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## Appeal Decision

Inquiry held on 19-22 and 26-29 January and 2-5 and 23 February 2016  
Site visit made on 22 February 2015

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

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

**Decision date: 25 April 2016**

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**Appeal Ref: APP/J3530/W/15/3011466**

**Land at Fairfield Road, Framlingham, Suffolk IP13 9LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
  - The appeal is made by Taylor Wimpey UK Ltd against the decision of Suffolk Coastal District Council.
  - The application Ref DC/14/2747/FUL, dated 22 August 2014, was refused by notice dated 24 February 2015.
  - The development proposed is the erection of 163 dwellinghouses with associated parking, access, highway works, landscape, open space, drainage and infrastructure including the resurfacing of two existing public rights of way.
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### Decision

1. The appeal is allowed and planning permission is granted for the 'erection of 163 dwellinghouses with associated parking, access, highway works, landscape, open space, drainage and infrastructure including the resurfacing of two existing public rights of way' on land at Fairfield Road, Framlingham, Suffolk, subject to conditions set out in a schedule attached to this decision.

### Procedural matters

2. The Inquiry was held to consider the appeal and an appeal by Persimmon Homes against the decision of the Council to refuse planning permission for a housing development on land at Mount Pleasant, Framlingham (Appeal Ref. No. APP/J3530/W/15/3011493), which is the subject of a separate decision. Mr May, who gave evidence on housing land supply did so on behalf of the Appellant and Persimmon Homes. Appearances at the Inquiry, appended to this decision, do not include those who appeared for Persimmon Homes. The list of Inquiry Documents, appended to this decision, include those submitted by Persimmon Homes.

3. Taylor Wimpey UK Ltd has made a claim for costs against Suffolk Coastal District Council (SCDC). This application is the subject of a separate decision.

### The appeal site

4. The site is two arable fields of about 6.7 hectares on the south side of Framlingham. To the east of the site is similar Grade 3a agricultural land, to the north is a 1960's housing estate on Fairfield Crescent, to the west is Fairfield Road beyond which is the River Ore, and to the south is Brick Lane, a single track country lane. To the east of the river, which is only a few metres wide, is an area of commercial development accessed off Station Road, which is the main road leading

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into the town from the south. This commercial development extends southwards to the west of agricultural land on the south side of Brick Lane.

5. The site gradually rises from Fairfield Road towards the east boundary and ground levels continue rising gradually further to the east. A drainage ditch separates the two fields that are of roughly equal size. The ditch, which begins to the east of the site, crosses the site from east to west and then passes through a culvert underneath Fairfield Road to discharge into the river. Along the east boundary is a public footpath (PF38) which starts at Brick Lane and continues northwards into the town. Along the north boundary is another public footpath (PF39) that links PF38 and Fairfield Road. Alongside the ditch to the east of the site is a public footpath (PF35) that extends eastwards from PF38. Alongside Brick Lane and within the site is a stand of trees and close to Fairfield Road, around the corner with Brick Lane, are a few individual trees.

### **The proposed development**

6. The proposed development of 163 2, 3, 4 and 5 bedroom dwellings would include 53 affordable dwellings. The dwellings would be predominantly two storeys in height, though 23 would have attic rooms with dormer windows, either detached or semi-detached or in short terraces. Two of the affordable dwellings would be bungalows to meet a specific local need for accommodation for disabled residents of the area. Housing density would be higher in the northern part of the site and lower towards the south end of the site.

7. The existing drainage ditch would be incorporated into the development though rainwater from the development would first discharge into two attenuation ponds alongside Fairfield Road and another within the development. Vehicular access into the development would be off Fairfield Road towards the north end of the site, though there would also be an emergency access off Brick Lane. FP38 and FP39 would be retained within the development, though they would be resurfaced, and estate roads and footpaths would provide alternative pedestrian access between the south-east and north-west corners of the site.

### **Planning policy**

8. The development plan, for the purposes of the appeal, is the Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (CS), which was adopted in July 2013.

9. CS policy SP1 seeks to achieve sustainable development by, amongst other things, conserving and enhancing the area's natural historic and built environment, maintaining and enhancing a sense of place, and creating inclusive communities, and CS policy SP1A reiterates the presumption in favour of sustainable development that is stated in the National Planning Policy Framework (NPPF). CS policy SP2 states that provision will be made for at least 7,900 new homes across the District during the plan period of 2010 to 2027, and CS policy SP19 establishes a settlement hierarchy and indicates that 19% of housing growth will be in five towns that include Framlingham. CS policy SP23 is specific to the town and states that the strategy is to promote and enable it to remain a largely self-sufficient market town in the district by, amongst other things, maintaining its high quality historic character and retaining the sensitive setting and edges of the town.

10. CS policy DM3 states that new housing will firstly and primarily be directed to settlements for which physical limits boundaries have been defined in accordance

with policy SP19. CS policy DM21 states that proposals that comprise poor visual design and layout, or otherwise seriously detract from the character of their surroundings, will not be permitted.

11. Framlingham Town Council has published a Consultation Draft Neighbourhood Plan (NP). The NP does not include the site as a housing allocation.

12. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Paragraph 56 of the NPPF states that 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people'.

### **Reasons**

13. The main issues are; first, whether, for the purposes of applying the provisions of the NPPF, the Council can demonstrate a five year supply of housing land; second, the effect of the development on the character and visual amenity of the area; third, the effect of the proposed development on the settings and significance of heritage assets in Framlingham; and fourth, in terms of the NPPF, whether the proposed housing scheme would be sustainable development.

The first issue – housing land supply

14. Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%, or 20% if there has been a record of persistent under delivery. Consideration must also be given as to whether any backlog should be made up in the first five years of the remaining plan period, the Sedgefield approach, or over the whole of the remaining plan period, the Liverpool approach. The Appellant argues, and this was generally accepted at the Inquiry, that the Council can demonstrate a five year supply of housing land only if the requirement is considered to be 7,900 dwellings, if a 5% buffer is applied, if the Liverpool approach is adopted, if their relevant five year period is accepted, and if a major housing site, BT Adastral Park, delivers the number of dwellings anticipated in the last three years of that period.

15. Paragraph 47 of the NPPF requires a local planning authority to ensure that their Local Plan meets the full objectively assessed need for market and affordable housing in the market housing area. The CS was submitted for examination on 8 May 2012 and the subsequent hearings were held in October and November of the same year. In his report the examining Inspector stated that "On the available evidence at this point the 11,000 new dwellings should be taken as the full, objectively assessed housing need (OAN) for the District between 2010 and 2027". The Council, nevertheless and to avoid delay in adoption of the document, were promoting the CS on the basis of providing 7,900 dwellings over the plan period; this figure being based on the distribution and scale of development already established.

