
Appeal Decision

Inquiry Held on 14-17 November 2017 and 19 December 2017

Accompanied site visit made on 19 December 2017

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 05 March 2018

Appeal Ref: APP/Y0435/W/17/3177851

Land at Long Street Road, Hanslope

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs John Wakefield Adams against the decision of Milton Keynes Council.
 - The application Ref 16/02937/OUT, dated 12 October 2016, was refused by notice dated 13 April 2017.
 - The development proposed is the erection of up to 141 dwellings (use Class C3) with associated access, earthworks and other ancillary and enabling works. All other matters (appearance, landscaping, layout and scale) reserved.
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Decision

1. The appeal is allowed and outline planning permission is granted for development described as the *erection of up to 141 dwellings (use Class C3) with associated access, earthworks and other ancillary and enabling works. All other matters (appearance, landscaping, layout and scale) reserved* on land at Long Street Road, Hanslope in accordance with the terms of the application, Ref 16/02937/OUT, dated 12 October 2016, subject to the conditions set out in the attached Schedule of Conditions.

Procedural matters

2. The planning application subject of this appeal is in outline, with all detailed matters, except access, reserved for future consideration.
3. In support of the appeal the appellants have submitted a formally completed 'section 106 agreement' (s106), pursuant to section 106 of the *Town and Country Planning Act, 1990*. I have taken it into account.

Main Issues

4. I consider that the main issues in this case are:
 - 1) The effect of the proposal on the Council's spatial development strategy for the area;
 - 2) The effect of the scheme on the character of the area, with particular reference to the countryside, the setting of Hanslope and the gap between settlements;
 - 3) The effect on the significance of designated heritage assets;
 - 4) Whether the Council is able to demonstrate a 5-year supply of deliverable housing sites;
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- 5) Whether the proposal makes adequate provision for infrastructure;
- 6) Accessibility of jobs, shops and services from the site; and,
- 7) Whether the scheme would amount to sustainable development under the terms of national policy.

Reasons

1) Spatial development strategy

5. The Development Plan comprises saved policies of the *Milton Keynes Local Plan, 2001-2011, December 2005* (LP) and the *Milton Keynes Core Strategy, 2013* (CS). Emerging Development Plan Documents include draft *Plan: MK, Milton Keynes Site Allocations Plan: October 2016* (SAP) and the *Hanslope Neighbourhood Plan*. The Council and appellants agree that as *Plan: MK* is at a relatively early stage towards adoption, little weight can be attributed to its policies. Whilst the SAP is more advanced, having reached examination, it only addresses allocations within the urban area, as the Council considers that rural areas are to be managed through Neighbourhood Plans. Although a number of interested parties have made reference to the *Hanslope Parish Plan 2009*, the Council has confirmed that that document has not been adopted by Milton Keynes Council and it does not constitute a Neighbourhood Plan. Therefore, I give it little weight. The emerging *Hanslope Neighbourhood Plan* has not progressed beyond approval of the Neighbourhood Plan area and so the Council and appellants agree that no weight can be attributed to it.
6. The appeal site comprises a roughly square shaped area of arable land. Its northeastern boundary fronts onto Long Street Road, to the southwest the site adjoins a larger parcel of arable land, and the curtilage of Folly Farmhouse adjoins the northwestern site boundary along the majority of its length. The northwestern edge of the development boundary of Hanslope, as defined by the LP Policies Map, adjoins the southeastern boundary of the site. The Council and appellants agree that the appeal site is located outside of the Hanslope development boundary in the open countryside. The reasoned justification for CS Policy CS1 indicates that development boundaries defined by the LP remain unchanged by the CS. Although it indicates that there may be minor changes introduced through the emerging Development Plan Documents, the Council confirmed, at the Inquiry, that it has no plans at present to extend the development boundary of Hanslope.
7. CS Policy CS1-*Milton Keynes Development Strategy* indicates that new homes will take account of the tiered CS Settlement Hierarchy, which confirms that the majority will be focused on, and adjacent to, the existing urban area of Milton Keynes, the first tier. In the remainder of the Borough, development will be concentrated on the Key Settlements, the second tier. The third tier is Selected Villages, which comprise Sherington, Hanslope and Bow Brickhill. Whilst the Policy indicates that a limited amount of new housing will be allocated in Sherington, it makes no similar reference to Hanslope and the footnote to the Policy confirms that no new allocations will be sought in Hanslope. This position is reinforced by CS Policy CS9-*Strategy for the Rural Area*, the reasoned justification for which confirms that, in relation to Hanslope and Bow Brickhill, 'we will not be looking to identify more new housing sites outside the current development boundaries of these villages'. I consider it is clear that the proposed housing development on land outside the development boundary of Hanslope would conflict with CS Policies CS1 and CS9.

8. LP Policy S10 indicates that in the open countryside, planning permission will only be given for development that is essential to agriculture, forestry, countryside recreation or other development which is wholly appropriate to the rural area and cannot be located within a settlement. The reasoned justification for the Policy identifies that its objective is to protect the countryside. There is no dispute that the proposal, involving the erection of up to 141 dwellings, would conflict with this Policy.
9. I conclude that the appeal scheme, which would conflict with CS Policies CS1 and CS9 as well as LP Policy S10, would undermine the Council's spatial development strategy for the area.

