

Development Control Committee

Title	Agenda		
Date	Wednesday 5 January 2022		
Time	10.00 am		
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds, IP33 3YU		
Full Members	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <p>Conservative Group (10) Carol Bull Ian Houlder Andy Drummond David Roach Susan Glossop Peter Stevens Brian Harvey</p> <p>The Independent Group (5) Richard Alecock Roger Dicker John Burns David Palmer Jason Crooks</p> <p>Labour Group (1) David Smith</p>		
Substitutes	<p>Conservative Group (5) Nick Clarke Sara Mildmay-White John Griffiths David Nettleton James Lay</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		

Venue	Conference Chamber West Suffolk House Western Way, Bury St Edmunds, IP33 3YU
Contact information	Telephone: 01284 763233 Email: democratic.services@westsuffolk.gov.uk Website: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting	The agenda and reports will be available to view at least five clear days before the meeting on our website.
Attendance at meetings	This meeting is being held in person in order to comply with the Local Government Act 1972. Measures have been applied to ensure the health and safety for all persons present at meetings. We may also be required to restrict the number of members of the public able to attend in accordance with the room capacity. If you consider it is necessary for you to attend, please let Democratic Services know in advance of the meeting so they can endeavour to accommodate you and advise you of the necessary health and safety precautions that apply to the meeting. For further information about the venue, please visit https://www.westsuffolk.gov.uk/contact-us.cfm
Public participation	Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available via the separate link on the agenda's webpage for this meeting.
Accessibility	If you have any difficulties in accessing the meeting, the agenda and accompanying reports, including for reasons of a disability or a protected characteristic, please contact Democratic Services at the earliest opportunity using the contact details provided above in order that we may assist you.
Recording of meetings	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded). Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.
Personal information	Any personal information processed by West Suffolk Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.

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 via the separate link on the agenda's webpage for this meeting

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/altered, 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/altered, 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 Director (Planning and Growth);

- delegate the detailed wording and reason to the Director (Planning and Growth) 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 Director (Planning and Growth) and the Director (HR, Governance and Regulatory) (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/altered, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Director (Planning and Growth)
 - delegate the detailed wording and reason to the Director (Planning and Growth) 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/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 - 4

To confirm the minutes of the meeting held on 1 December 2021 (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/21/1986/VAR - Land West of Eriswell Road, Lakenheath

5 - 42

Report No: **DEV/WS/22/001**

Removal of condition 14 part A(ii) and B of F/2013/0394/OUT for 140 dwellings

6. Planning Application DC/21/0079/FUL - Rabbit Hill Covert, Station Road, Lakenheath

43 - 56

Report No: **DEV/WS/22/002**

Planning application - engineering operations for the introduction of a drainage attenuation basin, as amended

7. Applications DC/21/1806/HH & DC/21/1807/LB - Calford Green Cottage, Calford Green, Kedington

57 - 70

Report No: **DEV/WS/22/003**

Householder planning application - Installation of dark framed solar panels to the front elevation
Listed building consent application - Installation of dark framed solar panels to the front elevation

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 December 2021** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

Brian Harvey

Carol Bull

James Lay

John Burns

David Palmer

Jason Crooks

David Roach

Roger Dicker

David Smith

Andy Drummond

Peter Stevens

John Griffiths

194. **Apologies for absence**

Apologies for absence were received from Councillors Susan Glossop and Ian Houlder.

195. **Substitutes**

The following substitutions were declared:

Councillor James Lay substituting for Councillor Susan Glossop; and Councillor John Griffiths substituting for Councillor Ian Houlder.

Councillor David Palmer joined the meeting at 10.02am during the announcement of the substitutes.

196. **Minutes**

The minutes of the meeting held on 3 November 2021 were unanimously confirmed as a correct record and signed by the Chair.

197. **Declarations of interest**

No declarations of interest were made.

198. **Planning Application DC/21/1562/FUL - 6 and 7 The Village, Rushbrooke (Report No: DEV/WS/21/045)**

Planning application - a. subdivision of existing single dwelling in to 2 dwellings; b. single storey rear extensions to both dwellings

This application was referred to the Development Control Committee as it was a departure from the Development Plan.

Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 37 of Report No DEV/WS/21/045.

It was highlighted to the Committee that the press notice for the proposal did not expire until 10 December 2021, therefore, the recommendation was subject to there being no new material representations being received before the expiration of the statutory publicity.

As part of her presentation the Senior Planning Officer showed videos of the site by way of a virtual 'site visit'.

Speaker: Councillor Sara Mildmay-White (Ward Member: Rougham) spoke in support of the application
(Councillor Mildmay-White did not attend the meeting to personally address the Committee and instead the Democratic Services Officer read out a pre-prepared statement on her behalf.)

Councillor Andy Drummond proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Subject to there being no new material representations being received before the expiration of the statutory publicity on 10 December 2021, planning permission be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 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.
- 4 The dwelling(s) hereby approved shall not be occupied until the 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.
- 5 No development above slab level shall take place until details of the materials for the new extension have been submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

199. **Planning Application DC/21/1961/ADV - 36 High Street, Haverhill (Report No: DEV/WS/21/046)**

**Advertisement Application - a. one internally illuminated fascia sign
b. one internally illuminated projecting sign c. one edge illuminated window poster display sign**

This application was referred to the Development Control Committee because the premises was owned by West Suffolk Council.

Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 21 of Report No DEV/WS/21/046.

As part of his presentation the Principal Planning Officer displayed photographs to the Committee which showed that the proposed signage was already in situ, making the application retrospective in nature.

The Officer also showed videos of the site by way of a virtual 'site visit'.

Councillor John Burns proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor David Roach.

Upon being put to the vote and with the vote being unanimous, 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. The maximum luminance from the fascia sign and the projecting sign shall not exceed 800 candela/m² each.

The meeting concluded at 10.18 am

Signed by:

Chair

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Development Control Committee 5 January 2022

Planning Application DC/21/1986/VAR – Land West of Eriswell Road, Lakenheath

Date 26 October 2021 **Expiry Date:** 25 January 2022
Registered:

Case Officer: Gareth Durrant **Recommendation:** Approval

Parish: Lakenheath **Ward:** Lakenheath

Proposal: Removal of condition 14 part A(ii) and B of F/2013/0394/OUT for 140 dwellings

Site: Land West of Eriswell Road, Lakenheath

Applicant: Persimmon Homes Suffolk

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings 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:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

BACKGROUND:

This application is referred to the Development Control Committee as it for 'major' development and one of the local Members has referred the proposals. Furthermore, the recommendation to grant planning permission is contrary to the views of Lakenheath Parish Council.

The application is recommended for conditional APPROVAL.

