



Appeal Decision

Hearing held on 14 January 2025

Site visit made on 14 January 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/F3545/W/24/3353353

Land off Woodford Gardens, Fornham Road, Bury St Edmunds, Suffolk IP32 6AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Brickfield Homes East Anglia Ltd against the decision of West Suffolk Council.
 - The application Ref is DC/22/0963/FUL.
 - The development proposed is construction of 9 no. dwellings and garages.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 9 no. dwellings and garages at land off Woodford Gardens, Fornham Road, Bury St Edmunds, Suffolk, IP32 6AW in accordance with the terms of the application, Ref DC/22/0963/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address above from the appeal form rather than the application form as it more clearly identifies the location of the appeal site. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. As neither of the main parties has provided written confirmation that a revised description of development has been agreed, I have used the one given on the original application. I am satisfied that no prejudice arises as a result.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process.
4. The Council's second reason for refusal related to the lack of a pedestrian footpath parallel to the access road into the site to the north and the resultant effect that this would have on pedestrian and cyclist accessibility. However, the Council has confirmed that on review of its latest shared surface design guidance, it no longer wishes to defend this reason for refusal. Consequently, I will not consider this matter as a main issue.

Main Issue

5. The main issue is therefore whether or not the proposal would make adequate provision for affordable housing.

Reasons

6. Policy CS5 of the St Edmundsbury Core Strategy December 2010 (CS) relates to affordable housing and states that where sites are 0.3 hectares and above or 10 dwellings or more, 30% of the units shall be affordable. The parties agree that the appeal site is 0.63 hectares, which would trigger a requirement for affordable housing under Policy CS5 of the CS.
7. Paragraph 65 of the Framework states that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. Major development, with regard to housing, is defined in Annexe 2 of the Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
8. The appellant contends that due to the length of the access road and the presence of steep banks, the developable area is approximately 0.36 hectares so would not be liable for affordable housing when assessed against the Framework. Whilst I understand that there are physical site constraints in this case, there is nothing in local or national policy that suggests the developable area, rather than the overall site area should be used to determine whether the affordable housing requirement is triggered or not. Therefore, I find, based on the agreed overall site area, an affordable housing contribution requirement would be triggered in this case.
9. Nevertheless, Policy CS5 of the CS sets out that the Council will consider issues of development viability. Both the appellant and the Council have submitted viability appraisals in support of their cases.
10. The appellant's Pathfinder Financial Viability Assessment 03 October 2023 (PFVA) identifies that without the provision of any affordable homes, the Residual Land Value (RLV) would be significantly below the Benchmark Land Value (BLV). The appellant therefore asserts that the proposal would be financially unviable if any affordable housing contribution was required as part of the scheme.
11. However, the Council's most recent Viability Statement prepared by Andrew Golland Associates dated November 2024 (AGAVS), states that based on their calculations, the RLV figure would provide a substantial surplus above the BLV when including the provision of 30% affordable housing on site. This suggests the proposal would be viable, when requiring a policy compliant affordable housing contribution. The Council assert that the figures arrived at in the AGAVS are largely in keeping with the approach taken in the viability assessment that underpinned the CS.
12. It was confirmed at the hearing that there is agreement between the main parties about key inputs factored into the PFVA, including the Gross Development Value (GDV), the BLV at £390,000, the developer return at 17.5% of the GDV and the finance rate. Based on the evidence before me I can find no reason to question the robustness of these inputs. The key area of dispute is therefore the approach to calculating the construction costs.

Build cost

13. Both parties agree that the starting point for establishing the construction costs is the Building Cost Information Service (BCIS) and that this does provide useful information in establishing the build costs for dwellings.

14. At the hearing it was clarified as to why the median BCIS figures used by the parties differed with the PFVA figure being higher than that in the AGAVS. It was confirmed that whilst the AGAVS utilises a blended median BCIS rate that includes different property types, the PFVA uses a median BCIS rate specifically for detached dwellings only. Given the proposed scheme would deliver nine detached dwellings, in my view the median BCIS rate for detached dwellings is the most applicable in this case.

