year progressed. This would be inconsistent with the process envisaged in NPPF paragraph 47, which refers to an annual update. For that reason, I prefer the Appellant's approach, of using the last complete year of data.

²⁵ At the inquiry, the Council confirmed that 248 units had been completed and a further 279 units had been commenced as at January 2017

The application of a 5% or 20% buffer;

48. NPPF expects the inclusion of an additional buffer of 5% to ensure choice and competition in the market for land. This increases to 20% where there is a record of persistent under delivery. Although the Council suggested this buffer should not be applied to any shortfall from previous years, such an approach would not be consistent with the spirit of national policy, which seeks to boost the supply of housing and encourage choice and competition.
49. In calculating the shortfall over previous years, the Council applies three figures: 260dpa taken from the Structure Plan up to 2007/8; 320dpa from the Core Strategy for the next three years; then 340dpa from 2011/12, taken from the 2016 update to the Strategic Housing Market Assessment (SHMA). The Appellant contends that the Core Strategy figure should be applied from 2001, to reflect the start date of that plan. However, since under-delivery is a measure of performance it seems to me to be self-evident that the target must be one that is known at the time. I understand that the 320dpa figure was taken from the then Regional Strategy, which was not published until 2008. In those circumstances, the Council's approach is to be preferred.
50. On the Council's figures therefore, there has been a shortfall in 9 of the past 15 years or 5 of the last 10 years.
51. The Local Plans Expert Group recommends that a shortfall in c65% of monitoring years would represent persistent under delivery. On the other hand, the White Paper proposes a housing delivery test aimed at triggering policy responses to ensure new homes are delivered. Amongst the measures proposed is one that if delivery falls below 85% of a housing requirement, local authorities would be expected to plan for a 20% buffer on their five year land supply. In addition, in a recent appeal decision²⁶ the Inspector concluded that there had been persistent under delivery on the basis of a shortfall in 9 out of the past 14 years.
52. The term 'persistent' indicates a situation which has existed for a prolonged period and looks set to continue. Thus with regard to housing, it requires an understanding of the pattern of past delivery and its likely future course, rather than the application of a simple threshold. The figures provided by the Council indicate that delivery exceeded or was close to the annual requirement during the years from 2005/6 to 2012/13 after which there was a marked deterioration. However, the data for 2016/17, even though not yet confirmed, indicates that delivery will once again be at or close to the annual requirement. That pattern, to my mind, indicates a fluctuation but not a situation where under delivery is a persistent feature. On that basis, I consider that a 5% buffer should be applied.

Making up the shortfall (the 'Liverpool' or 'Sedgefield' approach)

53. National policy places particular emphasis on the delivery of housing so that the general aim should be to make good any under delivery from past years as soon as possible, preferably within five years. The case for a longer period should be supported by specific reasons such as around past delivery or future supply. The Council points to the ecological, environmental and planning constraints within the District which mean that the SALP sites will not start to

²⁶ APP/H3510/W/16/3139292 Breach Drove

deliver material numbers until 2018/19. Whilst there is some force in this assessment, it is not sufficient reason in my view to justify the case for a longer period of time. Consequently, I consider that the shortfall should be made up within five years.

The deliverable supply

54. The Council calculates the supply of sites by three components: unimplemented permissions on large sites at April 2016; unimplemented permissions on small sites at April 2016; and a category of 'other' sites where there is evidence of deliverability. By the end of the inquiry, it identified a supply of 2226 units.
55. In the first category, the Appellant challenges eight sites. However, the Council provides justification for the greater part of this figure, except for an increase of 2 units at Waterwitch House and a reduction of 7 units between the sites at Hall Drive and Red Lodge, leading to a net reduction of 5 in this category. As for the small sites, these form a relatively modest proportion of the overall supply. The Appellant proposes a 10% discount in this category for non-delivery, which would reduce the supply by 23. However, the Council makes no allowance for windfalls and it seems to me that, over a five year period, a comparable number of sites could equally well come forward. I accept the Council's assessment for this category.
56. In the third category, the differences concern a site which has been granted planning permission after the end of the last complete monitoring year and the projected delivery from allocations in the SALP. As with any monitoring activity, the annual update of deliverable sites serves to provide a clear snapshot of the situation at a given point in time. It is not unreasonable for the Council to draw attention to sites which have received planning permission since the base date. However, for the monitoring data to be robust, such sites should not be incorporated into the supply figure until corresponding adjustments can be made to the figure for completions. The figure of 38 dwellings should be removed from this category.
57. As for the allocations in the SALP, the Council confirms it has received updates from the relevant owners or developers, to the extent that it now makes a net addition of 15 dwellings for the period to 31 March 2021. These are based on up to date assessments, so that the figures are reasonably robust. The Council makes no adjustment for SALP sites 12 and 13, even though one site (the District Council offices) is still in use and the other (West of Mildenhall) does not yet have a masterplan in place. Clearly, there are several steps to be taken before housing can be delivered on either site. Nevertheless, it seems to me to be reasonable to anticipate that some level of delivery is likely to be achieved within the next five years and the figures included in the trajectory seem to be a fair reflection of the progress that is likely to be made.
58. Taking the figures contained in the Council's update²⁷ as the starting point, I consider that the requirement for the period to 31 March 2016 comprises 1700 dwellings plus the agreed shortfall of 389 (2,089). A 5% buffer would represent an additional 104 dwellings (2,193). With a net reduction of 5 dwellings to large sites with planning permission, the supply from this category would be 820 dwellings. There would be no change to the supply of 234