Proposal:

1. The application proposes amendments to the wording of one condition attached to planning permission reference F/2013/0345/OUT. The application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) which sets out the powers for conditions to be modified after planning permission has been granted.
2. The 'parent' planning permission in this case granted outline planning permission for the construction of up to 140 dwellings at the site and was the subject of a S106 Agreement and 22 planning conditions. The planning permission is dated 20th September 2018 and the development is yet to be commenced. An application has been received to approve the reserved matters which means the 'parent' outline planning permission remains extant. The reserved matters, which are to be considered separately (and are not affected by the proposals which are the subject of this report, are yet to be determined.
3. This application proposes amendments to the wording of condition 14 of this planning permission. The condition was attached to the decision notice as follows:

A. No construction for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 Db (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 Db laEQ (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of a measurement and assessment methodology for demonstrating compliance with the limits set in condition 1) i), including the identification of specific properties where monitoring shall take place. This methodology shall include measurements within more than one dwelling.

B. *Prior to first occupation, a suitable qualified noise specialist shall demonstrate compliance with the noise criteria detailed in condition A) i) (above) using the measurement and assessment methodology as advocated in condition A) ii) (above) and during periods of normal flying operations at RAF Lakenheath and RAF Mildenhall. The findings of the compliance assessment shall be submitted to and approved in writing by the Local Planning Authority to occupation of the dwellings.*

4. The reasons for the condition were stated as follows:

To protect the amenities of the internal spaces of the approved dwellings and flats from the potentially adverse effects of noise from passing military aircraft, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, and the National Planning Policy Framework.

5. Planning permission is sought to vary the requirements of the imposed condition to remove subsection ii) of Part A of the condition and remove part B in full. This would leave the 'as amended' condition as follows:

No construction for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 Db (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 Db laEQ (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated.

6. All other conditions of the planning permission and the S106 Agreement completed under the 'parent' planning permission would remain unchanged but would need to be repeated on any potential planning permission granted to vary condition 14.

7. The applicant has provided a statement to explain and justify their requested amendments to condition 14. This is as follows:

- The amendment sought is the removal of part A(ii), where identification of specific properties for monitoring is required and details of assessment methodology. The removal of part B of the condition is also sought, which requires a methodology for post-construction noise testing and the testing itself, to verify that the requirements of part A(i) have been achieved.
- Persimmon Homes Suffolk remain committed to complying with part A(i) of condition 14 and are of the view that this part will secure satisfactory mitigation for the internal spaces of the

- approved dwellings in relation to noise impacts from passing military aircraft.
- It is no longer considered that there is a requirement for parts A(ii) and B of the condition. The Local Planning Authority have acknowledged this as Bennett Homes successfully varied a condition with the same wording under application reference DC/19/1392/VAR in February 2020 for Land off Briscoe Way, Lakenheath. Another application is currently pending a decision for the Rabbit Hill Covert site in Lakenheath, on behalf of Evera Homes (DC/21/0469/VAR) to vary the same condition in the same way. The Defence Infrastructure Organisation (DIO) is no longer requesting Part A(ii) or B of the condition to be enforced, this is demonstrated by the consultee responses on both applications referenced.
- An Environmental Noise Assessment/Acoustic Design Statement produced by Loven Acoustics dated 3 June 2021 was submitted as part of the Reserved Matters application (DC/21/1294/RM). This report recommends several mitigation measures required to achieve a daytime noise level of 35dB and sets out the specification of such measures. These involve changes to the dwelling construction (including mitigation measures relating to walls, glazing and ventilation) which can be incorporated with certainty and uniformity throughout the dwellings, and Persimmon Suffolk is happy to comply with this.
- The mechanism to agree a specification for noise reduction measures prior to the commencement of development and an obligation to implement those measures is adequate to secure this mitigation and outcomes desired by the local planning authority. There is no evidence to support the view that this cannot be done successfully through robust design.
- Persimmon Suffolk consider that part A(i) of condition 14 is entirely adequate to secure satisfactory mitigation in respect of noise levels. This part of the condition serves a "planning" purpose, however the additional requirement under parts A(ii) and B for post construction monitoring and reporting does not serve a "planning" purpose as it does not serve to secure adequate mitigation is delivered over and above part A(i). It has been demonstrated through technical reports that mitigation measures can be delivered and part A(i) of condition 14 serves to ensure that satisfactory mitigation is delivered as part of the proposed development. The details that are submitted to discharge this condition will need to be approved by the local planning authority and that is the stage for the authority to satisfy themselves that they are adequate to secure the noise levels set out in condition 14.

Application Supporting Material:

8. The following documents have been submitted to support this application:

- Application form (including ownership certification)
- Site location plan and site location context plan.
- Cover letter explaining the nature of the request to amend the condition wording and the reasons behind it (paragraph 7 above).

Planning History:

9. Outline planning permission granted in September 2018 for construction of up to 140 dwellings. Application DC/13/0660/FUL refers. This is the 'parent' planning permission for this application under Section 73 of the Act. A copy of the planning permission (which sets out the conditions) is attached to the Committee papers as Working Paper 1.

Consultations:

10. The planning application was the subject of a single round of consultation. The following is a summary of all responses received;
11. **Defence Infrastructure Organisation** – do not object and provide the following comments:
 - The MOD has previously written in relation to the outline application F/2013/0394 and reserved matters application DC/21/1294/RM to which this variation of conditions relates to and regarding the reserved matters application offered no objection subject to the dwellings being built in line with the proposed mitigation measures identified within the noise impact assessment.
 - With regards to this application to remove sub-parts A (ii) and B of condition 14 the MOD response dated the 27th July 2021 remains extant. Therefore, we have no concerns subject to the dwellings being built in line with the proposed acoustic mitigation measures i.e. acoustically treated glazing, mechanical ventilation, and enhanced roof/ceiling sound insulation.
 - It is recommended that a condition be added to any permission granted requiring the applicant to carry out the development in accordance with the details laid out in the submitted Noise Impact Assessment.
 - Whilst measures have been carried out to mitigate noise for the new dwellings, it is important to note the external amenity will be adversely affected by aircraft noise.
 - Therefore, in the event of permission being granted it is also recommended that an informative is added that states:

"The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft may overfly the site. The mitigation of noise in external areas may not be possible. Future occupants should also be made aware that aircraft types, flight paths and ground-based activity can vary over time and this may cause

disturbance.”

12. **West Suffolk (Public Health and Housing)** comments *PH&H would have no objection to the removal of parts A(ii) and B of Condition 14 subject to the dwellings being built in line with the acoustic mitigation measures identified as a requirement to comply with part A(i) of this condition.*
13. **National Highways** (formerly Highways England), **Suffolk County Council** (Growth, Highways and Infrastructure Team, the Flood & Water Management Team and the Development Contributions Team) – wrote to confirm they did not wish to comment on the proposals or held ‘no objections’.