Other construction costs

15. The Council assert that adding 15% of the BCIS cost figure to cover external works is a standardised approach that has been used elsewhere in numerous viability appraisals. However, the appellant states that in cases where the site is small and more complex to develop, it is more appropriate to use the BCIS costs as a starting point and then use site specific costings for any external works that are known to be required for a particular site. As a result, the appellant has provided a Cost Plan (CP) for the different external works that they consider necessary to deliver the development. It was confirmed that the CP has been prepared by a suitably qualified Quantity Surveyor, who was present at the hearing.
16. The Planning Practice Guidance (PPG) states that costs, amongst others, include build costs based on appropriate data, for example that of the BCIS, abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites and site-specific infrastructure costs, which might include access roads, sustainable drainage systems, green infrastructure, connection to utilities and decentralised energy¹.
17. I recognise that having a standardised approach to assessing the cost of external works is useful, particularly at the more strategic plan making level, or where sites are not constrained and are more easily developed. However, in this case I accept the approach set out by the appellant in that the BCIS build costs can be used alongside other site specific costs that are known, in order to identify the true costs of a development. This approach is supported in the PPG.
18. Starting with the external costs listed directly underneath the table in Appendix 2 of the PFVA. These costs are split into four categories including services, external works, drainage and adoptable works.
19. Whilst the Council identify that these other construction costs are excessive in its view, none of the figures are challenged specifically, nor are any reasons given as to why they would not be required in order to bring the scheme forward. At the hearing, each entry was clarified in terms of what works were included and they appear to reflect the proposed scheme before me. In addition, they have been prepared by a suitably qualified individual. I am therefore satisfied that these other costs which represent standard external costs appear to be reasonable and should be included.
20. In addition to these external costs, the appellant identifies abnormal and additional works allowances (AAWA). A brief description is provided for each entry to establish what would be covered by each of the categories and further clarification

¹PPG - Paragraph: 014 Reference ID: 10-012-20240214

was provided at the hearing to establish whether there was any potential for double counting. As above, whilst the Council identify that these AAWA costs are excessive in its view, no alternative breakdown of costs has been provided nor have any of the specific itemised figures for each element been challenged. The AGAVS makes no allowances for any abnormal costs.

21. Garaging is included in the AAWA. Whilst I find there is some discrepancy between the description of the garaging provision in the PFVA and what is shown on the drawings, the number of proposed garages would remain the same and the variation identified would not alter the costs significantly. I have no evidence before me to suggest that the garaging would be included within the BCIS rates used by either party. It was suggested that the garaging could be removed from the proposal to improve the viability of the scheme. However, the proposed scheme allows for one single garage space per dwelling which seems reasonable, particularly given the type of development being proposed. On that basis, I find that it should be included as an additional cost.
22. I consider that the AAWA costs identified for retaining walls, raised walled garden areas, site strip, cut and fill works, footpath link, noise reduction enhanced insulation, ground contamination survey, tree works including protection and ecological enhancements are all justified and therefore should be included as additional or abnormal costs.
23. The identified groundworks would be necessary due to the existing topography of the site and the current ground conditions. The route and width of the proposed footpath link is identified on drawing 20C and would be specific to this scheme. A condition requiring appropriate sound attenuation against noise is suggested by the Council and given the proximity of the A14 road and the resultant acoustic environment I find this would be needed. Conditions are also suggested by the Council requiring further survey work on ground contamination and schemes for tree protection and ecological enhancement and therefore it is accepted that these would be necessary.
24. The provision of air source heat pumps for all proposed dwellings is identified under the AAWA. There was some discussion about this at the hearing and a general agreement that there is a time lag between changes in policy and moves to different types of technology and the inclusion of such costs within the BCIS figures, given the BCIS is based on completed developments. It was highlighted that in October 2023 when the PFVA was produced, the provision of air source heat pumps would not have been standard. It was also stated that this was the case for the provision of electric vehicle charging points which are also included under the AAWA. On this basis, I consider it reasonable to include both of these as additional costs in this case.
25. However, I do not find that the AAWA costs identified for demolitions, gas membranes, private driveways and parking areas, mains services extensions from the turning head, foul drainage connection into the existing manhole, the proposed cut into the existing road and connection to the new adoptable road, the provision of a bin collection point and the provision of soakaways have been robustly justified as additional or abnormal costs.
26. When I carried out the site visit, there was no obvious sign of any buildings remaining on the site that would require demolition. It was not clear, due to the

extensive areas that were covered in vegetation, as to whether any foundations remained. There is no substantive evidence before me identifying the presence of asbestos on the site or the need for gas membranes. Whilst I accept the length of the road may be more significant than some similarly sized schemes, the hard surfacing and service connections all appear to be standard works required for the type of scheme proposed. No specific drainage issues have been identified which would suggest that the provision of soakaways should be included under AAWA costs rather than the standard external costs.