2) Character of the area

10. The Council and appellants agree that the appeal site does not form part of a 'valued landscape', which the *National Planning Policy Framework* (the Framework) indicates should be protected and enhanced. Nonetheless, the Framework identifies that it is necessary to recognise the intrinsic character and beauty of the countryside.
11. The *Landscape and Visual Impact Assessment, October 2016* (LVIA), submitted in support of the appeal planning application, identified that whilst the site forms part of 2 of *The Milton Keynes 2016 Landscape Character Assessment* areas, it is most consistent with area *1b: Hanslope Clay Plateau Farmland*. In addition, it found that as the portion of the character area within the site is relatively small compared to the scale of the wider character area, the sensitivity of the landscape area to the proposed change would be low and need not be considered further. This finding was not disputed by the Council and it is common ground between the Council and appellants that the scheme would not conflict with CS Policy CS19 or LP Policy NE4, which seek to safeguard the different landscapes of the Borough.
12. However, the LVIA identifies that the proposed development would have a moderate/minor adverse impact on the landscape character of the site itself and, having regard to public vantage points around the site and within it, which include a number of public footpaths, the visual impact would also be moderate/minor adverse. The *Statement of Common Ground*, dated 13 October 2017 (SoCG), agreed between the Council and appellants, confirms that the Council has not criticised those findings directly. Nonetheless, the Council, together with others, has raised the concern that the loss of countryside resulting from the proposal would harm the setting of Hanslope and erode the separation between the settlements of Hanslope and Long Street.
13. Long Street Road runs in a northwesterly direction from Hanslope leading to Hartwell Road and the small settlement of Long Street. Part way along that section of highway, opposite the northwestern section of the roadside boundary of the appeal site, there is a small group of residential properties, known as Halfway Houses, on the northeastern side of the road. Following a grant of planning permission at appeal, 12 dwellings are under construction in the gap between Halfway Houses and the development boundary of Hanslope. However, the visual impact of Halfway Houses is limited, not least by mature planting which screens parts of those buildings from the highway as well as from more distant vantage points. As a result of that and the open, undeveloped nature of the appeal site, I consider that people travelling to or

from Hanslope along Long Street Road are likely to regard the edge of the settlement as the ongoing development on one side of the road and Williams Close, which adjoins the southeastern boundary of the site, on the other. Due to the mass of development there, Williams Close is also likely to appear as the edge of the settlement when using the local footpaths to the northwest, including those within the appeal site. In this context, the appeal site makes a significant contribution to the sense of a gap between Hanslope and Long Street as well as the countryside setting of Hanslope.

14. The illustrative details submitted in support of the appeal planning application indicate that the proposed residential development could be set back from the Long Street Road boundary of the site as well as from its northwestern and southwestern boundaries beyond landscaped green space. Nonetheless, the massing of development within the appeal site would be likely to be clearly visible from the surroundings. It would appear to significantly reduce the sense of a gap between Hanslope and Long Street, although in my judgement, the remaining gap, albeit limited, would be sufficient to enable the 2 settlements to be distinguished from one another and to retain individual identities. Notwithstanding that landscaping the edges of the site could soften its appearance to a greater extent than the existing narrow strip of landscaping along the edge of Williams Close, the replacement of a field with, for the most part, built development would harm the countryside setting of Hanslope.
15. I conclude that the proposal would cause moderate harm to the character of the local area, with particular reference to the setting of Hanslope and the gap between settlements. In this respect it would conflict with the objective of LP Policy S10 to protect the countryside.

3) Heritage assets

16. Folly Farmhouse is a Grade II Listed Building and *the Bidwells Heritage Statement* (BHS), submitted in support of the appeal planning application, indicates that it provides evidence of a 17th-century agricultural group. It appears to me that the agricultural land to the northwest and southwest, which is directly accessible from the Farmhouse group, has a closer relationship to it than the appeal site, which is enclosed along the shared boundary by a mature hedgerow. Nonetheless, the BHS identifies that the open appeal site forms part of the understanding and appreciation of the historic and functional purpose of the Listed Building. It forms part of the farmhouse's extended setting, which conveys its separation and isolation from the village and the relationship that the asset holds with the surrounding landscape. The BHS identifies that the extended setting of the building makes a good contribution to the significance of the designated heritage asset. These are views broadly echoed by Asset Heritage Consulting Limited's assessment, submitted on behalf of the owners of Folly Farmhouse.
17. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990, (as amended)* requires that in considering whether to grant planning permission for development which affects the setting of a Listed Building, special regard shall be had to the desirability of preserving its setting. Having regard to the indicative masterplan for the scheme, the BHS indicates that although the proposed buffer zone would maintain a clear sense of separation between the Farmhouse and the proposed buildings, there would be a reduction in the sense of isolation and a change within the existing field as it

passes from agricultural to residential use. The reduction in the ability to appreciate the existing character of the land and its contribution to the significance of the Listed Building would result in medium adverse harm to that significance. I agree with this assessment. However, the BHS suggests that that level of harm may be mitigated by detailed proposals to provide a rural character to the buffer space. Whilst not disputing that view, the Council's Conservation Officer indicated that there is no evidence to show that the impact would be so minimal as to be neutral. Having had regard to the illustrative details provided in support of the scheme, I consider it is likely that the identified harm could be partially mitigated, through careful landscaping of the buffer space, controlled by condition. In my judgement, subject to condition, the proposal would be likely to cause limited harm to the significance of the designated heritage asset.

18. When approaching the site from the northwest along Long Street Road and along footpaths from the west, the spire of the Church of St James the Great, a Grade I Listed Building, is visible in the distance beyond built development within the village. The illustrative plans submitted in support of the planning application indicate that the proposed built development could be set back from both Long Street Road and the southwestern boundary of the site. Under those circumstances, it is unlikely that the proposal would have a material effect on the views of the spire from the approaches I have identified. Views from the site and Folly Farmhouse towards the spire, which are already limited by intervening development, would be restricted to a greater degree. Nonetheless, I consider overall that the adverse effect on the setting of the church and its significance as a designated heritage asset would be negligible.
19. Furthermore, due to the visual and significant physical separation of the proposed development from the Hanslope Conservation Area, the proposal would have no material impact on the significance of that designated heritage asset, including its setting.
20. Nonetheless, I conclude that the proposal would be likely to cause negligible harm to the significance of the Church of St James the Great and limited harm to the significance of Folly Farmhouse. In these respects it would conflict with CS Policy CS19 and LP Policy HE5.