Representations:

14. The planning application was the subject of a single round of consultation. The following is a summary of all responses received;
15. **Lakenheath Parish Council** – “strongly objects” and provides the following comments to support those objections:
 - The applicant claims that there is precedent; this is not so. The Briscoe Way site is more than 3km away while the Eriswell Rd site is less than 1km from the end of the runway. It is within 750m of the flightline immediately after take-off and considerably less with multiple aircraft sorties making reduced radius turns.
 - The site sits entirely within the RAFs 72Db Laeq contour with existing aircraft and at the time of the Briscoe Road waiver there was considerable doubt whether the F35 would be stationed at Lakenheath. There was little or no actual data on noise. Both of these circumstances have changed; the F35s arrive within six weeks and the US Air Force has published Environmental Impact Statements for five US Air Bases (including properties being rendered uninhabitable). This site is therefore quite different from those cited. The developer states that part B does not serve a planning purpose. Rather the Planning Authority has to be seen to base its decisions on the best and fullest information available.
 - Unfortunately, the Developer has a very public track record which suggests a considerable gap between design and construction, and the Planning Authority especially where potentially greater impact is likely has an obligation to ensure that developments are safe and sustainable.
 - The noise report is premised on modelling and a (too) brief actual collection of data. Given the imminence of the F35s arrival, surely a more responsible approach would be to premise any application on the actual circumstances as they will be in a few months’ time, rather than push for a cost saving which might render the development unsustainable in both Planning and Commercial terms.

16. One letter was received from **a local resident objecting** to the proposed development. The objector did not raise any matters directly relating to the content of the planning application to hand (i.e. amendments to the requirements of the noise mitigation condition) but raised matters pertinent to the determination of the outline planning application and/or its reserved matters. This included concerns about potential impacts to Stone Curlew (species protected by the Breckland SPA designation) which are addressed by this report below.

Policy:

17. The Development Plan relevant to the old 'Forest Heath' part of the West Suffolk area comprises the policies set out in the Single Issue Review of Core Strategy Policy DM7 (adopted September 2019), the Site Allocations Local Plan (adopted September 2019), Joint Development Management Policies document (adopted February 2015) and the Core Strategy Development Plan document (adopted May 2010). The following policy is applicable to the proposal:
 - Policy DM2 (Development Principles and Local Distinctiveness) from the Joint Development Management Policies document
18. There are no policies in the Core Strategy (including the Single Issue Review) or Site Allocations Local Plan documents which are directly relevant to the outcome of the specific proposals included in this planning application. There are many policies in these documents (and further Development Management policies) which would be relevant to the context of the 'parent' planning permission and the various conditions and S106 obligations that need to be re-imposed if planning permission is granted. Accordingly, these policies are not included in the report, but will be listed as relevant policies on the final decision notice.

Other Planning Policy:

National Policy and Guidance

19. The Government has recently updated national planning policies and has published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed in the 'officer comment' section of this report.
20. The Planning Practice Guidance (PPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process. Relevant advice from the Planning Practice Guidance is discussed in the 'officer comment' section of this report.

Officer Comment:

21. The application proposals are highly specific insofar as they propose

amendments to a single condition attached to an existing planning permission. The condition in question seeks to protect the occupiers of a new housing development against the potentially adverse effects of aircraft noise by securing defensive noise mitigation measures as part of the construction of the dwellings. Accordingly, the issues raised by the proposals centre upon matters of noise impacts to future occupiers of the approved housing development, particularly in the context of the proposed amendments to the wording of the condition. All other matters and issues were settled under the 'parent' planning permission F/2013/0345/OUT and (with the exception of matters pertaining to the Breckland SPA) cannot be revisited as part of this application.

National Planning Policy and advice.

22. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
23. With regard to planning conditions, the NPPF advises these should be kept to a minimum and only imposed where they meet the 'six tests'. These are that the condition must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
24. The Planning Practice Guidance includes a whole section on 'Noise'. Given the fact that the planning application seeks to vary a condition of an existing planning permission and the principle of the proposed development (including in relation to its noise context) is not at stake, the advice in relation to 'noise' is of limited relevance and not summarised here.
25. The Practice Guide also advises with respect to planning conditions. In the context of the current application proposals, the following extracts are relevant:
 - The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable (paragraph ID 21a-001-20140306).
 - The 'six tests' set out in the NPPF need to be satisfied for each condition which an authority intends to apply (paragraph ID 21a-003-20190723).
 - Rigorous application of the six tests can reduce the need for

conditions and it is good practice to keep the number of conditions to a minimum wherever possible (paragraph ID 21a-018-20190723).

- Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness (Paragraph ID: 21a-005-20190723).
- Conditions that unnecessarily affect an applicant's ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used (Paragraph ID: 21a-006-20140306).
- In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application (paragraph ID: 21a-031-20180615)
- The original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged (paragraph ID: 21a-040-20190723).

Local Planning Policy

26. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development and not site sensitive development where its users would be significantly and adversely affected by (inter alia) noise, unless adequate and appropriate mitigation can be implemented.

Relevant standards and Guidelines for noise

World Health Organisation (WHO): 1999: Guidelines for Community Noise

27. This is a wide ranging document describing the effects of community noise. It provides information about the effects of noise that may occur at certain levels of exposure. For dwellings, the critical effects of noise are taken to be sleep disturbance, annoyance and speech interference.
28. Indoor guideline values are provided for bedrooms with the aim of protecting against sleep disturbance, a guideline value of 30 dB LAeq for continuous noise and 45 dB LAm_{ax} for single sound events (no more than 10-15 occasions per night) is recommended. To enable casual conversation during the daytime an internal guideline noise level of 35 dB LAeq is provided.

ProPG: Planning and Noise (New Residential Development)

29. The guidance focusses on proposed new residential development and existing transport noise sources and reflects the Government's overarching Noise Policy Statement for England (NPSE), the National Planning Policy Framework (NPPF) and Planning Practice Guidance, as well as other authoritative sources of guidance.
30. The guidance provides advice for Local Planning Authorities (LPAs) and developers, and their respective professional advisers which complements Government planning and noise policy and guidance. In terms of the specific matters raised by this application the guideline values for internal dwelling noise levels proposed are the same as those provided in relevant British Standards and WHO guidance.

Discussion

31. The wording of the noise condition (the subject of this planning application) was agreed with the Defence Infrastructure Organisation (DIO) prior to outline planning permission being granted for the (up to) 140 dwelling scheme. The imposition of the condition was sufficient to enable the DIO to remove its objections to the planning application and, in turn, for the then Secretary of State not to call in the planning application for his own determination.
32. The condition as drafted is in two parts. Part Ai) sets out the noise standards which need to be adhered to inside the dwellings. These reflect the standards set out in WHO guidance. This part of the condition requires the developer to demonstrate how the standards will be met and these requirements would not change if the amendments to condition 20 are accepted. Parts Aii) and B of the condition require a methodology for post-construction testing to be agreed and then for the constructed dwellings to be tested for compliance with the standards set out in Part Ai). It is these particular requirements which the applicant is seeking to remove from the condition.
33. Officers consider that the condition as drafted and imposed introduces an unnecessary requirement to test the noise mitigation measures post construction. This is despite the mitigation measures having been fully justified in advance (i.e. under part Ai of Condition 14).
34. With the benefit of hindsight, the requirements of Parts Aii) and B of condition 14 are unnecessary and unreasonable and if the condition were to remain unchanged it is likely to cause unnecessary delay, cost and uncertainty to the development. Accordingly, it is considered that the condition, as drafted (in part), would fail against the tests for imposition of planning conditions. The application proposals would retain the requirement in the existing condition to incorporate adequate noise mitigation measures into the construction of the dwellings. The amended condition would (if approved) still require the developer to propose noise mitigation measures to the LPA for approval and, following approval, be implemented in the construction/fitting out of the dwellings. Accordingly,

if either i) dwellings begin to be constructed at the site without noise mitigation measures having been agreed or ii) dwellings are constructed without incorporation of the agreed measures, the Council would be able to enforce the requirements of the condition, formally by means of service of notice/s should the need arise.