16. The Council did, however, make a commitment, by proposing modifications to the CS, to review the housing requirement. The Inspector stated in his concluding remarks on this matter in his report that "If the Council wishes to achieve a fully plan-led approach to new development it will be in its interests to undertake the

review, which could be a partial exercise, as quickly as possible. In the meantime, the recommended modifications provide a minimum timescale within which it should commence". CS policy SP2 establishes the level of housing provision at 7,900 dwellings over the plan period but also states that "An early review of the Core Strategy will be undertaken, commencing with the publication of an Issues and Options Report by 2015 at the latest. The review will identify the full, objectively assessed housing needs for the District...".

17. The examining Inspector was persuaded to find the CS sound because the Council made the commitment to a review of the CS and this commitment is enshrined within the adopted document. The Council argues that the review has been commenced and that an Issues and Options Report for the review will be published in Autumn 2016. Though the Council has been engaged in discussions with neighbouring Councils in the Ipswich Housing Market Area (IHMA) under the duty to cooperate, there is no reasonable explanation why the report was not published in accordance with the policy requirement. In this regard, the Council could have commenced the preparation of the report, based on a partial review of the CS, alongside their cooperation with neighbouring authorities.

18. The Council's Local Development Scheme (LDS) published in October 2015 is the most up to date statement on their progress of the review of the CS. In the LDS it is stated that "The LDS sets a timetable for that review with an adoption date of Nov/Dec 2019", and given the progress to date of the review this can be taken to be the earliest date by which it will be adopted. The Council therefore intends to base housing supply on a housing requirement, 7,900 dwellings, that is based on figures set out in a now superseded Regional Spatial Strategy of 2008, up to the start of the next decade. The Council is clearly committed to pursuing the review as part of an aligned or joint Local Plan review with the other three Councils in the IHMA and the IPS states that "A Memorandum of Understanding will be prepared by the Ipswich Policy Area local planning authorities in 2015".

19. A Memorandum of Understanding, from evidence provided at the Inquiry, is in the public domain but has not been signed by the four authorities and no documents have been produced since the publication of the LDS to indicate that any progress is being made on either an individual or joint review. The LDS includes the comment that the four Council's in the IHMA "...are all likely to have more challenging housing figures to deliver in the future...". But for SCDC the 'more challenging housing figure', the OAN of 11,000 dwellings, was established in the past and was only set aside to aid progress of the CS as a whole. In these circumstances, not to accept that the requirement of 7,900 dwellings over the plan period is out of date would be contrary to the clear message in paragraph 47 of the NPPF that local planning authorities should seek to boost significantly the supply of housing. This conclusion is consistent with the approach taken in other appeal decisions.

20. There is no evidence to indicate that the Council has commenced an assessment of the current OAN for their District; only that they are working towards such an assessment for the IHMA with the other three Councils. Mr May, for the Appellants, has made his own assessment of the OAN for the District based on the recognised Chelmer Model, on up to date evidence, and on various demographic scenarios. Though Mr May's evidence has not been subject to independent scrutiny his assessments point towards an increasing OAN for the District that is at least 11,000 dwellings. Mrs Hanslip, for the Council, accepted under cross-examination that she would expect the OAN to have gone up.

21. The Council has sought to rely on two relatively recent appeal decisions, the Saxmundham and Melton appeals, where the Inspectors used the 7,900 figure from the CS as the relevant requirement. But in both cases there was no dispute that the Council could not demonstrate a five year housing land supply and both decisions predated the CS provision that a review of the housing requirement should commence before the end of 2015. The Council argues that the issue of the review is only relevant because the Inquiry was held only just after the end of 2015. But this is an argument of little merit because it could be used to perpetuate indefinitely the continued reliance on an out of date requirement of 7,900 dwellings.

22. The 7,900 dwelling housing requirement is not based on an assessment of the OAN for the District, contrary to paragraph 47 of the NPPF, and is artificially low. In the Saxmundham appeal decision the Inspector concluded that a 20% buffer was appropriate and though a 5% buffer was considered appropriate in the Melton appeal decision it is not apparent that the Inspector was asked to consider the Saxmundham decision or that he was required to consider the pattern of housing delivery. The CS examining Inspector also considered a 5% buffer to be appropriate but the evidence to the hearings predates the appeal Inquiry by about four years and the decision on a buffer then cannot realistically influence a decision taken now. Appendix A of the Housing Land Supply Assessment of March 2015 indicates that in the first five years of the CS plan period the annual requirement of 465 dwellings, which itself is based on the artificially low requirement, was not met in any year. The shortfall for the first five years of the CS plan period was 873 dwellings.

23. If the housing requirement for the CS plan period is taken to be the OAN figure of 11,000 dwellings then the shortfall over the first five years was 1,783 dwellings. This factor notwithstanding, given the persistent under supply of housing against the CS requirement over the first five years of the plan period and other factors, it is entirely appropriate to apply a 20% buffer to the housing requirement.

24. Planning Practice Guidance (PPG) indicates that local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible, and that where this cannot be met in the first five years local planning authorities will need to work with neighbouring authorities under the duty to cooperate. The Council is cooperating with neighbouring authorities of the IHMA but there is currently no output resulting from that cooperation. A site allocations development plan document is under preparation but options are still under discussion and a draft document has yet to be published. The Council therefore, according to the Appellant, "...continues to be reliant on developers and landowners bringing sites forward for development...". In this regard, there is only one housing site in the District with planning permission where development has yet to commence. The Council is therefore almost wholly reliant on sites being brought forward to address the shortfall and future housing needs.

25. The future for housing growth in the District is seriously uncertain and is not following the plan-led approach that is advocated in the first of twelve core planning principles set out in the NPPF. In these circumstances it is necessary to maintain the principle established in the PPG; that undersupply should be addressed in the first five years of the remaining plan period, the Sedgfield method, rather than over the remaining years of the plan period, the Council's preferred Liverpool method.

26. SCDC's housing supply figures rely heavily on completions at the BT Adastral Park site. They anticipate that 425 dwellings will be completed on this site during the last three years of what they regard to be the relevant five year period, starting

at April 2016; 100 units in 2018/19, 100 units in 2019/20 and 225 units in 2020/21. But recent appeal decisions, including the Saxmundham and Melton decisions and those made for developments at Earl's Barton and Burghfield Common, indicate that it is not appropriate to wholly rely on future completions and that an assessment of housing supply should start with current completions. The correct five year period therefore starts at April 2015. On this basis the Adastral site, even if the timetable for the scheme is as predicted, and there is serious doubt attached to this prediction given that it will be the subject of a new planning application and other factors, will only contribute 200 dwellings during the five year period; not 425 dwellings.

