

Development Control Committee

Title	Agenda		
Date	Wednesday 7 October 2020		
Time	10.00 am		
Venue	Facilitated by Microsoft TeamsLive virtual meetings platform only The meeting will be accessible by the press and public via a live stream; the link to which will be published on the Council's website alongside the agenda papers		
Full Members	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chair Mike Chester and Jim Thorndyke</p> <p>Conservative Group (9) Andy Drummond David Roach Susan Glossop Peter Stevens Ian Houlder Ann Williamson</p> <p>The Independent Group (6) Richard Alecock Roger Dicker John Burns David Palmer Jason Crooks Don Waldron</p> <p>Labour Group (1) David Smith</p>		
Substitutes	<p>Conservative Group (5) Carol Bull Sara Mildmay-White Terry Clements David Nettleton Rachel Hood</p> <p>The Independent Group (2) Trevor Beckwith Andy Neal</p> <p>Labour Group (1) Diane Hind</p>		
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		
Quorum	Six Members		
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting			
Committee administrator	Helen Hardinge - Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk		

Development Control Committee Agenda notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material planning considerations

- 1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their officers must adhere to this important principle which is set out in legislation and Central Government guidance.**

- 2. Material planning considerations include:**
 - Statutory provisions contained in planning acts and statutory regulations and planning case law
 - Central Government planning policy and advice as contained in circulars and the National Planning Policy Framework (NPPF)
 - Supplementary planning guidance/documents eg. Affordable Housing SPD
 - Master plans, development briefs
 - Site specific issues such as availability of infrastructure, density, car parking
 - Environmental; effects such as effect on light, noise overlooking, effect on street scene
 - The need to preserve or enhance the special character or appearance of designated conservation areas and protect listed buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
 - The following planning local plan documents covering West Suffolk Council:
 - Joint development management policies document 2015
 - In relation to the Forest Heath area local plan:
 - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
 - ii. Core strategy single issue review of policy CS7 2019
 - iii. Site allocations local plan 2019
 - In relation to the St Edmundsbury area local plan:
 - i. St Edmundsbury core strategy 2010
 - ii. Vision 2031 as adopted 2014 in relation to:
 - Bury St Edmunds
 - Haverhill
 - Rural

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

3. The following are **not** material planning considerations and such matters must **not** be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property or access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see section 3 above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation received after the distribution of committee papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- a. Officers will prepare a single committee update report summarising all representations that have been received up to 5pm on the **Thursday** before each committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- b. the update report will be sent out to Members by first class post and electronically by noon on the **Friday** before the committee meeting and will be placed on the website next to the committee report.

Any late representations received after 5pm on the **Thursday** before the committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Council's website.

Development Control Committee

Decision making protocol

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision making protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below:

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a member wishes to alter a recommendation:
 - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with

the Chair and Vice Chair(s) of Development Control Committee.

- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added, deleted or altered, together with the material planning basis for that change.
 - Members can choose to:
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend Development control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members and officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural matters

Part 1 – public

1. **Apologies for absence**
2. **Substitutes**
Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.
3. **Minutes** **1 - 26**
To confirm the minutes of the meeting held on 5 August 2020 (copy attached).
4. **Declarations of interest**
Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.
5. **Planning Application DC/18/1425/FUL - The Woodyard, Stores Hill, Dalham** **27 - 74**
Planning application - Entry Level exception site for 2no affordable dwellings and ancillary access arrangements (partly retrospective)
6. **Planning Application DC/20/0784/FUL - Doctors Surgery, 10 The Chase, Stanton** **75 - 104**
Planning Application - 1.5 storey rear extension to accommodate 4no. GP Consulting Rooms, Treatment Room, Interview Room and associated administrative and storage areas (following removal of existing portacabin)
7. **Planning Application DC/19/1577/FUL - Land Rear of 47 High Street, Tuddenham** **105 - 130**
Planning Application - 1no. dwelling

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 5 August 2020** at **10.00am** via Microsoft Teams.

Present **Councillors**

Chair Andrew Smith

Vice Chair Mike Chester and Jim Thorndyke

Richard Alecock

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Andy Drummond

Peter Stevens

Susan Glossop

Don Waldron

Ian Houlder

Ann Williamson

Andy Neal

40. **Welcome**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the Development Control Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all.

41. **Apologies for Absence**

Apologies for absence were received from Councillor Roger Dicker.

42. **Substitutes**

The following substitution was declared:

Councillor Andy Neal substituting for Councillor Roger Dicker.

Following which, the Democratic Services Officer verbally outlined all Members of the Committee who were present, together with any attending Councillors and the names of the Officers supporting the meeting.

43. **Minutes**

The minutes of the meeting held on 8 July 2020 were confirmed as a correct record and signed by the Chair.

44. **Declarations of Interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

45. **Planning Application DC/20/0094/RM - Land adj Haverhill Business Park, Bumpstead Road, Haverhill (Report No: DEV/WS/20/038)**

(Councillor David Roach declared a non-pecuniary interest in this item in view of being a resident in a property adjacent to the application site. He stated that that he would not take part in the discussion or the voting thereon.)

Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Units 1, 2 and 3 (Plots NE1 and NE2) for Class B1, B2 and B8

Application to Discharge Condition 6 (surface water drainage), 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDS) of DC/15/2424/OUT

Members were advised that the application site was allocated in Policy HV9 of the Haverhill Vision 2031 as part of one of the designated General Employment Areas in Haverhill.

The reserved matters application before the Committee followed on from:

(i) outline planning permission (with means of access) DC/15/2424/OUT for 'Development of up to 46,000 sq m of floor space for uses within Classes B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant(s), Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.' and

(ii) reserved matters application DC/19/1010/RM for submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use.

The Senior Planning Officer explained that during the course of the application amendments had been made to include changes and alterations to unit 3 and additional information was submitted regarding noise and parking.

The application was referred to the Development Control Committee, at the request of the local Ward Member (Haverhill South East), Councillor Tony Brown, due to concerns that he and local residents shared in respect of the proposed scheme.

A Member site visit took place in September 2019 prior to application DC/19/1010/RM being presented at the Committee meeting in October 2019.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 65 of Report No DEV/WS/20/038.

Speakers: Bill Taylor (neighbouring resident on behalf of fellow residents of Bumpstead Road) spoke against the application

Andy Smith (architect) spoke in support of the application

Considerable debate ensued with a number of comments/questions raised by Members on various matters which the Senior Planning Officer responded to as follows:

Noise Assessment – it was confirmed that the noise assessment that had been undertaken related to both Bumpstead Road and the wider area surrounding;

Drawings – all drawings were to scale but the Planning Authority could not require applicants to include annotated dimensions. However, those residents that had requested further detail had been provided with this directly by the Case Officer;

Operating and Construction Hours – these would have had to have been imposed on the outline application and it was not possible to condition these on the Reserved Matters application before the Committee; and

Footpath – this was a requirement under the outline application and also couldn't be further conditioned under the Reserved Matters application, however, an 'informative' on the item could be appended to a Decision Notice.

During further discussion Councillor John Burns raised specific concern with regard to the lack of services available in the area for the HGV delivery drivers that would be coming to the site.

The Service Manager (Planning – Development) explained that this was a wider strategic issue that could not be resolved via the application seeking determination. She would therefore raise this matter separately with Suffolk County Council Highways on behalf of the Committee.

Other comments were made in relation to the need to ensure adequate liaison between the applicant and the nearby residents; it was suggested that a resident liaison group could be formed.

The Chair addressed this proposal to the applicant's architect who was in the meeting and who agreed to feed this back to his client.

Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation and inclusive of the informative regarding the footpath, and this was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 11 voting for the motion, 3 against and with 2 abstentions it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 2 No development above slab level shall take place until samples/details of the facing and roofing 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.

- 3 Further to the proposed noise levels contained in the Environmental Noise Report - Reserved Matters submitted by Sharps Redmore on the 18th July 2019, Project No. 1919017, the combined noise level emitted from any external mechanical plant and internal operations, at each Unit, installed or operated in connection with the carrying out of this permission, shall be enclosed and/or attenuated and maintained so as to ensure that the noise generated by this permission shall not exceed:-
- 35dB(A) LA90 (1 hour daytime 07:00 -23:00) at the boundary of the nearest residential property (that being -10dB(A) below the daytime noise level measured as 45dB(A) LA90 (1 hour daytime 07:00 - 23:00 hours) and;
 - 25dB(A) LA90 (15 minute night time 23:00 - 07:00) at the façade of the nearest residential property (that being -10dB (A) below the night time background noise level measured as 35dB(A) LA90 (15minute night time 23:00-07:00).
- No plant, machinery and equipment, including any proposed sound proofing, shall be installed until details have been submitted to the Local Planning Authority for approval in writing.
- Noise measurements for the purposes of this condition shall be pursuant to BS 4142:2014.
- 4 No phase or unit of the development shall be occupied until a Management Plan for that phase or unit, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures have been submitted to and approved in writing by the Local Planning authority. The Management Plan shall be implemented in full on occupation of each phase or unit and complied with thereafter unless otherwise agreed in writing with the Local Planning Authority.
- 5 Prior to the occupation of any of the units hereby approved for Class B1/B2 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK19 Rev K. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.
- 6 Prior to the occupation of any of the units hereby approved for Class B8 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK26 Rev D. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.
- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

And an Informative regarding the footpath.

(On conclusion of this item the Chair permitted a short comfort break and asked that an adjournment slide be displayed in the live stream, before reconvening the virtual meeting and taking a roll-call of those present.)

46. **Planning Application DC/19/2335/HYB - Council Depot, Olding Road, Bury St Edmunds (Report No: DEV/WS/20/039)**

(Councillor Susan Glossop declared a non-pecuniary interest in this item in light of being the West Suffolk Cabinet Member under which the application fell. She would remain in the meeting but would not take part in the debate or the voting thereon.)

Hybrid Planning Application - 1) Planning Application - Alter and extend existing warehouse/depot to create a new public/private sector hub with new sports and leisure facilities including new energy centre, surface car parks, a multi-storey car park, sports pavilion, associated landscaping and highways improvement works (following demolition of existing leisure centre, retail clearance building and ancillary buildings associated with former operational depot) 2) Outline Planning Application - Early years nursery

This application was referred to the Development Control Committee as the development was a major strategic site and the applicant was the Council.

The Committee were advised that a request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was received by the Local Planning Authority (LPA) on 20 June 2019. A Screening Opinion was subsequently issued on 7 August 2019, which concluded that the development was not Environmental Impact Assessment Development and as such an application would not require the submission of an Environmental Statement.

Members were also informed that amendments had been made during the course of the application to address landscape and ecology and highway matters. Additional information had also been submitted by the applicant in the form of a Transport Assessment Addendum, Cycleway Review and Addendum and additional plans in respect of the junction of Newmarket Road and Western Way.

The Principal Planning Officer drew attention to the 'late papers' that had been circulated supplementary to the agenda and which set out comments received from Network2 Supplies together with proposed amendments to conditions No 53 (shuttle bus) and No 57 (approved plans).

The Officer also advised of the following typographical errors to the report:

- The measurement of 55m in Paragraph 13.4 should have read 15m
- Condition No 46 as detailed in Appendix 1 should have read "*To ensure the development does **NOT** have a detrimental impact on the local junctions...*"
- Condition No 54 as detailed in Appendix 1 should have referenced Condition No 32 and not No 30.

As part of the presentation the meeting was given a 'fly through' visualisation of the proposal.

Officers were recommending that the application be approved, subject to a S106 Agreement and conditions as set out in Appendix 1 of DEV/WS/20/039 inclusive of the amendments set out in the late paper and with an additional further condition in respect of junction capacity works at Beetons Way/Western Way.

Speakers: Lorraine Weaver-Smith (neighbouring resident) spoke against the application
David Cripps (West Suffolk Athletics Club) spoke against the application
Richard Torkington (agent) spoke in support of the application
(*via a pre-recorded audio file submission*)

Considerable debate then took place by the Committee with a number of Members posing questions on elements of the application.

The Principal Planning Officer responded to the points raised as follows:

Residential Amenity/Car Park – Officers did not consider that the scheme would have a significant impact on residential amenity in view of the car park now having been reduced to two decks; when it was six decks within the Bury St Edmunds Masterplan. The proposal was likely to generate less noise than the depot previously generated on site and a detailed lighting scheme was to be submitted in order to reduce the impact on amenity;

Athletics Track – Members were advised that the applicant would continue to work with the athletics club. The proposal would enable improved car parking/access for events together with enhanced facilities at the leisure centre;

Waste – the intention was for this to be located at the Olding Road Car Park thereby ensuring that waste would be screened from residents via the existing woodland. Officers were working with colleagues in Waste Services to develop a Waste Management Plan;

Skate Park – the Committee were informed that the applicant was already working with skate park users; and

Highways – Councillors were assured that Officers had worked closely with Suffolk County Council Highways Officers on the scheme and a lot of detail was included within the Committee report. In summary, whilst there was acknowledgement that the development would have an impact on the highway network at peak times it was not considered to be severe.

Councillor David Roach proposed that the application be approved as per the Officer recommendation and inclusive of the amendments to/additional conditions as outlined by the Officer. This was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 13 voting for the motion and with 3 abstentions it was resolved that

Decision

Planning permission be **GRANTED** subject the completion of a S106 agreement to secure the following obligations:

- £10,000 Traffic Regulation Order

- £10,000 Traffic Regulation Order
- £5,000 Traffic Regulation Order
- £TBC contribution to Tollgate junction mitigation works
- Shuttle bus provision

And the following conditions:

Full application:

- 1 **Surface Water Drainage Scheme**
No development shall take place, with the exception of demolition and site clearance, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the Drainage Strategy by Pick Everard [ref:- MC/TJH/181377/17-2/R100 and dated 27th November 2019) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. Additional details to be submitted include:
i. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
- 2 **Implementation, maintenance and management of the strategy for the disposal of surface water**
No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 3 **HGV Construction and Deliveries Management Plan**
All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.
- 4 **Construction Method Statement**
Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
i) The parking of vehicles of site operatives and visitors
ii) Loading and unloading of plant and materials

- iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
- Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

5 Contamination Investigation

Prior to commencement of development 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 results 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.

6 Remediation Strategy

No development approved by this planning permission shall take place until a remediation strategy that includes 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:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and 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. The plan shall also detail a long term monitoring and maintenance plan as necessary. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and

maintenance plan in (3) shall be updated and be implemented as approved.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

7 **Submission of a detailed phasing plan**

Prior to commencement of development a scheme for the construction of the development in successive phases shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details unless the prior written consent of the Local Planning Authority is obtained for any variation. No development forming part of any phase specified in the approved phasing scheme shall be commenced until all development in all previous phases has been carried out in accordance with the approved details.

8 **Construction Surface Water Management Plan**

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction.

9 **Arboricultural Method Statement – Main site**

Prior to commencement of development on the Western Way site (including any demolition, groundworks and site clearance) an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should be in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, and shall include details of the following:

- i) Measures for the protection of those trees and hedges on the application site that are to be retained. 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 with 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.
- ii) Details of all construction measures that are exceptionally required within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a

height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths, or other construction works,

- iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

10 **Arboricultural Method Statement – Beeton’s Way North car park**

Prior to commencement of development on Beeton’s Way North car park (including any demolition, groundworks and site clearance) an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should be in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, and shall include details of the following:

- i) Measures for the protection of those trees and hedges on the application site that are to be retained. 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 with 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.

- ii) Details of all construction measures that are exceptionally required within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths, or other construction works

- iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

11 **Requirement to address presence of Cotoneaster plants on the site**

Prior to the commencement of development, a scheme to address the presence of Cotoneaster (excluding any trees which are shown to be retained) on the site shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the containment, control and removal of the species and replacements plants. The

measures shall be carried out strictly in accordance with the approved scheme.

12 **Materials/Samples/Details**

Prior to the installation of any exterior finishes to the buildings hereby approved samples of the materials to be used 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.

13 **Waste/recycling Compound**

Prior to any preparatory works to the area on which the waste/recycling compound is to be located as shown on Drawing No. WES051-PEV-00-XX-DR-A-9102 Rev P04 (including tree and shrub removal) details of the design and appearance of the compound, including means of access, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

14 **Waste Management Plan**

Prior to first use of the main Hub building and Leisure Centre a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to, the following:

- a. The volumes and types of waste to be generated across the site from the various locations;
- b. The internal waste segregation and removal arrangements, including a review of any practical issues associated with the transfer of waste to the waste compound. Access from the different parts of the buildings to the site compound should not be impeded and must allow the safe manoeuvrability of waste containers. Unsuitable surfaces e.g. gravel, obstacles such as kerbs and significant inclines should be avoided. At this stage it is assumed that waste will be transferred using wheeled containers, of a size that can be decanted into the waste compound waste receptacles in line with manual handling guidance. Further information on how waste will be managed onsite would assist in the evaluation of this; and
- c. How the waste system will support the waste management hierarchy e.g. recycling and waste reduction.

The site shall thereafter be operated in accordance with the approved details.

15 **Hard Landscaping - Main Site**

No development above ground level on the Western Way site (except for demolition works and works to remove external wall and roof coverings on the existing depot building) 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 circulations 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).
- 16 **Hard Landscaping – Beetons Way North Car Park.** No development above ground level on the Beetons Way North Car Park (except for demolition works) 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 circulations 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).
- 17 **Soft Landscaping – Main Site.** No development above ground level on the Western Way Site (except for demolition works and works to remove external wall and roof coverings on the existing depot building) 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 soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities; details of easements and no planting zones in respect of the drainage infrastructure. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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.
- 18 **Soft Landscaping – Beetons Way North Car Park.** No development above ground level on the Beetons Way North Car Park (except for demolition works) 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 soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities; details of easements and no planting zones in respect of the drainage infrastructure. The approved scheme of soft landscaping works shall be implemented not later than the first

planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting 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.

- 19 **Landscape Management Plan – Main Site.** No development above ground level on the Western Way Site (except for demolition works and works to remove external wall and roof coverings on the existing depot building) 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.
- 20 **Landscape Management Plan – Beetons Way North Car Park.** No development above ground level on the Beetons Way North Car Park (except for demolition works) 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.
- 21 **Newmarket Road – Arboricultural Method Statement**
No development above ground level shall take place until an Arboricultural Method Statement (including any demolition, groundworks and site clearance) in respect of the junction and carriageway improvements at the Newmarket Road/Western way junction have been submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - i. Measures for the protection of those trees and hedges on the site that are to be retained,
 - ii. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
 - iii. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
 - iv. Details of replacement trees for any removed as a result of the development.
 - v. The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

- 22 **Energy Statement.** No development above ground level (except for demolition works and works to remove external wall and roof coverings on the existing depot building) shall take place until an energy and sustainability statement for the development, based upon the Energy Statement dated 4 February 2020, Issue No. 3, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development has adhered to broad principles of sustainable design and construction and how energy efficiency will be optimised through the use of design, layout, orientation, materials, insulation and construction techniques. The development shall be carried out in accordance with the approved strategy.
- 23 **Skate Park Design**
No development above ground level (except for demolition works and works to remove external wall and roof coverings on the existing depot building) shall take place until details of the skate park are submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable/phasing plan for the construction of the skate park. The works shall be carried out strictly in accordance with the approved details.
- 24 **Ecological enhancement – Main Site**
No development above ground level on the Western Way Site (except for demolition works and works to remove external wall and roof coverings on the existing depot building) shall take place until details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, have been submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
- 25 **Ecological enhancement – Beetons Way North Car Park**
No development above ground level on the Beetons Way North Car Park (except for demolition works) shall take place until details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, have been submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
- 26 **Boundary treatments**
No development above ground level (except for demolition works and works to remove external wall and roof coverings on the existing depot building) shall take place until details of the treatment of the boundaries of the site, including all internal fences and walls, 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.

27 Beetons Way external ramp details

No development above ground level (except for demolition works and works to remove external wall and roof coverings on the existing depot building) shall take place until details of the Beeton's Way external ramp have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

28 Shower/changing facilities

No development above ground level (except for demolition works and works to remove external wall and roof coverings on the existing depot building) shall take place until details of the employee shower and changing facilities within the Hub building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

29 Athletics Track Management Details

No development above ground level (except for demolition works and works to remove external wall and roof coverings on the existing depot building) shall take place until details of the treatment of the land adjacent to the existing athletics track are submitted to the Local Planning Authority and approved in writing. The details shall include arrangements for the new pavilion building, storage facilities, fence lines/boundary treatment, car park management and overall space allocation for athletics events.

30 Contamination Remediation Strategy Verification Report

Prior to first operational use of the site a verification report demonstrating completion of works as set out in the remediation strategy (referred to in Conditions 5 and 6) shall be submitted to and approved, in writing, by the Local Planning Authority.

31 Air quality assessment

Prior to first operational use of the site, a detailed air quality assessment relating to the nursery on the junction of Newmarket Road and Western Way shall be submitted to, and approved in writing by, the local planning authority. The assessment shall provide details of the air quality impact on the Nursery building and playground and recommend mitigation measures where an adverse impact is determined. The mitigation measures shall be implemented as approved in accordance with an agreed timescale.

32 Travel Plan – Submission of Interim Travel Plan

Six months prior to first operational use of the site details of the travel arrangements to and from the site for employees, visitors and customers, in the form of an Interim Travel Plan in accordance with the mitigation measures identified in the submitted Outline Travel Plan Rev 3, shall be submitted for approval in writing by the local planning authority. The Interim Travel Plan must contain the following:

- Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by employees visitors and customers across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met

- Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan
 - A commitment to monitor the vehicular trips generated by the employees visitors and customers and submit a revised (or Full) Travel Plan no later than six months after occupation
 - A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring
 - A suitable marketing strategy to ensure that all employees visitors and customers on the site are engaged in the Travel Plan process
 - A Travel Plan budget that covers the full implementation of the Travel Plan
 - A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area
- The site shall not be occupied until the Interim Travel Plan has been agreed. The approved Interim Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Interim Travel Plan and shall thereafter adhered to in accordance with the approved Interim Travel Plan.

33 **Details of SuDS components**

Prior to first operational use of the site details of all Sustainable Urban Drainage System components and piped networks shall be submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

34 **Electric Vehicle Charging Point – Commercial.** Prior to first operational use of the site, at least 5% of car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

35 **Electric Vehicle Charging Infrastructure Strategy**

Prior to first operational use of the site, an electric vehicle charging infrastructure plan shall be submit to, and approved in writing by, the Local Planning Authority. The plan shall provide details of where future provision will be provided to reach the required parking standard; trigger points for the addition of further charging infrastructure; and how the required electrical supply will be secured for each phase of future provision. The plan shall be implemented as approved.

36 **Lighting Design/Strategy For Light-Sensitivity Main Site**

Notwithstanding the details submitted with the application, prior to the installation of any external lighting and first operational use of the Western Way site, a Lighting Design Strategy shall be submitted to and approved in writing by the Local Planning Authority. In particular the strategy shall:

- i) Identify those areas/features on site that are particularly sensitive for biodiversity; and that are likely to be disturbed by lighting;

ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

37 **Lighting Design/Strategy For Light-Sensitivity Beetons Way North Car Park**

Notwithstanding the details submitted with the application, prior to the installation of any external lighting and first operational use of the Beetons Way North Car Park, a Lighting Design Strategy shall be submitted to and approved in writing by the Local Planning Authority. In particular the strategy shall:

- i) Identify those areas/features on site that are particularly sensitive for biodiversity; and that are likely to be disturbed by lighting;
- ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

38 **Signage Strategy – On-site**

Prior to first operational use of the site details of an on-site signage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include directional signage for the benefit of pedestrians and cyclists. The signage shall be installed in accordance with the approved details.