²⁷ Doc 19

dwellingings from small sites with planning permission. In the category of other sites, there would be a reduction of 38 dwellingings for the site which received planning permission after the base date, but an increase of 15 dwellingings in the light of the updates received. This would produce a figure of 1,134 (1157+15-38). On those figures, I consider that the supply stands at 2,188, so that it falls slightly short of the requirement plus buffer.

59. Since the Council has not been able to demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up to date.

Conflict with the Development Plan

60. The key Development Plan policy in relation to this proposal is policy DM5, which seeks to protect the designated countryside from unsustainable development. At the inquiry, the Appellant conceded that there was conflict with this policy. The Council contends there is also conflict with policy DM27, a point which was also conceded by the Appellant. However as I read it, that policy is directed towards the opportunities for limited further residential development in settlements. The appeal proposal sits outside of this policy rather than in direct conflict with it. Even so, the conflict with policy DM5 means that the principle of development in this location is contrary to the dominant operative policy of the Development Plan. The settlement boundary for Lakenheath has been reviewed as part of the work on the SALP and no change is proposed in this part of the village. The conflict with policy DM5 therefore carries substantial weight.
61. Further conflict arises in relation to aspects of the design, particularly the effect on the character and appearance of the countryside, the landscape and the relationship with the row of Scots Pine, where there is substantial conflict with policies CS5, DM13 and DM22. Although the Core Strategy pre-dates NPPF, the terms of policy CS5 are consistent with national policy which continues to place great importance on good design and expects proposals to respond to local character. It should therefore carry full weight in the planning balance. The shortcomings in the design represent a clear failure to respond to local character, which should also carry substantial weight.
62. The proposal fails to fully address the impact on Maids Cross Hill SSSI, which brings it into conflict with aspects of policies CS2, DM2 and DM12. Policy CS2 is consistent with more recent national policy in NPPF, which expects policies to minimise impacts on biodiversity, so that should also carry full weight. The Appellant suggests that policy DM10 adopts a less restrictive approach than that in NPPF paragraph 118, since it does not require development to avoid SSSIs. I do not agree. Policy DM10 is clear that development likely to result in adverse effects to a SSSI will not be permitted unless the benefits of development at the site clearly outweigh the impact on the SSSI. As I read it, it maintains the same level of protection as provided at national level. Given the statement that such development will not be permitted, this conflict also carries substantial weight.
63. In addition, there is conflict with policy DM2 in relation to the adverse effect associated with noise from the nearby airbase. However, Lakenheath is identified in the Core Strategy as a key service centre and in the SIR as a location for a substantial amount of new housing. Several sites are allocated in

the SALP. Although this site is closer to the airbase than those in the SALP, it seems likely that the acoustic environment for residents will be comparable. Consequently, I attach only limited weight to the conflict with policy DM2 in relation to living conditions.

64. The Appellant accepts that the proposal is contrary to the Development Plan read as a whole. Moreover, it was accepted at the inquiry that in view of the need to take into account the impact of the proposal on Maidscross Hill SSSI, this is an example where specific policies in the NPPF indicate development should be restricted²⁸. The balance to be applied therefore, is one where the proposal should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
65. Those considerations consist of the benefits of providing 120 homes, of which 36 would be affordable. In the context of the failure to demonstrate a full five year supply of housing land, this should carry substantial weight. The proposed improvements to the B1112/Eriswell Road T junction would address the current capacity issue and create more capacity than is necessary to address the effects of this proposal. That would represent a net benefit. There would also be benefits in terms of the boost to the local economy during the construction period. These matters carry moderate weight.
66. The Appellant also suggests there would be benefits in the form of pump priming the delivery of the new primary school and contributions to Strategic Green Infrastructure. However these provisions mitigate the impact of the proposal rather than provide net gains, so that they are neutral factors in the planning balance.
67. The Appellant draws attention to paragraphs 75-79 of the Suffolk Coastal judgement, especially the reference to the possibility that the rigid enforcement of environmental and amenity policies and designations such as those referred to in NPPF footnote 9 may prevent a planning authority from meeting its requirement to provide a five year supply of housing land. It is suggested that such a situation obtains in Forest Heath, so that less than full weight should be attached to such restrictive policies where there is not a five year supply of housing land. I do not agree. Although there is in-principle conflict arising from the location of the development in the countryside, it is within the Appellant's control to address other sources of conflict with the Development Plan associated with design factors such as the relationship with the Scots Pine line and the adjacent countryside. With regard to amenity and noise, the Council's case was pragmatic rather than rigid and that has been reflected in my own assessment of the proposal.
68. Taking all of these matters into account, I conclude that the material considerations identified would not be sufficient to outweigh the conflict with the Development Plan.