27. The relevant five year period for an assessment of housing delivery is April 2015 to March 2020 and during that period the BT Adastral Park site will contribute only 200 dwellings towards housing supply. It is appropriate to apply a 20% buffer and it is necessary to require the shortfall in previous housing delivery to be delivered over the first five years, and not over the remainder, of the plan period. Based on these three main factors, and setting aside the debate about housing delivery being based on the OAN for the District rather than the CS figure of 7,900 dwellings, it is estimated that the Council has a housing land supply of only about 3.7 years. Even if only one of the three main factors is correct the Council does not have a supply of specific deliverable sites sufficient to provide five years' worth of housing. Furthermore, if the housing requirement is based on an OAN of 11,000 dwellings, as established in the CS, or on any realistic prediction of what an OAN for the District is likely to be, housing land supply is less than 3.7 years.

28. The Council cannot demonstrate a five year supply of housing land and paragraph 49 of the NPPF is therefore engaged.

The second issue – the character and visual amenity of the area

29. The appeal site is within the 'Rolling Valley Claylands' Landscape Type 17 (LT17) as identified in the Suffolk Landscape Character Assessment of 2011. The key characteristics of LT17 include gently sloping valleys with occasional steeper slopes and ancient woodland on upper fringes of valley sides, and the area is noted to be comprehensively settled with substantial towns such as Framlingham. The assessment states that settlement extension in a valley side landscape is likely to have a significant visual impact and can adversely affect the character of the landscape. Land immediately to the east of the site is 'Plateau Claylands' Landscape Type 10 (LT10) which is a gently undulating plateau area. Development within LT10 is generally limited to dispersed farmsteads and other rural buildings. The appeal site is not covered by any statutory or non-statutory landscape designation and is not part of, in NPPF paragraph 109 terms, a valued landscape.

30. The site is, in terms of its character, unremarkable. Opponents of the proposed development maintain that it is part of a sensitive edge to the settlement but this edge of the town is no more sensitive than other edges. It is, in fact, significantly less sensitive than the northern edge of the town where the countryside extends up to the ramparts of Framlingham Castle. It is also less sensitive than the western edge of the settlement where the town extends up the western slope of the river valley. Given its proximity to the river, in fact, the site is close to the lowest parts of the town and there is existing mixed development on both sides of Station Road on the west side of the river. If the town is to be extended to meet the housing needs of the district then extending the settlement to the south would, in principle and in terms of the effect on landscape character, be logical.

31. The landscape value and sensitivity of the site to change is no more than medium. Nevertheless, the proposed development would have a profound effect on the character of the site; its rural character would be replaced by a residential development of decidedly urban character. The development would also have an adverse effect on the character of the wider area. But the site is well contained by Fairfield Road and development beyond to the west, by Brick Lane and woodland on both sides of this road to the south, and by existing development to the north. The eastern edge of the site is open to further agricultural land but any extension of a settlement will have at least one boundary to the countryside. In this case the site has only one boundary to the countryside and, given the relative containment of the site, the development would have only a moderate adverse effect on the character of the wider LT17 area and a negligible effect on the character of the LT10 area.

32. The site is featureless other than for the drainage ditch and the trees alongside Brick Lane and around the corner to Fairfield Road. The ditch is a manmade feature and simply divides the site into two parts. The ditch would be retained and would become a landscape feature of the development, and the trees would also be largely retained. They would be subject to crown lifting and some trees, that are either diseased or over mature, would be removed. But the existing trees generally have not been properly maintained and would benefit from being the subject of planned remedial works. The crown lifting would reduce screening of views across the site from Brick Lane but the development would include extensive landscaping including tree planting. The existing trees on the site would continue to contribute to the visual amenity of the area.

33. The greatest effect on the visual amenity of the area would be for users of the footpaths along the north and east boundaries of the site, in particular PF38, and the footway to Fairfield Road. From PF38 there are views northwards across the roofscape of Framlingham, including the south façade of Framlingham College, the tower of St Michael's Church at the heart of the town and the upper ramparts of Framlingham Castle. These three buildings are distinctive features of views of the town from almost all directions; though they do not all appear in these views. The view northwards from PF38 is attractive, though somewhat diminished by the roof slopes of the 1960's development around Fairfield Crescent and other modern infill development. The view across the town from PF38 would be largely lost as a result of the development, but the same view is available from Brick Lane as it turns south-eastwards past Manor Farm Cottages towards the hamlet of Cole's Green.

34. From the hamlet public footpath 43 (PF43) extends westwards to the B1116, which is the main road leading southwards out of the town. From this footpath there are the same views northwards, albeit from about 0.5 kms further away, as there are from PF38. Though the views across the town's roofscape from PF38 would be largely lost they would remain from PF43 which is at a higher level. From PF43 the roofscape of the proposed development would be in the foreground, though largely screened by trees along both sides of Brick Lane, with the existing roofscape of the town in the background. Importantly, from this footpath, and from Brick Lane as it passes through Cole's Green, the three distinctive buildings of the town would remain visible. Also, the development would not obscure views of the church tower and the castle ramparts from PF35 as it extends westwards towards the site.

35. The view westwards from PF35, as it descends gently towards the middle of the east boundary of the site, is across the river valley towards development and countryside beyond on the west side of the river. The commercial development to the west of the site is screened to some degree by trees and vegetation alongside

the river but it is discernible and is relatively unattractive. The proposed development would replace the commercial development in the view from PF35. A tree and vegetation belt along the east boundary is not intended to wholly screen the development but it would soften the edge of the built development and would filter views of the houses beyond. From PF35 in the vicinity of Edward's Farm, where it has a junction with PF37, PF36 and PF34, the view westwards would be over the development and the tree belt towards countryside to the west of the town. Getting closer to the site the development would become increasingly prominent.

36. In views from footpaths and Brick Lane, for walkers approaching the town from the south and east, the built form of the town, if the development was to be permitted and implemented, would arrive earlier than at present. Similarly, for walkers leaving the town the countryside would arrive slightly later than at present. It takes between 5 and 10 minutes to walk from the north-west corner to the south-east corner of the site along PF38 and PF39. These footpaths provide access to an extensive network of footpaths that criss-cross the countryside around Framlingham, some of which form a circular route around the town known as the Brownsword Way. The construction of the development would not prevent access to the network of footpaths and would not prevent those using the footpaths from enjoying the countryside. It would simply result in two footpaths being within a built development rather than within the countryside.