39 **Signage Strategy – Off-site**

Prior to first operational use of the site details of an off-site signage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include directional signage for the benefit of pedestrians and cyclists and shall include key links to the town centre and sustainable transport links. The signage shall be installed in accordance with the approved details.

40 **Parking - Western Way**

The use shall not commence until the area(s) within the site shown on WES051-PEV-00-XX-DR-A-9102 P04 for the purposes of LOADING, UNLOADING, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

41 **Parking - Beetons Way North Car Park**

The use shall not commence until the area(s) within the site shown on WES051-PEV-00-XX-DR-A-9104 REV P3 for the purposes of LOADING, UNLOADING, manoeuvring and parking of vehicles has been provided

and thereafter that area(s) shall be retained and used for no other purposes.

42 **Parking Management Plan**

Prior to first use a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details of how staff and visitors will be directed to the most appropriate car park and how car park use will be monitored and enforced and where appropriate how entry will be restricted to certain car parks. The details shall also include provision for athletics meetings alongside the existing athletics track.

43 **Access - Beetons Way**

The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. WES051-PEV-00-XX-DR-A-9104 REV P3 and made available for use prior to first operational use unless otherwise agreed in writing by the Local Planning Authority. Thereafter the access shall be retained in the specified form.

44 **Access - Beetons Way South**

The new vehicular access (roundabout) shall be laid out and completed in all respects in accordance with Drawing No. WES051-PEV-00-XX-DR-A-9102 REV P4 and made available for use prior to first operational use unless otherwise agreed in writing by the Local Planning Authority. Thereafter the access shall be retained in the specified form.

45 **Access - Olding Road**

The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. WES051-PEV-00-XX-DR-A-9102 REV P4 and made available for use prior to first operational use. Thereafter the access shall be retained in the specified form.

46 **Junction capacity works – Newmarket Road**

Prior to first operational use, junction capacity works to the Newmarket Road junction with Western Way, based on Drawing Nos. WES-PEV-XX-XX-DR-C-0227 P03 and 181377-PEV-XX-XX-DR-C-0235 P01 shall be completed and available for use.

47 **Junction capacity works – Asda roundabout**

Prior to first operational use, junction capacity works to the Asda roundabout junction with Western Way, based on Drawing No. 181377-PEV-XX-XX-DR-C-0221 P03 shall be completed and available for use.

48 **Junction capacity works – Olding Road**

Prior to first operational use, junction capacity works to the Olding Road junction with Western Way, based on Drawing No. WES-PEV-XX-XX-DR-C-0225 REV P05 shall be completed and available for use.

49 **Junction capacity works – Beetons Way/Western Way**

Prior to first operational use, details of the Phase 4 junction capacity works to the Beetons Way junction with Western Way shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be completed and available for use prior to first operational use.

50 **Cycle storage**

Prior to first operational use of any part of the site details of the cycle storage facilities for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details in accordance with an agreed timetable.

51 **Off-site improvements to cycle/pedestrian links**

Prior to first use the off-site cycle mitigation shall be provided in accordance with the Transport Assessment, Issue Number 01, dated 27 November 2019, and Cycleway Review R003-TJH-181377/17-2-A1302.

52 **Part L compliance**

Prior to first operational use of the site details of the Part L compliance should be submitted to the Local Planning Authority. This should be the Part L BRUKL compliance documentation that is required by building regulations. The information provided should include information on ventilation, lighting, heating and cooling and unregulated loads and where required any documentation relating to overheating and air tightness.

53 **Athletics track welfare facilities**

Prior to first operational use a plan shall be submitted to and approved in writing by the Local Planning Authority, which demonstrates there are adequate welfare facilities, including changing and showering facilities, for the benefit of the existing athletics track and community users of the artificial pitch. If such facilities are dependent upon Community Use Agreements these shall also be submitted to and approved in writing by the Local Planning Authority.

54 **Bus Service Improvements**

Eight (8) months prior to the first operational use of the site, and with reference to the viability and benefits of the overall scheme, an assessment detailing proportionate mechanisms for bus service improvements shall be submitted to the Local Planning Authority.

For the avoidance of doubt the report shall assess the following;

1. The facilities within the building and on the site
2. Anticipated travel patterns for staff and visitors
3. Public transport hubs within Bury St Edmunds town centre
4. Recommendations to improve bus services to the site via either a shuttle bus service, extensions to the inter-urban network or a hybrid solution
5. Operational arrangements of the proposed bus service (route, frequency, tariff, vehicle size and accessibility)
6. Operational constraints identified in the provision of the service

The assessment shall be approved in writing by the Local Planning Authority in consultation with Suffolk County Council and the recommendations carried out in full prior to first occupation of the site. The assessment shall be subject to twelve (12) monthly reviews for a period of five (5) years unless otherwise agreed in writing.

55 **Travel Plan – Full Travel Plan**

Within six months of first operational use of the site a Full Travel Plan shall be submitted for approval in writing by the Local Planning Authority. The Full Travel Plan shall be based on the detail required in accordance with Condition 32. The approved Full Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Full Travel Plan and shall thereafter adhered to in accordance with the approved Full Travel Plan.

56 **Demolition Method Statement (existing leisure centre)**

Prior to the demolition of the existing leisure centre a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of

- existing trees on or adjacent to the site of the leisure centre and measures for the protection of the trees during the course of demolition
- 57 **Time Limit- Detailed** The development hereby permitted shall be commenced no later than 5 years from the date of this permission.
- 58 **Approved Plans** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 59 **Unexpected Contamination**
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.
- 60 **Continued Use of Existing Leisure Centre**
The existing leisure centre serving the community shall remain operational until the new facilities are completed and ready for use.
- 61 **Protection of athletics track and any associated open space**
The existing athletics track shall remain open and operational at all times during the demolition and construction phases of the development, and shall thereafter remain in use as an athletics track together with its associated access in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 62 **Restrict use of Beeton's Way North Car Park**
The use of the Beeton's Way North Car Park shall be restricted to staff employed within the Hub, existing and proposed Leisure Centre and West Suffolk House and shall not be used by visitors to the site.
- 63 **Submission of solar panel details on buildings**
Prior to the installation of any photovoltaic panels on the Hub building hereby approved, details of the panels including their location and dimensions shall be submitted to and approved in writing by the Local Planning Authority. The panels shall thereafter be installed in accordance with the approved details.
- 64 **Submission of solar panel canopy details**
Prior to the installation of any photovoltaic canopies details of the canopies including their location and dimensions shall be submitted to and approved in writing by the Local Planning Authority. The canopies shall thereafter be installed in accordance with the approved details.
- 65 **Decked car park details**
Prior to work commencing on the construction of the decked car park details of the car park, including its internal and external appearance and access onto Beeton's Way, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 66 **Waste Compound – Woodland management plan**
Prior to work commencing on the construction of the waste/recycling compound (including site and vegetation clearance) a woodland management plan for the area surrounding the compound, including long term objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority. The woodland management plan shall be implemented in accordance with the approved details and timetable.

- 67 **Foundation Design**
Piling, or any other foundation designs and investigation boreholes using penetrative methods, shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 68 **CHP characteristics**
The physical and emission characteristics of the CHP and Boilers included within the energy centre must be as detailed within (or better than detailed, in relation to impacts on air quality) Table 1 of the RSK letter report reference 443584-02 (01) dated 3rd February 2020.
- 69 **BREEAM Standards**
No later than 12 months after the building hereby approved is first brought into use, a certificate demonstrating that the hereby approved building has gained at least a BREAAAM Very Good status shall be submitted to the Local Planning Authority.
- 70 **Ecology report requirements**
The development shall be carried out strictly in accordance with the Ecological Constraints, Opportunities and Recommendations within the Preliminary Ecological Appraisal dated 15 August 2019 prepared by RSK ADAS Ltd (Western Way) and the Preliminary Ecological Appraisal dated May 2019 prepared by RSK ADAS Ltd (Beetons Way).
- 71 **Visibility - Beetons Way**
Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 72 **Visibility- Beetons South Way**
Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 73 **Visibility - Olding Road**
Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the

metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

74 **Noise limit**

The noise when all plant is operating on site shall produce a maximum rated LAeq,T of 47 dBv during the daytime and LAeq,T of 42 dB at night, when measured and/or calculated in accordance with BS4142:2014 at any of the nearest residential properties.

Outline planning permission:

- 1 **Time** Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,
 - iii) In the case of approval on different dates, the final approval of the last such matter to be approved.
- 2 **Reserved matters**

Prior to commencement of development details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
- 3 **Noise assessment**

Any reserved matters application submitted for, or including, the construction of a nursery (including early years, or pre-school setting) shall be accompanied by a scheme or schemes of noise mitigation which aims to ensure that there is at least one area suitable for outdoor teaching activities where noise levels are below 50dB LAeq, 30mins, during normal school opening hours, as advocated within the Institute of Acoustics and Association of Noise Consultants 'Acoustics of Schools: a design guide' (November 2015). In the event that an outdoor teaching area with noise levels below 50dB LAeq, 30mins cannot be achieved, then an assessment of noise levels, and details of the mitigation options considered and to be implemented shall be submitted to and approved in writing by the Local Planning Authority. The development shall adopt the proposed scheme or schemes of noise mitigation as stated. The approved scheme shall thereafter be maintained as required and retained.
- 4 **Surface water drainage scheme**

Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance

with the approved FRA and fully implemented as approved. Details to be submitted include:

1. Details of further infiltration testing on site in accordance with BRE365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
2. Impermeable areas plan for the entire site – cross referenceable with hydraulic calcs.
3. Dimensioned drawings of the main aspects of surface water drainage system (for highway, buildings and all other hardstanding).
4. Modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
5. Infiltration devices shall only be used where they do not pose a threat to groundwater. There shall be at least 1.2m of unsaturated ground between base of the device and the groundwater table. Demonstration of adequate treatment for surface water shall be submitted. SuDS features should demonstrate betterment to water quality due to the site being in a Source Protection Zone.
6. If individual soakaways are being used they will be at least 5m away from any foundation (or more depending on strata).
7. Infiltration devices should aim to have a half drain time of less than 24hours.
8. Modelling of any pipe network in the 1 in 30yr rainfall event to show no above ground flooding.
9. Topographic plans shall be submitted depicting all safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
10. Minimum clearance to roots shall be applied to all underground pipework in line with Sewers for Adoption 6th Edition.

5 **Implementation, maintenance and management of the strategy for the disposal of surface water**

Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

6 **Arboricultural Impact Statement**

Concurrent with the first reserved matters application(s) an Arboricultural Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall also include the following:

- (i) Measures for the protection of those trees and hedges on the application site that are to be retained. 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 with 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.

- (ii) Details of all construction measures that are exceptionally required within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths, or other construction works,
- (iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

7 **Ecological enhancement**

Concurrent with the first reserved matters application details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

8 **Part L compliance**

Prior to first operational use of the site details of the Part L compliance should be submitted to the Local Planning Authority. This should be the Part L BRUKL compliance documentation that is required by building regulations. The information provided should include information on ventilation, lighting, heating and cooling and unregulated loads and where required any documentation relating to overheating and air tightness.

9 **Junction capacity works – Beetons Way/Western Way**

Prior to first operational use, details of the Phase 4 junction capacity works to the Beetons Way junction with Western Way shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be completed and available for use prior to first operational use.

47. **Planning Application DC/20/0784/FUL - Doctors Surgery, 10 The Chase, Stanton (Report No: DEV/WS/20/040)**

Planning Application - 1.5 storey rear extension to accommodate 4no. GP Consulting Rooms, Treatment Room, Interview Room and associated administrative and storage areas (following removal of existing portacabin)

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

The application was referred to the Delegation Panel as Stanton Parish Council raised concerns, which was contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 29 of Report No DEV/WS/20/040.

As part of his presentation the Principal Planning Officer included videos of the site which he took the Committee through by way of a virtual 'site visit'.

Speakers: Councillor Joanna Spicer (Suffolk County Councillor for Stanton) spoke against the application
Councillor Francis Hart (Chair, Stanton Parish Council) spoke against the application
Councillor Jim Thorndyke (Ward Member for Stanton) spoke on the application

Considerable debate took place on the application with a number of Members echoing the preference voiced by some of the speakers with regard to the alternative site for the village surgery's development in Upthorpe Road.

In response to which the Service Manager (Planning – Development) advised that any future facility plans/alternative sites were not a material planning consideration for this application. Furthermore, granting permission would not preclude the surgery from continuing to explore other options for growth.

Councillor Mike Chester proposed that planning permission be refused, contrary to the Officer recommendation, due to insufficient parking provision at the site and highway safety issues being exacerbated by surgery users parking on the neighbouring streets, primarily Parkside and Grundle Close. The proposal was also considered to be contrary to Policies DM2 and DM46. This was duly seconded by Councillor Andy Drummond.

The Service Manager (Planning – Development) advised the Committee that the Decision Making Protocol would be invoked in order for a Risk Assessment to be produced for consideration at a future meeting, prior to Members determining the application. The further report could also provide a more detailed analysis and interpretation of DM2 and DM46.

Upon being put to the vote and with 10 voting for the motion, 5 against and with 1 abstention it was resolved that

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to insufficient parking provision at the site and highway safety issues together with being contrary to Policies DM2 and DM46.

The meeting concluded at 1.33pm

Signed by:

Chair

Development Control Committee

7 October 2020

Planning Application DC/18/1425/FUL - The Woodyard, Stores Hill, Dalham

Date registered: 07 November 2018 **Expiry date:** EOT – 10 October 2020

Case officer: Adam Ford **Recommendation:** Approve application

Parish: Dalham **Ward:** Chedburgh and Chevington

Proposal: Planning application - Entry Level exception site for 2no affordable dwellings and ancillary access arrangements (partly retrospective)

Site: The Woodyard, Stores Hill, Dalham

Applicant: Mr Gordon Smith

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Development Control Committee determine the attached application and associated matters.

Contact Case Officer:

Adam Ford
Email: adam.ford@westsuffolk.gov.uk
Telephone: 01284 757353

Background:

1. This application was deferred from consideration at the Development Control Committee meeting on 2 September 2020.
2. Members resolved that they were minded to refuse planning permission due to advice contained within the 2015 Written Ministerial Statement¹ which relates to intentional unauthorised development and over concerns that the dwellings proposed are not affordable.
3. The Decision Making Protocol states that "where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director of Planning and Regulatory Services and the Assistant Director for Legal and Democratic Services (or officers attending committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc. risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity."
4. The purpose of this report is to provide a risk assessment for Members in accordance with the Decision Making Protocol, should planning permission be refused for the development, contrary to the officer recommendation, having regard to its accordance with the development plan, the 2019 National Planning Policy Framework (NPPF) and the absence of objections from relevant consultees such as Suffolk County Council Highways Authority, the Local Planning Authority's (LPA) Conservation Officer, the LPA's Strategic Housing team or Public Health & Housing.
5. The officer recommendation, which is set out at the end of this report, remains that planning permission should be approved.
6. For details of the proposal, site, planning history, consultations, representations, policy, and Officer comment, please refer to the full Officer report as prepared for the Development Control Committee meeting dated 2nd September 2020.

¹ HCWS423: Green Belt protection and intentional unauthorised development

Summary of additional public comments submitted to the LPA

7. Since the item was presented to the committee on 22 July 2020, a number of further public comments have been submitted to the LPA and these are summarised below.
 - Visibility splays cannot be met
 - Late papers prevented members considering the application in detail
 - Committee report was biased
 - S106 agreement was published on website without notice
 - Scheme is not compliant with NPPF's definition of affordable housing
 - Section 70c of the Town and Country Planning Act has been misapplied
 - Scheme is not materially different to that already refused

Risk Assessment:

8. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to refuse planning permission for the development proposal, having regard to the development plan and the officer recommendation to approve planning permission. For the reasons set out in this report it remains officers' recommendation that planning permission be approved. If Members remain minded to refuse the application, they must be satisfied that any risks associated with doing so have been properly considered.
9. Members will recall that the previous officer recommendation was to approve planning permission as the proposal is considered to meet the provisions of local and national policy. As proposed the scheme will result in two affordable housing units being secured with no material reasons to justify the refusal of planning permission.
10. During the meeting on the 2 September however, Members expressed concern that the two dwellings proposed would not be affordable and that the 2015 Ministerial Statement should weigh heavily against the proposal.

Concerns relating to affordability of the dwellings

11. The NPPF very clearly sets out the definition of affordable housing with 4 specific products offered in annex 2 of the document. The NPPF is a material consideration and represents the Government's policy on planning matters. If a proposal meets with the definition of 'affordable housing' as set out within the document, it must be considered as such. The definition as prescribed by the NPPF is set out within appendix 1 of this report. In considering whether the units are 'affordable' within the context of the NPPF, Members must be aware that the specific price is not relevant and cannot therefore underpin a refusal reason which would withstand scrutiny at appeal.
12. The LPA's strategic housing team have offered further comments which confirm this position clearly for Members and the full response is shown in appendix 3 of this report. An important point to note within this response from Strategic Housing

is that is clarifies, clearly, that house price is not what determines whether the property meets the NPPF's definition.

13. Officers remain satisfied that the proposal as submitted represents compliance with the definition as set out within the NPPF and paragraph 71 of the NPPF with respect to entry level exception sites.
14. It was suggested by Members that the proposal could not be considered against product D as only a particular section had been highlighted in the previous report. This is because product D provides a number of options, but the relevant part with respect to this application is the reduction in price to at least 20% of the open market value. The applicant is not proposing shared ownership units or relevant equity loans. Whilst the retrospective nature of the application is noted, as a matter of fact, the scheme complies with the definition of affordable housing as within the NPPF.
15. With respect to the affordability concerns, members' attention is drawn to the Unilateral Undertaking which has been submitted by the applicant. This agreement legally requires the applicant to only offer the units to first time buyers and at a price of at least 20% below the open market value. Members had concerns that a 20% reduction would not be sufficient for first time buyers and officers acknowledge this concern. However, in this scenario, because the legally binding S106 agreement states the houses may **only** be sold to first time buyers, the only option available to the applicant without breaching the S106, would be to increase the level of discount by more than 20% until such a time as a first time buyer *could* afford the unit. The first-time buyer / renter restriction and the price reduction therefore operate together to control this development and ensure it remains compliant with the affordable housing provisions set out within the NPPF. This degree of control prevails in perpetuity and therefore controls each and every disposal as may take place.
16. Finally, members expressed concern that the units could be privately rented to individuals. Having sought further clarification from the LPA's strategic housing team, the S106 agreement will be amended so that rent is specifically prohibited. The S106 Agreement on the Council's website will be amended accordingly and should members resolve to approve this application it would be subject to the amended terms of the S106 being agreed prior to the issuing of a decision. This will mean that in order to comply with the S106 agreement, the units may only be sold in line with the scenario set out in paragraph 13.
17. With respect to the units being rented in breach of the S106, Officers consider this to be exceptionally unlikely on the basis that the S106 agreement is publicly available. Furthermore, members are reminded that permission cannot be refused for hypothetical or unsubstantiated reasons. To do so places the LPA at the risk of having costs awarded against it. To refuse this application on the basis that the applicant may not comply with the voluntarily signed S106 would represent such a risk.

18. To clarify, local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 - Failure to produce evidence to substantiate each reason for refusal on appeal.
 - Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
19. In this instance the applicant has agreed to enter into a legally binding S106 agreement which obligates him to comply with the terms contained within. It would, therefore, with reference to the advice in paragraph 16, be unreasonable and unjustified to refuse this application on the assumption that the S106 will not be adhered to.

Concerns relating to the weight afforded to the Written Ministerial Statement HCWS423

20. As noted during the meeting on the 2 September 2020, the Written Ministerial Statement (WMS) which refers to intentional unauthorised development was cited as being a reason by members to refuse this application. For clarity, the complete statement is set out within appendix 2 of this report.
21. As advised during the committee presentation, whilst this is a factor which marginally weighs against the scheme, the materiality of this Ministerial statement in the overall balance of considerations is a matter for the decision maker in each case. In the opinion of the LPA and given the outcome of the associated public inquiry, the development undertaken on this site can *potentially* be considered as intentional unauthorised development, noting the specific circumstances. However, it is important to note that the ministerial statement in question was published in December 2015 which predates the decision issued by the Inspector in February 2016 following the public inquiry. Given that the statement was in force and valid at the time of the Inspector's decision, had the Inspector felt the statement to be relevant to the determination of the appeal, it is fair to suggest it would have been mentioned or at least referenced within the appeal decision notice. However, it is not and at no point does the Inspector conclude that the development was carried out as a deliberate attempt to intentionally circumnavigate the jurisdiction of the planning system. Therefore, to refuse the proposal on this basis represents a significant risk to the Planning Authority and one that Officers do not consider as being able to withstand the scrutiny of an appeal.

22. It follows, consequentially, that modest weight against this proposal must therefore be attached to this fact in the balance of considerations. However, given the conclusions reached within the main report with regards to the acceptability and degree of policy compliance exhibited, it is not considered that the weight to be attached to this conclusion should be such that a refusal could be justified.
23. This approach is entirely consistent with the way in which several Planning Inspectors have interpreted the WMS statement.
24. Although this example is within a different district, planning appeal PP/X0360/C/16/3153193 relates to an Enforcement Notice issued by Wokingham Borough Council. The Enforcement Notice required the cessation of an unauthorised use and the subsequent removal of supporting operational development. The Inspector², at paragraph 40 of the appeal ascribes only moderate weight to the intentionally unauthorised nature of the development in considering the overall balance of the planning matters.
25. A further useful insight is offered within paragraph 33 of planning appeal³ APP/F9498/C/16/3145918 which is an appeal against an Enforcement Notice issued by the Exmoor National Park Authority requiring the demolition of an unauthorised building. In this appeal decision, at paragraph, the appointed Inspector notes that the intentionally unauthorised nature of the development but goes on to very clearly state that it is **not** sufficient in isolation to render the development as unacceptable. This is directly comparable to the current situation with respect to the Woodyard on the basis that there are, in Officer's view, no other material planning reasons to justify the refusal of this planning application.
26. This also reflects the approach taken by West Suffolk Council⁴ with respect to planning application DC/17/1763/FUL which sought planning permission to retain an unauthorised residential development. In considering this application, paragraph 56 of the committee report confirms that the WMS alone does not represent a sufficient reason to refuse an otherwise policy compliant scheme.
27. A similar position arises here with respect to the proposal before members. Officers have outlined that with the exception of the Written Ministerial Statement, there are no significant factors weighing against this scheme or material reasons to recommend the refusal of this application. The unauthorised nature of the development is noted, as is its potential to be intentionally so, but officers would maintain that this alone does not represent a robust reason for refusal.

² <https://prospectlaw.co.uk/wp-content/uploads/2018/01/APPEAL-DECISION-3153193-1.pdf>

³ <https://www.exmoor-nationalpark.gov.uk/about-us/meetings-agendas-reports/exmoor-national-park-authority/06-dec-2016/ar-enpa-06.12.16-Item-6.pdf>

⁴ <https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Planning Enforcement Matters

28. During the Development Control meeting on 2 September 2020, much discussion focussed on the extant enforcement notice which prevails across the site. Members are reminded that whilst this is a material consideration, the scheme as applied for has not been considered on its planning merits to date. It is therefore incorrect to state or assume that this application simply seeks to regularise the development that has been considered at appeal; it does not. The material difference between this scheme and the development as subject to the enforcement notice is clarified at the beginning of the appended committee report under the heading 'clarification'.
29. The position set out with respect to Section 70c of the Act remains unaltered as per the introduction set out at the beginning of the committee report.
30. The enforcement options with respect to the site are clarified within paragraph 16 of the attached committee report. In the event that planning permission is refused, the planning enforcement service would consider their options and pursue the most appropriate course of action based on an objective assessment which would consider expediency and the general public interest. Members are also advised that refusing this application does not, by default, mean that the units will be demolished or that further enforcement action will be pursued by the LPA.