27. Discounting the elements I have identified above as not being robustly justified would see a reduction in AAWA costs by approximately £165,000. The reduction in costs by this amount would increase the RLV. However, it would not increase the RLV to the extent that it would meet the BLV.
28. The appellant has included a 3% allowance for contingency. The Council argue that this should not be included or where it is, it should be compensated for by adding the same percentage to the GDV. Nevertheless, the PPG states that explicit reference to project contingency costs should be included in circumstances where scheme specific assessment is deemed necessary, with a justification for contingency relative to project risk and developers return². The PPG does not suggest that the contingency should also be applied positively to the GDV to counteract it as a cost. Given the nature of the site and the information provided about the additional and abnormal costs that are involved, I accept that a contingency allowance of 3% is reasonable in this case.
29. The Council suggest that a scheme could be designed that would not be so costly to develop and that it is the proposed bespoke scheme that is unviable not the development of the site per se. However, the appellant states that whilst the proposed scheme would be of a certain standard with higher quality materials and higher specification than is used for standard housebuilding, it would be the external works that would create the additional cost. They assert that, no matter what the scheme, the same amount of external works would be required in order to bring the site forward for development, given the specific physical constraints of the appeal site and the need to respond appropriately to the character of the surrounding area.
30. Based on the evidence before me, I am minded to agree with the appellant that there are site specific works required for this particular site. I find that the significant majority of these costs would be applicable to any scheme coming forward that would respect the density of the development in the surrounding area and that would respond to the specific site constraints.
31. It was suggested that the profit could be reduced from the 17.5% of the GDV stated in order to make the scheme more viable. However, the appellant identified that in order to meet the requirements, the profit would have to be reduced to 11%. In my experience that would be very low and would not fall within the 15-20% figure set out within the PPG. Consequently, it would not be attractive to a developer.
32. It is also argued by the Council that the GDV perhaps should be higher, given that the standard and quality of the proposed scheme should attract a higher sales

² PPG - Paragraph: 014 Reference ID: 10-012-20240214

value, which in turn would expand the margins of the development. However, there is no evidence before me that the proposed scheme would attract a higher potential sale value as a result of the additional works required as set out above.

33. In conclusion, whilst I have found that not all of the identified AAWA costs have been robustly justified by the appellant, it remains that it has been demonstrated that the provision of affordable housing would make the proposed scheme financially unviable. Policy CS5 of the CS states that issues of development viability may lead to the negotiation of a lower percentage of affordable housing. As a result, given I find that the appellant's position on viability has been demonstrated, I find that the proposal would comply with the requirements of Policy CS5 of the CS in the specific circumstances of this case.

Other Matters

34. With regard to concerns from local residents about the proposed access and parking, the provision of swept path analysis information has demonstrated that bin lorries and emergency vehicles could adequately access and turn within the appeal site. Neither the Council nor the Highway Authority objected to the proposal in relation to traffic generation, parking, accessibility and visibility, subject to planning conditions. Based on the information before me and following my site visit, I can find no reason to disagree with the Council and Highway Authority in this regard.
35. There is no separate footpath along the significant majority of Woodford Gardens currently, the route is unlit, and the proposal does not provide for a separate footpath or streetlighting. However, the Council now finds that the scheme would be in accordance with its shared surface design guidance. The provision of the footpath link to the south, and the use of shared surfaces would enable pedestrians to access the development in an appropriate way.
36. The Council has identified, due to the submitted swept path analysis provided by the appellant and subject to the access road being built to an adoptable standard, that waste collection within the site could be achieved, so bins would not need to be moved a significant distance for collection. A condition is suggested by the Council which requires the details of the means and manner of construction for the access road to be provided. I have no substantive evidence before me to the contrary in this regard.
37. Though I note the concerns regarding the potential for surface water run-off, the Council has not raised any concerns regarding drainage matters and there is no technical evidence before me which suggests surface water drainage or connections into existing systems, or the provision of other required services would be problematic in this case.
38. Whilst I note that Suffolk Fire and Rescue Service has identified that the nearest fire hydrant would be some distance from the appeal site, they have suggested alternative measures.
39. Interested parties have raised concerns with regard to privacy and the impact of the proposal on the quiet enjoyment of existing garden areas, including the use of outbuildings along the rear boundary of Fornham Road, which are adjacent to the appeal site. Proposed plots 1, 8 and 9 which run adjacent to the rear gardens of properties on Fornham Road would house single storey dwellings and despite the

change in levels, they would not pose any significant issues of overlooking. There would also be a significant separation distance between the rear elevations of the proposed dwellings and the rear elevations of the properties on Fornham Road.