4) Housing land supply

Requirement-Liverpool v Sedgfield

21. There is no dispute that the CS provides the appropriate basis for the calculation of the 5-year housing land requirement. CS Policy CS2 indicates a requirement of 1,750 dwellings per annum in the period April 2010 to March 2026. Furthermore, it is agreed that in this case the relevant period for the assessment is 1 April 2017 to 31 March 2022. The Council's most recent formal assessment of its housing land supply position is its *Assessment of Five Year Land Supply 2017-2022, July 2017* (ALS). The ALS indicates that in the 7 years since the start of the CS period there have been 9,065 completions, which equates to a shortfall of 3,185 units relative to the average annual requirement figure set out in the CS of 1,750 units. In the *Statement of Common Ground on Five Year Land Supply, October 2017* (SoCGH), the Council and the appellants have agreed corrected figures of 9,019 completions and a shortfall of 3,231 units. I have had regard to those figures and note that the correction is small.

22. There is a dispute between the main parties concerning the timescale over which the shortfall should be addressed. The appellants favour the 'Sedgefield' method of dealing with undersupply within 5 years and the Council favours the 'Liverpool' method of making up the unmet requirement over the remainder of the plan period. I acknowledge that as the number of years until the end of the plan period reduces towards 5 remaining years, so the difference between the outcomes of the 2 methods reduces. However, to my mind, at present the difference is significant. Assuming the level of supply claimed by the Council, which is also disputed by the appellants, the SoCGH indicates that based on the Liverpool method the Council is able to demonstrate a supply of 5.15 years. However, using the Sedgefield method the level of supply falls to 4.53 years.
23. I acknowledge that the pattern and pace of housing provision planned for in the CS could be a relevant factor when determining which approach is more appropriate. The Council suggests that the examining Inspector was plainly satisfied, with reference to an examination document MKC/4, that the Liverpool approach was justified. I am not convinced that that was the case.
24. The Inspector's report does not refer explicitly to either the Liverpool or Sedgefield methods. MKC/4 shows a housing completions trajectory alongside a requirement based on the 1,750 dwellings per annum set out in the CS. The trajectory shows early year shortfalls and footnote 1 to the MKC/4 table indicates that the annually calculated 5 year requirement figure looking forward had been calculated on the assumption that the remaining requirement in the plan period would be delivered over the remaining period.
25. However, importantly in my view, the pace and pattern of projected completions indicated that there would be no need to spread recovery of the early years shortfall over the remaining plan period. At the time that this evidence was under consideration by the examining Inspector, in July 2012, MKC/4 indicated that the early years shortfall would be made up within 5 years, with a surplus relative to the annual requirement of 1,750 units by the end of year 6. A similar outcome is shown to result from the Figure 18.1-Housing Trajectory subsequently included in the CS. It appears to me that in terms of the proposed pattern and pace of housing provision, a Sedgefield style recovery of the early-years shortfalls, was proposed and accepted. The circumstances then, differ from those subject of the 2014 case of 'Bloor Homes'¹, where the Inspector had found that the Liverpool method was congruent with the approach in the *Hinckley and Bosworth Core Strategy, 2009*. The circumstances also differ from those associated with appeal decisions APP/K3415/A/14/2224354 and 2225799. Those cases fell within the scope of the *Lichfield District Local Plan Strategy 2008-2029 (2015)*, which I understand adopted a Liverpool approach to addressing shortfall.
26. I have also had regard to appeal decision Refs. APP/L1765/W/16/3141664 & 3141667 (Colden Common appeals), which were dismissed and involved proposed residential development on land within the scope of *Winchester District Local Plan Part 1 (2013)* and *Part 2 (2017)*. In that case the Inspector observed that the housing delivery strategy relied on 3 large strategic sites to deliver around two thirds of the housing requirement, such sites tend to take longer to commence and deliver later in the plan period, providing some justification for the curved delivery trajectory anticipated by the Council in that

¹ Bloor Homes East Midlands Limited and Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council [2014] EWHC 754 (Admin).

case. In light of those circumstances, he determined that the Liverpool method was the appropriate means of accounting for shortfalls. Those circumstances are not directly comparable to those in the case before me. I understand that the CS relies on 4 sites to deliver around 50% of the 5 year housing supply. However, the CS housing trajectory is not weighted towards the end of the period and it anticipated that the highest levels of delivery would occur in years 5 to 8.

27. In the circumstances of the case before me, I consider that it is appropriate to adopt the Sedgefield approach, which is consistent with the aim of the Framework to boost significantly the supply of housing and also the national *Planning Practice Guidance*, which encourages local planning authorities to deal with any undersupply within the first 5 years of the plan period where possible. It follows that, based on the level of supply claimed by the Council, it is unable to demonstrate a 5-year supply of deliverable housing sites, contrary to the requirements of the Framework.