Conclusions

69. For the reasons given above I conclude that the appeal should be dismissed.

²⁸ NPPF paragraph 14, footnote 9 and NPPF paragraph 118

K.A. Ellison

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Michael Bedford QC

He called	
Gareth Durrant BA, Dip	Principal Planning Officer, Forest Heath District Council
Samantha Robertson BSc(Hons), DipTP, MRTPI	Senior Planning Officer, Forest Heath District Council

FOR THE APPELLANT:

Timothy Leader, of Counsel

He called	
James Hodson BSc, MSc	Director and Principal Ecologist, Eco-Check Ltd
Melissa Kurihara MPLM, MRTPI	Principal Planning Consultant, Urban Vision Partnership Ltd
Erica Whettingsteel BA, Dip Urb Reg, Dip UD, MRTPI	Managing Director, EJW Planning Ltd

INTERESTED PERSONS:

Ms H Brown	Lakenheath Parish Council
Mr M Malina	Governor, local resident
Ms A Lane	local resident
Mrs H Jones	local resident
Mr H Jones	local resident

PLANS

- 16080/002 Rev J - Proposed Layout Plan
- 16080/004 Rev A - Highways adoption plan
- 16080/005 Rev A - Proposed toucan crossing plan
- 1175 03 001 - Site accessibility improvements plan
- 16080/101 Rev A Proposed Plans & Elevations Cartlodes
- 16080/102 Rev O Proposed Plans & Elevations Garages
- 16080/103 Rev B Proposed Plans & Elevations Colkirk
- 16080/104 Rev A Proposed Plans & Elevations Elmham
- 16080/105 Rev O Proposed Plans & Elevations Elmham
- 16080/107 Rev O Proposed Plans & Elevations Gresham
- 16080/109 Rev O Proposed Plans & Elevations Ickburgh
- 16080/111 Rev O Proposed Plans & Elevations Jaybrook
- 16080/112 Rev O Proposed Plans & Elevations Jaybrook
- 16080/113 Rev O Proposed Plans & Elevations Kessingland
- 16080/114 Rev O Proposed Plans & Elevations Langham

- 16080/115 Rev O Proposed Plans & Elevations Ickburgh/Langham
- 16080/116 Rev O Proposed Plans & Elevations Amner
- 16080/117 Rev O Proposed Plans & Elevations Blakeney
- 16080/118 Rev O Proposed Plans & Elevations Langham attached
- 16080/119 Rev O Proposed Plans & Elevations Morston
- 16080/120 Rev O Proposed Plans & Elevations Ickburgh attached
- 16080/121 Rev O Proposed Plans & Elevations Gresham semi-detached
- 16080/122 Rev O Proposed Plans & Elevations Kessingland
- 16080/123 Rev O Proposed Plans & Elevations Newton
- 16080/124 Rev O Proposed Plans & Elevations Plumstead

DOCUMENTS

- 1 Letter of notification
- 2 Appellant's note dated 28 February 2017 – proposed amendments
- 3 Public Health and Housing consultation response dated 18 November 2015
- 4 Email exchange Suffolk CC/Appellant dated 27 February 2017 – Primary Education
- 5 Letter from SCC dated 23 November 2015 – Developer Contributions
- 6 Appellant's Highways Technical Note 1 – dated 27 February 2017
- 7 Email exchange Mr Hodson/Natural England dated 27 February 2017
- 8 Acoustics Technical Note1 – dated 27 February 2017
- 9 Email exchange Ms Whettingsteel/Mr Durrant re: Statement of Common Ground dated 27 February 2017
- 10 Planning Resource 24 February 2017 on the Housing White Paper
- 11 Statement by Lakenheath Parish Council
- 12 Letter from Lakenheath Community Primary School dated 24 February 2017
- 13 Email exchange Suffolk CC/FHDC dated 24 February 2017 and AECOM Rebuttal technical note dated 26 January 2017
- 14 WSP note dated 27 February 2017: Response to AECOM Rebuttal
- 15 Extract from Single Issue Review - settlement boundaries
- 16 Email exchange Mr Hodson/J Smithson, FHDC dated 15 September 2016
- 17 Email exchange FHDC/Natural England dated 28 February 2017; Inspector's ruling and extract from Circular 06/2005
- 18 Revised Appendix 5 to Samantha Robertson's Proof
- 19 Council's Five year supply calculations and supporting evidence for completions 2016-17
- 20 Lakenheath residents: Note on Aviation Noise and Questions to Appellant
- 21 Extract from Housing White Paper – housing delivery test
- 22 Acoustics Technical note 2, dated 1 March 2017
- 23 Appellant's Highways Technical Note 2, response to Inspector's questions – dated 2 March 2017