37. The footway to Fairfield Road is a pedestrian route into the town from the south and does provide access to Brick Lane and to the network of footpaths around the town. From the footway there are open views across the site towards the near horizon just beyond the site. The site is virtually featureless and the views are not distinctive. The site would be wholly developed and an open view would be replaced by one of a modern housing scheme. The majority of the development would be set back behind two attenuation ponds that are important features of a sustainable drainage scheme. The areas around the ponds would be landscaped and would be accessible open spaces for residents of the scheme. The views from the footway, on approaching the town, are of commercial development to the west and of the 1960's housing around Fairfield Crescent. This housing is relatively unattractive and the entry to the town would be improved by the development.

38. In this regard, criticisms have been made of the design and layout of the proposed development but these are unfounded. The development has been carefully designed and would be a successful extension of the built form of Framlingham. The development would be densest next to existing development and less dense alongside Brick Lane. It would be eminently permeable with many routes through it from the north corners of the site to Brick Lane, Fairfield Road and PF35. The areas around the attenuation ponds would be landscaped and there would be areas of green landscaping alongside the whole of the frontage to Fairfield Road. Footpaths within the development would all be overlooked from windows in dwellings and therefore subject to passive surveillance. In this regard, opportunities have been taken to include windows in gable ends that might otherwise be blank.

39. The roads within the scheme are appropriately either perpendicular or at right angles to the natural slope of the site, and the loosely linear layout of the scheme reflects existing development in the town. The drainage ditch would not be culverted but would be an attractive feature of the scheme. It would be bridged in four places; once for a main road through the scheme, once for an access way to a parking court, and twice for footpaths, including PF38 alongside the east boundary. The access road off Fairfield Road that extends through to the east boundary would be cut into



the slope of the site, with houses set back on both sides rising above it, but altering ground levels in this way to accommodate highway access is neither unusual or out of keeping with how the town has developed in this valley location. PF38 would pass through a linear green space alongside screening vegetation next to adjacent agricultural land, rather than across open agricultural land, but there are many opportunities for walking in the nearby countryside and this change to the character of this footpath would not be significant.

40. Play spaces are incorporated into the scheme, are appropriately located and meet play space standards. The detailed design of the dwellings has been carefully considered and pays due regard to vernacular design in terms of the use of relatively steep pitched roofs, the vertical emphasis of windows, the incorporation of feature gables, dormer and bay windows and chimneys, the thoughtful design of eaves and verges, and the palette of materials for external walls and hard landscaping including red brick, weatherboarding and render. The Architects of the development held extensive discussions with Officers of the Council throughout the design process. This process led to an Officer commenting that "The submission provides evidence that the Applicant has given thought to what aspects of Framlingham's townscape, buildings and building features have provided influence over the design of dwellings proposed here". The proposed development constitutes good design and therefore complies with paragraph 56 of the NPPF.

41. The site visit included an extensive walking tour of footpaths around the town in all directions. It was noted that there are several views of the town that include all three of the distinctive buildings. Given also that the view northwards of the town from PF43 would remain and that the development would be largely screened in this view, the loss of the view of the town and the three distinctive buildings from PF38 would not be significant. The development would be visible in views from public vantage points in the vicinity of the site, in particular from PF35 and the footway to Fairfield Road, and the character of PF38 would change. But, given in particular the good design of the proposed development and that the edge of the settlement cannot be regarded to be unduly sensitive, the effect of the development on the visual amenity of the area would be neutral.

42. The edge of the settlement, if the proposed development is permitted and implemented, would simply move from its current position and no harm would be caused to the setting of the settlement. In this regard there is no conflict with CS policy CS23. The proposed development would have a moderate adverse effect on the character of the area. However, given that the adverse effect would only be moderate, and not therefore serious, the proposed development does not conflict with CS policy DM21.

The third issue – the settings and significance of heritage assets in Framlingham

43. Framlingham College is a Grade II listed building, St Michael's Church, otherwise known as the Church of St Michael the Archangel, is a Grade I listed building, and Framlingham Castle is a Grade I listed building and a Schedule Ancient Monument. The three listed buildings, and others, are within the Framlingham Conservation Area (FCA). Framlingham College was built around 1864 and is at the north-west corner of the town. It has an impressive three storey red brick south frontage and its slate roof has square turrets with steeply pitched pointed roofs rising above the level of the main roof. It is the south frontage that is visible in views from the vicinity of the appeal site and from footpaths on the south side of the town.

44. St Michael's Church originated in the 12<sup>th</sup> century but the church that stands today is mainly from the 15<sup>th</sup> and 16<sup>th</sup> centuries. The church has a large square late Perpendicular tower in three stages. It is the upper stages of the tower, principally, that are visible in views from public vantage points from around the town. Framlingham Castle is at the north-east corner of the town and has its origins also in the 12<sup>th</sup> century, but was developed continuously from then until the early 17<sup>th</sup> century. The curtain wall of the castle is about ten metres high at its highest points. The most impressive views of the castle are from open ground around The Mere to the north-east and from footpaths to the north. But there are views of the upper parts of the curtain wall, above the crowns of mature trees in and around a cemetery, from footpaths on the south side of the town.

45. Mr Lewis, for the Council, makes no particular claim that the appeal site is within the setting of one or all of the three aforementioned heritage assets, rather that the proposed development would obscure views over the roofscape of Framlingham towards the three listed buildings and the historic core of the town. Mrs Cairns, for the Framlingham Residents Association (FRA), does claim that harm would be caused to the settings of the heritage assets. The setting of a heritage asset, as indicated in Historic England guidance 'The Setting of Heritage Assets', "...embraces all of the surroundings from which the heritage asset can be experienced...Setting does not have a fixed boundary...". The three heritage assets and the rooftops of buildings within the FCA can be 'experienced' from the vicinity of the appeal site, which can therefore be regarded to be within the setting of the heritage assets.

46. Given the aforementioned guidance the considerations in this issue are largely the same as those in the previous issue in relation to the visual amenity of the area. The heritage assets would not be visible or experienced, other than maybe the curtain wall of the castle, from PF38. But they would remain visible and experienced from PF35 and PF43 and the rooftops of the proposed dwellings would replace those of the dwellings around Fairfield Crescent in the foreground of the views. From PF43, in particular, the rooftops of the dwellings would be seen through the screening provided by the trees on both sides of Brick Lane and the three heritage assets would remain visible in the distance. There would be no material change in this view and the three buildings would still be experienced, both individually and collectively as the principal features of the FCA.