Supply

28. There is a dispute between the Council and the appellants concerning the deliverable supply, with particular reference to 9 locations included in the ALS. The Framework indicates that *'to be considered deliverable, sites should be...achievable with a realistic prospect that housing will be delivered on the site within 5 years...Sites with planning permission should be considered deliverable until the permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans'*. However, in relation to all but one location, which involves only a relatively small number of dwellings (SAP 14/18/19), there is agreement that there is a realistic prospect of housing being delivered within the 5-year period. Furthermore, regarding the sites with planning permission, which the Council estimates accounts for over 80% of the projections relied upon, there is no clear evidence that: development of the sites would not be viable; there is no longer a demand for the type of units proposed; or, the sites have phasing plans which would preclude some units coming forward in the 5-year period. The dispute between the Council and the appellants relates to appropriate start dates and delivery rates for the 9 locations, matters which, in my view, are heavily reliant on judgement.
29. Overall the appellants' estimate that the deliverable 5-year supply is 8,754 units, that is 4,276 units less than the 13,030 units accounted for by the Council, which, based on the Sedgefield method for undersupply, would be equivalent to a supply level of 3.04 years, rather than 4.53 years. In support of its position, the appellants cite factors such as: lead in times for development have been longer than evidence to the CS examination suggested; past delivery rates to date have been lower than expected; and, in some cases the future delivery rates used by the Council are significantly higher than have been achieved elsewhere.
30. In relation to delayed delivery, the ALS acknowledges the past shortfall of completions against the trajectory in the CS, which it calculates as a delivery rate around 29% below the trajectory. Whilst it indicates that the main cause of the shortfall appears to be delays bringing forward the major sites around the city, which is now being addressed, it has applied a 10% discount to sites

which are profiled to still be delivering in the last year of the 5 year period, in order to make some allowance for the risk of slippage. For the purposes of this appeal, the Council appointed Troy Planning + Design (TP) to test the robustness of the ALS, presenting an analysis on a site by site basis. Although there are some differences between the two at a site level, TP was in broad agreement with the overall level of supply cited by the Council.

31. Furthermore, in relation to the delivery rates, some support for the Council's approach is provided by the findings of the Nathaniel Lichfield & Partners paper entitled '*Start to Finish-How Quickly do large-Scale Housing Sites Deliver?, November 2016*' (NLP). Although it identifies a national average annual delivery rate of 171 units on greenfield sites of 2,000+ units, it indicates that whilst such rules of thumb can be useful, particularly in situations where there is limited evidence, it is not definitive, as its analysis shows that some sites deliver more quickly. The only Milton Keynes site within the sample range was the Eastern Expansion Area, where an average of 268 units per annum was recorded in the period 2008/9-2013/14. The report comments '*as widely recognised, the planning and delivery of housing in Milton Keynes is distinct from almost all the sites considered in this research. Serviced parcels with roads already provided were delivered as part of the Milton Keynes model and house builders are able to proceed straight onto site and commence delivery*'.
32. Turning to the sites themselves, three sites account for the majority of the difference between the projections of the Council and the appellants: the Western Expansion Area 10 & 11(WEA); Brooklands-Eastern Expansion Area (EEA); and, Strategic reserve sites (SRS).
33. At the WEA outline planning permissions are in place, some parcels have reserved matters approval and construction is underway. The Council's expectations regarding average annual completions are reasonably consistent with the projections of the lead developer, Gallagher Homes, and appear to me to be supported by data recording new starts, units under construction and completions.
34. At the EEA outline planning permissions are in place, a large proportion of the parcels have reserved matters approval and the Council's expected average annual completion rate has been achieved in the recent past.
35. At the SRS outline planning permissions are in place and some parcels have reserved matters approval. Unit completions are not forecast to be achieved in significant numbers until 2018/19, not least as a number of challenges remain to be met, including agreement with landowners concerning a mechanism for financial equalisation of costs associated with infrastructure. However, the Council has indicated that it is actively working to facilitate agreement. In my view, the appellants' doubts in relation to the SRS and the other areas referred to above do not amount to clear evidence that the schemes will not be implemented within the period. That being the case, it appears to me that the level of supply would be likely to fall somewhere between the Council's estimate of 4.53 years and approximately 4 years. For the reasons set out below, I consider it likely that the Council's position is the more realistic of the two.
36. As regards the other sites, at Eaton Leys outline planning permission is in place. I accept that in light of delivery rates achieved elsewhere, around 250 units per annum, in keeping with the estimates of TP and Gallagher Homes,

may be achievable. However, it appears unlikely that dwellings would be completed until year 3, given Gallagher Homes estimate of a 3 year lead time after site commencement. To my mind, this indicates that the Council's estimate for this site is unduly optimistic and a reduction of around 140 units would represent a realistic prospect of delivery. At Tattonhoe Park outline planning permission is in place along with some infrastructure and the site promoter has indicated that it is committed to delivering the remaining units as quickly as possible, with the next phase potentially beginning in early 2019 and the development could be complete by 2025. The delivery rates promoted by the Council and broadly supported by TP, appear to be consistent with those aims.

37. I understand that the land identified as 'Campbell Park remainder', forms part of a larger site which has been identified for development for a significant period of time and has otherwise been developed in part. In my view, a lack of progress in the past, does not amount to clear evidence that development will not be implemented in the 5 year period. As observed by the appellants, the allowances made by the Council towards the end of the period are modest and, in my view, realistic. I consider the same can be said in relation to 'Canalside-Marina', in the absence of evidence from the developer to support the appellants' concerns regarding the rate and timing of delivery.
38. Preparation of the *Milton Keynes Site Allocations Plan (SAP)* and *Plan: MK*, which are intended to provide, amongst other things, for flexibility and contingency to the existing supply of housing land, are progressing albeit at a slower pace than expected when the CS was being examined. The ALS includes a number of SAP sites, including SAP18 and 19. Whilst I understand that SAP18 (147 units) and SAP19 (135 units) are employment allocations in the CS, they are now being promoted for residential development by the Council as part of the SAP. Having had regard to the questions raised by the examining Inspector and the justification provided by the Council in response, I consider that until a decision is made to reject those sites, there remains a realistic prospect of housing delivery towards the end of the 5-year period, as set out by the Council and supported by TP.
39. The Council's approach to the assessment of supply levels has evolved over time, taking account of changing circumstances. Having regard to the uncertainties associated with the sites, commented on by both main parties, I consider that overall the realistic level of supply is likely to equate to slightly less than 4.5 years.