- 24 Extract from layout plan – trees
- 25 Updated CIL compliance statement – Suffolk County Council
- 26 Updated CIL compliance statement – FHDC
- 27 Unilateral Undertaking dated 15 March 2017 and associated correspondence
- 28 Email from Natural England dated 15 March 2017
- 29 FHDC comments on Unilateral Undertaking (Planning Obligation)
- 30 Appellant's response on Unilateral Undertaking
- 31 Closing comments on behalf of Lakenheath Residents

Appeal Decision

Hearing held on 19 January 2016

by David Smith BA (Hons) DMS MRTPI

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

Decision date: 03/02/2016

Appeal Ref: APP/H3510/W/15/3033503

Former Sperrinks Nursery, The Street, Gazeley, Suffolk, CB8 8RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hopkins & Moore Developments Ltd against the decision of Forest Heath District Council.
 - The application Ref DC/14/1335/FUL, dated 18 July 2014, was refused by notice dated 17 November 2014.
 - The development proposed is residential redevelopment of a vacant site to provide 20 residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for a residential redevelopment of a vacant site to provide 20 residential dwellings at former Sperrinks Nursery, The Street, Gazeley, Suffolk, CB8 8RB in accordance with the terms of the application, Ref DC/14/1335/FUL, dated 18 July 2014, subject to the conditions in the attached schedule.

Preliminary matters

2. The appellant now proposes a private pumping station within the area of open space rather than an adopted one close to the northern boundary. This is in response to concerns raised by the owners of adjoining land about the effects on 2 dwellings permitted to the rear of 50 The Street. The Council has no objections to this change and I am satisfied that no interests would be prejudiced by accepting it. Therefore the appeal will proceed on the basis of revised drawing no GAZ1/003B submitted at the hearing.
3. The completed planning obligation contains provisions regarding the delivery of affordable housing and for financial contributions towards additional school places and associated facilities at Moulton primary school and the upgrading of 2 bus stops. I shall consider this in due course but it overcomes the second reason for refusal.

Planning Policy Background and Main Issue

4. The development plan comprises the Forest Heath Core Strategy (CS) of 2010 and the Joint Development Management Policies Document of 2015 (JDMP). The preparation of a Core Strategy Single Issue Review (SIR) in relation to Policy CS7 which is concerned with overall housing provision and distribution and a Site Allocations Development Plan Document (DPD) are proceeding in tandem. Consultation on them is due to take place from February 2016 but
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these emerging documents are still at an early stage and of limited weight in the decision making process.

5. The Council accepts that its policies referring to settlement boundaries are out-of-date as they stem from the 1995 Local Plan. Furthermore it advised at the hearing that it is not able to demonstrate a 5 year supply of deliverable housing sites. In the light of this and paragraph 14 of the National Planning Policy Framework the main issue is whether any adverse impacts of the proposed development would significantly and demonstrably outweigh any benefits and whether it would achieve a sustainable form of development. When assessing the policies in the Framework taken as a whole particular regard should be had to the strategy for the location of housing development, accessibility to services and facilities, visual and design considerations, any loss of employment land, the best and most versatile agricultural land, housing supply and the provision of affordable housing.

Reasons

6. The appeal site has an area of approximately 1.35ha. It is vacant but was last used as a horticultural nursery. Largely for safety reasons the glasshouses have been taken down. There is what are described as two remaining warehouse buildings which have an industrial appearance. The land is located on the eastern side of Gazeley and accessed by a concrete driveway from The Street which runs past a bungalow and Cherry Tree House.

Strategy for the location of housing development

7. Gazeley has about 325 households and is a Secondary Village as defined by Policy CS1 of the CS. These settlements contain a very limited range of facilities and services and paragraph 2.5.11 indicates that they should only accommodate a very limited amount of new minor development. The policy itself refers to the provision of "nominal housing" during the plan period where local capacity allows. In turn, paragraph 2.5.3 of the CS refers to the Parish Profile providing information on the scale of growth. This states that "minor development" means sites of less than 0.33 ha to accommodate less than 9 dwellings within the defined development boundaries.
8. There is some ambiguity about the terminology used in the policy and the supporting text and document. Nevertheless although Policy CS1 does not impose a blanket ban on all new housing adding 20 dwellings to a village of this size would be more than nominal. On the other hand whilst the term is not defined the proposal does not fall readily into the description of an "urban expansion". Given the other policy criteria that exist I take this to be confirmation that large scale growth will not be permitted.
9. The position regarding settlement boundaries is also not straightforward. They are shown on the Policies Map accompanying the JDMP but not at a scale for their detailed alignment to be understood. The intention is to review them as part of the Site Allocations DPD as indicated in Policy CS10. Until then, the only formal demarcations that can be used for the interpretation of policy are those from 1995. In the absence of anything else this is the sensible approach to take and therefore for the purposes of Policy CS1 the proposal is outside the settlement boundary. Indeed, it is in conflict with that policy.