35. The application to amend the condition 14 of the 'parent' planning permission is therefore recommended for approval.

Planning Obligations

36. An approval of this application under Section 73 of the 1990 Act would constitute a grant of a fresh and 'stand-alone' planning permission. Accordingly the planning obligations secured from the 'parent' planning permission F/2013/0394/FUL need to be secured again. The simplest and most likely method to achieve this is to amend the existing S106 Agreement so that it is enforceable against either and both of the planning permissions. An amendment under S106A of the 1990 Act will be completed in advance of a planning permission being issued. The following planning obligations (summarised) were secured under the 'parent' planning permission (all cash contributions will be index linked):

- 30% affordable housing.
- Primary education contribution (£4,685.50 per dwelling for construction and £323.50 per dwelling for land).
- Early years education contribution (£921.80 per dwelling for built construction and £47.78 per dwelling for land).
- Libraries contribution (£216 per dwelling).
- Public Open space Commuted Sum (optional payment, only triggered if the developer opts to transfer the public open spaces to the Council for future management and maintenance).
- Local Green Infrastructure contribution (£4,640.50 total payment).
- Strategic Green Infrastructure contribution (£18,579.00 total payment)
- Strategic Highways Contribution (£44,248.87).
- NHS Contribution (£329.14 per dwelling).

The Conservation of Habitats and Species Regulations 2017

37. The application site is in close proximity to European designated nature conservation site and, without specific mitigation measures, is likely to give rise to significant effects upon those designations.
38. Regulation 63 states the decision making authority before deciding to...give permission...for a plan or project which is likely to have a significant effect on a European site 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.
39. An Appropriate Assessment was carried out in relation to the 'parent' planning permission for the proposed development (reference F/2013/0345/OUT). The assessment concluded the proposal alone, and in

combination with other projects, would not result in likely significant effects on the Breckland Special Protection Area or the Breckland Special Area of Conservation.

40. There is currently a reserved matters application submitted in pursuance of the conditions of the parent planning permission reference F/2013/0394/OUT with the Council for determination. As part of that application, Natural England has requested further stone curlew nesting information to establish that there continues to be no significant adverse impacts to the Special Protection Area.
41. The applicants are currently working to provide this information to supplement the reserved matters submission. Given that this planning application submitted under s73 of the Town and Country Planning Act 1990 (as amended) would, if approved, result in a fresh grant of planning permission, the Local Planning Authority is not able to issue that consent until it is content the proposals also satisfy the strict requirements of the Habitats Regulations. Accordingly, if the Committee resolves to grant planning permission for the proposals, the decision notice will not be released until the proposals have secured a positive 'Appropriate Assessment', as required under the Habitats Regulations.
42. The recommendation as set out at the foot of this report has been crafted to ensure the Habitats Regulations requirements are fully met. Should the proposals fail a future 'Appropriate Assessment', the recommendation would enable the S73 planning application to be returned to the Committee for further consideration and a fresh determination.

Recommendation:

43. Following:
 - i) the adoption by the Local Planning Authority of an 'Appropriate Assessment' under the provisions of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 which confirms no likely significant effects to the Breckland Special Protection Area, arising from the proposals,
 - and;
 - ii) Completion of a S106 Agreement (or equivalent) to secure the planning obligations captured from the related planning permission F2013/0394/OUT (as discussed in the report)

Planning permission be GRANTED.

44. The planning permission shall be subject to the same conditions as attached to planning permission DC/13/0660/FUL (as set out in the attached Working Paper 1) with the exception of condition 14 which shall be amended as set out below:

- **Condition 14** - No construction for any dwelling shall commence until

details in respect of each of the following have been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 Db (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 Db laEQ (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated.

45. In the event that it cannot be demonstrated the proposals would not lead to likely significant effects to the Breckland Special Protection Area, the planning application be returned to this Committee for further consideration and fresh determination.

Documents:

Attachments

Working Paper 1 – Copy of planning permission DC/13/0660/FUL.

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/>

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Forest Heath District Council

Application No: F/2013/0394/OUT

AGENT

CgMs Ltd
140 London Wall
London
EC2Y 5DN

APPLICANT

Elevden Farms Ltd

Date Registered: 9 August 2013

Date of Decision: 4 October 2018

Town And Country Planning Act 1990 (as Amended)

Town & Country Planning (Development Management Procedure) (England) Order 2015

Proposal: Outline application - residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, as amended. (Major Development, Departure from the Development Plan and Development Affecting a Public Right of Way).

Location: Land West of Eriswell Road Lakenheath

OUTLINE permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the application shown above, the plans and information contained in the application, and subject to compliance with the following condition(s) and the submission of 'Reserved Matters':

- 1 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,

In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall thereafter be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development. To ensure the satisfactory development of the site in accordance with the NPPF, policy CS5 of the Forest Heath Core Strategy (2010) and policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 3 Any subsequent submission of Reserved Matters required by conditions 1 and 2 of this planning permission shall at the same time as its submission also include the following information:

- a) Details of the materials to be used and colour finishes to be applied externally on the dwellings and any garages (including walls, roofs, doors, windows and rainwater goods).

- b) Details of the areas to be provided for storage of Refuse/Recycling bins.

- c) A landscaping strategy for the site in sufficient detail to demonstrate the quality of landscaping design and addresses the key issues relating to the landscape as set out on page 3 of the Landscape and Visual Impact Assessment (the Landscape Partnership, July 2013). The information shall include the layout of the external areas, including i) areas of hard landscaping such as surfacing, ii) soft landscaping such as planting, hedges, grassland and boundary treatments iii) details of proposed tree planting including species and size and iv) significant changes in ground level. The strategy should also include, where appropriate, details of proposed phasing and landscaping management and maintenance requirements.