Conclusion

40. I conclude, with particular reference to the necessary application of the Sedgefield method in this case, that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, contrary to the requirements of the Framework.

5) Infrastructure

41. A significant number of interested parties have raised the concern that local infrastructure does not have the capacity to cater for the cumulative needs of the proposal and other recently approved schemes, which together would result in a substantial increase in the population of the village, relative to the 2011 census figures.

42. However, the Council has identified the levels of contribution towards infrastructure that would be necessary in order to ensure that the needs of future residents of the scheme could be met, with reference to: relevant Development Plan policy and associated Supplementary Planning Documents and Guidance; as well as supporting calculations and information. They comprise contributions towards: education; social infrastructure; as well as leisure, recreation and sport. Furthermore, provision has been made for those sums by the s106.
43. Having had regard to the supporting information, I consider that, with the exception of the 'Village Amenities Contribution', the identified contributions are justified. I consider that they are necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. There would be no conflict with Regulation 123 of the *Community Infrastructure Levy Regulations 2010 (as amended)* (CIL Regs). However, I have not been provided with any compelling evidence to show that the Village Amenities Contribution is necessary to make the development acceptable in planning terms, with particular reference to Development Plan policy and so I give it no weight.
44. The Council has indicated that the Hanslope Waste Water Recycling Centre (WWRC) is located some 200 metres to the west of the site and a number of interested parties have raised the concern that future residents of the proposed dwellings may be adversely affected by odours arising from the works. However, I understand that neither the Council's Environmental Health team nor Anglian Water, who operates the WWRC, has objected to the scheme. Furthermore, based on the odour survey/modelling reports submitted by the appellants, it appears unlikely to me that odours arising from the WWRC would have an unacceptable impact on the living conditions of future residents.
45. I conclude that the appeal scheme makes adequate provision for infrastructure and in this respect it would accord with the aims of CS Policy CS21 and LP Policies D4 and PO4, which in keeping with the Framework, seek to ensure that housing development is adequately served by infrastructure, including amongst other things local services.

6) Accessibility

46. Information submitted in support of the appeal planning application included Enzygo's *Transport Assessment* (ETA), which was taken into account by the Council when determining the planning application, along with objections raised by others, which in the case of Hanslope Parish Council was supported by a critique of the ETA by Sanderson Associates (Consulting Engineers) Ltd. Consistent with the analysis set out in the Planning Officer's Report to Committee, the SoCG confirms the Council is satisfied that, subject to conditions and proposed planning obligations, the proposed site access from Long Street Road would be acceptable in highway terms and, with reference to paragraph 32 of the Framework, any highways impact arising from the development would be less than severe.
47. The s106 would secure the provision of a range of off-site 'Highway Works', including junction modifications, to improve the flow of traffic; traffic calming measures; and, improved footway links between the site and the village. I consider that the planning obligation is necessary to make the development

acceptable in planning terms, with particular reference to the safety and convenience of highway users; directly related to the development; and, fairly and reasonably related in scale and kind to the development. There would be no conflict with the CIL Regs.

48. Furthermore, at the Inquiry, the appellants provided a revised site access plan and a response to the 'Sanderson critique' by Badingham Transport & Infrastructure Consultants, which together provide a satisfactory response to the concerns raised on behalf of the Parish Council, in my view. Whilst I have also had regard to the views of other interested parties, set out in written and oral submissions to the Inquiry, they do not provide any compelling evidence to support a conclusion contrary to the position of the Council. Those submissions included, amongst other things, reference to other traffic surveys, such as that reported in the *Hanslope Parish Plan, 2009*, to which I attribute less weight than the more up to date assessment of a professional Transport Engineer set out the ETA. Furthermore, I give little weight to the assertions made regarding data derived from other informal surveys, such as a speed indicator device in use in the village, which were unsupported by any substantial evidence.
49. Based on the evidence presented, I have no compelling reason to depart from the Council's conclusion that, subject to conditions and proposed planning obligations, the impact of the scheme on highway safety would be acceptable and the impact on the highway network would be unlikely to be severe. The local Highway Authority has confirmed that it does not object to the scheme and this adds further weight to my finding. Furthermore, no objection was raised by Highways England in relation to any impact on major roads/motorways, in light of which I give little weight to the associated concerns raised by local residents, which are also not supported by any compelling evidence.
50. At Hanslope there are a range of services and facilities within walking distance of the site, such as a primary school, health care facilities, recreation facilities and a number of local shops, which would be likely to limit car journeys to and from the site, to some extent. Furthermore, the village is on a bus route between Milton Keynes and Northampton, with a reasonably frequent service from Monday to Saturday. I consider that jobs, shops and services are likely to be reasonably accessible from the site by means other than private car.
51. At the Inquiry, the Council confirmed that it does not object to the scheme on the basis of accessibility. I conclude that as regards accessibility of jobs, shops and services from the site, the proposal would be acceptable and it would not conflict with LP Policy T10, which is consistent with the aims of the Framework insofar as it seeks to ensure that proposals provide safe access and do not have an unacceptable impact on the wider highway network.

7) Sustainable development

52. The Framework identifies that there are 3 dimensions to sustainable development: social; economic; and, environmental.

Public benefits

53. The social benefits of the scheme would include a significant contribution towards making up the shortfall I have identified in the deliverable supply of housing sites relative to the requirements of the CS and the Framework.

Thereby it would facilitate the Government's aim of boosting significantly the supply of housing. I give it substantial weight.