47. From PF35 there are sideways views of the three buildings and the rooftops of historic buildings in the FCA. The proposed development would be in direct line of sight for walkers on the footpath approaching from the east but it would not undermine any experience of the heritage assets. The rooftops of historic and other buildings in the FCA are set back behind the rooftops of modern buildings in the foreground, especially the prominent roof of a recently constructed nursing home, and the proposed development would not undermine any appreciation of the FCA from PF35 or from any other vantage point.

48. The same would be the case in views along Fairfield Road on approaching the town from the south. On the approach, commercial development on the west side of the road signals entry to the town, the sign with the town's name is well to the south of the site, and the first residential development within the town itself that is visible are the less than attractive dwellings around Fairfield Crescent. In this context neither the construction of the well-designed development on the site, the formation of banks around the attenuation ponds, the proposed widening of the road by about

0.5 metres, or the ground modelling either side of the proposed access road, would undermine any experience or appreciation of the historic core of the town.

49. The three principal heritage assets of the FCA, if the proposed development was to be permitted and implemented, would not be experienced from PF38. But they, and the rooftops of other buildings in the FCA, would remain to be experienced in views from other public vantage points to the east and south of the site. Furthermore, the development would have no effect on views over the roofscape of the town from other vantage points to the west and north. The proposed development would have a negligible effect on the setting of Framlingham College, the Church of St Michael, Framlingham Castle, and the FCS. No material harm would be caused to the significance of any heritage asset and the development does not conflict with CS policies SP1 and SP23. Consequently, neither paragraph 133 nor paragraph 134 of the NPPF is engaged in this case.

The fourth issue – sustainable development

50. Given the absence of a cumulative socio-economic report FRA maintain that regard has not been given to the effect of housing development in the town that is under construction, nearly 100 houses on a site off Station Road, and, with planning permission, 95 houses on land off Mount Pleasant. Amongst other things they maintain that this housing growth will bring pressure to bear on local services and infrastructure, such as schools and health facilities. The developer of the land off Station Road will have been required, prior to commencement of the development or at specified stages of the development, to contribute financially to meet the infrastructure needs of the town resulting from the increase in population, and the developer of the land off Mount Pleasant will be required to pay a Community Infrastructure Levy (CIL) charge. The effect of the two developments on local infrastructure would therefore be met through the payment of financial contributions.

51. The developer in this case would be required to pay to SCDC a CIL charge of slightly more than £2 million. It would be for SCDC to determine on what and where this money would be spent but it would cover the possible shortfall there might be in pre-school and primary school places that might be the result of the projected increase in the child population. The charge would also cover any pressure there might be on public, health and emergency services such as leisure and community services and waste infrastructure. FRA are concerned that the charge would not be used to enhance or increase services and facilities in the town but would, given the general pressure on public services, be used elsewhere. But the CIL Regulations have been introduced to address the infrastructure implications of development and once a Council has a CIL Charging Schedule in place this is the only means available to a developer to address those implications.

52. FRA also consider that there are insufficient local employment opportunities to prevent significant levels of out commuting from the proposed development. The town has a relatively aged population compared to county and national averages but there are comparatively high levels of employment within the elderly population. This factor and others, including high levels of employment in all age groups, contribute to a vibrant, generally employed, community. Though there are currently high levels of out commuting this is not uncommon in a market town in a district where the majority of major employers and other employment opportunities are in the principal urban areas, such as Ipswich, which is about 20 miles away. It is likely that there would be similar levels of out commuting by residents of the proposed development when compared to levels associated with existing and planned future

housing in the town. It is worth noting, furthermore, that there is serviced office space available at the Framlingham Technology and Business Centre on Station Road and land is available nearby for the construction of new business premises. There are therefore opportunities for existing and future residents of the town to create employment for themselves and for other residents.

53. The town has a thriving mid-size supermarket but residents will travel out of the town for major food and comparison shopping. Again, this is typical for a small market town that cannot support a large supermarket and larger stores. Furthermore, the town does provide all that is necessary for day to day living purposes and, given its limited size, all facilities and services would be easily accessible by bicycle from the proposed development, and the town centre, where all shopping opportunities are located, is within an acceptable walking distance.

54. The walking route to the town centre is along Fairfield Road and the only pavement on the west side of the road is too narrow in one particular place for wheelchairs and pushchairs. But the road is a secondary route into the town and is lightly trafficked, and the proposed development would not add significantly to the level of traffic heading north into the town. In these circumstances using the roadway to avoid the narrow stretch of pavement, which would be generally no different than crossing the road, would not endanger those in wheelchairs and pushchairs, or parents with small children. Fairfield Road has a junction with Fore Street close to the town centre where visibility for drivers of cars is restricted to the east. But it was noted at the site visit that there are low levels of traffic on both roads and the 'sneak and peek' approach to avoiding traffic conflict is unlikely to compromise highway safety. Neither of these factors nor any others is likely to result in residents of the proposed development being more inclined to travel by car. It is also worth noting that the Highway Authority has not objected to the proposed development on any highway or pedestrian safety grounds.

55. The nearest bus stops to the site are on Station Road and are about 400 metres from the site access. The pedestrian route from the site to the bus stops includes using a surfaced path across a green space between Fairfield Road and Station Road. Though this path is not lit, unlike both roads, it is only about 100 metres long, it is straight, it is partially lit by lights on the roads, and it is not an unsafe route for pedestrians. The only bus service has a frequency of 2-3 hours on all days except Sundays and provides bus access to some rural villages and to Ipswich. Though infrequent there is a bus service for access to the nearest urban area. Furthermore, a provision of the Section 106 Unilateral Undertaking considered below is the payment of a public transport infrastructure contribution of over £27,000 for the improvement of the bus stops and the provision of real time passenger information displays. The Undertaking also provides for the payment of a Travel Plan Bond of over £76,000 and an undertaking to implement the Travel Plan.