40. On plots 2, 3, 4, 5 and 7, two storey dwellings are proposed but they have been designed so that first floor windows would be located where they would not create any significant issues of overlooking. There would also be significant separation between the rear elevations of the proposed dwellings and the rear elevations of properties that are located on Northgate Avenue and in respect of plot 7, Fornham Road. A planning condition can be used to ensure that no windows, dormer windows, roof lights or openings of any other kind, can be constructed at first floor level or above, without prior permission from the Council, where the relationship between a proposed dwelling and the boundaries with neighbouring dwellings would require such a restriction, in order to prevent overlooking.
41. Whilst I note that noise that occurs during the construction phase can be disruptive, this would be temporary in nature and would not warrant the dismissal of the proposal. Conditions are suggested relating to a Construction Management Plan and restrictions on when works can be carried out in order to limit such impacts.
42. Given the limited scale of the development, I do not consider that the provision of a footpath link would create such significant pedestrian movements that they would create unacceptable levels of noise that would disturb existing occupiers of neighbouring properties. The proposed access road would be set off the eastern boundary allowing for a soft landscaping scheme in the intervening space between the road and the rear boundary treatments of neighbouring properties on Fornham Road. A soft landscaping scheme can be secured by planning condition, as can the details of any boundary treatments.
43. With regard to the concerns raised that where the proposed footpath link would connect to on the southern boundary is not a public right of way, I have not been provided with any substantive evidence that this would be the case or that a connection would not be possible at this point.
44. Concerns are raised about the longer term effects of the proposal on the root systems of trees including a protected tree located in the rear garden of 61 Fornham Road. The submitted Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan (TS) identifies the removal of a limited number of trees, those that require some works and those that need to be protected including the tree to the rear of No 61. Based on the information before me, I do not consider that there would be a significant detrimental impact on the existing trees. Planning conditions are also suggested by the Council in relation to a soft landscaping scheme and tree protection.
45. Though I note the concerns regarding the effect on wildlife, the Council identifies that it is satisfied that the Preliminary Ecological Appraisal (PEA) provided sufficient ecological information and that subject to planning conditions no objection is raised on these grounds. Based on the information before me and having reviewed the PEA I can find no reason to disagree with the Council's view on this matter.
46. Concerns are raised about the effect of the construction works on the foundations of older surrounding properties and outbuildings along the boundary with the site.

Nevertheless, there is no evidence before me to indicate that this concern would lead to any material harm.

47. An interested party at 19 Fornham Road asserts that they have a right of way along the track to the back of their property. Based on the information before me, the access track referred to appears to sit outside of the appeal site boundary, running outside of but adjacent to the western and southern boundaries of the appeal site. Two responses also raised concerns with the use of Sows Lane as an access for the development and the effect that this would have on those living on Avenue Approach. However, the proposal includes access from Woodford Gardens, not Sows Lane.
48. Whilst I take these interested party representations seriously and recognise the strength of local concern, compelling evidence is not before me to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these other matters. Consequently, they do not lead me to a different overall conclusion.

Conditions

49. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended and reordered in line with the advice provided in the PPG. As well as the standard time limit for commencement, a condition requiring adherence to the approved plans and the TS is necessary for certainty.
50. A condition requiring a Construction Management Plan to be submitted prior to commencement is necessary along with a condition restricting when works and ancillary activities can be carried out in order to safeguard the amenities of the nearby residents. A scheme for the protection of trees is also required at the pre commencement stage to ensure the retained trees are protected prior to works starting on site.
51. Three conditions are necessary in relation to contaminated land, one of which is pre commencement to ensure that the risks are adequately identified. These conditions are necessary in the interests of protecting the living conditions of future occupants and the environment more generally. Two conditions, one of which is pre commencement are imposed regarding a programme of archaeological work and a post investigation assessment in the interests of the historic environment.
52. A condition requiring that the dwellings are constructed with appropriate sound attenuation is necessary to ensure the adequate living conditions of future occupants. Three conditions are necessary in the interests of biodiversity including that mitigation is completed and that a biodiversity enhancement strategy and lighting scheme are both submitted, approved and implemented.
53. Conditions requiring the details of soft landscaping, boundary treatments, hard landscaping and a landscape management plan are required in the interests of the character and appearance of the area. I have also imposed an additional condition requiring details of the external materials to be submitted and approved in this regard.
54. A condition is imposed requiring the details of the means and manner of construction for the access road. I have also included a condition requiring that the