54. In addition, under the terms of the s106, 30% of the proposed units would contribute towards meeting the need for Affordable Housing in the Council's area, in accordance with LP Policy H4 and the aims of the Framework. I consider that this planning obligation is necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. There would be no conflict with the CIL Regs. I give substantial weight to the provision made for Affordable Housing.
55. The economic benefits of the scheme would include the creation of construction jobs and associated expenditure, albeit over the relatively limited period likely to be associated with the build out of the site. Whilst expenditure of future residents of the site would also be likely to boost the local economy, I have not been provided with any compelling evidence to show that it is necessary to secure the viability of local services. Under the circumstances, I give the economic benefits claimed by the appellants limited weight.
56. The appellants have indicated that the scheme would include features such as new planting, a wildflower meadow and ponds associated with surface water drainage, which would be likely to result in a net gain to biodiversity, in keeping with the aims of the Framework. These matters could be secured through the imposition of conditions related to landscaping and biodiversity. I give this limited weight.
57. I consider overall, that the public benefits of the scheme weigh heavily in its favour.

Harm

58. I have found that the proposal would be likely to cause less than substantial harm to the significance of a number of designated heritage assets. The Framework indicates that where a development will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. Notwithstanding that great weight is attributed to the assets' conservation, I consider that the harm would be significantly and demonstrably outweighed by the public benefits of this scheme, which, having considered the availability of sites, is needed to help boost the supply of housing.
59. Whilst the scheme would result in the loss of an area of agricultural land, the Council accepts that it does not comprise the best and most versatile agricultural land, which the Framework seeks to safeguard. I give this matter limited weight.
60. In addition to the harm to the significance of designated heritage assets and harm associated with the loss of agricultural land, I have found that the scheme would harm the character of the local area and would conflict with the Council's spatial development strategy. With particular reference to these matters, I consider that the proposal would conflict with the Development Plan taken as a whole.
61. However, it is common ground between the Council and the appellants that, whilst LP Policy S10 is not, CS Policies CS1 and CS9 are relevant policies for

the supply of housing, as is CS Policy CS2-*Housing Land Supply*, and, in the absence of a demonstrable 5-year supply of deliverable housing sites, it follows under the terms of the Framework that they should not be considered up-to-date.

62. In relation to the identified conflicts with LP Policy S10, I do not accept the arguments that it should be afforded little weight on the basis that the LP is dated and when 'saved' there was an expectation of rapid adoption of further Development Plan policies. The Framework confirms that the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework and due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. LP Policy S10 implicitly recognises the character and beauty of the countryside, in accordance with the aims of the Framework, by seeking to protect it. Whilst it relies on development boundaries which were originally drafted to meet housing need over the LP plan period, which ended in 2011, those development boundaries have been carried forward in the CS, the plan period for which has not ended. Therefore, the circumstances are not directly comparable to those relating to the Cheshire East Borough Council Development Plan context in the '*Suffolk Coastal*' case². Nonetheless, I consider that strict adherence to the defined development boundaries would be likely to greatly limit the extent to which shortfalls in housing land supply could be addressed, contrary to the aims of the Framework.
63. Under the circumstances, I give only moderate weight to the identified conflicts with CS policies CS1 and CS9, LP Policy S10 and the associated conflict with the Council's spatial development strategy.
64. Furthermore, I give little weight to the identified conflict with LP Policy HE5, as it is far more onerous than the Framework, prohibiting any development that would adversely affect the setting of a Listed Building, irrespective of the degree of harm.

Other matters

65. Based on the illustrative details submitted in support of the application, it is likely that residential development of the appeal site would increase the perception amongst existing residents, particularly occupants of Folly Farmhouse, of being overlooked. However, I agree with the Council that it would be possible, through the control of reserved matters, to ensure that the requirements of the Council's *New Residential Development Design Guide-Supplementary Planning Document* would be met, thereby satisfactorily safeguarding the privacy of existing residents. In the same way, any impact with respect to the light and noise environments enjoyed by existing residents could be controlled. In my judgement, the proposal would be unlikely to have an unacceptable impact on the living conditions of local residents and in this respect it would accord with the aims of LP Policy D1, which is consistent with the aim of the Framework to secure a good standard of amenity for occupants of land and buildings.

² Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 17.

66. The s106 also makes provision for a contribution towards carbon-offsetting, in accordance with the requirements of LP Policy D4. Having had regard to the supporting information provided by the Council, I consider that this planning obligation is necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. There would be no conflict with the CIL Regs.
67. Whilst my attention has also been drawn to a number of other previous appeal decisions, I have found them to be of little assistance, as the circumstances in those cases are not directly comparable to those in the case before me, which I have determined on its own merits.
68. I acknowledge the significant level of public opposition to the scheme.

Conclusions

69. Nonetheless, the Framework indicates that where relevant policies of the Development Plan are out of date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or, specific policies in the Framework indicate that development should be restricted. In my judgement, the latter does not apply. Furthermore, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. I conclude on balance, having regard to likely economic, social and environmental impacts, the scheme would amount to sustainable development under the terms of national policy. This weighs heavily in favour of a grant of planning permission.

Conditions

70. The SoCG sets out 24 conditions which the Council and appellants consider should be imposed in the event of the appeal being allowed and planning permission granted. I have considered them in light of the advice set out in the national *Planning Practice Guidance* and where necessary I have amended them.
71. Conditions would be required to control the details of reserved matters and the shorter than normal timescale for the submission of associated applications, as suggested by the appellants, would increase the likelihood of housing delivery within the current 5-year period. In addition, conditions would be necessary in the interests of certainty to ensure that the scheme would be carried out in accordance with the approved details and the number of dwellings would be limited in accordance with the planning application. A condition would also be necessary to ensure that the approved access to the site is laid out in a timely manner, in the interests of the safety and convenience of highway users.
72. Conditions would be necessary, in the interests of residential and visual amenity as well as biodiversity to ensure that: an appropriate level of hard and soft landscaping would be provided and maintained; to safeguard existing planting that is to be retained; and, to control details of lighting and the materials used in the external surfaces of buildings. Control over landscaping is also necessary to ensure that the impact of development on the settings of designated heritage assets would be mitigated. A condition would also be necessary to secure biodiversity enhancements, in keeping with the aims of the Framework. The conditions identified would satisfactorily safeguard the

interests of protected species. Also in the interests of residential and/or visual amenity, conditions would be necessary to control: finished floor and ground levels; the details of boundary treatments; the provision of parking and adequate manoeuvring areas within the site; and, to secure measures to minimise crime.