Highway Safety

31. Although the application was not deferred on the grounds of Highway Safety, an amended visibility splay drawing has been submitted following a request from the Local Planning Authority due to an error on the plans. This amended visibility splay drawing (20-5650-201-REV C) has an upload date of the 22nd September 2020. Further comments from the Highway Authority have been submitted (23 September 2020) which confirm that they wish to raise no objection to the proposal and that the submitted visibility splays are acceptable.
32. Following the submission of this amended visibility splay, a public representation was made to the LPA which suggested that the submitted visibility splay was not achievable. In response to this, the Highway Authority have commented as follows:
- *"The plans are acceptable and meet current guidance. The photos (from a third party) are not taken from the points in which SCC would look at visibility and as such are not a reflection of the required vis splay. As stated before, the 120m towards the village is not technically needed (but was originally requested at a time before MfS (Manual for Streets) was proven to be suitable for this type of location), as MfS would require 43m or less if speeds are lower. I believe a planning inspector*

would not refuse this site on visibility in light of current guidance and lack of collision data since this site has been constructed.

Conclusion

33. It remains the professional opinion of officers that the proposal accords with the development plan and that there are no material considerations to indicate that a decision should be made contrary to the officer's recommendation. This is reflected in the recommendation made below.
34. Officers consider the development proposed in this case accords with policy. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.
35. In the absence of material reasons to substantiate a reason for refusal it is your officer's view that an appeal would likely be allowed due to the scheme's compliance with both national and local policy. The applicant would have the right to recover their appeal costs (in full or in part, depending upon the circumstances) from the council should the Inspector conclude the Local Planning Authority has acted unreasonably.
36. Notwithstanding the above, if Members are minded to refuse the application on grounds of amenity impact, then without prejudice to the officer recommendation of approval, the following refusal reason is suggested:

Refusal reason

37. This application seeks to retain two dwellings which are subject to an extant enforcement notice, as upheld through planning appeal APP/H3510/C/14/3000236. The development as a whole is therefore unauthorised. The application represents an attempt to retain unauthorised development which the Local Planning Authority has deemed to be unacceptable previously and this remains the case, despite the proposal now being for 2 affordable units as opposed to open market dwellings. Section 70c of the 1990 Town and Country Act is specifically designed to prevent repeated attempts to retain development which has already been considered as unacceptable by the Local Planning Authority. Furthermore, the Written Ministerial Statement (UIN HCWS423) Entitled "Green Belt protection and intentional unauthorised development" advises that where development is intentionally undertaken without the benefit of planning permission, this is a factor which must weigh against the proposal in the overall planning balance. In this instance, whilst the affordable status of the two dwellings is noted, this is not considered sufficient to outweigh the intentionally unauthorised nature of the development.

Officer recommendation

38. Subject to an amended S106 agreement, it is recommended that planning permission be **GRANTED** subject to all of the conditions (with an updated drawing number for visibility splay, amended plan received 22 September 2020) as set out within the original committee report dated 2 September 2020, which is included with this report as Working Paper 1.

Documents:

All documents submitted within this application, including consultation responses

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PCB6WRPD03E00>

Appendix 1 - Definition of affordable housing as per 2019 NPPF

Appendix 2 - Written Ministerial Statement regarding intentional unauthorised development

Appendix 3 – Additional comments from Strategic Housing team dated 24 September 2020

Working paper 1 – Development Control Committee report – 2 September 2020

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Definition of affordable housing as per 2019 NPPF.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Source:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

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Written Ministerial Statement regarding intentional unauthorised development

Statement

This Statement confirms changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto.

The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.

The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.

For this reason the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt to enable the Government to assess the implementation of this policy.

In addition we will consider the recovery of a proportion of relevant appeals in the Green Belt for the Secretary of State's decision to enable him to illustrate how he would like his policy to apply in practice. Such appeals will be considered for recovery under the criterion set out in 2008: "There may on occasion be other cases which merit recovery because of the particular circumstances."

After six months we will review the situation to see whether it is delivering our objective of protecting land from intentional unauthorised development.

The National Planning Policy Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. Consistent with this, this Statement confirms the Government's policy that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Source:

<https://questions-statements.parliament.uk/written-statements/detail/2015-12-17/hcws423>

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Additional comments from Strategic Housing team dated 24th September 2020

DC/18/1425/FUL The Woodyard



McCallister, Charlotte
 To: Ford, Adam; Salisbury, Julie
 Cc: Price, Lee

↩ Reply
↩ Reply All
➔ Forward
⋮

Thu 24/09/2020 11:24

📄 You forwarded this message on 24/09/2020 11:36.

Dear Adam,

Following on from committee and members concerns-

As I previously mentioned, The NPPF Paragraph 71 suggests; "Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should: a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards."

The applicant has submitted an application that is accepted as an entry level exception site in that it meets the requirement a) - the applicant has proposed discounted market sale (at a discount of at least 20%) in line with Annex 2. We have secured these properties under product D (other routes to homeownership) which complies on the basis that the units will be sold for a discount of at least 20% and controlled via a S106 to remain as this product.

I can confirm we are satisfied that the site meets component a of paragraph 71 and therefore see no reason for objection.

Whilst I acknowledge the concerns raised by Members on whether the dwellings are actually 'affordable', it is important to recognise that Annex 2 of the NPPF now allows for a wide range of affordable products and not just the commonly known affordable/social rent and shared ownership. 'Other affordable routes to homeownership' are defined within the affordable housing products. I need to stress the importance of the fact that the house price is not what determines whether the property meets the NPPF's definition.

Affordable housing products stipulated within Annex 2 of the NPPF will be appropriate for different people with different sets of circumstances. Affordable rent for example may not be appropriate for some as it can be charged over the Local Housing Allowance, up to 80% of the local market rents. This stipulation will alienate a proportion of people and therefore it may be deemed that social rent is a more appropriate product for their circumstances. Similar logic can be applied to this application but regarding home ownership aspiration. As an example, we have looked at the most recent sold prices in Dalham and a 3 bed sold for £350,000 in 2019. Therefore 20% (£70,000) discount on that property reduces the sale price to £280,000. This discount would assist in affordability for a first time buyer wanting to purchase in Dalham.

I appreciate that some first time buyers will not be able to afford these proposed discounted market sale properties and consequently other products as specified within Annex 2 of the NPPF (such as shared ownership) are available in order to meet these aspirations.

If you require any further assistance please do not hesitate to contact me,

Kind Regards

Charlotte McCallister
 Housing Specialist Strategy & Enabling Officer
 Strategic Housing

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WORKING PAPER 1

Development Control Committee
2 September 2020

**Planning Application DC/18/1425/FUL -
The Woodyard, Stores Hill, Dalham**

Date Registered:	07.11.2018	Expiry Date:	EOT - 03.09.2020
Case Officer:	Adam Ford	Recommendation:	Approve Application
Parish:	Dalham	Ward:	Chedburgh and Chevington
Proposal:	Planning Application - Entry Level exception site for 2no affordable dwellings and ancillary access arrangements (partly retrospective)		
Site:	The Woodyard, Stores Hill, Dalham		
Applicant:	Mr Gordon Smith		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Development Control Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Email: adam.ford@westsuffolk.gov.uk

Telephone: 01284 757353

Clarification:

This item was withdrawn from the July Development Control Committee agenda following a third party representation which suggested that the application as submitted ought not be determined by the Local Planning Authority on the basis that planning application DC/16/1735/FUL had already been refused on the 17th February 2017. The representation asserted that based on the advice contained within the National Planning Practice Guidance, a further application could not be submitted pursuant to S.70c of the 1990 Town and Country Planning Act.

In response to this claim, legal advice has been sought which has confirmed that there are no material or legal reasons for the Local Planning Authority to refuse to determine this planning application.

The legal advice issued to the Local Planning Authority confirms that section 70C is intended to provide Local Planning Authorities with a *discretionary* power to decline to determine repeated applications which test the same planning grounds. Section 70C of the act states that the Council "*may*" decline to determine a further application. As a matter of statutory interpretation this is expressed as a discretionary power; the section does not state that it "*must*" decline to do so. Therefore, it is a matter for the planning judgment of the Council to decide whether or not to exercise this power.

The advice further clarifies that the first application that was refused (DC/16/1735/FUL) was for open market housing and not affordable housing as is the current proposal. Given that the need for, and the provision of, affordable housing is treated as being different to open market housing and for which separate national and development plan policies exist, it is accepted that the change in the dwellings from open market housing to entry level affordable housing (secured by a section 106 planning obligation) represents a material change in circumstances. Furthermore, such a view reflects the comments of the inspector when determining the enforcement notice ground G appeal.

Accordingly, the Local Planning Authority do not intend to refuse to determine the application and the discretionary power conveyed within S.70c of the Act is not engaged.

Application context:

Having been submitted to the Local Planning Authority in 2018, on the 22 November 2019, the Ward Member, Cllr Mike Chester, requested that this item be presented to the Development Control Committee.

Accordingly, and owing to the conflict between the Officer's recommendation of approval and the Parish Council's objection (therefore triggering the Delegation Panel in any event), the application was presented to the West Suffolk Delegation Panel on the 17th December 2019.

Members of the Delegation Panel recommended that this item be heard before the Development Control Committee due to the site's (enforcement) history and the degree of public interest generated by the proposal.

Due to the requirement for amended plans *before* the item could be presented to the development control committee and the third party representation with respect to S.70c as above, there has been a moderate delay between the item being considered at the delegation panel and the item being presented to the Development Control Committee.

Proposal:

1. It should be noted that this application was initially submitted in July 2018; at which point it sought retrospective planning permission for two dwellings which were **not** affordable units.
2. However following advice from the LPA that the application could not be supported – for standard open market dwellings - the applicant wished for the LPA to consider the application as an exception site for affordable dwellings.
3. In its current form, this application seeks to retain the two existing residential properties as entry level affordable dwellings. It is important to note that this proposal is therefore materially different to the previously submitted application (DC/16/1735/FUL) as the dwellings are now to be affordable and not subject to sale on the open market.
4. The development comprises a pair of semi-detached dwellings (two in number) located within the village of Dalham, set back from Stores Hill.
5. The dwellings are linked by their respective garage blocks whilst the dwelling to the West of the site comprises one floor and the dwelling to East two floors. Taking the slightly irregular layout into consideration, the development occupies a footprint of approximately 27m x 14m with a maximum ridge height of 7m.
6. The materials used are brick plinths with rendered elevations and timber weatherboarding. The roof materials are reclaimed tiles whilst the windows and doors are timber.

Application Supporting Material:

The following documents have been submitted with this application:

- Completed application form
- Site Location Plan
- Proposed block plan
- Proposed parking plan
- Proposed elevations
- Proposed floor plans
- Planning Statement
- Heritage statement
- Contamination report
- Undertaking relating to the S106 agreement

Site Details:

7. The site is located on the west side of the village of Dalham and sits north of Stores Hill, behind an existing strip of modestly scaled residential properties.
8. From a land use perspective, the application site is located in the countryside as opposed to being located within a settlement boundary and it straddles the defined Conservation Area boundary. Residential development is concentrated to the East and South of the application site with open, undeveloped countryside to the North and West.
9. No listed buildings are impacted by this development and there are no Tree Preservation Orders on or in close proximity to the site.

Planning History – Applications for determination

Reference	Proposal	Status	Decision Date
DC/16/1735/FUL	Planning Application - 2no. dwellings and ancillary access arrangements (retrospective)	Refused	10.02.2017
APP/H3510/C/14/3000236	Appeal against enforcement action for breach of without planning permission the erection of two dwellings	Appeal dismissed	03.02.2016
F/81/340	Erection of 4 houses & retention of one barn for garaging access	Refuse	10.07.1981
N/73/1897/M628/73	Planning permission for 11 Dwellings.	Approve	16.10.1973

Planning History – Enforcement matters

10. Whilst the above sets out the site's historic applications for planning permission, Members' attention is drawn to the site's relevant enforcement history as this is something which features heavily in the Parish Council's comments and other public comments; it shapes the context for this application.
11. The chronological order below sets out this important chain of events.

14th October 2014

- A Planning Enforcement Notice is issued alleging that the two dwellings in question had been built without planning permission and should be demolished within 6 months.

17th June 2015

- A public enquiry to deal with the Enforcement appeal opened on 17th June 2015. The appeal was made on Grounds C and G of S.174 of the Town and Country Planning Act 1990.

12. With respect to the grounds of appeal, please note:

- **Ground C** is that the matters alleged do not constitute a material breach of planning control.
- **Ground G** is that the time afforded for compliance is not sufficient.

3rd February 2016

- The appeal was dismissed by the appointed Inspector who noted the following points with respect to each ground of appeal and the options available to the appellant:
 - **Ground C:** *"I therefore conclude that on the balance of probabilities there is no valid planning permission for the two houses, and that a breach of planning control has occurred. The appeal on ground C therefore fails."*
 - **Ground G:** *"I consider the appeal should succeed to the limited extent on ground G, and I intend to vary the enforcement notice accordingly."* (Inspector therefore afforded 12 months to secure compliance).
 - **Paragraph 53 of the appeal decision:** *"I consider a 12 month period would be more suitable, which would include a period for the appellant to explore whether there are other possible options for the two houses"*

13. To address the comments of the Inspector, the applicant submitted an application to retain the dwellings (as open market units) as set out under DC/16/1735/FUL. However, this was refused due to the conflict with development plan.

14. An appeal against this refusal was made to the Inspectorate but it was turned away due to it being late in submission. As such, whilst the development as it stands is unlawful, the site has not benefitted from a '**Ground A**' appeal; that is to say that the planning merits of the scheme have not been tested through the appeal process.

15. **Consultations:**

16. **Planning Enforcement**

- It would be useful to clarify the enforcement position in relation to the options available to the Council where there is non-compliance with an Enforcement Notice. There are essentially three options.
- Firstly as non-compliance constitutes an offence there is an option to commence proceedings. Such action requires the Council to consider the Public Interest test which includes all material facts surrounding the matter. The Court may also look dimly at

proceedings being undertaken whilst a landowner is exploring other options with the Council. It is also worth noting that the Courts cannot force compliance with the Notice but are limited on conviction to criminalisation only.

- Secondly, the Council can enter the land and carry out the requirements of the notice themselves. This is a costly option and although the Council can pursue the landowner for expenses reasonably incurred, this often ends in a charge being placed on the land with no immediate likelihood of reimbursement.
- Thirdly and as is the case here, the Council can decide to under enforce. That can include and vary from tolerating the breach and taking no further action to proactively looking at other options. The Council is required to act in accordance with its own rules and protocols on enforcement and part of that consideration is to exhaust all possible routes before considering the first two options.
- Similarly, the Council is required to act proportionately and reasonably in considering its options. In this case, other than the technical infringement of the notice there is little ongoing harm. The enforcement clock has stopped and the buildings cannot become lawful by the passage of time. It is both reasonable and proportionate to allow the applicant to explore ways of retaining the buildings.
- If the application is refused then the matter will be reviewed and all three options reconsidered.

17.Strategic Housing Team

- The NPPF suggests that *"Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should: a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards."*
- The applicant has now submitted this application with an amendment that it is considered an entry level exception site as above. I acknowledge the proposal is to provide the affordable housing in line with Annex 2 of the NPPF, as discounted market sale. A S106 will be required to secure the provisions that the dwellings are sold to first time buyers, at discounted market sale, sold at a discount of at least 20% below local market value.
- I can confirm that there are no discounted market sale properties within the local authority area, other than Bury St Edmunds. The

Help to Buy register is also indicating a need for discounted market sale properties within West Suffolk.

18.LPA Conservation Officer

- Views of development limited by landscaped boundaries and topography of site. Traditional materials have been used for the buildings. New buildings in conservation areas do not have to copy traditional architecture but should reflect character of the conservation area in terms of scale and materials. By virtue of their design and materials the new houses are consistent with the conservation area, and do not appear discordant in the street scene.
- Further comments were provided by the Conservation Officer on the 3rd July 2020 raising concerns about the visual impact of the proposed fencing. However, in response to this, a further amended plan has been provided by the applicant which shows the fencing closest to the road as being reduced in height. This has addressed the Conservation officer's comments.

19.Environment Agency

- No comments to make and no conditions offered.

20.LPA Environment Team

- No objection to proposal subject to conditions relating to contamination and air quality

21.SCC Highways

- No objection to the proposal subject to the imposition of conditions which seek to control visibility splays, retention of parking areas and provision of cycle storage. Risk of vehicle displacement highlighted however.
- On the 9th July 2020, the Highway Authority clarified that the 150m visibility splay previously requested could be reduced to 90m in both directions.

22.Public Health and Housing

- No comments to make and no conditions offered.

23.Cambridge Airport

- No objection to proposal and no conditions offered

24.Suffolk Fire & Rescue

- No objection or conditions but standard advice issued with respect to access, hydrant proximity and sprinklers.

Representations:

25. Dalham Parish Council

- The Parish Council's previous position (as set out within DC/16/1735/FUL) remains unchanged, namely that the current Enforcement Order on the site should be complied with and that the application should comply with current planning regulations.
- The Parish Council's previous objections to the design of the properties also remain:
- The design of the proposed developments is out of character with the local vernacular architecture, where over 30% of the properties are listed, and would cause harm to the unique visual amenities of Dalham's varied street scene and conservation area.
- The size is too large compared to the Almshouses nearby, the shape of the roof is of a modern style which is not reflected anywhere else in Dalham.
- The design and scale of the properties adversely impacts on the views into and out of the Conservation Area.
- Dalham Parish Council believes the designation of the site for affordable housing is questionable as Dalham is not a sustainable settlement and lacks the essential services that first-time buyers of affordable housing could be expected to need. Even at a discounted rate of 20% of market value, the cost of the affordable housing will be beyond the reach of most first time buyers.
- Dalham Parish Council objects to this application on the basis of highways safety. The response from Highways states that an area be provided for on-site parking and manoeuvring of vehicles.
- The proposed access joins the B1085 at the bottom of Stores Hill. At this point the road narrows to a single carriageway making access onto it even more precarious. This is a busy road with no footway and accessing it at this point will be unsafe, particularly as vehicles travel at speed as they enter the village.
- The proposed access area has been used as a parking area by residents of the Almshouses for over 40 years without hindrance. Removing this parking area would force residents of the Almshouses to park on Stores Hill which Highways says would be detrimental to Highways safety to users of Stores Hill.
- Should the application be approved nonetheless, the S106 agreement for the affordable housing should contain a provision for alternative satisfactory parking for the residents of the Almshouses in perpetuity and any other highways

improvements needed to ensure the safety of the residents living in the area.

- The amenities of the Almshouses will be damaged as the development is too close to the Almshouses and some windows overlook their gardens. There should be a planning condition that screening through additional planting be provided to mitigate the impact on the Almshouses and prevent overlooking.
- In response to the most recent consultation, on the 26th June 2020, the Parish Council reiterated their previous objection and also noted the following:
- There has been a minor amendment proposed by the applicant to resolve the issue of overlooking. Some of the windows which were overlooking neighbouring properties have been proposed for removal. The application still fails to address the concerns raised in previous responses from the Parish Council. The proposed change to the fencing as shown in the plans appears to block the access to number 18 Stores Hill and this will have an adverse impact on the Almshouses if it restricts their access.
- Dalham Parish Council asks that West Suffolk Council takes into account the objections raised by the Parish Council and residents. It would appear that these responses have either been given insufficient weight or have been completely ignored. A lengthy and costly enforcement process took place culminating in an Enforcement Notice for the properties to be demolished. Dalham Parish Council believes that it will undermine the planning system if West Suffolk Council simply ignores the Enforcement Notice served previously on the Applicant.

26. Ward Member (Cllr Chester)

- The reasons for my call-in request are: Parish council objects, multiple resident objections, concerns over car parking and the ongoing speeding traffic problems in Stores Hill and to firmly establish the thread of events that have led to this current application and confirm that due process has been observed.

27. Public Comments:

The below represents a summary of public comments lodged against this application. For full, unabridged comments, Members are invited to refer to the LPA's website.

28. The Old Dairy, Denham Road

- Application is designed to circumnavigate the planning system and renders the money spent on enforcement matters redundant. Locality has poor public transport and employment. If approved, cars will be displaced onto the highway and the applicant should

have to mitigate against this. Calling the dwellings affordable does not make them acceptable and the likely cost would prevent them ever being affordable. If approved, there is a significant risk to highway safety.

29. Derisley Cottage Homes

- Removed window is noted and neutral comments with respect to fencing and car parking.

30. Old Manor, The Street, Dalham

- Objection on the grounds that Dalham is not appropriate for affordable homes due lack of services and facilities. Insufficient parking provision and application attempts to justify unauthorised development.

31. End Cottage, Lidgate Road, Dalham

- Application still fails to address fundamental concerns around access, highway safety and the loss of parking for the Almshouses nearby

32. Malt Kiln House, Gazeley Road, Dalham

- Enforcement Notice should be upheld irrespective of the way the application is labelled. Removed window gives rise to unsightly blank elevation.

33. Dairy Farm, 2 The Street, Dalham.

- Houses were built with complete disregard for the planning application process and have been subject to an enforcement order. The Removal of parking which the Alms houses have used for over 40 years and the right to privacy in their back gardens is unacceptable.

34. 1 Stores Hill, Dalham

- Objection due to overlooking, lack of privacy and adverse impact on Highway safety.

35. The Coach House, Denham Road, Dalham

- Out of keeping with village and adverse impact on Highway safety due to lack of parking.

36. 16 Stores Hill, Dalham.

- Enforcement Notice should be upheld, not in keeping, unacceptable to seek retrospective permission, adverse impact on parking and highway safety.

37. 2 Stores Hill, Dalham

- Adverse highway and parking impacts, Enforcement Notice should be upheld and application fails to showcase the need for affordable housing. Referring to dwellings as affordable does not alter the fact that the proposal should not be approved.

38. 1 Lidgate Road, Dalham

- Proposal gives rise to unacceptable harm to the Highway. This development was knowingly carried out without the benefit of planning consent. It was the subject of a Public Inquiry when the Inspector noted that the applicant and his agent had been less than honest with their statements. His judgement was that the development was illegal, and he ordered demolition within 12 months. If the Local Authority are not prepared to enforce that decision the Inquiry was a waste of the officials time and public finance.

I stand by all of my previous objections, a few minor cosmetic changes do not make this a legal or desirable development. Nothing has been done to improve the dangerous road access or the parking problems. It is time that the Local Authority took action to disprove the theory that if you are sufficiently brazen you can get away with anything.

39. Street Farm, Dalham

- Makes mockery of planning legislation, unacceptable impact on highway safety, displacing of cars onto public road and the buildings sit awkwardly on the site. They should be demolished.

40. Spring Cottage, Dalham

- Unacceptable access arrangements & no evidence to substantiate affordability claim. Current proposal undermines current affordable units already in Dalham.

41. 4 Brookside, Dalham.

- This matter has been considered at great length by the directors, officers and staff of District Council at enormous costs to the rate payers, and a continual drain to the public purse; there should therefore be no other decision than to stand by the previous decisions of the Inspectorate and latterly the Councillors to refuse permission for these dwellings. Dalham does not require more affordable housing and there is a lack of demand in any event. The properties will not have been built to the required standard and they would not carry the correct certification.