10. Outside development boundaries the remainder of the District is classified as countryside. Policy DM27 of the JDMP indicates the circumstances in which new dwellings will be permitted in the countryside but does not contain any further limitations so the proposal would not fall foul of it. Policy DM5 protects the countryside from unsustainable development and whether this is the case or not will turn on my overall findings.
11. Paragraph 215 of the Framework establishes that due weight should be given to relevant policies in existing plans according to their degree of consistency with it. However if, as in this case, a 5 year supply of deliverable housing sites cannot be demonstrated relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework.
12. It is already acknowledged that the settlement boundaries within Policy CS1 are out-of-date. Indeed, the Council did not refuse permission simply because the development is outside one. However, Policy CS1 also sets out a spatial strategy by defining 7 types of place and adopting different approaches for each of them in terms of the overall anticipated scale of development. The Council maintained that the implied hierarchy within it means that it is a policy for the distribution of housing. Indeed, this element of the policy seeks to restrict housing development in certain places and to promote it in others. However, the approach of encouragement and restraint in Policy CS1 means it is a policy for the supply of housing. Accordingly this component of it is out-of-date and reduced weight should be given to the conflict with the policy.
13. Because of this, Policy CS1 should not be treated as definitive in considering whether the proposal would be suitable in terms of a broad strategy for the location of housing development. The Framework does not specifically endorse a 'tiered' approach to identifying suitable places for new development but does seek to focus significant development in locations which are or can be made accessible. It also refers to actively managing patterns of growth and to minimising journey lengths. Whilst a scheme for 20 houses should not be regarded as "significant" it makes sense for growth to be proportionate to the size and type of the existing settlement unless more significant infrastructure, employment and retail uses accompany it.
14. In the context of a village of the size of Gazeley an additional 20 houses would not be overwhelming and would be broadly consistent with the scale of expansion that has occurred in recent years. Furthermore, although not falling within the definition of previously-developed land within the Framework, the appeal site is despoiled land containing remnants of the former nursery business. As part of any incremental growth of the village it is preferable to build on land such as this rather than on green fields. The site is also on the periphery of a settlement rather than separate from any existing place. As such, the proposal would not be inconsistent with the broad expectations for the location of housing in the Framework.
15. The Framework (paragraph 55) also indicates that housing should enhance or maintain the vitality of rural communities in order to promote sustainable development in rural areas. For example, where there are groups of smaller settlements, development in one village may support services in another nearby. The Planning Practice Guidance (PPG) on *Rural Housing* affirms this by observing that all settlements can play a role in delivering sustainable

- development in rural areas and that rural housing is essential to ensure viable use of local facilities. These sentiments are reflected in Policy CS10.
16. Gazeley is part of a network of quite closely spaced villages which include the larger neighbours of Kentford and Moulton. Although opinions vary I heard evidence that the village has been in decline since 1991 in that services like a shop/post office and school have closed. The extent to which incomers would contribute towards village life is a matter of conjecture. Whilst the appellant's experience as a developer is that people tend to move within the locality the evidence from recent "high value" developments at Gazeley is that local involvement is limited. The 14 market houses within the scheme are large and could be considered to fall within this category.
 17. Furthermore, any benefits arising from the support of local services in the surrounding area is reduced by the 234 dwellings that have been permitted at Kentford. Compared to this level of development any contribution the proposal might make to the building of wider rural communities would be insignificant. So whilst rural housing is endorsed by national policy the social and community advantages referred to would not be great. Nevertheless, there would be likely to be a modest positive impact in these respects.
 18. To sum up, the proposal would be contrary to Policy CS1 which sets out the spatial strategy for Forest Heath. However, the categorisation and limitations imposed on Secondary Villages are out-of-date in the light of the Framework as are the settlement boundaries. The proposal would be located on the edge of a village and when assessed against the Framework would be broadly consistent with expectations for the location of housing and could support local facilities to a limited degree.