73. Conditions would be necessary: to ensure sustainable construction practices would be adopted, with reference to LP Policy D4; and, to secure the implementation of an approved Travel Plan promoting sustainable transport. A condition would be required to control the distribution of Affordable Housing across the site, in the interests of achieving an appropriately mixed development.
74. In the interests of safeguarding the living conditions of future occupants of the site and neighbouring residents, conditions would be necessary to control the risk of land contamination and the manner in which the site would be drained, which is also necessary to control flood risk. The living conditions of local residents could be satisfactorily safeguarded from the potential impacts of construction activity through the imposition of a condition to ensure that an approved Construction Environmental Management Plan would be adhered to. A condition would be necessary to ensure that a record is made of any archaeological remains affected by the proposals, pursuant to the aims of the Framework.

Conclusions

75. Whilst I consider that the proposal would conflict with the Development Plan taken as a whole, I conclude on balance that other material considerations indicate that planning permission should nevertheless be granted. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr E Grant Of Counsel	Instructed by the solicitor to Milton Keynes Council.
He called	
Mr A Griffiths BA(Hons) MA MRTPI	Associate Director, Troy Hayes Planning Ltd.
Mr J Goodall MA MSc MRTPI	Associate Director, Troy Hayes Planning Ltd.
Mr P Van Geete	Milton Keynes Council.

FOR THE APPELLANTS:

Mr J Corbet Burcher Of Counsel	Instructed by Mr K Fenwick, Director of White Young Group.
He called	
Mr K Fenwick BA(Hons) MRTPI	Director, White Young Group.
Mr S Ryder BA(Hons) CMLI	Director, Ryder Landscape Consultants Ltd.
Mr R Bolton BA(Hons) MRTPI	Senior Director, DLP Planning Ltd.

INTERESTED PERSONS:

Mr J Hammond	Local Resident
Councillor A Geary	Local Ward and Parish Councillor
Mr D Cook	Local Resident
Mr M Palmer	Hanslope Parish Council

DOCUMENTS

- 1 Letters from the Council notifying interested parties of the appeal and the Inquiry arrangements.
- 2 Letters in response to the notifications.
- 3 Appellants' appearances list and time estimates.
- 4 Addendum Statement of Common Ground on Five Year Land Supply, November 2017.
- 5 MKC response to Inspector's further questions arising from Milton Keynes SAP hearings (23 October 2017).
- 6 Milton Keynes Site Allocations Plan (SAP) Examination-Inspector's letter, dated 3 November 2017.
- 7 Statement of Mr J Hammond.
- 8 Opening submissions of the appellants.
- 9 Opening submissions of the Council.
- 10 Re-printed pages 38, 41, 49 and 74 of Mr Goodall's proof.
- 11 Homes and Communities Agency Tattenhoe Park, Renewal Planning Application Planning Statement, March 2017-Appendix 49.1 of Mr Bolton's proof.
- 12 Circulation list for the Council's Inquiry arrangements letter.
- 13 Statement of Common Ground on Five Year Land Supply, October 2017,

- signed.
- 14 Addendum Statement of Common Ground on Five Year Land Supply, November 2017-signed.
 - 15 Section 106 agreement-draft.
 - 16 Section 106 requirements note.
 - 17 Statement Mr D Cook.
 - 18 Note on Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.
 - 19 CD2.11 complete copy (Design & Access Statement).
 - 20 Revised Preliminary proposed site access arrangement-drawing no. 600.
 - 21 Suggested site visit walking route.
 - 22 Reserved matters/planning permissions progress table.
 - 23 Inquiry venue details.
 - 24 Section 106 requirements note with supporting information.
 - 25 Section 106 contributions calculations and supporting documents.
 - 26 Milton Keynes Council Core Strategy, July 2013.
 - 27 Definition of starts on site/under construction.
 - 28 Note on Strategic Reserve Access.
 - 29 Agreed wording for proposed condition nos. 17 and 23.
 - 30 Email from the Council to the Planning Inspectorate, dated 1 December 2017 (Section 106 agreement-updated draft and Addendum to section 106 justification).
 - 31 Email from the Council to the Planning Inspectorate, dated 1 December 2017 (section 106 notes).
 - 32 Section 106 contribution calculation tables (ref. variations in ANPDD).
 - 33 Closing submissions on behalf of Milton Keynes Council.
 - 34 Closing submissions of the appellants.
 - 35 Section 106 agreement-completed.