- d) An Arboricultural Method Statement. The Statement should include details of the following:

- i. Measures for the protection of those trees and hedges on and close to the application 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 and close to the application site which are to be retained.

e) An 'Ecological Appraisal' of the application site and the proposals included in the reserved matters submission. The Appraisal shall include the results of new species survey to update those carried out previously and reported in the applicants 'Ecological Appraisal' (The Landscape Partnership, July 2013). The Appraisal shall also include i) details of design strategies to avoid or mitigate impacts upon biodiversity species identified, both during the construction phase/s of the development and post-occupation of the dwellings ii) biodiversity mitigation measures (direct and indirect measures) iii) a site lighting strategy and iv) measures designed to enhance the biodiversity of the site for species post construction (including, for example, provision of bat and bird boxes, inclusion of connected native species planting and the establishment of 'hedgehog highways').

f) Details of the areas to be provided for secure cycle storage for each dwelling.

g) An 'Acoustic Design Statement', as advocated by ProPG - Planning & Noise: new residential development (May 2017). The 'Acoustic Design Statement' shall as a minimum demonstrate:

i) How the approach to the proposed layout of the site has considered and mitigated against noise, and

ii) How lowest practicable noise levels in the external amenity areas of the site (including public open spaces) can be achieved.

h) A scheme for the design, specification, implementation, maintenance and management of a sustainable urban drainage scheme for the development (that shall be provided separately and in addition to the requirement for public open space provision).

i) Details of all areas to be provided for public open space and other similar public spaces. The provision shall accord with the Council's adopted Supplementary Planning Document for Open Space, Sport and Recreation Facilities (October 2011).

j) Details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage and details of adequate car turning space within the site.

k) a scheme for the provision of affordable housing for the development. The scheme shall include full details of the type, tenure and location on the site of the affordable housing. The approved development shall be carried out and thereafter occupied in complete accordance with the approved scheme.

The submission shall also include a timetable for the implementation of the measures included in this condition. Thereafter development shall not be carried out other than fully in accordance with the approved details and implementation timetable.

Reason: i) To ensure that the external appearance of the housing and the streets and places to be created are satisfactory, ii) to ensure that the most important and vulnerable trees are adequately protected during the period of construction iii) to protect and enhance biodiversity interests at the site from the potentially adverse impacts of development iii) to ensure adequate provision for cycles is made for the first occupiers of the development in the interests of sustainable travel, iv) to ensure the design and layout of the site incorporates the best practicable means of defending the development against aircraft noise, v) to reduce the risk of flooding and to protect and prevent the pollution of controlled waters, vi) to ensure that adequate and policy compliant public open space provision is included and secured and, vii) to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring and safe turning of vehicles and viii) to ensure affordable housing of the appropriate type, tenure and location positioning within the site are secured as part of the design and layout of the development at the reserved matters stage. The various requirements of this planning condition complies with the requirements of the NPPF and policies CS2, CS3, CS5 CS9 and CS13 of the Forest Heath Core Strategy and policies DM2, DM6, DM10, DM11, DM12, DM13, DM22 and DM42of the Joint Development Management Polices Document. These details are required at the Reserved Matters stage (prior to the commencement of development) to ensure the matters required by the condition are incorporated into the design and layout of the scheme in the interests of the character, appearance and functionality of the development and the proper planning of the area.

- 4 No works of construction above slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The hard landscaping details shall include: hard surfacing materials; means of enclosure; proposed finished levels or contours; minor artefacts and structures (e.g. street furniture, signs, lighting, children's' play equipment etc.). Soft landscaping shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. All hard and soft landscaping works shall be carried out in accordance with the approved details and thereafter retained.

The approved hard and soft landscape works shall be carried out within the first planting season November/March following the commencement of work on site. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with the NPPF, policy CS5 of the Core Strategy and policies DM2, DM13 and DM22 of the Joint Development Management Policies document.

- 5 No development above ground level shall commence until details of the locations and proposed arrangements for future management and maintenance of the public open spaces and other 'public realm' spaces (excluding any land to be adopted by the Highway Authority as highway land and any land forming the curtilage of a dwelling) within the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the public open spaces and other public realm spaces shall be maintained in accordance with the approved plan and the approved management and maintenance details.

Reason: To ensure satisfactory development of the site and to ensure all public spaces are managed and maintained thereafter to a suitable and standard.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been 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, and manoeuvring of vehicles of site operatives and visitors
- ii). loading and unloading of plant and materials (including deliveries)
- iii). a deliveries management plan (to include routing of delivery vehicles and measures for resolving complaints)
- iv). storage of plant and materials used in constructing the development (including any site office/s)
- v). wheel washing facilities
- vi). measures to control the emission of dust and dirt during construction

vii). a scheme for minimising and recycling/disposing of waste resulting from construction works

viii) hours of operation for construction activities, including operation of generators, traffic movements for deliveries and waste disposal

ix) lighting scheme, if any, for the construction site and any compounds.

x) surface water management plan detailing how surface water and storm water will be managed on the site during construction.

xi) a deliveries management plan for all HGV movements during the construction phase/s of the development.

Reason: To ensure the satisfactory development of the site, to protect the amenity of occupiers of dwellings adjacent to the site from noise and disturbance in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015). These details are required prior to the commencement of development in order to ensure that appropriate measures are in place at the outset of the development.

- 7 The new vehicular accesses shall be laid out and completed in all respects in accordance with Drawing No. 0821-GA-01B and made available for use either i) in accordance with a timetable agreed in advance with the Local Planning Authority or ii) prior to occupation of any of the approved dwellings. Thereafter the accesses shall be retained in the specified form. Before each approved vehicular access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided for that access and thereafter shall be 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.

Reason: To ensure that the accesses are designed and constructed to an appropriate specification (including safe and sufficient driver visibility) and made available for use at an appropriate time in the interests of highway safety, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 8 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: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

- 9 No works of construction above slab level shall take place until a detailed scheme for the off-site highway improvement works (at the general location illustrated on drawing number 0821-GA-07 received by the Local Planning Authority on 23 May 2014) and a timetable for delivery of the works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the off-site highway works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that off-site highway improvement works are designed to an appropriate standard and provided at a suitable time, in the interest of highway safety, in accordance with the NPPF, policy CS12 of the Core Strategy and policies DM2 and DM22 of the Joint Development Management Policies Document.

- 10 No development above slab level shall be commenced until, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, street lighting and means to prevent surface water discharge onto the existing highway), have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard and that satisfactory access is provided for the safety of residents and the public, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 11 Any submission of reserved matters pursuant to the requirements of condition 1 of this outline planning permission that includes Use Class C3 dwellings and flats shall include, for the approval in writing of the local planning authority, details of the travel arrangements to and from the site for residents of the dwellings and flats, in the form of a Travel Plan, in accordance with the mitigation measures identified in the submitted Transport Assessment dated June 2013. This Travel Plan must contain the following:

i. Baseline travel data based upon the information provided in the Transport Assessment and the Lakenheath Cumulative Traffic Study, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by residents across the whole development, with suitable remedial measures identified if these objectives and targets are not met.

ii. Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full.

iii. A commitment to monitor the vehicular trips generated by the residents and submit a revised (or Full) Travel Plan on occupation of the 100th dwelling.

iv. 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 until five years has passed after occupation of the final dwelling using the same methodology as the baseline monitoring.

v. A suitable marketing strategy to ensure that all residents on the site are engaged in the Travel Plan process.

vi. A Travel Plan budget that covers the full implementation of the Travel Plan.

vii. A copy of a residents travel pack that includes a multi-modal voucher to incentivise residents to use sustainable travel in the local area.