Accessibility to services and facilities

19. The Framework refers to making the fullest possible use of public transport, walking and cycling. The proposal would not generate significant movements so that the policy in paragraph 34 of minimising the need to travel does not apply. Furthermore, the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
20. There is no dissent from the Council's contention that the services available in the village and connectivity to others further afield are unchanged from that set out in an appeal decision (Ref: APP/H3510/A/07/2051603) of 2007. This dealt with an outline application for residential development at the site. However, the pub closed about 18 months ago and there is no date fixed for it to re-open. The bus service is limited. Consequently the previous Inspector's finding that "the occupants of the new houses would need to use cars for many day to day activities and for most shopping expeditions" holds good.
21. That said, future residents would not have to drive far to reach other villages or the larger town of Newmarket. The previous use of the nursery generated a considerable number of vehicle movements at its peak many of them by HGVs. However, assessing the proposal should primarily be undertaken with an eye to the future rather than harking back to the past. It is nevertheless worth noting that specifically reducing the need to travel by car is no longer one of the expressed main aims of Government policy as it was in 2007.

22. The approach to using services and facilities in the Framework does not expect that those living in rural areas will have the same travel choices as those in a town. Those at the appeal site would have some options but, in practice, would be likely to rely on private car rather than more sustainable modes. Even for a rural location the accessibility credentials of the site would not be high to the extent that this would be a negative aspect of the proposal.

Visual and design considerations

23. The Government attaches great importance to the design of the built environment and the Framework confirms that good design is a key aspect of sustainable development. The proposal would be in a 'backland' location behind the line of houses fronting The Street. The proposed dwellings would front or address the proposed access road or the green so that the layout would be coherent. They would be designed in a sensitive, traditional fashion.
24. The village core is near the junction with Higham Road to the south and there is linear development along The Street. However, building took place in the twentieth century to the east along Higham Road and to the south-west so that development in depth spreading outwards from the centre is also a characteristic of Gazeley. In these circumstances the form of the proposal would not be contrary to the established pattern but would reflect it. The proposed houses would be no further from The Street and no more isolated or visually disconnected than some of the housing along Stubbins Lane and Highwood Road. Given that there have also been large buildings on the land the proposal would integrate satisfactorily with local character.
25. The proposal would be glimpsed in near distance views from within Gazeley but in conjunction with existing residential development. The main medium range view would be across open farmland from the public footpath to the east but the presence of the village can already be detected from this direction. The proposed houses would be seen in this context and in the longer-term would blend in more readily as the proposed boundary planting establishes. The main landscape impact would be immediately after construction. Even then and despite the lack of existing vegetation the site is sufficiently discrete that the consequences for the setting of the village would not be harmful.
26. As a result the proposal would be in conformity with the design expectations of Policy CS5 and Policies DM2 and DM22 of the JDMP which are particularly concerned with design quality and reinforcing local distinctiveness. It would also adhere to the relevant provisions of the Framework.

Loss of employment land

27. In 2007 the Inspector concluded that the proposal would lead to a loss of employment in this rural area that would be counter to national policy. However, that decision was made at a time when the nursery was still functioning. In its heyday I was told that it employed 5 full-time and 5 part-time workers. But that was in the past and the situation is now materially different to that prevailing when the last appeal was decided.
28. Policy CS6 and JDMP Policy DM30 refer to the protection of existing employment sites. This is not defined but the emphasis in Policy CS6 is on allocating employment land within Use Class B and job growth in tourism, leisure, retail and the rural economy is referred to separately. A horticultural

use does not sit easily with the wording of the policy and in that event its restrictive provisions would not apply.

29. Even if the site should be treated as employment land the policies contain certain caveats that allow for alternative uses. The Council's complaint is that none of these have been addressed. However, the Framework indicates that planning policies should avoid the long term protection of allocated employment sites where there is no reasonable prospect of it being used for that purpose. There is no evidence that a future employment use is viable or that there is a need or demand for premises in the locality that would not lead to detrimental visual, amenity or highway impacts. This includes the stabling of horses mentioned by the Council.
30. Therefore the site is disused and no longer provides employment. Relevant development plan policies do not appear to protect former horticultural businesses. Even if they did there is insufficient evidence that the land should be safeguarded for employment purposes so as to prevent re-development occurring and this overrides any policy conflict.

Best and most versatile agricultural land

31. The Council maintains that the appeal site is Grade 2 (very good) agricultural land. The Framework indicates that local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. Policy DM5 of the JDMP refers to avoiding the irreversible loss of the best and most versatile agricultural land but only in the context of proposals for economic growth and business expansion and so does not apply.
32. Furthermore, the Agricultural Land Classification maps are not sufficiently accurate for use in the assessment of individual fields or sites. In this case, the land contains hard standing and other debris and the soil quality is said to be poor. There is no persuasive information that the appeal site fulfils the description of Grade 2 land used by Natural England. As such, the proposal would not result in the loss of the best and most versatile agricultural land.