Planning Policy:

42. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The

development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

43. The following policies of the Forest Heath Core Strategy 2010, Site Allocations Local Plan 2019 and the Joint Development Management Policies Document and the have been taken into account in the consideration of this application:

Site Allocations Local Plan 2019

- Site Allocations Local Plan 2019 (former Forest Heath area) SA1 - Settlement boundaries

Core Strategy Document 2010

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision
- Core Strategy Policy CS10 - Sustainable rural communities

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside

- Policy DM46 Parking Standards

Other Relevant Planning Policy:

44. The National Planning Policy Framework (the 'NPPF') was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

45. The issues to be considered in the determination of the application are:

- Principle of Development
- Design form and scale
- Impact on Conservation Area
- Residential amenity
- Ecology Matters
- Highway Matters
- S106 implications

Principle of Development

46. As noted at the beginning of this report, the application site lies within the open countryside beyond any of the LPA's defined settlement boundaries; noting that Dalham has no defined settlement boundary. However, the application is for an entry level exception site and it is therefore important to establish, before further consideration, whether or not the principle of the proposed development is acceptable in planning terms.

47. In line with the provisions of paragraph 79 the National Planning Policy Framework (2019), policy SA1 of the 2019 Site Allocations Local Plan (SALP) in conjunction with policies CS1 and CS10 of the Forest Heath Core Strategy aim to direct residential development to within the locality's defined settlements as opposed to within the open countryside. This reflects the provisions of the NPPF which sets out that in general terms and without good justification, housing in the countryside should *generally* be resisted.

48. In this vein, policy DM5 goes on to then provide that areas which are designated as countryside will be protected from unsustainable development and that new or extended buildings will only be permitted, subject to compliance with other policies, where exceptional circumstances apply. Policy DM5 specifically states however that proposals for affordable housing for local needs can be supported where such development is proposed in the open countryside. Therefore, whilst the principle of market dwellings is not supported in this location, there is a distinct and material difference when a proposal seeks affordable dwellings. The 'affordable'

nature of the dwellings is a material planning consideration and one which is able to attract its own degree of support when the principle of development is being considered by the LPA.

49. The Government has made it clear that all local planning authorities which have small rural communities should include an 'exception site policy'. Much of the District is subject to policies of development restraint. The Countryside, including a large number of smaller villages, is not regarded as an appropriate location for new house building. However, in order to contribute to balanced communities in rural areas affordable housing will be permitted outside selected settlements as exception sites; which is directly relevant to this proposal.

50. However, the 2019 NPPF differentiates between types of exception sites and broadly speaking, there are two types of 'exception site' for housing:

- Rural exception sites
- Entry level exception sites

51. The NPPF provides the following definitions of each type of exception site:

- **Rural exception sites:** Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.
- **Entry-level exception site:** A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 71 of this Framework.

52. As such, in this instance, owing to the LPA being unable to support the site for market dwellings, the applicant presented the site as an entry level exception site for affordable housing.

53. At paragraph 71 of the 2019 NPPF, LPA's are expressly encouraged to support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. The NPPF sets out that these sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework;

and

- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

54. In considering these points, formal comments from the LPA's Strategic Housing team have been sought. On the 4th December the submitted consultation response confirms that the team have considered the proposal within the context of the opportunities offered by paragraph 71 of the NPPF and are content that the development as proposed is capable of being considered for entry level dwellings.

55. It is therefore useful at this juncture to explore how the NPPF defines affordable homes as paragraph 71 requires any such proposal to meet the types of affordable products set out within Annex 2 of the NPPF. Within Annex 2 of the NPPF, affordable housing is defined as:

56. *Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

- **Product A) Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- **Product B) Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- **Product C) Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- **Product D) Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded

to Government or the relevant authority specified in the funding agreement.

57. Policy CS9 of the FHDC Core Strategy is clear that proposals for affordable housing development within areas designated as small settlements and countryside will be permitted where there is a proven need and where the units will be made available to local people. However, it should be noted that the FHDC Core Strategy predates the NPPF and as such, it makes no reference to the provision of entry level sites. As such, whilst the development will not be restricted so that it is only made available for local residents and this therefore represents a technical conflict with CS9, given the provisions with the 2019 NPPF – which actively encourages the LPA to consider entry level exception sites – this is not judged to represent a significant conflict with the development plan.

58. It should further be noted that the applicant has not necessarily proven a local need but in offering the comments that they have, the LPA's Strategic Housing team have confirmed that the proposal will contribute towards an established need for affordable units in Dalham. This weighs significantly and substantially in favour of the proposal.

59. In this instance, having considered each affordable housing product and with reference to policy CS9, the LPA's position is as follows:

- **Product A: Affordable housing for rent** - No Registered Provider (RP) has been identified here to take these units on because they are retrospective and unsuitable for an RP and thus they cannot meet the requirement. Product A is therefore not applicable.
- **Product B: Starter homes** - The legislation is not yet clear on how these products are to work and so the LPA does not consider this product at this time to be suitable.
- **Product C: Discounted market sales housing** - The Council and strategic housing team are yet to establish how these products are to work within the jurisdiction area and so we do not consider this product at this time to be suitable.
- **Other affordable routes to home ownership** – With products A, B and C deemed inappropriate, the LPA must consider if product D is applicable. Given the comments from the Housing team and owing to the fact that product D enables the LPA to consider “low cost homes” at a price equivalent to at least 20% below local market value, this option, if Members are minded to approve the application, is the most appropriate.

60. Turning again then to paragraph 71 of the NPPF which sets out the criteria for entry level exception sites, as set out above, part a of the requirement is met and this leaves part B which requires exception sites to be:

- a) adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

61. In this instance, the proposed site is adjacent to the settlement of Dalham and is for two dwellings only. Importantly, footnote 33 of the NPPF requires

entry level exception sites to be less than 1 hectare (this site is 0.1 hectare) and further provides that they should not exceed 5% of the total settlement.

62.The 5% calculation is slightly nuanced in that the NPPF does not dictate how it should be worked out. The LPA’s preference is to compute this on a spatial basis but in the interest of clarity, two methods are shown below for the avoidance of doubt.

	Spatial analysis	Number of dwellings
Method	Line drawn around main residential components of village	Number of dwellings counted by referencing confirmed address points
Total settlement size	103 hectares	79 dwellings
Proposed dwellings as a proportion of settlement	0.1 ha / 103 ha = 0.098%	2 / 79 = 2.5%
Less than 5% as required by NPPF?	YES	YES

63.As illustrated above, which ever method is used to calculate the relative size of the proposed development site, the proposal is able to comply with the requirements set out within the NPPF. The impact of the development on designated assets and the broader design principles are considered at the relevant junctures within this report.

64.Accordingly, having regard to the recommendations of the Inspector who recommended that further uses for the development be explored (see earlier appeal summary), the provisions of the NPPF, DM5 of the Joint Development Management Policies Document and policies CS9 and CS10 of the Core Strategy, the principle of two entry level affordable dwellings in this location is acceptable.

Design, form and scale

65.With the broad principle of development established as being something that the LPA can support, consideration must next be given to the design, form and scale of the proposed development on the basis that it is not enough for the principle in isolation to be supported. The detail and technicalities of the proposal must also be acceptable and sufficiently compliant with the development plan in order for the LPA to grant planning permission.

66.In conjunction with policy DM2, policy DM22 indicates that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.

67. The NPPF is also clear at paragraph 124 that the creation of *"high quality buildings and places is fundamental to what the planning and development process should achieve"*. The NPPF stresses that *"good design is a key aspect of sustainable development, creates better places in which to live and work"* and therefore, the inverse of this applies. Poor design cannot be deemed sustainable development and should thus, in the absence of material considerations, be refused.
68. In this instance, the proposed development is screened to a large extent by the existing development already in situ and as such, the proposal does not dominate the street scene or give rise to unacceptable visual impacts with respect to its scale, design or form. Unrestricted views of the development are not possible and due to the dwellings being set back from the main street scene, they do not present as additions which are incongruent with the wider street scene or urban character.
69. Furthermore, Dalham comprises a mix of property types and designs to prevent the proposed development from appearing as visually jarring or discordant with the locality's existing form of development.
70. The objections submitted with respect to the scale and size of the development are noted but with a maximum ridge height of 7m, the LPA do not consider the proposal to be inappropriately large for its context or of a scale which comprises the existing visual amenity of the application site or the wider visual aesthetics of the village. A material and substantial conflict with policy CS5, DM2 or DM22 is not therefore judged to arise.
71. It is noted that the development could reasonably be described as irregular in shape; it has a varied roof form and by virtue of the ground levels also has a mix of single and two storey design. In addition, the dwellings are not a standard rectangle and they do not appear as a traditional semi-detached development.
72. In this regard, Policy CS5 actively encourages proposals to embrace distinctive design features and, provided the locality's character is not unduly compromised, it also advocates the use of innovative design. The varied nature of the roof form and the multi levelled development, whilst not necessarily innovative does represent a distinctive design and one which does not adversely impact the street scene due to its degree of separation from the main street scene and the limited views into the site itself.
73. Despite the limited views into the site and the minimal interaction that the development has with the public realm, the varied roof form and mirrored roof pitches introduce a visually interesting design which sympathetically respects the surrounding scale and massing of the adjoining development.
74. As such, due to the limited extent to which the development is visible but in conjunction with the sympathetic design and scale, the proposal is not judged to represent a significant conflict with policies CS5, DM1, DM2 or DM22 to such an extent that the LPA would wish to argue a refusal on these points.

Impact on Conservation Area

75. The application site lies within the Dalham Conservation Area. Accordingly, the impact upon this designated heritage asset must be considered fully as per the statutory duty placed on the LPA by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
76. From a national planning policy perspective, the NPPF advises at paragraph 184 that Heritage Assets, such as Conservation Areas are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
77. As set out by paragraph 194 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
78. In addition, Vision 1 and policy CS3 of the FHDC Core Strategy both require proposals to take into account, where applicable, their historic setting. This is further bolstered by policy DM17 of the Joint Development Management Policies Document which provides that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area (or its setting), and views into, through and out of the area whilst also being of an appropriate scale, form, height, & massing. DM17 further sets out that materials used within such proposals should harmonise with the character of the Conservation Area and should not visually detract from established, important historical features.
79. Accordingly, formal comments from the LPA's Conservation Officer have been secured and they are as follows:
- *"Views of development limited by landscaped boundaries and topography of site. Traditional materials have been used for the buildings. New buildings in conservation areas do not have to copy traditional architecture but should reflect character of the conservation area in terms of scale and materials. By virtue of their design and materials the new houses are consistent with the conservation area, and do not appear discordant in the street scene"*
80. In light of these comments which have not altered since the application was last considered by the LPA, no conflict with the advice contained within the NPPF or the development plan (namely policies CS3 and DM17) has been identified. No conditions are required from a Conservation perspective either and this further illustrates the lack of concern from a Heritage preservation perspective.

Residential amenity

81. Both policies DM2 and DM22 seek to secure development proposals which do not have an unduly adverse impact on residential amenity. Paragraph 127 of the NPPF further reiterates that existing amenity should not be

unduly eroded by proposed development. This requirement is particularly relevant to the proposal under consideration as the application site is positioned 'behind' existing properties and the impact upon neighbouring dwellings must therefore be considered.

82. With respect to their scale and massing, the two dwellings do not present as unduly large additions which have the potential to harm amenity. They do not loom over existing development and they are positioned such that they do not dominate the street scene or give rise to an unacceptable visual impact.

83. Due to their location 'behind' existing development, amended plans have been sought by the Local Planning Authority to ensure undue overlooking cannot take place. The initially submitted plans indicated that there would be a large number of windows on the southern elevation which would, if occupied, give rise to unacceptable overlooking into the private amenity space of the off-site dwelling to the south of the development.

84. In particular, the upper floor windows were highlighted as representing a significant concern and in response, amended plans have been submitted to the Local Planning Authority in an attempt to address the identified overlooking. The amended plans have been altered by:

- The removal of 2 upper floor windows on the southern elevation
- Introduction of glazing and restrictive opening to the remaining upper floor window
- Additional first floor window installed to the east elevation
- Indication of close boarded fencing to the south elevation to prevent direct views into private amenity space of off-site dwellings.

85. These amendments are considered satisfactory in addressing the harmful overlooking which *would have* arisen had the changes not been made. The removal of the upper floor windows from the eastern dwelling means that direct views into the private amenity space of the adjacent dwelling is no longer possible. It is noted that the smaller upper floor window remains but the plans, as submitted, indicate that this will be obscure glazed with only a top opening vent. This can be controlled through the imposition of a suitably worded planning condition.

86. With respect to the ground floor windows, as indicated on the amended block plan, a new 2m high close boarded fence is proposed and this further mitigates against direct views into the adjacent neighbouring property. To further protect the longevity of an appropriate relationship, the fencing will be subject to a condition which requires it to be retained in the approved form. This ensures residential amenity is not unduly compromised after planning permission has potentially been granted and therefore satisfies policy DM2.

87. Given the degree of space afforded to the dwellings and the separation distance between the proposal and existing development, no further adverse impacts upon residential amenity have been identified. The access track does not result in cars manoeuvring in an unacceptable proximity to the existing off site dwellings whilst the fencing along the access will also serve to prevent headlights disturbing the occupiers of offsite properties.

88.As noted above, an undue adverse impact upon residential amenity has not been identified with respect to the proposed scheme. However, given that the dwellings have been built already, a suitably worded condition will need to be imposed which prevents occupation from taking place until the upper floor windows have been removed as indicated and the fencing as drawn on the amended block plan has been installed.

Ecological matters

89.As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

90.The National Planning Policy Framework indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 175). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.

91.In this instance, owing to the pre-existing nature of the development and its location in close proximity to occupied dwellings, the proposal is not judged to be one which has the potential to inflict harm upon local biodiversity or require further supporting information. No valuable habitats are at risk and the site is not subject to any special protection from an ecological perspective. As such, a phase 1 ecology report has not been submitted nor requested by the LPA.

92.However, given the advice contained within the NPPF and the thrust of policy DM12 (Mitigation and Enhancement of Biodiversity), a condition will be imposed on the permission which requires suitable biodiversity enhancement measures to be delivered before the units are occupied. This represents an approach which is commensurate with the scale of the development and, importantly, satisfies the NPPF's tests for imposing planning conditions.

Highway Matters

93.At paragraph 109, the 2019 NPPF provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed and the degree of interaction with the public highway.

94.In this instance, the proposal results in a new access onto Stores Hill which will serve the two proposed dwellings only and as such, formal comments have been sought from the Highway Authority.

95.In their initial comments dated November 2018, the Highway Authority offered no objection subject to conditions with a similar response provided in November 2019 after a re-consultation.

96. In June 2020, an amended block plan which indicated the installation of fencing adjacent to the proposed access track was submitted. In response to this amendment, the Highway Authority provided further formal comments dated 1st July 2020 and the 9th July 2020. These comments confirm that they still wish to raise no objection subject to the planning conditions previously set out. The required conditions will control the following:

- Provision of visibility splays
- Provision and retention of parking areas
- Cycle storage
- Location of gates

97. With respect to the visibility splays required, it should be noted that in their formal comments dated 1st July the Highway Authority advised that visibility splays of 150m in each direction should be provided. However, following a review of their position, the Highway Authority have clarified that visibility splays of 90m in each direction are acceptable and appropriate. This is confirmed in their amended comments dated 9th July 2020.

98. The formal comments from the Highway Authority dated 1st July 2020 raise concern that if approved, the scheme may result in vehicles being displaced onto the highway due to the currently disused site entrance being required by the occupiers of the proposed dwellings. This concern is understood given the Highway Authority's remit but from a planning perspective, it cannot be ascribed significant weight on the basis that the land is privately owned and the owner is at liberty to prevent third parties parking on the land should he so wish.

99. Furthermore, the scheme is able to demonstrate compliance with the adopted parking standards by providing 2 spaces for each proposed dwelling and one visitor parking space per proposed dwelling. The overall site however has ample space away from the public highway for further parking should the occupants require it.

100. Overall, with the imposition of the planning conditions recommended by the Highway Authority, the scheme is not considered to represent a conflict with the NPPF, the adopted parking standards, policy DM2 or DM26.

101. An additional condition is recommended to ensure that the fencing as installed adjacent to the access track cannot be extended southwards and potentially undermines the safety of the public highway. It could be argued that such fencing would require planning permission in any event but it is deemed reasonable to control this through the current planning application in the interest of highway safety.

Electric charge points for vehicles

102. Section 3.4.2 of the Suffolk Guidance for Parking provides that "Access to charging points should be made available in every residential dwelling." Policy DM2(l) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.

103. The 2019 NPPF at paragraph 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.

104. On this basis a condition will be attached to the permission to secure operational electric vehicle charge point is provided for each new dwelling.

S106 Implications

105. Due to the site being considered as an 'entry level exception site' for affordable housing, where ordinary open market dwellings would not typically be acceptable, a legal S106 agreement is required to ensure that the scheme remains as such.

106. Therefore, a S106 agreement will be used to ensure that the two dwellings hereby recommended for approval remain as being exclusively for first time buyers. This legal agreement will also stipulate that the dwellings may only ever be sold / rented at 80% (or less) of the market value.

107. In doing this, the requirements of paragraph 71 of the NPPF are met through the provision of an entry level site and the scheme is able to deliver two units which meet the NPPF's definition of affordable housing.

Conclusion and planning balance:

108. In conclusion, this application proposes development that the Local Planning Authority are able to support, albeit retrospective. The extant enforcement notice is of course noted and the public interest relating to this history is also understood. However, in dismissing the appeal, the Inspector made it clear that further, alternative uses for the site should be considered.

109. Although the time taken to arrive at this point is indeed longer than 12 months, discussions and negotiations have been taking place throughout and at no point has the applicant intentionally or deliberately failed to engage with the LPA.

110. The NPPF requires Local Planning Authorities to be positive and proactive in the discharge of their duty and this can be evidenced.

111. Overall, the scheme proposes two affordable units which are able to demonstrate compliance with paragraph 71 of the NPPF which encourages LPAs to support entry level exception sites where appropriate and sustainable. In this regard, whilst the countryside location of the site is noted, the principle of development is considered acceptable given the provisions of DM5 of the Joint Development Management Policies Document and policies CS9 and CS10 of the Core Strategy.

112. Furthermore, with respect to the heritage impacts, traditional materials have been used for the buildings. New buildings in conservation areas do not have to copy traditional architecture but should reflect

character of the conservation area in terms of scale and materials. By virtue of their design and materials the new houses are consistent with the conservation area, and do not appear discordant in the street scene.

113. No adverse impacts with respect to residential amenity have been identified and those which the LPA have raised with the applicant have been satisfactorily addressed. In addition, no objection has been submitted by the Highway Authority and the scheme is able to demonstrate suitable compliance with the NPPF's advice relating to Highway safety and policies DM2 and DM46.

114. Accordingly, whilst the number of public objections are noted, given the extent to which this scheme complies with local and national policy and the lack of material demonstrable harm arising, the Local Planning Authority have not identified any material reasons which would warrant the refusal of the application.

Recommendation:

115. It is **RECOMMENDED** that this retrospective planning application be approved, subject to the completion of a signed S106 agreement which restricts the dwellings to entry level units and caps their maximum sale / rental value at 80% of the market value and subject to the following planning conditions:

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

<u>Reference No:</u>	<u>Plan Type</u>	<u>Date Received</u>
16-5657-01 REV D (layout with fencing shown in red)	Proposed Block Plan	03.07.2020
BW1-00561120	Site Location Plan	07.11.2018
16-5657-01 REV B (Parking Layout)	Parking Layout	07.11.2018
204/10 (1973) 16-5650-01 Rev C (Elevations)	Proposed Elevations	10.06.2020
16 - 5650 - 01 REV B (Floorplans)	Proposed Floor Plans	10.06.2020
2020 V Splays REV A	Visibility splays	10.08.2020

Reason: To define the scope and extent of this permission.

2 The dwellings hereby approved shall not be occupied unless and until the existing south facing first floor windows shown on superseded drawing 16-5650-03 Rev A but NOT shown on drawing 204/10 (1973) 16-5650-01 Rev C have been removed and the south elevation has been constructed in complete accordance with drawing 16-5650-01 Rev C.

Reason: to protect the amenity of the area and adjacent properties in accordance with policy DM2 of the Joint Development Management Policies Document.

3 Within 6 months from the date of this permission, the specification of obscured glazing to be used on the remaining south facing first floor window

(shown on elevation drawing 204/10 (1973) 16-5650-01 Rev C) shall be submitted to and approved in writing by the Local Planning Authority. The approved dwellings shall not be occupied until the specification of obscured glazing as shall have been previously agreed with the Local Planning Authority has been installed.

The window shall retain the agreed specification of obscured glazing in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect the amenity of the area and adjacent properties in accordance with policy DM2 of the Joint Development Management Policies Document.

- 4 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 installed to the dwellings hereby approved and the windows and openings as approved by this permission shall not be altered or extended in any way without the prior written consent of the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 There shall be no residential occupation of the site until the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

ii) The results 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), an options appraisal and 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. The plan shall also detail a long term monitoring and maintenance plan as necessary.

To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii) is submitted and approved, in writing, by the Local Planning Authority. The long-term monitoring and maintenance plan in iii) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 7 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework and the Suffolk Parking Standards.

- 8 Visibility splays shall be provided as shown on Drawing No. 2020 V Splays REV A with an X dimension of 2.4 and a Y dimension of 90 metres in each direction and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: In the interests of road safety.

- 9 The areas within the site shown on Drawing No. 16-5657-01 Rev B for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

- 10 Prior to the dwellings hereby approved being occupied, details of the areas to be provided for the secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long-term maintenance of adequate on-site space for secure cycle storage in accordance with Suffolk Guidance for Parking

- 11 Any gates and fences as may be installed at the property shall be set back a minimum distance of 5 metres from the edge of the carriageway.

Reason: in the interest of highway safety

- 12 The dwellings hereby approved shall not be occupied until the fencing illustrated on block plan 16-5657-01-Rev D has been installed in its entirety and it shall be retained in this form unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, the area of fencing shown by the red line on plan 16-5657-01-D shall not exceed 1 metre in height.

Reason: to protect the amenity of the area and adjacent properties in accordance with policy DM2 of the Joint Development Management Policies Document.

- 13 Prior to residential occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, no external lighting shall be installed within the red line of the application site.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 Notwithstanding the provisions of Part 2, Class A the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order, with or without modification) other than those expressly permitted by this planning permission, no fences walls or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority.