areas identified for the purpose of loading, unloading, manoeuvring and parking of vehicles are implemented prior to first use. These conditions are necessary to ensure highway safety. A condition is also imposed requiring that cycle storage details are submitted, approved and implemented prior to occupation, in the interests of promoting the use of sustainable modes of transport.

55. I have amended the Council's suggested condition regarding the areas for bin storage and collection/emptying, given that I do not find the details to be sufficiently clear on the submitted drawing. I have altered the condition so that details will need to be submitted, approved and implemented prior to occupation, in the interests of the character and appearance of the area and highway safety.
56. I have imposed a condition removing permitted development rights for the insertion of windows, dormer windows, roof lights or openings of any other kind, at first floor level or above in the eastern and western elevations of Plot 7, eastern elevations of Plots 1, 8 and 9 and the northern elevation of Plot 2. This is slightly different to that suggested by the Council which did not include the eastern elevation of Plot 7. However, despite the presence of the existing tree, given the relationship between the two storey dwelling proposed on Plot 7 with the eastern boundary I find it necessary to also include this elevation. This is necessary to ensure the privacy of neighbouring residents.
57. A condition is imposed requiring that the dwellings shall not be occupied until the optional requirement for water consumption has been complied with. This condition is necessary in the interests of water efficiency measures.

Conclusion

58. For the reasons given above the proposal would accord with the development plan taken as a whole and so the appeal should be allowed subject to conditions.

G Dring

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 20C, 21A, 22a, 23b, 24b, 25a, 26a, 27a, 28a, 29a, 30a, 31a, 32b, 33b, 34a, 35a, 36a, 231/2023/SK310823-P1, 231-2023-SK110923-P3, 9696-D-AIA Rev A, 001C and document, Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan – In Accordance with BS 5837:2012 dated 9 October 2023 prepared by Hayden’s Arboricultural Consultants.
- 3) Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network
 - m) monitoring and review mechanisms
 - n) details of delivery times to the site during construction phase
 - o) layout of facilities above to be included on a plan
- 4) Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site shall only be carried out between the hours of: 08:00 to 18:00 Mondays to Fridays 08:00 – 13:00 Saturdays and at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
- 5) Prior to commencement of development, a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection

areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 6) No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme,
 - ii) The result of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
- 7) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.
- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 9) No development shall take place within any area of the site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which 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:
 - a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 10) No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in

writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition.

- 11) The building envelope, glazing and ventilation of the dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as necessary.
- 12) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hillier Ecology, August 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out in accordance with the approved details.
- 13) Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; e) persons responsible for implementing the enhancement measures; f) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
- 14) Prior to occupation of any dwelling on site, a lighting design scheme for biodiversity in accordance with GN:08/23 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
- 15) No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

- 16) No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
- 17) No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example furniture play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
- 18) No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
- 19) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been 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 access road, details of the means and manner of construction for the access road to the site 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.
- 21) Prior to first use of the development hereby permitted, the areas within the site shown on drawing No. 20C; for the purpose of loading, unloading, manoeuvring and parking of vehicles shall have been provided. Thereafter the areas shall be retained and used for no other purpose.
- 22) Prior to occupation of the first dwelling, details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved storage facilities shall be completed prior to occupation and thereafter be retained.
- 23) Prior to occupation of the first dwelling, the details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and collection/emptying areas shall be completed prior to occupation and thereafter be retained.
- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the eastern and western elevations of Plot 7, eastern elevations of Plots 1, 8 and 9 and the northern elevation of Plot 2.
- 25) The dwellings hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

APPEARANCES

FOR THE APPELLANT:

Phil Cobbold MRTPI	Agent
Ben Cobbold	Agent's Assistant
Martin Aust	Pathfinder Development Consultants
James Denny	Quantity Surveyor
Paul Scarlett	Brown and Scarlett Architects
Philip Underwood	Brickfield Homes East Anglia Ltd, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Amy Murray	Senior Planner
Andrew Golland	Viability Consultant
Dave Beighton	Principal Planner