Schedule of conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") of the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 1 year from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they detail matters not reserved for future determination: Site location plan no. (02)001; and, Site access general arrangement drawing no. 600, dated November 2017.
- 4) The development hereby permitted shall not exceed 141 dwellings (use Class C3). The use classes are those set out in the *Town and Country Planning (Use Classes) Order 2010* or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification.
- 5) Reserved matters applications for the development hereby permitted shall include a lighting scheme for all public and private areas, footpaths and parking areas. The lighting scheme shall include details of what lights are being proposed, a lux plan showing maximum, minimum, average and uniformity levels, details of means of electricity supply to each light and how the lights will be managed and maintained in the future. If any lighting is required within the vicinity of current or built-in bat features, it shall be low level with baffles to direct the light away from the boxes and units, thus preventing severance of bat commuting and foraging routes. The approved scheme for each phase or part shall be implemented prior to the first use of that phase or part.
- 6) Reserved matters applications for each phase or part of the development hereby permitted shall include details of the proposed finished floor levels of all buildings and the finished ground levels in relation to existing surrounding ground levels for that phase or part. Development for that phase or part shall be undertaken in accordance with the approved details.
- 7) Reserved matters applications for each phase or part of the development hereby permitted shall include a scheme to provide car parking and cycle parking and manoeuvring of vehicles within the development in accordance with the Milton Keynes Council *Parking Standards SPG* (2016) or any subsequent parking standards adopted at the time any reserved matters application is submitted and in accordance with the Council's *New Residential Development Design Guide* (2012) or any further guidance on parking that may be adopted at the time any reserved matters application is submitted. The approved scheme shall be implemented and made available for use for each dwelling prior to the first occupation of that dwelling and shall not thereafter be used for any other purpose.

- 8) Reserved matters applications for each phase or part of the development hereby permitted shall include a landscaping scheme with detailed drawings showing which trees and hedgerows are to be retained and which trees and hedgerows are proposed to be felled or lopped. The landscaping scheme shall also show numbers, types and sizes of trees and shrubs to be planted including their locations in relation to associated infrastructure and a species list to include native species and species beneficial to wildlife. Any trees and shrubs removed, dying, severely damaged or diseased within 2 years of planting shall be replaced in the next planting season with trees or shrubs of such size and species to be agreed with the local planning authority in writing.
- 9) Reserved matters applications for each phase or part of the development hereby permitted shall include details of the proposed boundary treatments for that phase or part. The approved boundary treatments shall be carried out in accordance with the approved details for that phase or part and shall be completed prior to the first occupation of each dwelling or first use of such phase or part of the development.
- 10) Reserved matters applications for each phase or part of the development hereby permitted shall incorporate measures to minimise the risk of crime in accordance with Secured By Design principles. A written statement identifying how the principles have been incorporated shall be submitted to and approved in writing by the local planning authority prior to the first occupation of each phase or part of the development to which the statement relates.
- 11) Reserved matters applications for each phase or part of the development hereby permitted shall be accompanied by a Sustainability Statement for that phase or part including, as a minimum, details required by Policy D4 of the *Milton Keynes Local Plan 2001-2011* and accompanying *Supplementary Planning Document Sustainable Construction Guide*. The approved details shall be implemented for each dwelling prior to the first occupation of that dwelling.
- 12) Reserved matters applications for each phase or part of the development hereby approved shall include details of the location and type of Affordable Housing pursuant to the development phase or part for which the approval is sought. Each phase or part of the development shall be carried out in accordance with the approved details.
- 13) Details of the external materials to be used in the development hereby permitted shall accompany the reserved matters application(s). The development shall be carried out in accordance with the approved details.
- 14) Prior to the commencement of any works on site all existing trees and hedgerows to be retained in the site shall be protected according to the provisions of BS 5837:2012 'Trees in relation to design, demolition and construction-recommendations'.
- 15) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard *BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination* (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in

writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved 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 and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

- 16) Prior to the commencement of any phase or part of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include Noise Action Levels (based on a noise survey) and site procedures to be adopted during the course of construction including working hours, intended routes for construction traffic, details of vehicle wheel washing facilities, location of site compound, lighting and security and how dust and other emissions will be controlled. The development shall be carried out in accordance with the approved CEMP.
- 17) Prior to the commencement of any phase or part of the development hereby permitted a Biodiversity Enhancement and Management Scheme detailing specification and locations of biodiversity enhancements and their long term management including bird and bat boxes incorporated into the development shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall be in accordance with the Recommendations proposed at Section 5 of the *Peak Ecology: Preliminary Ecological Appraisal Report* (Ref: ProCS01, Issue 3 Final, dated 29 June 2017). The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 18) Prior to the commencement of each phase or part of the development hereby permitted a programme of archaeological field evaluation comprising trial trenching shall be completed. The programme of archaeological evaluation shall be detailed in a Written Scheme of Investigation submitted to and approved in writing by the local planning authority. On completion of the agreed archaeological field evaluation for each phase or part a further Written Scheme of Investigation for a programme of archaeological mitigation in respect of any identified areas of significant buried archaeological remains shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;

- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development in any phase or part shall take place other than in accordance with the approved Written Scheme of Investigation.

The development hereby permitted shall not be first occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 19) Prior to the commencement of the development hereby permitted vehicle tracking drawings for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 20) Prior to the commencement of the construction of any of the dwellings hereby permitted, the new means of access shown on the plan prepared by Enzygo Environmental Consulting (Ref: Project No. CRM.1317.001 Drawing no. 600, dated November 2017) shall be sited and laid out in accordance with the approved drawing and constructed in accordance with Milton Keynes Council's guide note 'Residential Vehicle Crossing Details'. The access so laid out shall be retained thereafter.
- 21) Prior to the first occupation of the development hereby permitted the ground surface areas around the buildings, including roads, drives, parking areas, kerbs, footways, patios, terraces and other amenity surfaces, including areas for earth moulding and contouring, shall be constructed in accordance with details submitted to and approved in writing by the local planning authority.
- 22) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by

any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 23) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 24) None of the dwellings hereby permitted shall be occupied prior to the implementation of the approved Travel Plan, dated October 2016. Those parts of the approved Travel Plan that are identified therein of being capable of implementation after occupation shall be actioned in accordance with the timetable contained therein and shall continue to be implemented as long as any or part of the development is occupied with a minimum of annual reporting for the first 5 years, biennially thereafter.