Reason: To protect the character and integrity of the area, in accordance with policies and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies

Documents:

A range of documents have been referred to throughout this report and those mentioned can be found by using the following links:

Enforcement Appeal:

<https://planning.westsuffolk.gov.uk/online-applications/appealDetails.do?activeTab=documents&keyVal=NFA4OTPD02L00>

(Please note, copy of Enforcement Notice is only shown within the file entitled "Appellant's statement of case documents"

Refused planning application DC/16/1735/FUL

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

All documents submitted within this application, including consultation responses

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PCB6WRPD03E00>

Case Officer:

Adam Ford

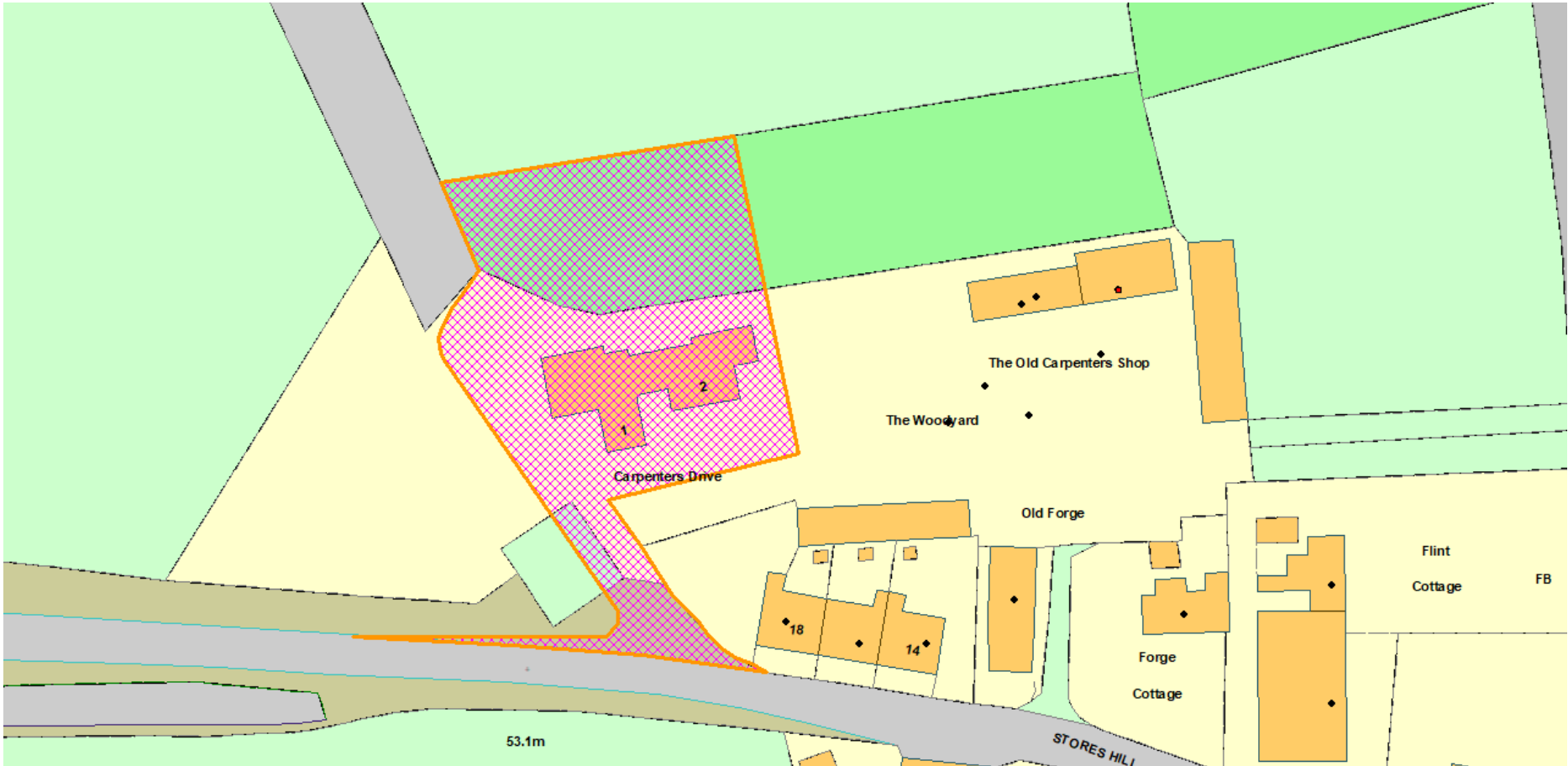
Phone:

01284 757353



DC/18/1425/FUL - The Woodyard, Stores Hill, Dalham

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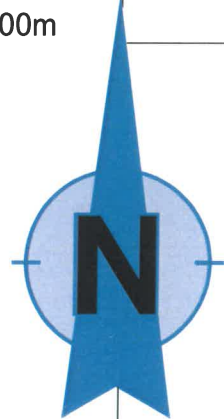
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DO NOT SCALE
CHECK ALL DIMENSIONS ON SITE
IF IN DOUBT, ASK SURVEYORS



ALL STRUCTURAL
TIMBER TO BE STRESS
GRADED AND
PRESERVATIVE
TREATED

Site Visibility Plan. Development at Carpenters Drive, Stores Hill. Dalham, CB8 8TQ

E & P Building Design

S A C Harrison MaPS, Tech IOSH.
(Member of the RIBA and the RTPI.)

Architectural Services and Building Surveyors.
Town Planning and Listed Building Consultants
Project Safety Consultants and Risk Assessors
Party Wall Surveyors - Project Managers.

THE GABLES, FIELD WALK, MILDENHALL, BURY ST EDMUNDS, SUFFOLK, IP28 7AH
TELEPHONE 01638 717379. FAX 01638 714725.

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Web address:- eandpbuildingdesign.co.uk

DRAWING NO 20-5650-201Rev C

DATE Sept 2010

SCALE 1-1250 at A3

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Development Control Committee

7 October 2020

Planning Application DC/20/0784/FUL – Doctors Surgery, 10 The Chase, Stanton

Date registered: 15 May 2020 **Expiry date:** 10 July 2020
EOT 30 October 2020

Case officer: Connor Vince **Recommendation:** Approve application

Parish: Stanton **Ward:** Stanton

Proposal: Planning Application - 1.5 storey rear extension to accommodate 4no. GP Consulting Rooms, Treatment Room, Interview Room and associated administrative and storage areas (following removal of existing portacabin)

Site: Doctors Surgery, 10 The Chase, Stanton

Applicant: Sandra Butler - Stanton Surgery

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

Contact Case Officer:

Connor Vince

Email: connor.vince@westsuffolk.gov.uk

Telephone: 07866 913717

Section A - Background:

The application was considered at the West Suffolk Development Control Committee meeting on 5 August 2020. Members at the meeting resolved that they were 'minded to' refuse planning permission contrary to the officer recommendation of approval. At this point, the risk assessment protocol was invoked requiring the further reporting of this matter before a decision is made.

The reason why Members resolved that they were 'minded to' refuse the application was that insufficient parking provision is provided at the site and that parking problems are exacerbated by surgery users parking on the neighbouring streets, primarily Parkside and Grundle Close, which is unrestricted. Therefore, highway safety was also noted as being a concern by Members. The proposal was considered by the Committee to be contrary to the provisions as detailed within Policies DM2 and DM46.

The purpose of this report is to provide a risk assessment for Members in accordance with the Decision Making Protocol, as well as a more detailed analysis of DM2 and DM46 and its interpretation, The risk assessment reports sets out the potential risks that might arise should planning permission be refused.

The previous Officer report for the 5 August 2020 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.

Proposal:

1. Please refer to working paper 1 for a description of the proposal.

Application supporting material:

2. Please refer to working paper 1 for a description of the supporting material.

Site details:

3. Please refer to working paper 1 for site details.

Planning history:

4. Please refer to working paper 1 for planning history.

Consultations:

5. Please refer to working paper 1 for a summary of consultation responses.

Representations:

6. Please refer to working paper 1 for representations received. However, since the August Development Control Committee, two letters of support from local residents residing at 9 Duke Street and 42 Sturgeon Way, Stanton, have been received and are summarised as follows:
 - Extension will contribute positively to the provision and quality of services provided by the Surgery.
 - Additional patient capacity required due to the temporary consent for the portacabin expiring on 3 October 2020.
7. A petition with 543 signatures has also been received on behalf of Stanton Surgery, also submitted to Stanton Parish Council. The full comments of the petition can be viewed online. The comments received are summarised as follows:
 - Extension will contribute positively to the provision and quality of services provided by the Surgery.
 - Extension is required by the surgery as a result of pressures to maintain patient capacity.
 - Potential adverse impacts associated with refusal of the extension regarding loss of service provided by the Surgery.
 - Positive impacts the Surgery has on the local community

Policy:

8. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new council by regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
9. Please refer to working paper 1 for a list of policies and guidance that have been taken into account in the consideration of the application.

Other Planning Policy:

10. National Planning Policy Framework (2019)
11. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

12. Please refer to working paper 1 for the officer assessment of the proposals.

Section B - Update

13. Since the last Development Control Planning Committee on 05.08.2020, Stanton Parish Council have submitted a further consultee response registering their support of the proposal.

14. Two further letters of representation have also been received, as detailed above.

Section C – Officer Comment

15. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to refuse planning permission for the development proposal, having regard to the accordance with the development plan and the officer recommendation to approve planning permission. For the reasons set out in this report it remains officers' recommendation that permission be approved. If Members remain minded to refuse the application, they must be satisfied that any risks associated with doing so have been properly considered.

16. Members will recall that the previous officer recommendation was to approve planning permission as the proposal is judged to meet the provisions of local and national policy. As proposed it is not intended for staff numbers and patient numbers to increase as part of the proposed extension.

17. It is noted that the car parking provision at the site will remain unchanged, as reflected in the proposal. Whilst the number of specifically named 'consulting rooms' as detailed on the proposed plans will remain unchanged, the application proposes to add 4 additional rooms that have the flexibility to be used as consulting rooms. These are the two treatment rooms, interview room and meeting room as detailed on the proposed plans. However, whilst the parking provision is insufficient, as identified within Working Paper 1, and when assessed against the figures expressed in the Suffolk Parking Standards, it must be noted that this figure as provided by the Suffolk Parking Guidance is indicative. It is also noted that the internal arrangement and utilisation of the aforementioned consulting rooms is the responsibility of Stanton Surgery, with any future rearrangement of the internal layout of the surgery permissible without the need for planning permission, including the potential for an intensification of the use as a consequence.

18. The Highway Authority have been further consulted following the conclusions of the 5th August's Development Control Committee after Members were minded to refuse the application on parking and highway safety grounds, and as a result of the greater displacement of cars onto the highway. It was identified that the issues raised are hypothetical parking and highway safety issues. The Highway Authority remain of the view that, as a result of the extension, thoughtless and/or dangerous parking could occur now, or in the future, and which may result in an unacceptable highway risk, but this is difficult to determine at this stage.

It should also be noted, notwithstanding further discussion by Officers with the Highway Authority following the meeting on 5th August, that SCC maintains its stance in relation to this proposal and no objection is forthcoming on the grounds of adverse impacts arising from this proposal upon matters of highway or pedestrian safety. The recommendation to approve the application is therefore supported materially with the absence of an objection from Suffolk County Council's Highway Authority. As such, although it has been noted the provision of car parking spaces at the site is insufficient, absent any objection from the Highway Authority, the application is considered to be compliant with Policies DM2 and DM46.

19. It is also important to note the positive policy support for the provision of such services. Policy CS3 of the St. Edmundsbury Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Aspiration 22 of the Rural Vision 2031, which supports the aims of Policy RV1 in securing sustainable development, also supports the retention and promotion of health services in villages such as Stanton. Development such as the provision of an extension to an existing surgery building will need to be in accordance with policy CS3 and RV1, as well as DM2 and is generally acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area and providing that there is not an adverse impact upon the residential amenity, highway safety or important trees within the street scene. Along with CS3 and RV1, DM2 requires development to conserve and where possible, enhance the character and local distinctiveness of the area.
20. Policy DM41 concerns community facilities and services and states that the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities. This proposal is considered to comply with Policy DM41 as the proposed extension will be providing four permanent accommodation for consulting rooms, a treatment room, interview room and associated administrative and storage areas, therefore enhancing the provision of healthcare within the local community. Members are advised that in the opinion of officers this is a factor which weighs very heavily in favour of approval.
21. Having received a statement from The West Suffolk Clinical Commissioning Group (WSCCG), it is noted that the NHS comply with Health Building Note (HBN) guidance which recommends 1 space per 2 Medical staff, 1 space per 3 non-medical staff and 2 spaces for each consultation, examination, treatment and therapy room. On this basis, Officers and representatives of Stanton Surgery acknowledge the current arrangement of 13 spaces does not meet the HBN recommendation of 24 spaces, nor the Suffolk Parking Guidance of 40 spaces. Unfortunately, this is not an unusual situation across WSCCG Primary Care estates due to the nature of the premises in which services are offered, but at the same time the necessity for said premises to be located very close to the communities they serve.
22. As set out within the WSCCG statement, if the extension for Stanton Surgery does not go ahead, this will have a detrimental impact on the 6,227 patients of the surgery and may ultimately mean the patient list is closed. Patient list closure would then impact local surgeries who are also over capacity. Furthermore, as the planning permission on the portacabin

(DC/17/1419/FUL) ceases on 3rd October this year, Stanton Surgery may also have to remove this clinical space and divert some existing patients to other local surgeries who are also at capacity.

23. The WSCCG have also commented on discussions made at August's Development Control Committee by Members regarding the potential relocation, or construction of a new 'health and community' hub. The WSCCG have stated they have been involved in several conversations over the last 12 months with both Councillors and Local Officers of the Suffolk County Council Property team. However, whilst the WSCCG has always acknowledged the Council's proposals, they have maintained throughout the discussions that we continue to support Stanton Surgery's current estate scheme through the business case process.
24. The statement provided by the West Suffolk Clinical Commissioning Group is included as Working Paper 2 to this report.
25. A statement has also been received from representatives of Stanton Surgery (please refer to Working Paper 3). Within the statement, it is acknowledged that whilst parking provision is insufficient at the site in relation to both the indicative figure identified by Suffolk Parking Guidance and Health Building Note guidance, it is further acknowledged that discussions are ongoing between the surgery and third-parties regarding parking arrangements. A formal arrangement to utilise the car park at 12 The Chase (Stanton Community Health Centre) is being discussed, with on-road parking, as highlighted by Suffolk County Council – Highways, being available on The Chase. Furthermore, it is noted that due to recent events, the type of service(s) offered by Stanton Surgery is evolving to incorporate further online consultations as opposed to in-person at the Surgery. As a result, in-traffic and associated parking concerns is expected to reduce.
26. Members will note therefore the balance of matters discussed above. The expansion of the site may very well add pressure to an existing parking situation that does not at present meet the indicative guidelines within the Suffolk Parking Standards. This inability to meet these standards is a matter which weighs against the scheme. This harm however is reduced significantly by the formal consultation response of the County Council as Highway Authority, which maintains that the proposal will not lead to any matters of highway or pedestrian safety that would be sufficient to justify a refusal of planning permission. To reiterate therefore, and despite further discussion with SCC following the previous DCC meeting, Suffolk County Council as Highways Authority does not object to this application on the grounds of highway or pedestrian safety.
27. Members must therefore be mindful of the very clear demonstration of the ample and clearly positive benefits arising from the provision of this enhanced accommodation, in relation to the ability of the surgery to meet patient needs and to expand the medical officer at the site. These are set out in detail in the preceding section and are considered to be very substantial benefits and which weigh very heavily in favour of approval and are reiterated within the provisions of Policy DM41, which states "The provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the

maintenance of sustainable communities". Therefore, Officers consider the application sufficiently complies with the provisions of DM41.

28. The view of officers therefore, is that these community benefits clearly outweigh the modest harm arising from the failure of the site to meet the indicative parking standards.

Risk Assessment:

29. Members are reminded of the importance of ensuring that reasons for refusal should be able to stand up to scrutiny on the planning merits of the application and be supported by robust evidence. Risks associated with reasons that fail to stand up to scrutiny are appeals, appeal costs, legal challenge and consequential reputational impacts on the authority. It is important, however, to distinguish these matters as not constituting a material consideration that should be relied on as part of the decision making assessment.
30. Nonetheless, if members remain minded to refuse this application then the following is suggested as an articulation of the reason offered by the Committee on 5th August.

The application fails to provide sufficient car parking spaces at the site and, as a result of this, and the increased accommodation provided, and from the intensification of the use of the site, could contribute to the displacement of vehicles onto the unrestricted, residential roads of The Chase, Parkside and Grundle Close, further leading as a consequence to increases in unsafe and dangerous parking, proving prejudicial to matters of highway and pedestrian safety. Accordingly, the development cannot be considered to be in accordance with the requirements of Policies DM2 and DM46 of the Joint Development Management Policies Document (2015). The inadequate car parking provision and the consequential highway safety implications arising therefore fails to provide a safe and suitable access to the site for all users and is therefore, contrary to the NPPF, notably para 108c and also to policy DM2 (I), which states that all new developments must produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.

Section D - Conclusion:

31. For the reasons outlined above and also set out within the original report to Development Control Committee, Officers consider that the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework. The clear benefits associated with the proposed single storey extension to the provision of medical services to the residents of Stanton and adjacent villages is observed to clearly outweigh the adverse impacts associated with the insufficient provision of parking spaces at the site. The proposal will not result in the loss of parking spaces at the site, with alternative modes of transport and the provision of service changes to encourage less traffic to the site.

Recommendation:

32.It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Plan type	Reference number	Date received
Location Plan	4735-0100 P01	14 May 2020
Existing Elevations	4735-0400 P01	14 May 2020
Existing Floor Plans	4735-0300 P01	14 May 2020
Proposed Elevations	4735-0410 P01	14 May 2020
Proposed Floor Plans	4735-0310 P01	14 May 2020
Proposed Block Plan	4735-0110 P01	14 May 2020
Site Block Plan	4735-0100 P01	14 May 2020
Sections	4735-0500 P01	14 May 2020
Topographical Survey	25060EA-01	14 May 2020
Application Form		14 May 2020
Design & Access Statement		14 May 2020

Reason: To define the scope and extent of this permission.

3. The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plan – application form.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. The use shall not commence until the area within the site shown on Drawing No. 4735-0110 P01 for the purposes of secure cycle storage have been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. No patients shall be on site within the extension hereby approved outside of the following hours:

Monday - Friday – 08:30 – 18:30

Reason: To minimise the impact of the development on the locality in the interests of amenity in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

- All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0784/FUL](#)
- Working Paper 1 – Committee report 5 August 2020
- Working Paper 2 – West Suffolk Clinical Commissioning Group – Statement – 17 August 2020
- Working Paper 3 – Stanton Surgery Supporting Statement – 9 September 2020

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Development Control Committee
5 August 2020

WORKING PAPER 1

**Planning Application DC/20/0784/FUL –
Doctors Surgery, 10 The Chase, Stanton**

Date Registered:	15.05.2020	Expiry Date:	10.07.2020 EOT 14.08.2020
Case Officer:	Connor Vince	Recommendation:	Approve Application
Parish:	Stanton	Ward:	Stanton
Proposal:	Planning Application - 1.5 storey rear extension to accommodate 4no. GP Consulting Rooms, Treatment Room, Interview Room and associated administrative and storage areas (following removal of existing portacabin)		
Site:	Doctors Surgery, 10 The Chase, Stanton		
Applicant:	Sandra Butler - Stanton Surgery		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Connor Vince

Email: connor.vince@westsuffolk.gov.uk

Telephone: 07866 913717

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel.

The application was referred to Delegation Panel as Stanton Parish Council raised concerns, contrary to Officer recommendation for APPROVAL.

Proposal:

1. The application seeks planning permission for the construction of a 1.5 storey rear extension to accommodate 4no. GP Consulting Rooms, Treatment Room, Interview Room and associated administrative and storage areas (following removal of an existing portacabin which was approved on a temporary basis in 2017 for use as additional consulting rooms).
2. The proposed extension will extend approximately 13.3m from the rear elevation, measuring 9.1m in width with a maximum height of 7.0m.

Application Supporting Material:

- Application Form
- Location Plan
- Block Plan
- Existing Floor Plans & Elevations
- Proposed Floor Plans & Elevations
- Design & Access Statement

Site Details:

3. The application site is situated within the settlement boundary for Stanton. The Doctor's Surgery is situated within a residential area in northern Stanton. The site comprises of a detached, two storey building fronting 'Parkside to the west and 'The Chase' to the east. The A143 can be accessed via 'The Chase' to the north. The building currently accommodates a Doctor's Surgery with associated parking.

Planning History:

4.

Reference	Proposal	Status	Decision Date
DC/17/1419/FUL	Planning Application - Temporary siting of Portakabin building for use as additional consulting rooms	Application Granted	03.10.2017
E/90/1610/P	Submission of Details - Single storey doctors surgery with associated car	Application Granted	11.07.1990

parking and vehicular
access

E/89/3622/P Outline Application - Application 06.02.1990
Doctors' Surgery with Granted
associated car parking and
vehicular access

Consultations:

- 5. Public Health & Housing – No objections subject to a condition
- Waste Management – No objections
- Highways – No objections subject to a condition
- Suffolk Fire & Rescue – Set out standard notes

Representations:

- 6. Parish Council - *Firstly, the Parish Council wish to make it clear that they fully support Stanton Surgery and the service that they are supplying to residents of the Village. This application is to extend the surgery in replacing a temporary structure of Portakabins. The design of the extension is not of concern. The Council consider that the impact on Highway safety and the free flow of traffic will be significant and is a major concern. For some time, Council has frequently received complaints from residents in the area of the Surgery who are impacted by Visitors to the Surgery. Offers to allow staff to use the Village Hall car park eased the situation for a short while but it is believed that this no longer happens and staff have returned to parking at the surgery. Residents close to the surgery report a significant impact on their properties. Not only are there reports of parking on footpaths and dropped kerbs in both Parkside and The Chase but the junction itself which is very close to the surgery is impeded by poor visibility. It is known that a number of small damage only collisions have already happened in this vicinity. The application offers no solutions to the parking problems that are a daily occurrence. The Surgery have tried to solve the issues by asking patients to park considerately but this has had little effect. Council are concerned that an increase in capacity will lead to an increase in numbers of patients attending, not just from Stanton but from other surrounding villages as the closure of Hopton Surgery has redirected patients to Stanton. The parking situation will become intolerable for residents and Surgery users alike. The Surgery has previously explored an alternative site for development in Upthorpe Road. This site is still available and the Council would actively encourage the practise to revisit previous plans and consider relocation which the Parish Council would actively support. The Parish Council would have no objections to the temporary portakabins remaining in place whilst this was being developed.*

Neighbours – Total of two representations were received from 1 Grundle Close and 8 The Chase. The following summarises the concerns raised.

- Parking provision concerns.
- Patient capacity of the surgery.

Policy:

7. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

- Core Strategy Policy SCS3 – Design Quality
- Policy RV1 – Presumption in Favour of Sustainable Development
- Policy DM1 – Presumption in Favour of Sustainable Development
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness
- Policy DM41 – Community Facilities and Services
- Policy DM46 – Parking Standards

Other Planning Policy:

8. National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision-making process.

Officer Comment:

9. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Impact on Residential Amenity
 - Impact on Street Scene/Character of the Area
 - Highway Matters
 - Other Matters

Principle of Development

10. The application seeks to construct a 1.5 storey rear extension to accommodate 4no. GP Consulting Rooms, Treatment Room, Interview Room and associated administrative and storage areas following the removal of the existing portacabin currently at the site. The Doctor's surgery is located within a residential area, towards the entrance of The Chase, intersecting with Parkside. The existing portacabin was granted temporary consent for a period of three years, expiring 3rd October 2020.
11. Policy CS3 of the St. Edmundsbury Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Aspiration 22 of the Rural Vision 2031, which supports the aims of Policy RV1 in securing sustainable development, also supports the retention and promotion of health services in villages such as Stanton. Development such as the provision of an extension to an existing surgery building will need to be in accordance with policy CS3 and RV1, as well as DM2 and is generally acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area and providing that there is not an adverse impact upon the residential amenity, highway safety or important trees within the street scene. Along with CS3 and RV1, DM2 requires development to conserve and where possible, enhance the character and local distinctiveness of the area.
12. Policy DM41 concerns community facilities and services and states that the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities. This proposal is considered to comply with Policy DM41 as the proposed extension will be providing four additional consulting rooms, a treatment room, interview room and associated administrative and storage areas, therefore enhancing the provision of healthcare within the local community.
13. Along with CS3, DM2 requires development to conserve and where possible, enhance the character and local distinctiveness of the area. Having considered the application in relation to the aforementioned policies, including the considerable support offered by DM41 and RV1 (through Aspiration 22), the principle of development is considered to be acceptable.