56. The Travel Plan would subsist for five years and requires the appointment of a Travel Plan Co-ordinator (TPC) who would, amongst other things, be responsible for setting up the residential travel database and would make regular visits to the site to present the ideals of the Travel Plan to the residents. Those ideals are reducing single occupancy car usage, reducing traffic speeds and improving road safety, and promoting sustainable delivery movements including home delivery services. The TPC would establish SMART objectives and set targets, would submit an annual report to Suffolk County Council (SCC), and would, if necessary, reassess and reset the targets. The TPC would also prepare and distribute a welcome pack to residents of the development. The welcome pack would include information on public

transport opportunities, on walking routes to local facilities, on the established Suffolk car sharing scheme, on how to redeem £40 per household from the developer for the purchase of a bicycle, and on a cash back incentive for the purchase of the equivalent of one week's local bus pass.

57. FRA consider the targets of the Travel Plan to be 'wildly ambitious' and would fail to provide any significant improvement in accessibility to sustainable transport opportunities. But this is an easy criticism to make and no Travel Plan could guarantee that residents of a development would be wholly sustainable in their transport choices. The principal purpose of the Travel Plan would be to educate residents about the sustainable transport choices that would be available to them and to encourage residents to take up those opportunities. The bicycle purchase subsidy, for instance, would be genuine encouragement for residents to at least provide themselves with this sustainable and healthy mode of transport. The Travel Plan is likely, at least, to result in better transport choices by residents of the proposed development when compared to existing residents of the town.

58. All other matters raised by FRA regarding the proposed development have been considered, including concerns regarding parking in the town centre, but they do not, either individually or collectively, contribute to the impact of the development, either negative or positive, on matters of acknowledged importance or on the sustainability credentials of the proposed development.

59. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The proposed development would result in the loss of 6.7 hectares of Grade 3a agricultural land, which falls within the category of best and most versatile land. But the CS states, in the reasoned justification for policy SP23 'Framlingham', that "In the medium and longer term, new housing development opportunities will be provided in the form of greenfield allocations...". Though the Council and other parties have not raised any issues with regard to the loss of best and most versatile land it is a factor to be weighed in the planning balance.

60. Paragraph 7 of the NPPF states that there are three roles of sustainable development; economic, social and environmental. Taking all the aforementioned factors into account and the conclusions on the second and third main issues, and taking account of the NPPF as a whole, the proposed housing scheme would satisfy the three roles and would thus be sustainable development.

#### Conditions and Section 106 Unilateral Undertaking

61. At the Inquiry the Council and the Appellants submitted an agreed list of 23 conditions. All the conditions are necessary and otherwise meet the tests set out in the Planning Practice Guidance. They have been imposed though they have been simplified or amended where necessary, in the interests of clarity and precision. The reasons for the conditions are set out in the schedule.

62. A signed and dated Section 106 Unilateral Undertaking, in favour of SCDC and SCC, was submitted at the close of the Inquiry. Schedule 1 of the Undertaking covers the provision of the 53 affordable housing units and the transfer of these units to an affordable housing provider. Schedule 2 of the Undertaking covers the payment of a public transport infrastructure contribution, a travel plan evaluation and support contribution, and a travel plan implementation bond, to SCC.

63. The obligations of the Undertaking are all related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement therefore complies with the tests set out in the Planning Practice Guidance and with Regulation 122 of the CIL Regulations 2010 and, with regard to clause 4 of the Undertaking, is required if planning permission is granted for the development. SCC has confirmed that there is no conflict with Regulation 123(3).

64. SCDC has adopted a CIL Charging Schedule and has published a list pursuant to Regulation 123 of the CIL Regulations. The list identifies infrastructure that may be funded by CIL including strategic highway improvements and the provision of library facilities, additional pre-school, school, sixth form and further education places, and waste infrastructure.

#### Overall conclusions

65. The Council cannot demonstrate a five year supply of housing land. Policies for the supply of housing, agreed to be CS policies SP2 and SP19, are therefore out of date. In so far as it seeks to prevent housing development in the countryside outside defined limits of settlements, CS policy DM3 is also out of date.

66. The NP will be the subject of further consultation and a sustainability appraisal. It is at an early stage in the progress towards adoption and, in terms of paragraph 216 of the NPPF, is afforded limited weight. This limited weight, in fact, is reduced by the conclusion in this decision on housing land supply in the District.

67. The proposed development would have a neutral effect on the visual amenity of the area and no material harm would be caused to the setting of the settlement. The development would have no more than a moderate adverse effect on the character of the area and, crucially, does not conflict with CS policy DM21. The proposed development would have a negligible effect on the setting of Framlingham College, the Church of St Michael, Framlingham Castle, and the FCS. No material harm would be caused to the significance of any heritage asset and the development does not conflict with CS policies SP1 and SP23.

68. The proposed development of 163 dwellings, including 53 affordable houses, would contribute to redressing the under supply of housing in the Council area and, setting aside policies that are not up to date, accords with the development plan. Furthermore, the NPPF, at paragraph 14, establishes the presumption in favour of sustainable development. Whilst the development would result in the loss of best and most versatile agricultural land this factor does not alter the conclusion that, overall, the proposed housing scheme is sustainable development and, as it accords with the development plan, must be approved.

69. The appeal is allowed and planning permission is granted for 'the erection of 163 dwellinghouses with associated parking, access, highway works, landscape, open space, drainage and infrastructure including the resurfacing of two existing public rights of way' on land at Fairfield Road, Framlingham, Suffolk.

*John Braithwaite*

Inspector

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:

Mrs H Townsend	Barrister instructed by Mr I de Prez, Senior Solicitor to Suffolk Coastal District Council
She called	
Mrs H Hanslip BSc(Hons) MRTPI	Principal Planning Officer at Suffolk Coastal District Council
Mr R Lewis BA(Hons) MA(ArchCons) MRTPI IHBC	Partner of Grover Lewis Associates
Mr I Reilly BSc(Hons) MRTPI	Senior Planner at Lanpro Services
Mr M Flatman BA(Hons) DipLA CMLI	Director of Liz Lake Associates

FOR TAYLOR WIMPEY UK LTD:

Mr H Philpott	Queens Counsel instructed by Ms N Parsons of Pegasus Group
He called	
Mr C May BA(Hons) MRTPI	Director of Pegasus Planning Group (joint witness)
Mr C Self DipLA CMLI MA	Managing Director of CSA Environmental
Mr M Geddes IEng AMICE	Director of Richard Jackson Ltd
Mr M Carr BA(Hons) DipLA	Director of Pegasus Planning Group
Ms N Parsons BA(Hons) DipUP MRTPI	Regional Director of Pegasus Planning Group
Mr S Handforth BA(Hons) MSc	Associate Director of CgMs Ltd
Mr A Jackson DipSurv	Director of Boyer Planning

FOR FRAMLINGHAM RESIDENTS ASSOCIATION (FRA):