No dwelling or flat within the relevant reserved matters site shall be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interests of sustainable development as set out in the NPPF, Policy CS12 of the Forest Heath Core Strategy and policies DM2 and DM45 of the Joint Development Management Policies document (2015).

- 12 No dwellings hereby permitted shall be occupied until the proposed junction improvements, which will include traffic signal control of the junction being introduced, at the B1112 junction with Eriswell Road at Spark's Farm, generally as shown on AECOM drawing reference: 60445024-002-SKE-0001 Rev D have all been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of road safety, traffic capacity and accessibility to a key service centre, in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 13 A. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing,

by the Local Planning Authority:

i) A site investigation scheme, 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.

B. 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.

C. 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.

Reasons: 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), and in accordance with Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

14 A. No construction of any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development demonstrating for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed

shall not exceed a daytime level of 35 Db (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 Db laEQ (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of a measurement and assessment methodology for demonstrating compliance with the limits set in part Ai) of this condition, including the identification of specific properties where monitoring shall take place. This methodology shall include measurements within more than one dwelling.

B. Prior to first occupation, a suitable qualified noise specialist shall demonstrate compliance with the noise criteria detailed in part Ai) of this condition using the measurement and assessment methodology as advocated in condition Ai) if this condition and during periods of normal flying operations at RAF Lakenheath and RAF Mildenhall. The findings of the compliance assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings.

Reason: To protect the amenities of the internal spaces of the approved dwellings and flats from the potentially adverse effects of noise from passing military aircraft, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, and the National Planning Policy Framework.

- 15 Each dwelling proposed with dedicated off street parking shall be provided with an opportunity to connect to an electric vehicle charge point prior to its first occupation. Details of the electric vehicle charge equipment other related infrastructure to be installed at the site shall have first been agreed in writing with the Local Planning Authority. All charge points or other charging infrastructure shall be provided within at least 2.0 metres of the associated designated parking space.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the National Planning Policy Framework (NPPF) and Policy DM2 (k) of the Joint Development Management Policies Document.

- 16 No individual dwelling hereby approved shall be occupied until the optional requirement for wholesome water consumption (110 litres use per person per day) in Part G2 Regulation 36 of the Building Regulations 2016 has been complied with for that dwelling.

Reason: To ensure that reasonable provision is made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water in accordance with the Building Regulations (2016) and in accordance with Policy DM7 of the Joint Development

Management Policies Document (2015).

- 17 No dwelling shall be occupied until a scheme for the provision of fire hydrants within the application site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for firefighting/community safety, in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 18 The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been 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.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register.

- 19 Site clearance, removal of hedgerows, trees, shrubs, other vegetation and habitats, or works to or demolition of buildings or structures that may be used by breeding birds or bats, shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person at the written approval from the Council . A site attendance record shall be maintained by the applicant which shall contain name and purpose of the visit and shall be available for inspection at 24 hours notice.

Reasons: In the interest of protecting nesting birds from harm during site preparation and construction works in accordance with Policy CS2 of the Forest Heath Core Strategy (2010) and Policies DM11 and DM12 of the Joint Development Management Policies Document (2015).

- 20 Prior to the commencement of development, a scheme of replacement tree planting to compensate for the felling of trees to make way for the approved accesses shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include a timetable for the implementation of the replacement tree planting scheme. Thereafter development shall be carried out in accordance with the scheme. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reasons: To ensure the trees to be felled as part of the development

proposals are replaced in the interests of visual amenity and the character and appearance of the area in accordance with policies CS3 and CS5 of the Forest Heath Core Strategy (2010) and policies DM2 and DM13 of the Joint Development Management Policies Document (2015). This information is required in advance of development commencing to ensure a suitable scheme of replacement planting is agreed before the existing trees are felled. This information is required prior to development commencing to ensure a scheme of replacement tree planting, including a timetable for implementation of the replacement planting, is secured before the existing trees are felled.

- 21 No development shall take place within the application site (as identified on drawing number 14-017-A-096)] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for public engagement, publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

No building within the development (as identified on drawing number 14-017-A-096) shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reasons: To enable any remains of archaeological significance to be investigated and recorded in accordance with the NPPF, policy CS3 of the Forest Heath Core Strategy (2010) and policy DM20 of the Joint Development Management Policies Document (2015).

The Following policies are considered relevant to the current decision:

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 CS4 - Reduce emissions, mitigate and adapt to future climate change
Core Strategy Policy CS5 - Design quality and local distinctiveness
Core Strategy Policy CS6 - Sustainable economic and tourism development
Core Strategy Policy CS7 - Overall housing provision
Core Strategy Policy CS9 - Affordable Housing Provision
Core Strategy Policy CS10 - Sustainable rural communities
Core Strategy Policy CS13 - Infrastructure and developer contributions

Development Management Policy DM1 Presumption in Favour of Sustainable Development
Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness
Development Management Policy DM5 Development in the Countryside
Development Management Policy DM6 Flooding and Sustainable Drainage
Development Management Policy DM7 Sustainable Design and Construction
Development Management Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
Development Management Policy DM11 Protected Species
Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
Development Management Policy DM13 Landscape Features
Development Management Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
Development Management Policy DM17 Conservation Areas
Development Management Policy DM20 Archaeology
Development Management Policy DM22 Residential Design
Development Management Policy DM27 Housing in the Countryside
Development Management Policy DM42 Open Space, Sport and Recreation Facilities
Development Management Policy DM44 Rights of Way
Development Management Policy DM45 Transport Assessments and Travel Plans
Development Management Policy DM46 Parking Standards

Informatives:

- 1 Any failure to adhere to approved plans or to comply with any conditions or limitation attached to this permission/consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.

- 2 The project may be subject to the requirements of the Building regulations 2010. Advice and assistance can be obtained from our Building Control Team on 01284 757387 or building.control@westsuffolk.gov.uk. They will work with you offering competitive fee quotations and pre-application advice upon request.
- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or registration other than the Town and Country Planning Act 1990 or under any covenant.
- 4 The development hereby approved should be built in accordance with the approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the council's website at www.westsuffolk.gov.uk. A fee of £34 for a householder application or £234 for all other applications will be required in order to register the application.
- 5 The applicant, developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath and RAF Mildenhall when constructing and occupying their properties.
- 6 Officers from Suffolk County Council rights of way team has provided the following advice and guidance for the applicant/developer: i. There must be no interference with the surface of the right of way as a result of the development. ii. The right of way must be kept clear and unobstructed for users and no structures placed upon the right of way. iii. Any damage to the surface of the route(s) as a result of the development must be made good by the applicant. iv. The Highways Authority is not responsible for maintenance and repair of the route beyond the wear and tear of normal use for its status and it will seek to recover the costs of any such damage that it has to remedy. v. The Area Rights of Way Office must approve any proposed works to the surface of the route(s). For further information and advice go to <http://publicrightsofway.onesuffolk.net/assets/Traffic-Regulation-docs/Apply-form-guidancefor-works-on-ROW-01-12.pdf> or telephone 0845 606 6067. vi. The applicant should have private rights to take motorised vehicles over the public right of way. Without lawful authority it is an offence under the Road Traffic Act 1988 to take a motorised vehicle over a public right of way other than a byway. We do not keep records of private rights. vii. If the public right of way is temporarily affected by works which will require it to be closed, a Traffic Regulation Order will need to be sought from the County Council. A fee is payable for this service. For further information and advice go to <http://publicrightsofway.onesuffolk.net/assets/Traffic-Regulation->