Impact on Residential Amenity

14. The proposed extension, whilst large in scale, is located at the rear of the Doctor's Surgery and given its positioning in comparison to residential properties is not considered to materially harm the residential amenity of nearby occupants. Furthermore, no additional car parking spaces are proposed so the use of the site and car park will not increase noise and disturbance in proximity to off-site dwellings in any greater way than at present. The proposed development is not considered to adversely affect the residential amenity of 8 The Chase, located towards the north east of the site as the boundary of the site is located approximately 22m from the rear elevation of this neighbouring property. There is also a large parking area and garage which separates the site from the aforementioned neighbouring property. The same principles apply for 6 The Chase (18m standoff distance from the boundary of the Doctor's Surgery to the rear

elevation), which is located immediately to the west of 8 The Chase. Views of the proposed development from 6 The Chase will be screened to an extent by the detached garage located south west of the dwelling.

- 15.No adverse impact to residential amenity is considered to arise upon 4 Parkside, approximately 8m from the boundary of the Doctor's Surgery, as the majority of the development will be screened by the bulk of the host building. A public footpath and entrance to the Doctor's Surgery car park creates adequate separate distance between the Doctor's Surgery and 4 Parkside. The same principles apply to 2 Parkside, approximately 11m from the boundary of the Doctors Surgery which sits directly behind 4 Parkside to the west of the Doctor's Surgery. Satisfactory separation distance is maintained.
- 16.7 & 9 The Chase are located towards the south east and south respectively of the Doctor's Surgery. Although the development will be visible from these properties, the public highway separates these properties from the site and it is considered that there is satisfactory separation distance of 12 and 21 metres respectively so as to not materially harm the residential amenity of these properties.
- 17.Public Health & Housing have reviewed the details submitted with the application and raise no objections subject to a condition restricting construction hours in order to reduce the impact on residential amenity, which is considered reasonable. The Surgery currently operates Monday to Friday, 08:30 to 18:30. Considering the Residential context of this site, and noting these hours have been suggested by the applicant in their submitted forms, and in the interests of amenity, a condition is proposed as reasonable which prohibits patients on the site outside of the hours of 08:30 – 18:30 Monday to Friday.

Impact on Street Scene/Character of the Area

- 18.Although the proposed development will be visible from the public realm due to its prominent corner position no material harm is considered to arise upon the character and appearance of the area given the nature of the site and the character of the wider area. At present, a portacabin sits towards the rear of the site which is visible from the public domain. This is utilitarian in appearance and is of low architectural merit, albeit it should be noted that it is only approved on a temporary basis and its removal can otherwise be secured. The existing portacabin was granted temporary consent for a period of three years, expiring 3rd October 2020 to ensure that such a structure would not remain permanently and therefore this application seeks to construct an extension to replace the portacabin. The proposed extension has been designed so that it appears subservient to the existing building in the sense that it sits approximately 1 metre below the ridge height of the existing surgery. The proposed extension will replace this utilitarian structure with a design which of a higher architectural merit resulting in a more positive design solution to that currently on site. The wider character of the area is generally residential in nature and includes a variety in the appearance and design of buildings, and within this context it is considered, with reference to Policy DM2, that the effects upon character will be satisfactory.

19. Whilst the extension will be visible from the public realm, it is set down at ridge height in comparison to the host building and officers consider the extension to be of a higher quality design in contrast to the existing portacabin currently located on site. Given this, the proposal is considered to comply with the requirements of Policy DM2.

Highway Matters

20. The car parking for the site will remain unchanged, with one designated disabled space and the other reserved for a Doctor. There is also cycle storage with a new canopy and lighting at the front of the Surgery to actively encourage sustainable transport to and from the Surgery.

21. Referring to the Suffolk Guidance for Parking May 2019, the car parking space allowance for medical centres is an indicative figure rather than a maximum and is to be calculated on a case by case basis taking into account local accessibility issues. Although the parking standards state that the requirement is one parking space per full-time equivalent staff plus four per consulting room, it is noted this is an indicative figure and given that the existing parking arrangements have been in-situ for a number of years from when Reserved Matters application for the surgery was granted in 1990, the proposal does not seek to amend these parking arrangements, albeit of course it does potentially increase demand for the existing spaces, although no additional consulting rooms are proposed.

22. When assessed under the standards the surgery use would indicate a requirement of forty (twenty for full-time staff and twenty for five consulting rooms) spaces. Thirteen spaces (including one disabled space) are provided, unchanged from the current provision. This shows a deficiency of spaces against the indicative figure, and comments from Suffolk County Council are important. However, it is worth reiterating that as the provision of consulting rooms will remain unchanged, the parking provision for the Doctor's Surgery as it currently exists under Suffolk Parking Guidance should also be forty (twenty for full-time staff and twenty for five consulting rooms) and that therefore a technical deficiency in parking spaces currently exists at the site. However, it is not for this application to make up any such shortfall (noting that the requirement is in any event indicative) and the view from Suffolk County Council as Highway Authority is important in this regard.

23. The table below illustrates the vehicle and cycle parking provision as existing, proposed and as stated within the Suffolk Parking Guidance.

<u>Vehicular Parking</u>							
		<u>Existing</u>	<u>Suffolk Parking Guidance - Parking Provision</u>	<u>Parking spaces provided</u>	<u>Proposed</u>	<u>Suffolk Parking Guidance - Parking Provision</u>	<u>Parking spaces provided</u>

1 space per full time equivalent staff, + 4 per consulting room			(Indicative Figure)			(Indicative Figure)	
	No. Consulting Rooms	5	20		5	20	
	No. Full-time equivalent staff	19.8 (20)	20		19.8 (20)	20	
	Total		40	13		40	13
<u>Cycle Parking</u>							
2 spaces per 4 staff + 2 spaces for every two consulting rooms		<u>Existing</u>	<u>Suffolk Parking Guidance - Parking Provision (Indicative Figure)</u>	<u>Parking spaces provided</u>	<u>Proposed</u>	<u>Suffolk Parking Guidance - Parking Provision (Indicative Figure)</u>	<u>Parking spaces provided</u>
	No. Consulting Rooms	5	5		5	5	
	No. Full-time equivalent staff	19.8 (20)	10		19.8 (20)	10	
	Total		15	10		15	10

24.As stated within the Planning Statement submitted with the application, it is not intended for staff numbers and patient numbers to increase as part of the proposed extension, albeit of course, with more consulting rooms the possibility that there will be more staff and patients on site at any one time inevitably increases. An informal response was received from the Highways Authority during preapplication discussions and it was noted that there is evidence of public complaints about cars being parked on footways and close to Parkside/The Chase road junction. However, there does not appear to be an increase in frequency of complaints following the temporary installation of the portacabin consultation room granted in 2017. It was concluded within the response that utilising sustainable methods of transport should be encouraged and on this basis it is considered that the proposal would not lead to an unacceptable cumulative highway safety risk, notwithstanding the conclusions reached above in relation to the number of parking spaces relative to the indicative parking standards.

25.It is noted that 1 Grundle Close raised concern with regards to car parking, as have the Parish Council and the effects upon highway safety as a result of increased numbers of cars being parked at and within the vicinity of the site needs careful consideration. However, after consulting the Highway Authority it is noted that the proposal will not result in the loss of car parking spaces and proposes improved cycle storage facilities. Given this, no objections are raised subject to a condition requiring the retention of cycle storage facilities, which is considered a reasonable condition to impose.

Other Matters

26. Two representations were received in respect of this application. Comments from 8 The Chase relate to the patient capacity of the Surgery which is not a planning consideration. Comments from 1 Grundle Close raise concerns in relation to car parking which is assessed above and the Surgery’s previous plans to relocate, which is not a material planning consideration in the determination of this application.

27. It is noted from the Parish Council’s consultation response that an alternative site for the Doctor’s Surgery is preferred to the current proposal for an extension to the existing Surgery. However, it must be reiterated that each application must be considered on its own merits, irrespective of previous or possible future plans to relocate the Surgery.

Conclusion:

28. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

29. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Plan Type	Reference	Received
Location Plan	4735-0100 P01	14.05.2020
Existing Elevations	4735-0400 P01	14.05.2020
Existing Floor Plans	4735-0300 P01	14.05.2020
Proposed Elevations	4735-0410 P01	14.05.2020
Proposed Floor Plans	4735-0310 P01	14.05.2020
Proposed Block Plan	4735-0110 P01	14.05.2020
Site Block Plan	4735-0100 P01	14.05.2020
Sections	4735-0500 P01	14.05.2020
Topographical Survey	25060EA-01	14.05.2020
Application Form		14.05.2020
Design & Access Statement		14.05.2020

Reason: To define the scope and extent of this permission.

- 3. The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plan – application form.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. The use shall not commence until the area within the site shown on Drawing No. 4735-0110 P01 for the purposes of secure cycle storage have been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. No patients shall be on site within the extension hereby approved outside of the following hours:

Monday - Friday – 08:30 – 18:30

Reason: To minimise the impact of the development on the locality in the interests of amenity in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <DC/20/0784/FUL>



integrated working

WORKING PAPER 2



West Suffolk
Clinical Commissioning Group

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17 August 2020

C Vince
Planning Officer
Planning Development
West Suffolk Council

Via Email: connor.vince@westsuffolk.gov.uk

Dear Mr Vince

Planning Application: DC/20/0784/FUL – Doctors Surgery 10 The Chase Stanton

West Suffolk Clinical Commissioning Group ('the CCG') have been advised by Stanton Surgery that the above-mentioned planning application was considered by West Suffolk Council's Development Control Committee during the meeting on 5 August.

The practice has advised that the decision reached by the Committee during the meeting was 'minded to refuse' the application. We understand that the concern related solely to the inadequacy of the site from a car parking perspective and the consequential effects on highway safety. Subsequently, there will be an extension of time to the determination deadline to enable the Council to conduct a risk assessment and represent the application at a later date to the Development Control Committee. West Suffolk Clinical Commissioning Group were not in attendance at the committee meeting. However following notification of the outcome, we have sought to review the online recording to further understand the concerns raised and seek to provide any necessary clarification or further information.

As the Commissioner of Primary Care services for Suffolk, we wish to state that if the extension for Stanton Surgery does not go ahead, this will have a detrimental impact on the 6,227 patients of the surgery and may ultimately mean the patient list is closed. Patient List closure would then impact local surgeries who are also over capacity.

In relation to parking availability for the surgery. We note that Highways provided no objection to the Planning Application but understand the Committee have concerns regarding the availability of parking spaces, particularly considering Policies DM41, DM2g 5 and 6 from the National Planning Framework which recommends 40 spaces are available. The NHS comply with Health Building Note guidance which recommends 1 space per 2 Medical staff, 1 space per 3 non-medical staff and 2 spaces for each consultation, examination, treatment and therapy room. On this basis, we acknowledge the current arrangement of 13 spaces does not meet the HBN recommendation of 24 spaces. Unfortunately, this is not an unusual situation across our Primary Care estate due to the nature of the premises in which services are offered, but at the same time the necessity for said premises to be located very close to the communities they serve.



integrated working

We would like to point out that our surgeries in Suffolk intend to continue offering digital consultations where appropriate and therefore the requirement for car parking will be reduced. The Committee also referred to car parking arrangements for 3 local practices by comparison, Botesdale, Woolpit and Ixworth who have 40 spaces each. The CCG can confirm that this is in line with the patient list size for these Practices having weighted list sizes of between 3,800 and 8,675 more than Stanton Surgery.

As part of the development West Suffolk Clinical Commissioning Group are in negotiations with NHS Property Services to acquire several car parking spaces at the Stanton Health Centre opposite.

We note as part of the discussion during the committee meeting the timing of the planning application submission was raised, with a suggestion this had been made to coincide with reduced on-site activity due to the COVID-19 pandemic. The CCG would strongly refute this assumption and can confirm that the planning application was made at the appropriate time during the lengthy Business Case process and it was coincidental that this occurred at a time when a change to online consultations for patients at the surgery took place.

Finally, we would like to ensure the CCG's position is clear in relation to discussions around a potential new 'health and community hub' being explored by Suffolk County Council and raised at the Committee meeting. The CCG has indeed been involved in several conversations over the last 12 months with both Councillors and Local Officers of the Suffolk County Council Property team. However, to clarify our position, whilst the CCG has always acknowledged the Council's proposals, we have maintained throughout the discussions that we continue to support Stanton Surgery's current estate scheme through the business case process.

To finalise our response, whilst we understand due process needs to take place in relation to a resubmission of the planning application, we do hope this can be successfully resolved to enable full planning approval in a timely manner. There are very tight and strict time constraints in place on accessing NHS capital and delays within the approval process may lead to funding being withdrawn.

If the extension cannot go ahead, the surgery has informed us they may need to close their patient list. As the planning permission on their portacabin ceases in October this year, they may also have to remove this clinical space and divert some existing patients to other local surgeries who are also at capacity. During a particularly challenging period due to COVID19 we hope to avoid this situation at all costs

I do hope the points raised clarify the CCG's position in relation to the decision for planning and the points raised at the Development Control Committee of 5 August 2020.

Yours sincerely

Ed Garratt
Chief Executive

Stanton Surgery

10 The Chase, Stanton, Bury St. Edmunds, IP31 2XA



Providing NHS services

Dr Nicholas Redman

Dr Sara Raton-Lunn

Dr Lucy Ross

WORKING PAPER 3

Appointments: 01359 253700

Dispensary: 01359 253701

Enquiries: 01359 251192

9th September 2020.

Mr C Vince,
Planning Officer,
West Suffolk Council,
West Suffolk House,
Western Way,
Bury St Edmunds,
Suffolk,
IP33 3YU.

Dear Mr Vince,

Planning Application DC/20/0784/FUL – Stanton Surgery, 10 The Chase, Stanton, IP31 2XA

We write to comment on the decision of the planning committee at their meeting on 5th August 2020 as “minded to refuse” our application to extend our premises at 10 The Chase, Stanton, and the (possibly unintended) consequences of this project not being able to proceed. Our current premises consists of the surgery building at 10 The Chase, and the Portakabin situated behind it, which was added as a temporary measure following the loss of the practice’s premises at Hopton in 2017.

We understand that the justification for the planning committee’s decision was the limited on-site parking and consequential effects on highway safety.

Firstly, we note that Highways did not share these concerns as they provided no objection to the application. Importantly, nor was there any objection from neighbouring residents on this basis.

We accept that the number of 13 parking spaces available at 10 The Chase falls short of the Health Building Note guidance of 24 spaces. However, we have an informal agreement with NHS Property Services which owns Stanton Community Health Centre at 12 The Chase, allowing our patients to utilise their car park. We are currently in discussions to formalise this arrangement. There is also plenty of safe on-road parking available on The Chase. Complaints about parking mainly seem to arise due to the parking habits of a minority of visitors to our site, who choose to park inconsiderately around the junction of Parkside with The Chase. This appears to happen regardless of the availability of other safe parking space, either off-road or on-road. Unfortunately, beyond having notices up inside our building asking patients to park considerately, this is outside of our control. We have suggested to the Parish Council on more than one occasion that we would like to see double yellow lines on that junction to stop such unsafe and inconsiderate parking. We understand having met with the Parish Council again recently that they are going to take this forward and we would fully endorse this.

We are reviewing options involving the village hall car park being utilised by practice staff, and the potential for staff parking on a piece of amenity land just off the north end of The Chase.

Lastly in relation to traffic and parking, the arrival of Covid-19 has changed the way we provide services. The majority of patient contact is now carried out over the telephone and online, rather than in person at the surgery. This change is likely to persist even once the current pandemic runs its course, as in common with the majority of GP practices, we have found that remote consulting in this way works well for a lot of problems, and is more convenient for patients. A happy by-product of this change is that traffic to our site is much reduced from pre-covid levels, and is likely to remain so long term. This is an important point for the committee to consider; however, we strongly refute any suggestion that we have timed the planning application to coincide with such reduced on-site activity. As outlined in West Suffolk CCG's recent letter to you, our application was made at the appropriate point in the lengthy business case process.

Temporary planning permission for our Portakabin, which contains two consulting rooms and a waiting area, expires in October 2020. The proposed extension simply intends to replace those consulting rooms with a permanent arrangement, whilst also providing some additional space to alleviate the cramped conditions our administrative and dispensing staff are currently having to work in. We have no plans to increase patient appointments beyond our current levels.

The consequences to local healthcare provision of loss of the Portakabin with no replacement would be severe, and in our view are rather understated in West Suffolk CCG's recent letter to you. Not only would we have to close our patient list to new registrations, but with the loss of a third of our consulting space we would be unable to provide safe care in the remaining space to our current patient list. We would potentially have to de-register around 1,500 patients (and reduce clinician numbers accordingly), which would have a knock-on effect on other practices locally (already operating at capacity). This would be a very sad and unsatisfactory outcome for local residents.

We have met with Stanton Parish Councillors who now accept that there is very significant local support for our application. Those councillors who spoke in opposition to our application at the planning committee meeting on 5th August would therefore appear to have been rather disconnected from their constituents' wants and needs in this regard. At the time of writing of this letter, we have collected over 530 signatures on a petition to allow this application, which is a large number for a community of this size. The Parish Council, recognising the strength of feeling amongst their own constituents, has agreed that they will be fully supporting our application from hereon in.

This application should be determined on its own merits, and not on the basis of any future proposed project for healthcare provision which may or may not go ahead. For the avoidance of any doubt, the practice has fully investigated the viability of all potential options available, including moving to the vacant plot on Upthorpe Road, which was part of the old Blackbourne Middle School site. We had plans for a new build drawn up and costed, and the plot valued. It was clear that this project was not viable financially - West Suffolk CCG would never have been able to justify the cost of a lease on the proposed premises in relation to the size of the population they would serve. It was apparent to us, therefore, that extending our current premises would be the only option available to the practice for the medium term (we estimate the next 10-15 years). It appears that some of the Parish Councillors had been led to believe that by opposing our application, this would put pressure on West Suffolk CCG to fund new build premises for us. This notion is tragically misguided. As we have outlined above, extending our current premises is the only option which the CCG could possibly view as cost-

effective. All that would happen if this application were to be refused is that the practice would have to close its list and de-register a significant amount of patients, as we have already explained. To refuse this application on the basis that some other viable solution might appear in due course would be a high-stakes gamble indeed. It is the local population who would be very likely to lose out if such an approach is adopted.

Finally, NHS capital funding has been secured for the extension, after a prolonged and tortuous process, but this funding has to be used by March 2021, or it will be lost to the practice. We may therefore find ourselves in the unenviable position of being unable to proceed with the extension, even if planning permission is ultimately granted, if there is any further delay. Again, this would have severe consequences for healthcare provision for local people.

Thank you for considering our views, which we hope can be robustly presented to the planning committee prior to a final decision being taken.

Yours sincerely,



Dr Nick Redman



Dr Sara Raton-Lunn

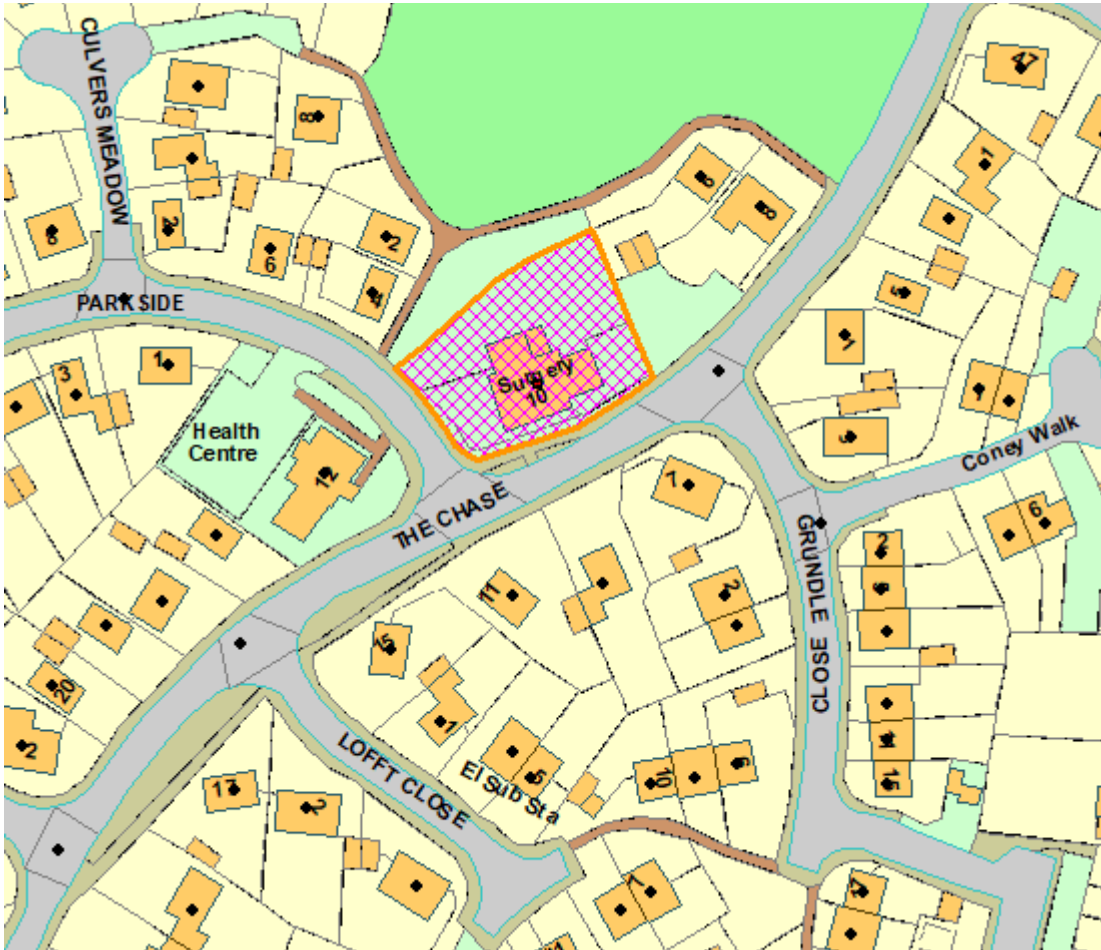


Dr Lucy Ross2020

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Doctors Surgery, 10 The Chase, Stanton, IP31 2XA