Ms L Foster	
She called	
Mr B Bamber CMILT CMIHT	Director of Railton TPC Ltd

Mrs F Cairns BA(Hons) DipTP  
DipBldgCons MRTPI IHBC

Director of Suffolk Preservation Society

INTERESTED PERSONS:

Mr D Beal	Local resident
Mr R Slade	Local resident
Mr J Brassey	Local resident
Dr G Clare	Local resident
Mrs V Singleton	Local resident
Mr T Martin	Local resident



## DOCUMENTS

- 1 Council's letter of notification of the Inquiry and lists of those notified.
- 2 Appearances for Taylor Wimpey (TW).
- 3 List of Appearances for Persimmon Homes (PH).
- 4 Opening Statement on behalf of PH.
- 5 Opening Submissions on behalf of TW.
- 6 Opening Submissions on behalf of Suffolk Coastal District Council (SCDC).
- 7 Opening Statement on behalf of Framlingham Residents Association.
- 8 Statement of Concern by Framlingham Town Council.
- 9 Statement of Common Ground (SoCG) between PH and SCDC.
- 10 SoCG between TW and SCDC.
- 11 Highways SoCG between PH and Suffolk County Council (SCC).
- 12 Highways and Flood Risk SoCG between TW and SCC.
- 13 Recalculation of Housing Land Supply.
- 14 5 Year Housing Land Supply Calculation – Appellant's (TW) Method.
- 15 Alternative Calculations for 5 Year Housing Land Supply by SCDC.
- 16 A New Adastral Park Planning Application: Required Tasks and Timetable.
- 17 Fairfield Road – Robert Scrimgeour initial comments – 31 October 2014.
- 18 Ipswich Policy Area Board – Action Notes – 21 October 2013.
- 19 Draft Section 106 Agreement for Fairfield Road.
- 20 Draft Section 106 Agreement for Mount Pleasant.
- 21 Barnwell Manor v EHDC and others [2014] EWCA Civ 137.
- 22 R H Pugh v SoS for CLG and others [2015] EWHC 3 (Admin).
- 23 A Jones v J M Mordue and others [2015] EWCA Civ 1243.
- 24 Skeleton Argument on behalf of SoS in SCDC v Hopkins Homes Ltd.
- 25 Notes of the Neighbourhood Plan Steering Team Meeting on 14 January 2016.
- 26 OS Plan of Framlingham and the surrounding area.
- 27 Storey Height Planning Layout of Station Road, Framlingham.
- 28 Landscape Character Areas plan of Suffolk.
- 29 Key to Levels Plan.
- 30 Definitive Map of Public Rights of Way around Framlingham.
- 31 Beyond the Six Acre Standard.
- 32 Drawing No. 7576/050 Rev D11 (Mount Pleasant).
- 33 Drawing No. 7576/050 Rev D21 (Mount Pleasant).
- 34 Planning Permission DC/15/2759/FUL (Mount Pleasant).
- 35 Minutes of Planning Committee Meeting on 29 October 2015.
- 36 Pre-Submission Consultation of Framlingham Neighbourhood Plan.
- 37 Letter from Mr N Carter (EH) to Mr B Woolnough (SCDC) – 31 October 2014.
- 38 Letter of objection from Mr R Proctor dated 18 January 2016.
- 39 Representation by Mr R Beale.
- 40 Housing permission data presented by Mr R Beale.
- 41 Preliminary Mapping of sites in Framlingham.

- 42 Housing delivery projections in Framlingham.
- 43 Responses from public consultation regarding sites in Framlingham.
- 44 Extract from Framlingham Neighbourhood Plan Site Assessment Spreadsheet.
- 45 E-mail from L Bensley to A Lapot dated 25 January 2016.
- 46 Extract from Meeting Local Housing Requirement.
- 47 Job Availability Framlingham 10 January 2016.
- 48 Drawings and documents relating to Becket's Grove, Wymondham.
- 49 TW Statement regarding Open Space Provision at Fairfield Road.
- 50 Clarifications of Mr Carr's Evidence.
- 51 Five views of the three heritage assets – Mr Handforth.
- 52 Errata to Mr Jackson's Proof of Evidence.
- 53 Summary of issues FRA intends to cover in cross-examination of Mr Jackson.
- 54 Suffolk County Council CIL Compliance Statements.
- 55 Ms Hanslip's additional information.
- 56 Supplement to Fairfield Road Statement of Common Ground.
- 57 E-mail from R Scrimgeour to Ms K Oelman dated 18 September 2015.
- 58 Guidelines to Providing for Journeys on Foot.
- 59 Edward Ware Homes Ltd v SoS for CLG and others [2016] EWHC 103 (Admin).
- 60 Mr Bamber's plan of Higher Order Facilities.
- 61 E-mails between Mr Bamber and Mr L Barber and associated documents.
- 62 Appendices to SA of CS and DMP.
- 63 Agreed conditions for Fairfield Road.
- 64 Agreed conditions for Mount Pleasant.
- 65 Representation by Mr J Brassey.
- 66 Representation by Dr G Clare.
- 67 Representation by Mrs V Singleton.
- 68 Representation by Mr T Martin.
- 69 Section 106 Undertaking for Fairfield Road, Framlingham.
- 70 Section 106 Undertaking for Mount Pleasant, Framlingham.
- 71 Agreed conditions for Fairfield Road, Framlingham.
- 72 West Berkshire District Council v SoSCLG and HDD Burghfield Common Ltd.
- 73 Claim for costs by Taylor Wimpey Ltd.
- 74 Response to the claim for costs by Taylor Wimpey Ltd.
- 75 Final comments on claim for costs by Taylor Wimpey Ltd.
- 76 Claim for costs by Persimmon Homes.
- 77 Response to the claim for costs by Persimmon Homes.
- 78 Closing Statement by Framlingham Residents Association.
- 79 Closing Submissions by Suffolk Coastal District Council.
- 80 Closing Submissions by Persimmon Homes.
- 81 Closing Submissions by Taylor Wimpey Homes Ltd.

## **SCHEDULE OF CONDITIONS FOR PLANNING PERMISSION DC/14/2747/FUL**

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this decision.

Reason: Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be carried out in accordance with drawings listed in a Schedule of Plans dated 1 February 2016.

Reason: To secure a properly planned development.

3. The development hereby permitted shall be carried out using the materials and finishes listed in the application.

Reason: To ensure the satisfactory appearance of the development.