[docs/Guidance-toapplicants-on-applying-for-temp-closures-01-12.pdf](#) or telephone 0845 606 6067. viii. There may be other public rights of way that exist over this land that have not been registered on the Definitive Map. These paths are either historical paths that were never claimed under the National Parks and Access to the Countryside Act 1949, or paths that have been created by public use giving the presumption of dedication by the land owner whether under the Highways Act 1980 or by Common Law. This office is not aware of any such claims.ix. Public rights of way are protected by law. If you wish to build upon, block, divert or extinguish a right of way within the development area marked on the planning application an order must be made, confirmed and brought into effect by the local planning authority, using powers under s257 of the Town and Country Planning Act 1990.

- 7 The responsibility for the safe development and secure occupancy of the site rests with the developer. If contamination is found on the site that was not previously identified, the Council's Environmental Health Department should be contacted as a matter of urgency to discuss the situation.
- 8 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case amendments were secured to the material accompanying the planning application and further information was received with regard to the potential impacts of and to the development. Furthermore an agreement under S106 of the 1990 Planning Act has been completed which secures a package of mitigation measures such that the Local Planning Authority was able to grant planning permission.
- 9 This permission is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991.
- 10 In accordance with the Regulation 11D of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2008, a fee will be charged for each request for the discharge of a condition(s) attached to this planning permission. The fee will need to be submitted with each request.
- 11 Access to buildings for fire appliances and firefighters must meet with the requirements specified in the Building Regulations Approved Document B (Fire Safety), 2006 Edition incorporating 2010 and 2013 amendments. Volume 1 Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Section 16 and 17, in the case of buildings other than dwellinghouses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum

carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

- 12 Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.
- 13 It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's West Area Manager must be contacted on Tel: 0345 606 6171. For further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/ A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
- 14 The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.
- 15 The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant/developer will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
- 16 Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available. Anglian Water Services has advised the sewerage system serving the application site has available capacity for the flows from the development. If the developer wishes to connect to the sewerage network they should serve notice upon Anglian Water Services under Section 106 of the Water Industry Act 1991. Anglian Water services will advise of the most suitable point of connection.

- 17 To reduce fire hazards, as identified in the Housing Act 2004, Housing Health And Safety Rating System there should be adequate, appropriate and safe means of escape in case of fire from all parts of the dwelling. With 65% of all domestic fires occurring in the kitchen this room should not form part of the means of escape.
- 18 Suffolk County Council recommends that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest British Telecommunications exchange is likely to be required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed.
- 19 The Environment Agency advises that all surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156). The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways will not be permitted to be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- 20 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

David Collinson

David Collinson
Assistant Director - Planning & Regulatory Services

Date: 4 October 2018

Forest Heath District Council

NOTES

1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant’s right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78
Town and Country Planning Act 1990

Listed Building Applications: Section 20
Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78
Town and Country Planning Act 1990
Regulation 15
Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority’s decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority’s decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/model-notification-notice-to-be-sent-to-an-applicant-when-permission-is-refused> The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain

an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

- 2 If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

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DC/21/1986/VAR – Land West of Eriswell Road, Eriswell Road, Lakenheath



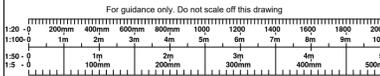
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Notes

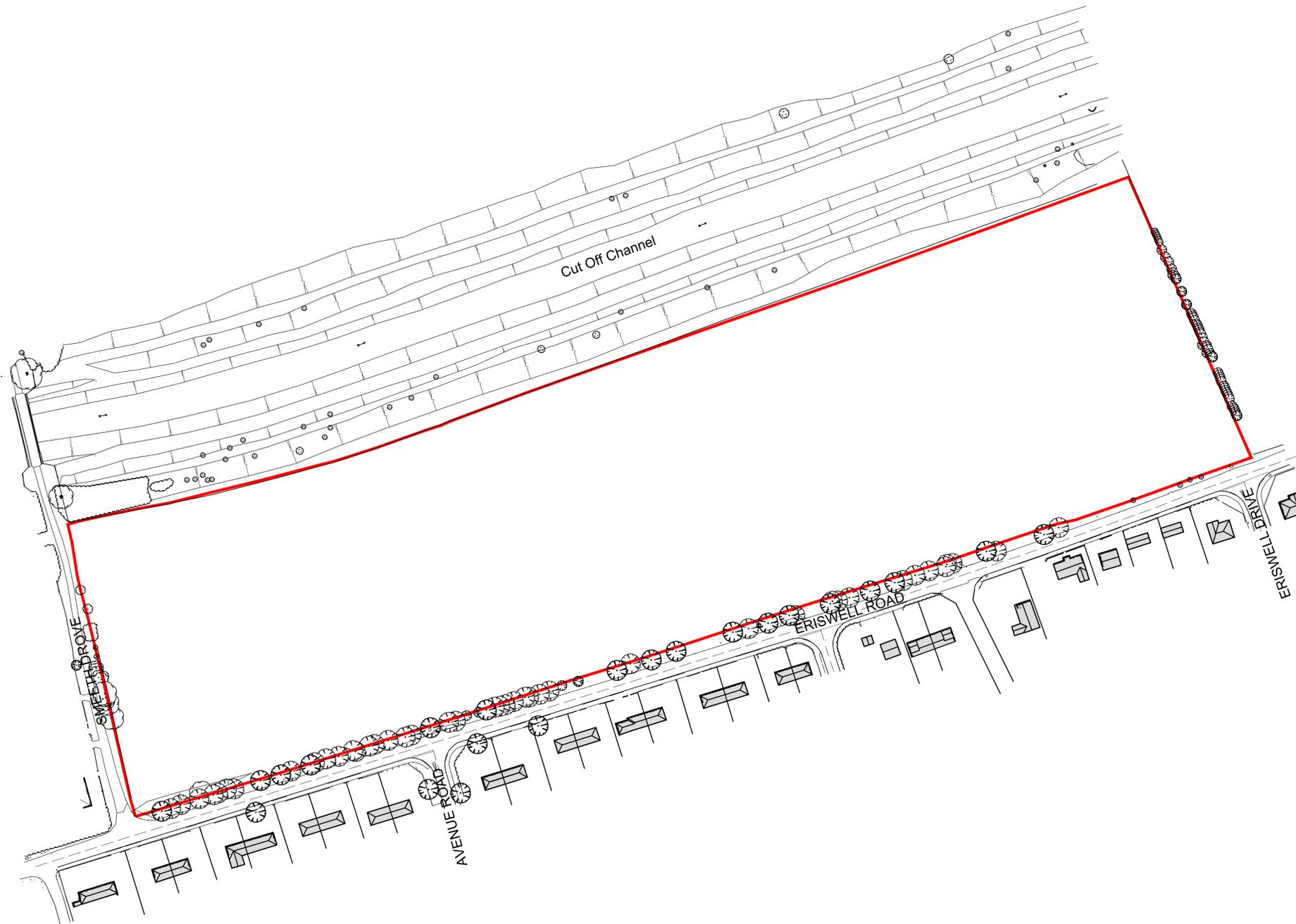
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Safety, Health & Environment Information

In addition to the hazards / risks normally associated with the types of work detailed on this drawing take note below. It is assumed that all works on this drawing will be carried out by a competent contractor, working, where appropriate, to an appropriate method statement.