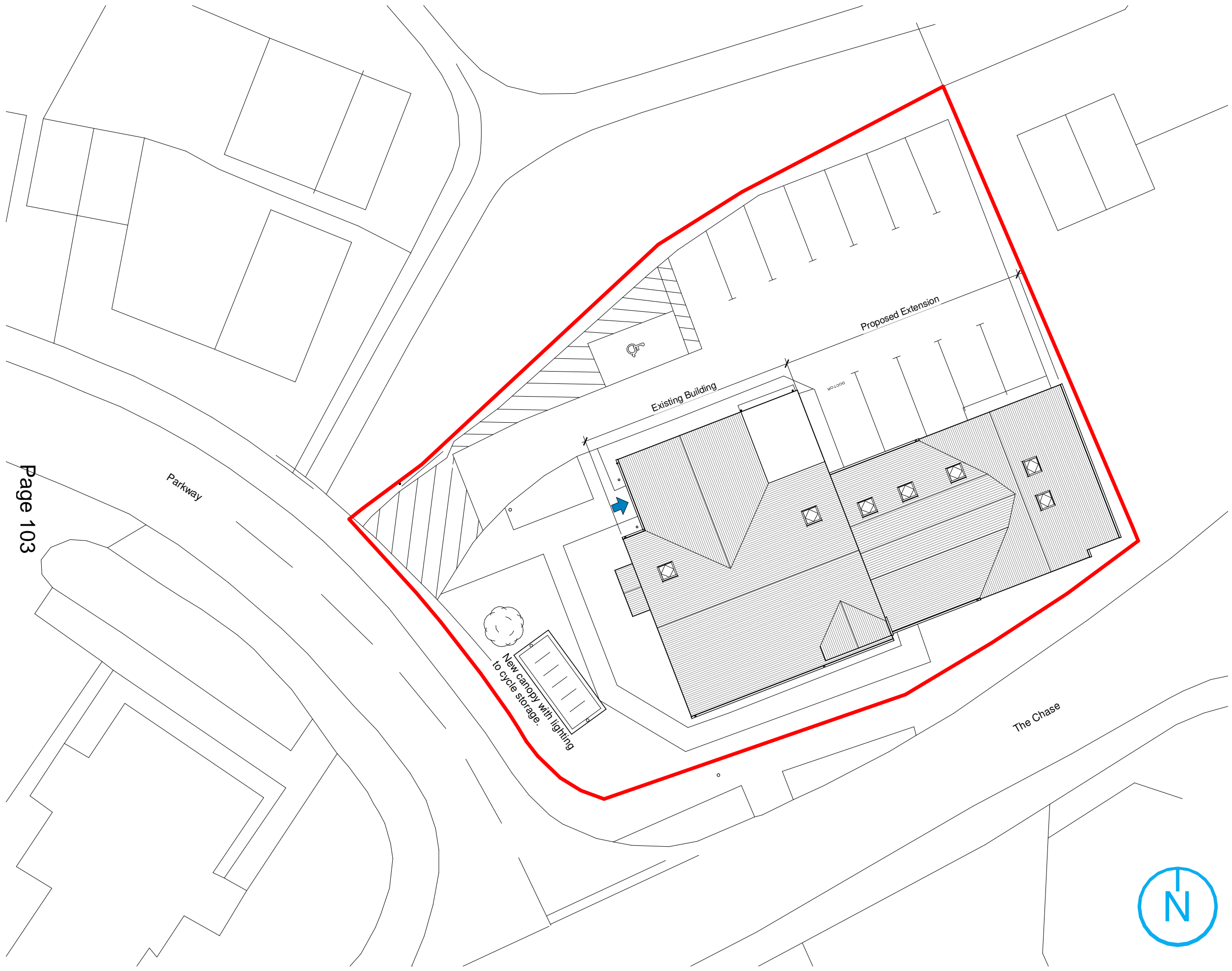
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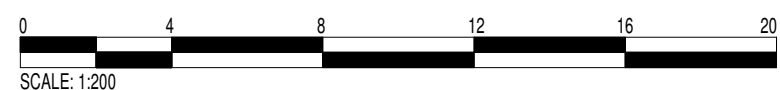
Reference Name	Status	Revision
SS-KLH-XX-XX-M3-A-0001_4735		P01.1

Revisions	Date	Drawn /	Chk'd
P01	Issue for Planning	07/05/20	BW



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Proposed Site Block Plan
1 : 200



Client
Stanton Surgery

Project
Stanton Surgery - Phase 2 Extension Proposal

Title
Proposed Block Plan

Project N ^o	Drawing N ^o	Revision
4735 - 0110		P01

Scale - unless otherwise stated	Issued For
1 : 200 @ A3	PLANNING

BS 1192 Ref.	Status
SS-KLH-XX-00-DR-A-0110	S2

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Development Control Committee 7 October 2020

Planning Application DC/19/1577/FUL – Land Rear of 47 High Street, Tuddenham

Date registered:	8 August 2019	Expiry date:	3 October 2019 (EOT 17 October 2020)
Case officer:	Savannah Cobbold	Recommendation:	Approve application
Parish:	Tuddenham Parish Council	Ward:	Manor
Proposal:	Planning Application - 1no. dwelling		
Site:	Land Rear of 47 High Street, Tuddenham		
Applicant:	Mrs Kay Thompson		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

Contact case officer:

Savannah Cobbold
Email: savannah.cobbold@westsuffolk.gov.uk
Telephone: 07971 534117

Background:

The application was taken before the Delegation Panel on 7 April 2020 following an objection from the Parish Council, conflicting with the Officer recommendation of 'minded to approve'. It was concluded by the Panel that the application could be dealt with using delegated powers subject to a further issue relating to the potential effects upon the nearby Special Protection Area being understood and resolved. This matter has since been resolved.

However, given the continuing level of interest in this matter from third parties as well as the interest of the Ward Member, Councillor Brian Harvey, the application has been referred to the Development Control Committee at the request of the Assistant Director, Planning and Regulatory.

Proposal:

1. The application seeks planning permission for the construction of 1no. dwelling towards the rear of Number 47 High Street. The proposed dwelling will be detached and sit in its own plot, separate to Number 47.
2. The proposed dwelling will measure 12m x 8m (including front porch area) with an overall height of 6.7 metres. The proposal will utilise an existing access between Number 47 and 47a High Street.
3. The scheme has been amended twice since the first submission, as detailed below.
 - Original submission (8 August 2019): Officers considered this dwelling unacceptably large in scale, especially in height.
 - First formal amendment (11 November 2019): The scheme was amended in height, reducing it to a more acceptable level. This scheme still incorporated dormer windows on the front elevation, which provided light to habitable rooms. Concern was raised regarding the potential overlooking from these windows, particularly on the host dwelling and others nearby.
 - Following further discussions with the agent regarding the design of the dwelling, an amended scheme was submitted informally to rearrange the internal layout of the first floor, so that the habitable rooms were to the rear, where overlooking would not be a concern. Concern was still raised regarding the large glazed element on the front elevation, with potential overlooking issues remaining of concern to officers.
 - The second formal amendment was submitted on 20 January 2020. The large front glazed element was removed, along with the dormer windows on the front elevation. These were replaced with roof lights serving the bathrooms, which are positioned a minimum of 1.7 metres above floor level.

Application supporting material:

- There have been two formal sets of amended plans through the application process and therefore a number of plans have been superseded. The list below shows the submitted documents that are now under consideration

Plan type	Reference No	Dated received
Application form		08.08.2019
Location plan	280/01	08.08.2019
Design and Access Statement		08.08.2019
Proposed floor plans and elevations	280/11/E	20.01.2020
Proposed block plan	280/10/F	13.02.2020
Land contamination questionnaire, (part 1 & 2)		08.08.2019

- All other documents shown on the website include consultee and third party comments and superseded plans.

Site details:

- The application site is located towards the rear of Number 47 High Street in Tuddenham within the defined settlement boundary. The development will sit on land currently used as a domestic garden serving Number 47. Towards the south-east of the site, there is row of semi-detached pairs of dwellings, sitting in similar sized plots, and with properties set within smaller plots on the opposite side of High Street. Towards the north-west of the site is an example of back land development, with Number 45 fronting the highway, Number 41 sitting behind this and Number 41a located towards the rear of 41. On the opposite side of High Street, Number 20 is Grade II listed. Tuddenham is also set within the Special Protection Area 1.5km buffer (SPA) and therefore care is required when looking at development in relation to the potential impacts upon Stone Curlews.

Planning history:

- There is no relevant planning history.

Consultations:

- All consultation responses will be discussed further in the Officer Comment section of this report.

Public Health and Housing: 12th August 2019 – no objections.

Development Monitoring Officer: No comments received.

Leisure & Cultural Operational Manager: No comments received.

Environment Team: No objections subject to a condition.

Suffolk County Council Highways: 4th September 2019 – Concern was raised in relation to the parking for the host dwelling and amended plans requested.

27th November 2019 – No objections subject to conditions.

Suffolk Wildlife Trust: No comments received.

RSPB Eastern England: No comments received.

Natural England: No objections – further discussions took place between NE and the LPA's Ecology Officer.

Suffolk Fire and Rescue: Set out standard notes.

Ecology Officer: No objections, subject to conditions.

Conservation Officer: No objections.

Representations:

9. Tuddenham Parish Council: 3 September 2019 – *Tuddenham Parish Council offers no objections but would request that the approval ensures that the build conforms to standard operating hours of business, with no evening, Sunday or Bank Holiday works being undertaken. Also requested that building materials are kept on site, with no encroachment onto the highway.*

6 February 2020 – *Following a reconsultation on amended plans, Tuddenham Parish Council offers no comments to this amendment.*

16 March 2020 – Tuddenham Parish Council object to the application. Concerns raised are summarised below.

- Proposal is out of character
- Over-development of the site
- Listed building, Number 20 will be affected
- Overbearing
- Position and orientation of a two storey dwelling, its height, bulk, scale and mass in close proximity of neighbours means there would be direct over-shadowing, leading to loss of light and visual amenity

10. Neighbours: The owners/occupiers of Numbers 41a and 49 High Street have provided objections towards this application.

11. Four letters of representation have been received from 41a High Street as summarised below:

Main points raised

20 August 2019:

- Impact upon character, existing pattern and form of development
- Residential amenity impacts and design
- Ecology, biodiversity and rural environmental context
- Intensification of use and cumulative impacts
- Poor form of back land development and over-development of the plot

10 December 2019:

- Inaccuracies with proposal
- Impact upon character
- Residential amenity impacts
- Design and layout
- Ecology and biodiversity
- Poor form of back land development
- Intensification of use

2 February 2020:

- Inaccuracies with proposal
- Significant key issues that will remain on the site for the proposal by virtue of its location and position
- Comments in regards to latest amendments and previous amendments
- Assessment of the proposal provided

2 July 2020:

- Responded in connection with Public Health and Housing Officer's comments
- Removal of hedge
- Traffic movements, particularly at night

12. Three letters of representation have been received from Number 49 High Street as summarised below:

Main points raised:

28 August 2019

- Concerns over the size of the proposed dwelling
- Noise and pollution to the environment and directly next to private rear garden
- Over-development
- Poor design/layout
- Overlooking

9 December 2019:

- Due to the size and height, it would be overbearing
- Proposal is too big for back land development
- Obscure glass, concerns of overlooking
- Out of character
- Noise and pollution will be increased towards this neighbouring property

1 February 2020:

- The height and size would be overbearing
- Two storey is too big in this area
- Out of keeping and not very sensitive or sympathetic
- Invasion of privacy
- Out of character
- Noise and pollution

13. Full details of these representations are available to view online, under the case file reference.

Policy:

14. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

15. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Policy DM1: Presumption in Favour of Sustainable Development

Policy DM2: Creating Places – Development Principles and Local Distinctiveness

Policy DM7: Sustainable Design and Construction

Policy DM11: Protected Species

Policy DM12: Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13: Landscape Features

Policy DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding Hazards

Policy DM15: Listed Buildings

Policy DM22: Residential Design

Policy DM46: Parking Standards

Core Strategy Policy FCS5 – Design Quality

Core Strategy Policy FCS1 – Spatial Strategy

Other planning policy:

16. National Planning Policy Framework (NPPF) 2019.

17. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

18. The issues to be considered in the determination of the application are:

- Principle of development
- Impact on street scene/character of the area
- Impact on residential amenity

- Highways matters
- Biodiversity/ecological impacts
- Impact on listed buildings
- Other matters

Principle of development:

19. The application seeks planning permission for the construction of a new dwelling within the settlement boundary of Tuddenham. Core Strategy policy CS1 defines Tuddenham as a secondary village which will provide 'nominal housing growth'. The principle of a new dwelling within this area is therefore generally considered acceptable and will need to be in accordance with policy DM2 which requires proposals to respect the character and appearance of the immediate and surrounding area, and also requires that there are not any adverse impacts upon residential amenity, highway safety or important trees within the street scene. Along with CS5, Policies DM2 and DM22 require development to conserve and where possible enhance the character and local distinctiveness of the area.
20. In this case, the proposed development is located entirely within an existing residential curtilage, and also entirely within the settlement boundary for Tuddenham. As such, the principle of the development is considered acceptable in this location, subject to its design, scale, form and likely impacts in relation to, amongst other things, amenity, character, highway safety and biodiversity.

Impact on street scene/character of the area:

21. Officers consider the proposal will have no materially significant adverse impact upon the character of the area given the current prevailing form of development within this area of Tuddenham. The proposed dwelling will sit in land currently used as a residential garden by number 47 and will represent the development of a back-land plot. This area of Tuddenham has no real defined pattern of development with several residential properties within close proximity of each other, and with no uniform building line. Number 47a sits towards the north-west of number 47 and was a later addition, approved in 2004. This dwelling sits in an extremely narrow plot accommodating a tall, narrow dwelling, uncharacteristic with number 47. The pattern of development within Tuddenham is also mixed. Towards the south of the site, semi-detached pairs of dwellings sit within a generally uniform building line and are all similar in appearance. Immediately towards the north of the site is an example of back-land development; Number 45 fronts the highway, with number 41 sitting behind this, and 41a located behind 41. Further towards the north of the site, number 19 fronts the highway, with numbers 23 and 25 located directly behind each other. On the opposite side of High Street, a small cluster of properties sit behind those along High Street at Chapel Lane which is accessed off High Street. An additional residential unit was approved in 2019 allowing the construction of 1 no. dwelling behind the residential garden land of numbers 28a, 26, 22 and 20. Given this, the concept of a dwelling in this location is considered to be in-keeping with the existing pattern of development around this area of Tuddenham. The dwelling is also sited behind number 47, and only limited and mostly glimpsed views will be achieved along the existing access from High Street.

22. The residents of numbers 49 and 41a raise concerns regarding the proposed development being out of character and not being sympathetic to the existing pattern of development within Tuddenham. As explained above, the dwelling is considered to follow an existing pattern of development, and to be located in an area with a very mixed character. The occupier of number 41a makes comments regarding the plot being limited in scale and of a new dwelling in this location being cramped and contrived. Number 41 and 41a themselves are examples of back-land development within the immediate proximity of the application site and with other examples nearby. Number 47a sits within an extremely narrow plot, whereas properties on the opposite side of the highway sit in extremely large plots. Properties along High Street are mainly two storey, albeit number 41a is single storey. A further one and a half storey dwelling was approved in 2019 at land adjacent to number 11. Given this, and noting the variety in scale, position and orientation of dwellings generally, Officers consider that there is no defined pattern of development in this location and the placement of a dwelling towards the rear of Number 47 would be in-keeping with existing development along High Street, with no material harm arising to the character or appearance of the area.

23. It is noted that there may be a loss of trees as a result of the proposed development at the rear of the site and site boundaries. These are not protected by reason of either Conservation Area status or by Tree Preservation Order. Officers note that these trees are insignificant leylandii type specimens in visual terms and in relation to their contribution to the character of the area, and that their removal if it occurred would not therefore negatively impact upon the character of the area. However, Officers are satisfied in any event that these specimens can be retained and that their presence would not be incompatible with the submitted layout.

24. In conclusion therefore, officers are satisfied, notwithstanding the location set back from High Street behind an existing dwelling, that the impact of the proposal upon the character and appearance of the area will be satisfactory.

Impact on residential amenity:

25. The scheme has been amended in order to overcome initial concerns held by officers regarding the potential adverse impact on residential amenity as a result of the proposed development.

26. The original design of the dwelling appeared to create a large one and a half storey dwelling, towards the rear of a modest two storey dwelling and with a chalet bungalow style property and a bungalow located next door to this. The overall height of this initial proposal was 8.1 metres, which Officers considered to be extremely tall for a one and a half storey property, in such location, given the scale of nearby properties and the relationship between them and the proposal. This scheme also included the provision of a large glazed element towards the front of the dwelling which Officers considered would unacceptably harm the residential amenity of nearby occupants by means of both direct overlooking and a greater perception of overlooking, particularly in relation to the host dwelling at number 47 and the neighbour at number 49. It was also noted

that this original scheme included dormer windows to the front elevation which provided light to two bedrooms. As number 47 sits approximately 21 metres from the front elevation of the proposed dwelling, it was considered having habitable rooms towards the front of the dwelling would further create an unacceptable level of overlooking towards this property. At such a height, dormer windows in this location, lighting habitable rooms, and located approximately 5 metres from the 1.83 metre close boarded fence, posed concern regarding overlooking into the rear garden of number 47. The initial proposal, 8.1 metres in height also raised concern with Officers in relation to an overbearing impact upon 47.

27. The first set of formal amended plans were received on 11 November 2019 in which a formal neighbour consultation was sent out. The floor plan at first floor level was reconfigured so that the habitable bedrooms were relocated to the rear of the dwelling and the bathroom/en-suite were located at the front of the dwelling so that windows on the front elevation could be obscure glazed to reduce the impact of overlooking. Officers still raised concern regarding the large glazed element on the front elevation given the perception of overlooking and further recommended that this be completely removed from the scheme. It was also recommended that the dormer windows on the front elevation were amended to reflect roof lights 1.7 metres above first floor level, and to ensure that the overlooking concerns, towards numbers 47 and 49, were adequately addressed. The height of the dwelling was also reduced in this set of amended plans by 1.4 metres.
28. A second set of formal amended plans were received on 20 January 2020. This most recent set of amended plans show the large glazed element on the southern elevation removed from the scheme, along with the removal of the dormer windows on the front elevation. The cross section on this latest set of plans show that the roof lights are positioned a minimum of 1.7 metres above floor level, which is what could normally be achieved using permitted development rights. Officers consider these changes, along with the previous reduction in height, to be acceptable. Whilst it is noted that there may be a degree of overlooking to number 47, this is not considered to significantly impact upon the residential amenity of this property as the windows at first floor level are roof light windows, 1.7 metres above floor level. The majority of views would be upwards, mostly of the sky, with only limited views available into the rear garden of number 47.
29. Number 49 sits towards the south of the proposed development site with an approximate separation distance of 18 metres from the front elevation of the proposed dwelling to the rear elevation of 49. It is considered that whilst there may be a degree of overlooking towards this property, Officers consider this to be minor given the changes made to the scheme since first submission, including the removal of the large glazed element and the replacement of dormer windows to the front elevation with roof lights 1.7 metres above floor level. Therefore, as a result of the proposed dwelling, no substantial harm will arise upon the residential amenity of this property.
30. Number 49 has provided three written representations in regards to the this application during the consultation process of each set of amended plans received. The owner/occupier of this property raised concern firstly

on 28 August 2019 regarding the scale of the original design of the dwelling. Overlooking was also a concern raised during the consultation process. As stated above, the original scheme has been amended formally twice since first submission to reduce the overall scale of the dwelling and reconfiguration of the first floor and window placement. Following receipt and reconsultation of the second set of amended plans, a letter of representation was received from this neighbouring property dated 1 February 2020. This raised concern in relation to the height and size of the dwelling and the overbearing impact this would have on Number 49. Officers consider the reduction in height by 1.4 metres acceptable in this case and that a total height of 6.7 metres would not introduce an overbearing impact upon this neighbouring property. It is also noted that there are outbuildings located on the boundary of Number 47 that will further serve to reduce any overbearing effects to that property.

31. Number 41a sits in a plot directly behind Number 41. The block plan shows that the proposed parking area of the new dwelling is located towards the boundary with this neighbouring property, creating additional separation distance between the two. The proposed elevations also show that no windows are located within the side elevation at first floor, ensuring that the overlooking impact upon nearby neighbouring properties will be acceptable. The owner/occupier of number 41a has provided four letters of representation. Issues relating to residential amenity have been raised regarding concerns that the 'scale, mass and bulk of the proposed dwelling would remain at two storeys', with concerns therefore raised of it being overbearing towards 41a. The original scheme measured 8.1 metres in overall height and Officers consider the reduction in height to 6.7 metres acceptable within this context, as a one and half storey dwelling. It is noted that the window form on the front elevation has been revised to reduce the level of overlooking, particularly upon numbers 47 and 49. No windows are placed at first floor level on the side elevation of the proposed dwelling. It is further noted that a hedge currently separates Number 41a and the application site. This will be retained at the request of the neighbour, shown on drawing no. 280/10/F and is considered to provide partial screening the proposal.
32. Numbers 41 and 41a sit towards the west of the development site. The proposed dwelling sits towards the eastern boundary of the site and given its positioning within the site, no materially significant harm is considered to arise upon number 41 in relation to being physically overbearing. The dwelling sits approximately 6.7 metres away from the boundary line, with a further approximately 11.3 metres in the garden of number 41, giving a total building to building distance of 18 metres between the rear of number 41a and the flank of the proposed dwelling. Furthermore, the first floor windows face north and south, and the relationship from windows above ground floor to number 41 is considered satisfactory. Overall therefore, and noting the scale and design of the proposed dwelling, plus its orientation, this relationship is considered acceptable.
33. Number 47a is located 23 metres from the front elevation of the proposed dwelling with an outbuilding towards the rear of the boundary of 47a and number 47 sits 21 metres away from this, measured from the front elevation of the proposed dwelling and rear elevation of 47. Taking into consideration the amendments made to the scheme and its positioning within the site, Officers consider the impact upon residential amenity

satisfactory. Noting the careful conclusions drawn above, and noting the context of this proposed dwelling and its relationship to neighbouring property, Officers are of the opinion that a condition will be necessary on any approval that prevents the future insertion of windows or any other openings on the south east, south west and north west elevations of the property, above ground floor level, without an express grant of planning permission. The provision of a 1.83 metre close boarded fence towards the east of the host dwelling is considered necessary to ensure the ground floor windows will not directly overlook into the rear garden of number 47. This will also be conditioned.

34. The proposal will utilise an existing access between the host dwelling, 47 and 47a. The proposed parking area is located towards the side of the dwelling with parking and turning towards the boundary between numbers 41 and 41a. Whilst the use of this access will be intensified due to placement of a new dwelling, and whilst there will be increased activity as a result in close proximity to these off site dwellings that will have some adverse impacts upon amenity as a consequence of noise and disturbance, this is not considered to negatively impact upon the residential amenity of these nearby properties to such a level that would otherwise justify a refusal. Noise from engines, or from the closing of car doors would be heard. However, this will be of limited duration and not at any level that would otherwise be materially harmful. The intensified use of the access, garden and parking area is considered to have no negative impact upon number 49 as the host dwelling, 47, will screen this access. The access is also shown on the block plan as being surfaced in tarmac, and which can be controlled through the use of the standard 'compliance with plans' condition, thereby minimising the degree of noise disturbance than might otherwise be generated by the use of, for example, an unbound gravel surface. An intensified use of garden area is considered to be acceptable and whilst this proposal will have some adverse impacts upon nearby residential properties in terms of greater noise and disturbance, any amenity impacts arising will not be at a level which Officers consider would otherwise justify refusal.

Highways matters:

35. The Highway Authority first provided comments to the application on 4 September 2019. It is noted that the parking arrangements for the proposed dwelling are acceptable. However, the proposed parking arrangements of the host dwelling, number 47, as shown on drawing no. 280/10/C, indicated that the existing dwelling would have three parking spaces all accessed directly from High Street. The Highway Authority raised concern about this aspect of the proposal as it would remove a significant length of on-street parking and did not provide on-plot turning. It also confirmed that the road is classified and accordingly, vehicles should be able to leave and return in a forward gear. The applicant would also need to apply to Suffolk Highways for consent to undertake works in the highway.
36. These concerns were relayed to the agent in which an amended block plan was submitted, showing alternative parking arrangements. The Highway Authority confirmed this revised layout acceptable, subject to conditions.

Biodiversity/ecological impacts:

37. The site is located within the 1.5 km buffer to the Special Protection Area (SPA) where care and consideration needs to be applied in relation to Stone Curlews. In this regard consideration needs to be given to the potential for adverse impacts arising, cumulatively, from increased recreational pressure within the SPA arising from increased occupation.
38. Concern has been raised by the occupier of number 41a regarding the impact this proposal will have upon biodiversity and the effects upon biodiversity are also a key consideration of the authority. This neighbouring dwelling has detailed that the site contains protected species and states that this proposal will have a negative impact upon these species. Given that the site is located within the SPA and Stone Curlew buffer zone, Natural England and the Local Planning Authority's Ecology Officer have carefully reviewed the site, location and proposed development.
39. Natural England consider the proposal will not have likely significant effects on the Breckland Special Protection Area or Special Area of Conservation and has no objection to the proposed development. The site is near the Breckland SPA. The site sits within the 1.5km constraint zone, put in place to protect Stone Curlew. Due to the size of the proposal, coupled with its specific location in relation to other development within the zone, Natural England does not consider that the proposed development, alone, will have a significant impact on the Breckland SPA. Natural England recommended that West Suffolk, as competent authority consider this application in combination with other housing proposals.
40. In response to this, the agent requested records from RSPB Eastern England which were subsequently sent back to Natural England. An Officer at Natural England added the data supplied into their Stone Curlew Planning Tool and it was recorded that this development would have no adverse effects whatsoever upon the SPA.