4. No development shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory landscaping of the development.

5. A landscape management plan, including an implementation programme, long term design objectives, management responsibilities and maintenance schedules for all trees, landscape areas, SUDs and play areas within the site, other than the domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling. The landscape management plan shall be implemented as approved.

Reason: To ensure the satisfactory management of landscape spaces.

6. A habitat management plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of any dwelling in the development hereby permitted. The plan shall include:

- description and evaluation of the features to be managed;
- ecological trends and constraints on site that may affect management;
- aims and objectives of management;
- appropriate management options for achieving the aims and objectives;
- prescriptions for managements options;
- preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- personnel responsible for the implementation of the plan;
- monitoring and remedial/contingency measures triggered by monitoring;
- a timetable for implementation of the plan.

Development shall be carried out in accordance with the approved plan.

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Reason: To ensure the satisfactory management of existing or new habitats.

7. No development shall take place until a scheme indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the building to which it relates is occupied.

Reason: To ensure the satisfactory appearance of the development.

8. The approved tree protection measures (Haydens Report dated 23/07/14 and Drawing No. 3665-D) shall be implemented and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with the tree protection measures and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To ensure the satisfactory protection of existing trees to be retained.

9. The development hereby permitted shall not be occupied or brought into use until details of external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the surrounding area.

10. No development shall take place until details of the estate roads and footpaths (including any works to footpaths 35, 38 and 39), and the widening works to Fairfield Road (including layout, levels, gradients, surfacing, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that roads and footways are constructed to a satisfactory standard.

11. No development shall take place until details of the proposed construction access onto Brick Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include measures required to amend the access to form an emergency access point to serve the development following completion of development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

12. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level.

Reason: To ensure that satisfactory access is provided for residents and the public.

13. No dwelling shall be occupied until the widening works to Fairfield Road have been completed in accordance with details that shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

14. The new estate road junction with Fairfield Road, including cleared land within the visibility splays to this junction, shall be formed before any further

development of the site is commenced. Before the junction is brought into use construction traffic shall use the proposed access from Brick Lane specified in the approved Construction Management Statement.

Reason: To ensure that safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.

15. No development shall take place until details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved areas for that dwelling have been provided and the areas shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of on-site space for the parking and manoeuvring of vehicles.

16. No development shall take place until details of the areas to be provided for the storage of refuse/recycling bins have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved areas for that dwelling have been provided and the areas shall be retained thereafter and used for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway.

17. No development shall take place until a scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions, and:

- the programme and methodology of site investigation and recording;
- the programme for post investigation assessment;
- provision for analysis of the site investigation and recording;
- provision for publication and dissemination of the analysis and records of the site investigation;
- provision for archive deposition of the analysis and records of the site investigation;
- nomination of a competent person or persons/organisation to undertake the works set out within the scheme of investigation;
- a timetable for implementation of the investigation.

The scheme of archaeological investigation shall be carried out as approved.

Reason: To ensure that archaeological interests are protected.

18. Following the completion of archaeological investigations and recording a programme of post excavation work shall be submitted to and approved in writing by the local planning authority. The programme will comprise an archive of the records and finds, an assessment of the importance of the results and, if appropriate, additional detailed analysis and publication of the results. The programme shall be carried out as approved.

Reason: To ensure that archaeological interests are protected.

19. No development shall take place until details of the proposed finished floor levels and ridge and eaves heights of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The submitted details shall be measured against a fixed datum and shall show existing

and finished ground levels and eaves and ridge heights of surrounding property. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory relationship between the various components of the development and between the site and adjoining land.

20. Development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated July 2014 and prepared by Richard Jackson Ltd) and email correspondence (dated 03 November 2014 and 05 December 2014 from Richard Jackson Ltd) and the following mitigation measures detailed within the FRA and email correspondence:

- limiting the surface water run-off generated by the 1 in 1 year, 1 in 30 year and 1 in 100 year critical storm to 8l/s, 22.1l/s and 26l/s respectively, so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off-site, in accordance with section 5.2 of the FRA and Table 1 of the email dated 03 November 2014 submitted;
- provision of detention basin/s to provide attenuation storage, sized and designed as per the calculations submitted with the email dated 03 November 2014, to manage the volume of water generated in all rainfall events up to and including the 1 in 100 year return period event including allowances for climate change, with a 300mm freeboard;
- provision of piped network, sized and designed as per the calculations and drawing 45084/P/001 submitted with the emails dated 03 November 2014 and 05 December 2014, to manage the volume of water generated in all rainfall events up to and including the 1 in 100 year return period event including allowances for climate change;
- preservation of existing open ditch network (central ditch) and provision of two proposed cut off ditches, sized as per the calculations and findings of the catchment analysis document (Evans Rivers and Coastal Ltd, December 2014, 1370/RE/12-14/01) submitted with the email dated 05 December 2014, to manage the volume of water generated in all rainfall events up to and including the 1 in 100 year return period event including allowances for climate change;
- provision of outfalls as per drawing 45084/P/001, above the 1 in 100 year River Ore fluvial flood level, including allowances for climate change, with the exception of the access road outfall; which shall be set above the 1 in 20 year fluvial flood level or higher, if practicable;
- in the event of exceedance flows that surpass the critical duration rainfall event or a blockage/failure occurs within the drainage network or flow control orifice the detention basin/s shall incorporate an emergency spillway and 300mm freeboard as part of its design;
- all surface water management features shall be designed in accordance with CIRIA (C753) 'The SuDS Manual' so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits;
- plans and drawings showing the locations and dimensions of all aspects of the proposed surface water management scheme shall be submitted to and approved in writing by the local planning authority. The submitted plans shall demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features, and shall include full design details, including cross sections of the proposed attenuation features;

- details of the future adoption and maintenance of all aspects of the surface water drainage strategy. The local planning authority shall be satisfied that arrangements are in place for the long term maintenance and management of the surface water management scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

21. No development shall take place until a Construction Method/Management Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Development shall be carried in accordance with the approved Statement.

Reason: In the interests of the amenity of the area (including nearby residents) and highway safety.

22. Before the installation of the sewage pumping station details of the station, its equipment, its location, and acoustic housing shall be submitted to and approved in writing by the local planning authority. Development shall be carried in accordance with the approved details.

Reason: In the interests of the amenity of the area and highway safety.

23. No development shall take place until a scheme for the installation of fire hydrants throughout the site has been submitted and approved in writing by the local planning authority in conjunction with the Fire and Rescue Service. The fire hydrants shall be installed prior to occupation of dwellings within that part of the development to which they relate.

Reason: In the interests of fire safety.