Housing supply

33. The appellant maintains that in March 2014 the supply of housing should have been assessed as 4.9 years. This was on the basis that the PPG advises local planning authorities to aim to deal with any undersupply within the first 5 years of the plan period where possible. As at October 2014 the Council's position was that it was able to demonstrate a 5.1 year supply of housing. At best therefore the supply of housing in Forest Heath at that time only just met national policy expectations with little leeway.
34. The figures for overall housing provision in the CS are based on requirements in the cancelled Regional Spatial Strategy. The Council is in the process of producing an updated Strategic Housing Market Assessment. This work has not been completed and so there is no recent appraisal of objectively assessed housing needs to form the 'starting point' for determining whether supply is adequate. As a result the Council confirmed that it cannot demonstrate a 5 year supply of housing. The SIR and DPD have some way to go before they are adopted so there is currently something of a policy vacuum. Given this and the aim of the Framework to boost significantly the supply of housing the provision of 20 units at the appeal site should be given significant weight.

Affordable housing

35. The proposal has the full support of the Strategic Housing Team. It would provide affordable housing in accordance with Policy CS9 with a variety of mix and tenure. Furthermore, it includes provision for a 2 bed wheelchair bungalow for a resident of Gazeley. At the hearing the Council referred to the "chronic shortage" of affordable housing in West Suffolk and that 111 households on the Housing Needs Register have expressed an interest in living in Gazeley.
36. The Framework establishes that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. The proposal would contribute towards meeting this aspect of national policy so that the inclusion of 6 affordable dwellings is a positive aspect of it.

Other Matters

37. The planning obligation is subject to Regulation 122 of the Community Infrastructure Levy Regulations. The provision of 6 units of affordable housing is required in order to comply with Policy CS9 which sets a target of achieving 30% of net new dwellings as affordable.
38. The nearest primary school at Moulton will shortly exceed its current capacity and all local primary schools are said to be over-subscribed. The development is likely to lead to additional children within that age bracket who will require schooling. Therefore a contribution towards future improvements brought about by the proposal is necessary. There is also no dispute that the sum sought is fairly and reasonably related in scale and kind. Furthermore, there is a feasibility study underway to expand the school significantly.
39. The bus stop improvements would go towards a proper hardstanding and kerb to offer a new waiting area and better access onto buses. Policy CS12 and Policy DM2 of the JDMP support sustainable transport measures and these works would encourage greater use of the service. Given that the options for travel by means other than the car are few such opportunities should be maximised. As the contribution would assist in this respect it is necessary to make the development acceptable in planning terms.
40. Therefore the obligation is in compliance with Regulation 122 and this can be taken as the confirmation required by Section 4 (iii) of the obligation. The County Council advises that less than 5 obligations for education and transport at Gazeley have been entered into since April 2010 and therefore that the pooling restrictions in Regulation 123 would not be breached. Consequently I shall take the obligation into account when reaching my decision.
41. The vehicular access would run alongside the south-facing side garden of 40 The Street. There is an existing hedge along the boundary. Occupiers would previously have been affected by the movements into and out of the nursery and greater volumes are likely to travel along The Street. The proposed scale of activity would not be great but passing vehicles would nevertheless be visible and audible to the occupiers. As such, the use of an external space that they could reasonably expect to be more private would be affected. There would appear to be scope to provide a further means of enclosure alongside the access road to assist in baffling any noise. In order to secure a good standard of amenity a condition could be imposed to secure this.

Final Balancing

42. The Framework contains a presumption in favour of sustainable development. It has three dimensions which provide a useful way to assess the proposal.
43. The proposed dwellings would contribute economically by providing local jobs during the construction period as well as bolstering the related supply chain although this would be short-term and is not quantified. As discussed, residents may support local services in the wider rural area. The natural and built environment should be protected and enhanced but there would be no harm arising from visual or design considerations. Sustainable and energy efficient construction, modern drainage, landscaping and ecological measures are all an expected part of any development these days. Some improvements would occur to a derelict site but this argument could be used to justify re-development of any cleared land and so is of little weight. Parts of the site would be decontaminated but there is no evidence of a current health risk. Traffic would be less than the former nursery use but these levels are now historic and unlikely to resume and so this is also a neutral factor.
44. The social dimension is multi-faceted. Twenty houses would make a meaningful contribution towards housing supply in Forest Heath where the current policy position is unclear and unlikely to be resolved in the near future. Furthermore, the proposal would provide 6 affordable units in an area where there is a chronic shortage including a unit tailored to a local individual. This additional housing would assist in meeting the needs of present and future generations. The education contribution is required to mitigate the consequences of the development but together with others it might facilitate an expansion project that would advantage the community. The appellant refers to public support and the Framework aims to empower local people to shape their surroundings but the views that I heard were qualified. However, the proposal would not have accessible local services because of the paucity of facilities in Gazeley and, notwithstanding the bus stop upgrades, the limited options for travel other than by car.
45. Nevertheless this adverse impact of the development does not significantly and demonstrably outweigh the other social and limited economic benefits that would occur. When considered as a whole, the proposal would achieve a sustainable form of development. As such, according to the Framework, planning permission should be granted. The failure to accord with the development plan is outweighed by other considerations. These include the later provisions of the Framework and as policies for the supply of housing including the spatial strategy and settlement boundaries are out-of-date.