Habitats Regulations Assessment – Appropriate Assessment

41. A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites such as the Special Protection Area, identified under these regulations are referred to as 'habitats sites' in the National Planning Policy Framework.
42. All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an 'appropriate assessment' of the implications of the plan or project for

that site, in view of the site's conservation objectives. The competent authority, in this case West Suffolk Council, may agree to the project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured.

43. The proposal is to construct a dwelling on garden land to the rear of 47 High Street, Tuddenham.
44. The proposed development site is in close proximity to Breckland Special Protection Area, a European site. In particular it sits within the 1.5km constraint zone around Breckland (SPA), put in place to protect Stone Curlew, a qualifying species of Breckland SPA. Planning policy CS2 (of the Core Strategy for the former FHDC area) states that New built development will be restricted within 1,500m of components of the Breckland SPA designated for Stone Curlew. Proposals for development in these areas will require a project level Habitat Regulations Assessment (HRA) (see Figure 3). Development which is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.
45. The application was screened against the SPA Stone Curlew flowchart. Likely significant effects could not be screened out because the site was not completely screened by built development from the SPA, and the development would result in a new building with a footprint greater than the existing buildings on the site. Appropriate Assessment is therefore required.
46. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017. The regulations require a competent authority, before deciding to give any consent to a project which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.
47. The project is not directly connected with or necessary to the management of Breckland SPA.
48. The site is outside of Breckland (SPA), however, the site is located 300m east of the closest part Breckland Farmland SSSI, a component of Breckland SPA. Qualifying features and conservation objectives for this site are set out below.

Breckland Special protection Area (SPA)

Qualifying Features:

A133 *Burhinus oedicnemus*; Stone-curlew (Breeding)

A224 *Caprimulgus europaeus*; European nightjar (Breeding)

A246 *Lullula arborea*; Woodlark (Breeding)

Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Consultation

49. Natural England was consulted. Natural England's letter of 18 March 2020 confirms that due to the size of this application, coupled with its specific location in relation to other development within the zone, Natural England does not consider that the proposed development, alone, will have a significant effect on Breckland SPA. However, Natural England went on to comment *that 'we have concerns about the cumulative effect of increasing levels of development within the 1.5km zone, in particular as a result of recreational disturbance. We would advise you as the competent authority to consider this application in combination with other housing proposals you are aware of in the vicinity, in line with the legal advice you have commissioned'*. Natural England has confirmed that the issue does not specifically relate to recreational disturbance but to the wider issues associated with 'disturbance and urban effects from construction and occupation of buildings'.

Direct and indirect effects

50. The use of the land would include the erection of buildings on the development site. Breeding density of stone curlew has been shown to be sensitive to built development. The most recent work by Clarke, R., & Liley, D. (2013) found that it is difficult to separate and quantify the effects of individual building types on nest density distribution. However, models involving the combined area of just the residential and the many 'other' mostly unassigned buildings gave the best model fit, and that the reduced nest density found around buildings is particularly related to residential buildings. No effects of the development alone have been identified based on the size, and location of this site in relation to existing residential development and the SPA.

In-Combination effects

51. The potential for effects as a result of this application as a consequence of cumulative effects with other development has been highlighted. Natural England is concerned that the impacts of projects currently being permitted should be adequately offset, including where the effects are small including those projects which have previously been screened out from the HRA (including whether they were visually screened from the SPA).
52. In 2016 Natural England commissioned a 'Planning Tool' from Footprint Ecology, which tests development scenarios by querying them against the underlying science, thus providing an accurate prediction of likely impacts. The model has been tested by Natural England on a range of development

projects, at both pre-application and statutory consultation stages; NE currently use the model to advise the LPA's in relation to planning casework. As a result, development impacts can be confidently predicted both 'alone' and 'in-combination'.

53. NE has tested this case using the predictive model to establish what the effect of the proposals on the SPA would be. The results are that the proposals would have no effect on the SPA.

Conclusion of HRA

54. On the basis of the current proposals and the results of the predictive model, the Local Planning Authority in its role as Competent Authority, is able to conclude that the proposals, in combination with other plans and projects, would not have an adverse effect on the integrity of Breckland SPA.

Other Ecology Matters

55. For the site itself, which is a small garden area, there are a number of protected species records in the area although none at the specific property. The records relate to bats, birds, hedgehogs. A neighbour has also recently reported a sighting of a snake on the boundary. The proposals will require some site clearance, however, there are no significant trees on the site and only a small wooden shed to be removed, and the boundary hedges are shown to be retained. Taking all this into account the risks to protected species are considered to be small and could be minimised through a condition requiring a precautionary approach to site clearance to avoid harm to reptiles, restricting removal of woody vegetation within the bird breeding season, and details of hedge protection during construction. Ecological enhancements should be conditioned including hedgehog holes in any fences, and integrated bird boxes on the new dwelling. A soft landscaping scheme will also be required, this should show vegetation to be retained.

Impact on listed buildings:

56. The occupier of number 41a and the Parish Council have raised concerns regarding the potential adverse effects of this development upon the listed building on the opposite side of the highway.
57. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architecture or historical interest which it possesses.
58. Policy DM15 states that proposals to alter, extend or change the use of a Listed Building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting of the Listed Building. In this case, the only notable listed building within close proximity to the site is Number 20, located on the opposite side of the highway to the application site. 20 High Street is described as a *'House. Early C17. 3 cell lobby-entrance plan 1 storey with attics. Timber-framed and roughcast. Double-Roman pantiled roof with central C17 chimney of red brick, recapped with*

gault brick. Gabled C19 casement dormers. Small-pane C19 casements. C20 6-panelled entrance door. A late C19 or early C20 shop front in a later extension to right. The central chimney has back-to-back open fireplaces; that in the hall has reused Barnack limestone blocks with large roll mouldings, probably reused from a C12 monastic building such as St. Edmund's Abbey. Much exposed timber-framing including studwork with long rising sole-braces.'

59. Fronting eaves onto the road and surrounded by development, the setting of 20 High Street is that of a built-up village rather than an isolated setting benefitting from uninterrupted views of the open countryside. Whilst views of the heritage asset down the existing access may be afforded, it could not be described as a view which either contributes towards its significance, for example, a planned view where the composition within the view was a fundamental aspect of the design or function of the heritage asset, or a view which is particularly helpful in allowing the significance of the asset to be appreciated. Instead, the view is that of a relatively narrow engineered access flanked either side by comparatively modern development with mature planting towards the rear. Consequently, a proposal to develop to the rear of number 47 will not affect views which contribute towards its significance. No objections are therefore considered to exist in relation to the effect of this proposal upon the setting of 20 High Street.

Other matters:

60. Public Health and Housing provided no objections to the application on 12 August 2019. Further comments were submitted by the owner/occupier of Number 41a and 49 regarding the impact of noise and pollution as a result of this proposal. Number 41a stated that 'the planning application would cause severe amenity issues for my occupation. In particular, from an environmental health perspective there would be regular noise and disturbance due to the significantly proposed protruded drive, parking and manoeuvring area hard on the boundary, which is directly adjacent to bedrooms, living and private living space'. Concern was raised also regarding the intensification of use of the driveway and vehicle fumes.

61. The Public Health and Housing Officer noted that the erection and maintenance of a close boarded fence between both properties would provide screening to any potential 'environmental' effects the neighbour alludes to. The noise from two or three vehicles entering and parking would be of limited time and the fencing would attenuate most perceptible noise. Noise from closing of car doors would be heard, however this is going to be for limited duration and no more than you would hear from neighbours entering and existing their cars if they are on the road outside the property. Any fumes from the vehicles would disperse naturally and due to the distance between 41a and the parking area of the proposed dwelling are likely to be undetectable. As concluded above, the effects upon amenity are therefore considered acceptable, as a matter of balance.

62. It should be noted that the original proposal was to erect a close boarded fence which would have afforded a reasonable level of noise attenuation against the noise from vehicles being parked on the proposed site. However, a hedge which is already in place is now to be retained as a substitute for the new fencing originally proposed. This would not have the

same attenuation as a close boarded fence. That said, the noise from car doors being closed and vehicles started up and used is highly unlikely to be considered a statutory nuisance. The hedge should provide some level of screening, However, either boundary treatment would not pose a nuisance in regard to noise to either neighbouring property.

63. In order to ensure that effects from construction can be effectively managed, a condition limiting the hours of working is considered reasonable, noting the site context and the relationship to neighbouring dwellings.
64. DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regard to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.
65. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
66. The Environment Team raise no objections to the proposed dwelling subject to conditions to provide an electric vehicle charging point, in compliance with policy DM14.
67. The Parish Council has provided three sets of comments in relation to the original and subsequently amended plans. On 3 September 2019 the Parish Council raised no objections to the application but requested that the build conforms to standard operating hours. They also requested that the storage of building materials are kept on site, with no encroachment on to the highway. In relation to the first set of formal amended plans, Tuddenham Parish Council provided 'no comments to make'. On 16 March 2020, the Parish Council objected to the scheme on the grounds that the application would be out of character, would impact on residential amenity and would impact upon the listed building on the opposite side of the highway. They also raised concern in regard to noise. Following this objection, the application was referred to Delegation Panel on 7th April, also at the request of Councillor Brian Harvey. It was decided that the application could be determined using delegated powers on the condition that outstanding issues relating to the SPA were resolved beforehand. This was resolved in August 2020 following comments from Natural England and the in-house Ecology Officer.

Planning Balance

68. In considering the planning balance here, the provision of a dwelling in a suitable location, with no adverse impacts upon the character of the area, and with no concerns in relation to the effect upon biodiversity or highway safety, are factors that weigh heavily in favour of approval. The dwelling is sited in such a way, and its design has been revised, to enable a reasonable conclusion to be drawn that it will not be overbearing in

relation to any nearby property, and also that window positions, plus the imposition of conditions to prevent the future installation of additional first floor windows, will ensure that the amenities of nearby dwellings will not be materially adversely affected. The dwelling will give rise to a greater degree of activity towards the rear of the site away from High Street, in a way that will inevitably give rise to some minor amenity effects at a number of nearby or adjacent properties, noting the narrow access and the position and proximity of nearby dwellings. However, this effect is not considered to be sufficiently material to outweigh the otherwise very clear benefits of this proposal, as a matter of balance.

Conclusion:

69. In conclusion, the principle and detail of the development, as amended, is considered to be acceptable. Any minor harm to amenity arising from the provision of a dwelling in this location is not considered to be at a level that would justify a refusal and there are no other reasons to withhold the grant of planning permission.

Recommendation:

70. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Plan type	Reference number	Date received
Application form		08.08.2019
Location plan	280/01	08.08.2019
Design and Access Statement		08.08.2019
Proposed floor plans and elevations	280/11/E	20.01.2020
Proposed block plan	280/10/F	13.02.2020
Land contamination questionnaire, (part 1 & 2)		08.08.2019

Reason: To define the scope and extent of this permission.

3. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

5. The dwelling(s) 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.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 280/10/F for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on drawing no. 280/10/F & shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

8. Prior to occupation details of biodiversity enhancement measures, including hedgehog holes in any fencing and integrated bird boxes on the new dwelling, to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. 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 vegetation to be retained, 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.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

10. 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 any of the south east, south west and / or north west elevations.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

11. The fencing shown on the approved plan drawing no 280/10/F shall be constructed or erected before the dwelling to which it relates is first occupied and thereafter retained in the form and manner installed.

Reason: To preserve the residential and visual amenities of the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

12. No site clearance works shall take place within the bird nesting season (March to August, inclusive).

Reason: In the interests of biodiversity, noting the hedges on site, and in accordance with Policies DM11 and DM12 of the West Suffolk Joint

Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

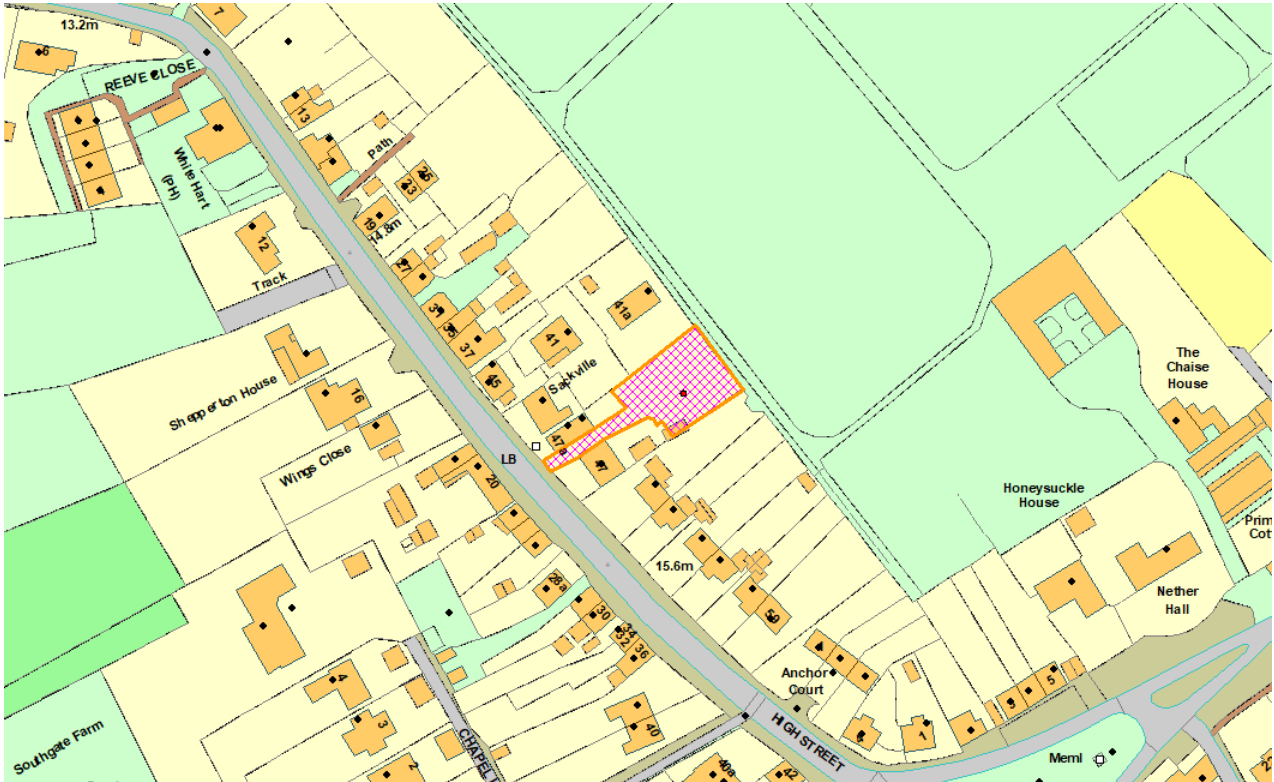
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1577/FUL](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411111/DC/19/1577/FUL)

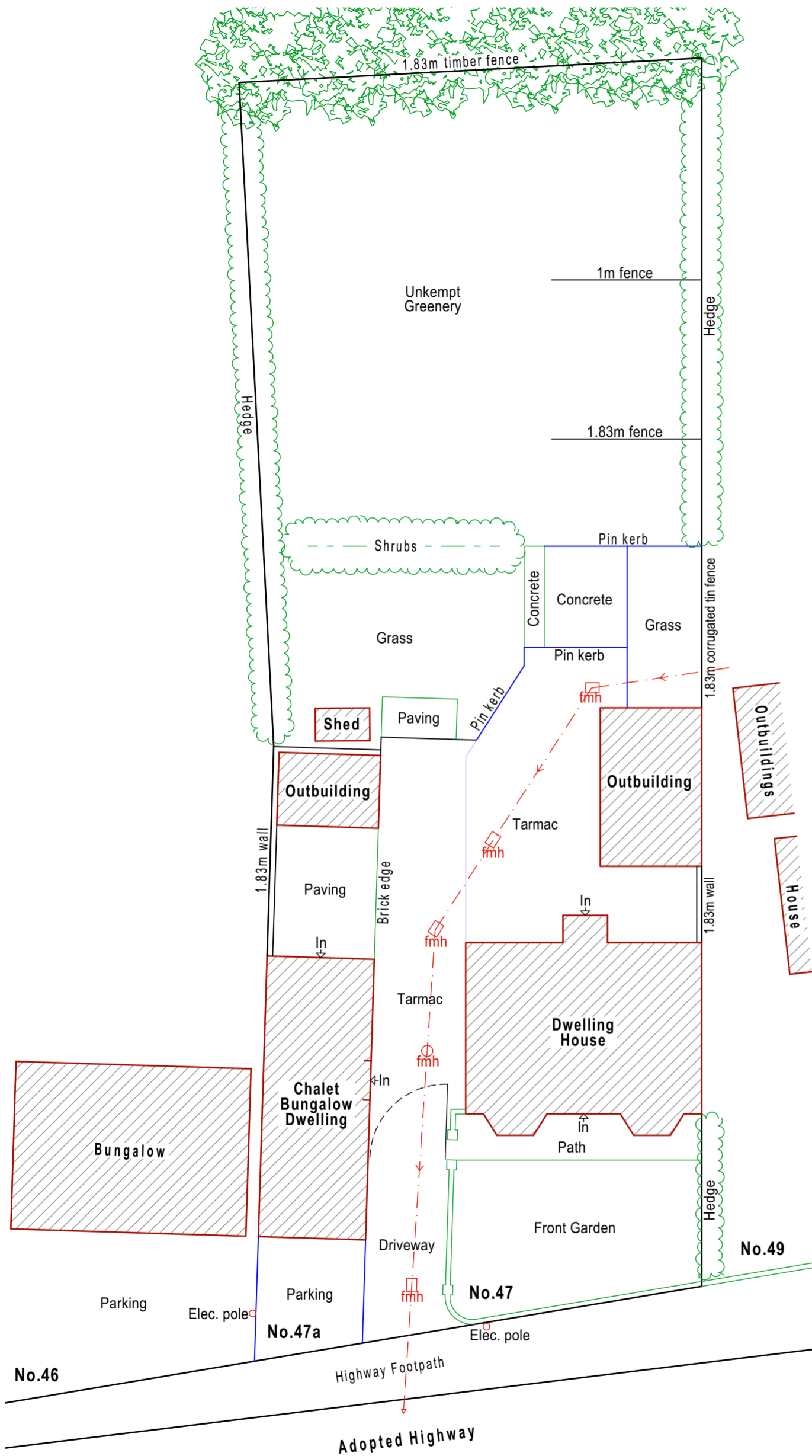
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DC/19/1577/FUL - Land Rear Of 47 High Street, Tuddenham

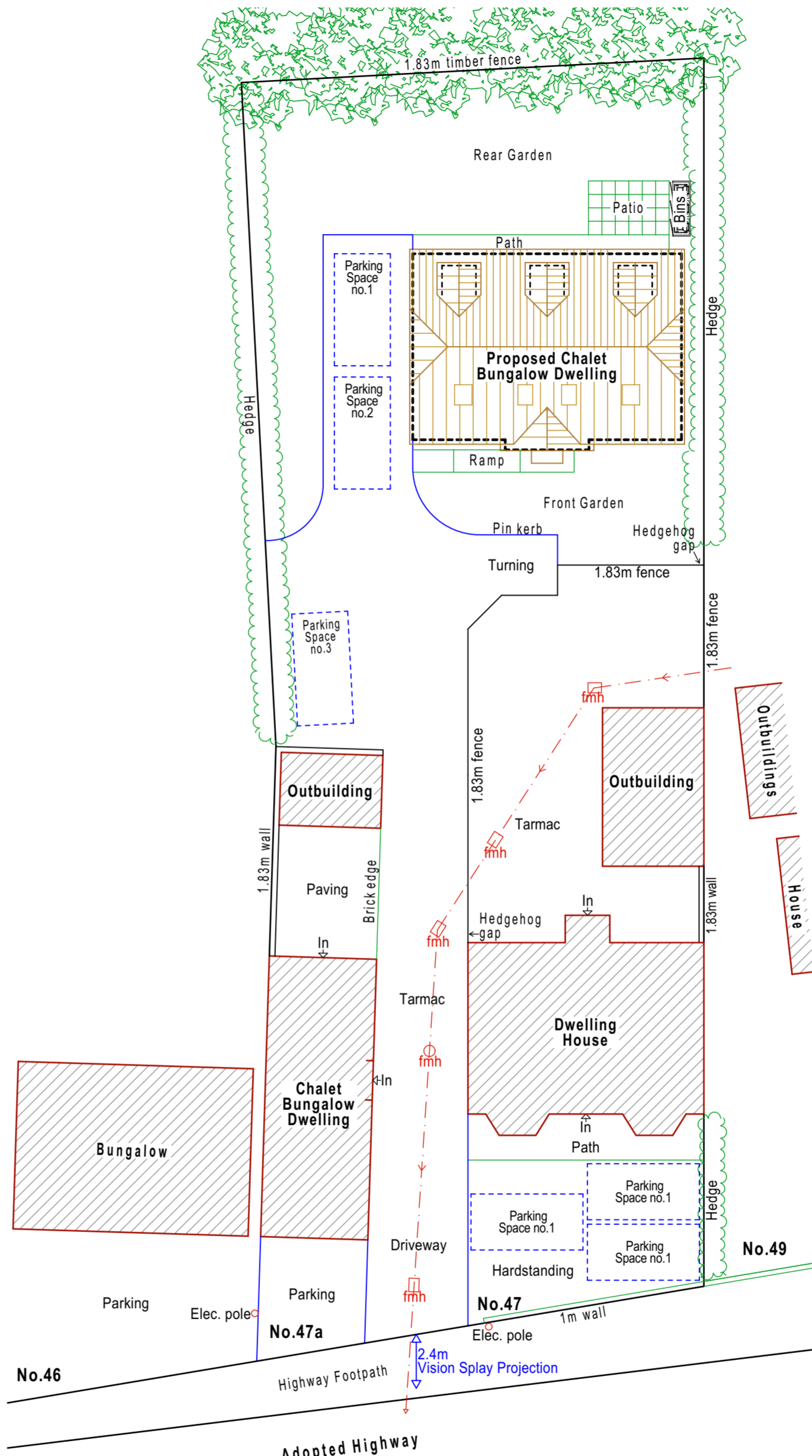


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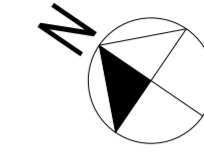
Existing Site Layout Plan 1:200

0m 5m 10m 15m 20m 25m



Proposed Site Layout Plan 1:200

0m 5m 10m 15m 20m 25m



- Rev.F / 13.02.20 / krw
Northern and Southern boundary hedging reinstated.
- Rev.E / 19.01.20 / krw
Front dormers omitted in favour of roof windows.
Front gable roof lowered,
- Rev.D / 03.10.19 / krw
Proposed dwelling roof amended in accordance with 280/11/B.
Frontage parking to no.47 amended with spaces accessed via the side / shared access driveway and existing front wall reinstated.
- Rev.C / 28.07.19 / krw
Vision splay projection distance added.
Existing foul drainage added.
- Rev.B / 18.07.19 / krw
Amended further to client meeting on site.
- Rev.A / 14.07.19 / krw
Amended further to client meeting.

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Site
47 High Street, Tuddenham.

Project
Proposed Dwelling

Drawing
Site Layout Plans

Drawing Size **A2** Scale(s) **1:200**

Date **March 2019** Drawing no. **280/10/F**

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