Conditions

46. In considering the conditions agreed between the parties I have had regard to the Framework and to the PPG. Where necessary I have adjusted the suggested wording for clarity and simplicity.
47. In the interests of the appearance of the area and the environment within the development conditions are necessary to require landscaping details, confirm the protection measures for trees that adjoin the site, ensure future management and maintenance of the central green and to prevent the incursion of fencing. A schedule of materials has been provided so there is no

need to request samples and the plans condition would ensure implementation. This is also required for the avoidance of doubt.

48. To ensure that the development is sustainable conditions should be imposed in relation to ecological enhancement, remediating contamination, fire hydrants, drainage, waste minimisation and water efficiency of the dwellings in line with JDMP Policy DM7. So that the vehicular arrangements operate effectively and safely further details are required and these should be undertaken before occupation. It was established that the vision splays would be achieved across highway land. The other suggested conditions are either unnecessary or repetitive. The external works layout contains sufficient details of refuse and recycling bins but these should be provided to ensure that this aspect of daily living functions properly.

Conclusion

49. For the reasons given the proposed development is acceptable and the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings nos GAZ1/001, GAZ1/002A, GAZ1/003B, GAZ1/004A, GAZ1/005A, GAZ1/006, GAZ1/010, GAZ1/011, GAZ1/012, GAZ1/013, GAZ1/014, GAZ1/015, GAZ1/016, GAZ1/017A, GAZ1/018, GAZ1/019, GAZ1/020, GAZ1/021, GAZ1/022, GAZ1/023, GAZ1/024, GAZ1/025A, GAZ1/026, GAZ1/027, GAZ1/028, GAZ1/029A, GAZ1/030, GAZ1/031, GAZ1/032, GAZ1/033, GAZ1/034, GAZ1/035, GAZ1/036, GAZ1/037, GAZ1/038, GAZ1/300, GAZ1/301, GAZ1/302, GAZ1/303, JBA 13/323-SK01B & JBA 13/323-TS02A.
- 3) No development shall take place until a scheme of soft and hard landscaping pursuant to the Landscape Masterplan drawing no JBA 13/323-SK01B, including a timetable for implementation and details of site and individual plot boundaries including a means of enclosure alongside the garden of 40 The Street, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in accordance with the timetable.
- 4) The erection of fencing for the protection of trees and hedges shall be undertaken as shown on drawing no JBA 13/323-TS02A before any equipment, machinery or materials are brought on to the site for the purposes of the development. The development shall be carried out in accordance with the Method Statement within the Arboricultural Impact Assessment and Method Statement dated 2 July 2014 prepared by JBA Consultancy Services Ltd.
- 5) No dwelling shall be occupied until an open spaces management and maintenance strategy in respect of the Open Space of 425 sq m shown on drawing no GAZ1/002A has been submitted to and approved in writing by the local planning authority. The approved strategy shall thereafter be implemented and adhered to.
- 6) Notwithstanding the provisions of Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no fences, gates, walls or other means of enclosure shall be erected around or within the Open Space of 425 sq m shown on drawing no GAZ1/002A.
- 7) No dwelling shall be occupied until a timetable for the implementation of the measures contained in the Enhancement Recommendations in Section 6 of the Phase 1 Habitat Survey dated December 2013 prepared by JBA Consultancy Services Ltd or for the implementation of alternative measures for ecological protection and enhancement agreed by the local planning authority has been submitted to and approved in writing by the local planning authority. The approved measures shall be carried out in accordance with the timetable.
- 8) No development, other than demolition, shall take place until a preliminary risk assessment of the nature and extent of any contamination and a site investigation scheme have been submitted to and approved in writing by the local planning authority in accordance with methodologies previously agreed

in writing. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development, other than demolition, begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, work shall cease and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. Following the completion of all the approved measures and prior to occupation a verification report demonstrating their effectiveness shall be submitted to and approved in writing by the local planning authority.

- 9) No development shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the local planning authority. The approved hydrants shall be provided before the occupation of any of the dwellings.
- 10) No development shall take place until a scheme for the provision, implementation, management and maintenance of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The approved drainage shall be carried out in accordance with the implementation timetable in the approved scheme.
- 11) No development shall take place until a site waste minimisation strategy giving details of how demolition and construction waste will be recovered and reused has been submitted to and approved in writing by the local planning authority. The approved strategy shall be adhered to throughout the construction process.
- 12) No dwelling shall be occupied until the optional requirement for water consumption in Part G of the Building Regulations has been complied with.
- 13) No dwelling shall be occupied until the bin storage positions have been provided in accordance with drawing no GAZ1/003B.
- 14) No development shall take place until details of the levels, gradient and means of surface water drainage of the access road and footpath have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the new vehicular access, access road and footpath have been laid out and completed in accordance with drawing no GAZ1/002A and the approved details.