Construction risks	Maintenance/Cleaning risks	Demolition/Adaption risks



Rev	Description	By	Ckd	Date
P02	Amended to suit clients initial comments		NS	06.05.21



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Client **Persimmon Homes Suffolk**

Project **New Housing Estate at Eriswell Road, Lakenheath.**

Title **Location Plan**

Status	Drawn By	PM/Checked by
Planning	NS	CP

Project Ref	Scale @ A1	Date Created
	1:1000	22.04.21

RPS Drawing/Figure Number	Rev
5720-RPS-XX-XX-DR-A-021	P02

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Development Control Committee 5 January 2022

Planning Application DC/21/0079/FUL – Rabbit Hill Covert, Station Road, Lakenheath

Date registered:	2 March 2021	Expiry date:	27 April 2021
Case officer:	Gareth Durrant	Recommendation:	Approve application
Parish:	Lakenheath	Ward:	Lakenheath
Proposal:	Planning application - engineering operations for the introduction of a drainage attenuation basin, as amended		
Site:	Rabbit Hill Covert, Station Road, Lakenheath		
Applicant:	Evera Homes LLP		

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:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

The application proposals for a surface water drainage basin are linked to a housing development on adjacent land and was submitted alongside a separate application for reserved matters for the housing. The application was referred to the Development Control Committee for determination, alongside the housing reserved matters, following consideration by the Delegation Panel.

Whilst the Reserved Matters have already been considered and conditionally approved by the Committee, the progress of the planning application for the surface water drainage basin was delayed for technical reasons and has become separated from the reserved matters proposals to which it relates.

Proposal:

1. The application proposes a landscaped drainage basin to receive excess surface water from a housing development on an adjacent development site.

Application supporting material:

2. The following documents have been submitted to support this application:
 - Application form, including certifications
 - Location Plan
 - Drainage Strategy Plan (as amended)
 - Cross Sections (as amended)
 - Drainage Information including maintenance schedule (as amended/supplemented)
 - Landscaping Details (as amended)

Site details:

3. The site is situated to the north of Lakenheath. It is a small parcel of a larger field used for agriculture (Grade 3). The site is distant from any public vantage points and there is a tree lined frontage (off-site) onto the highway of Station Road.
4. The application site is situated within the settlement boundary of Lakenheath as confirmed by the Site Allocations Local Plan (SALP) development plan document. The land surrounding the application site is allocated for residential led development in the SALP. The land sits just inside Plan allocation site reference SA8(B) which is allocated for around 375 dwellings and a new primary school. The application site for the drainage basin abuts a further allocated site (plan reference SA8(a)) to its south. This parcel of land is allocated in the plan for around 81 dwellings. Both sites already benefit from the granting of outline planning permissions for their development (please refer to the next section of this report for further details).
5. There are no landscape or heritage asset designations at the site. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

Planning history:

6. The following planning history is relevant to the site and its wider context:

Reference	Proposal	Status	Decision date
F/2013/0345/OUT	Outline application - residential development (up to 81 dwellings), as amended by agents letter, amended design and access statement and confidential stone curlew records received by the Local Planning Authority on 7th May 2014 and by flood risk assessment & drainage strategy and archaeological report both received by the Local Planning Authority on 23rd May 2014 and by Noise Assessment received by the Local Planning Authority on 12th August 2014. (Major Development and Departure from the Development Plan)	Application Granted	20 September 2018
DC/20/2066/RM	Reserved matters application - submission of details approved under outline planning permission F/2013/0345/OUT for access, layout, scale, appearance and landscaping (not EIA) for up to 81 dwellings and associated works, as amended.	Pending Decision	
DC/14/2096/HYB	Hybrid planning application - 1) Full application for the creation of a new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the construction of a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).	Application Granted	03 February 2020

Consultations:

7. The application was amended to improve the design of the basin and to provide further technical drainage information. Where more than one consultation response was received, the latest submission is reported.
8. **Defence Infrastructure Organisation (safeguarding department)** – provides the following comments:
 - No safeguarding concerns with the heights of the development.
 - The application site occupies the bird strike safeguarding zone surrounding RAF Lakenheath.
 - Within this zone the principal concern of the MOD is the creation of new habitats may attract and support populations of large and or flocking birds close to the aerodrome.
 - At this location relative to RAF Lakenheath the surface water attenuation should ideally be underground, or if an above ground basin is used, they should be generally dry with a quick drain down time (holding water in a 1:30 year flood event or greater and draining completely within two days) to prevent any attractant to large hazardous species of waterfowl. Any above ground basin/pond would also need mitigation measures in the form of continuous marginal planting around the perimeter and/or goose proof fencing to prevent feral geese from accessing the pond.
 - In summary, the MOD has no objection to this proposal, providing the design of the attenuation basin as detailed below, is included as a conditional requirement forming part of any planning permission granted:
 - Ideally an underground attenuation basin is used, if this is not possible, further details provided of the proposed above ground drainage attenuation basin which should include drain down times, planned planting schemes around the pond and mitigation measures should the basin fail and begin to hold water for any length of time over the 48 hours.
9. **Natural England** do not wish to comment.
10. **Lakenheath Internal Drainage Board** – confirm they have no objections from a drainage point of view.
11. **SCC Flood & Water Management** recommend approval, subject to conditions requiring i) implementation of the drainage strategy as proposed (including its management and maintenance), ii) surface water drainage verification report, and iii) Construction Surface Water Management Plan.
12. **SCC Growth Highways and Infrastructure** – provides advisory comments for the benefit of the applicant/developer with respect to maintenance easements, adoption and future proofing.
13. **SCC Archaeology** comment that this site has been previously subject to an archaeological evaluation and on the basis of the results of this work, we would not advise than any additional archaeological work is required.

14. **West Suffolk Council (Ecology and Landscape)** – provides the following comments:

- No consideration of the impact of the proposals upon biodiversity has been included and no ecological enhancements have been submitted, as required by policy DM12.
- Further information is needed to demonstrate how the SUD feature will be assimilated into the existing landscape:
 - demonstration of the site boundary on the landscape plan;
 - illustration of existing trees to the west and consideration/evidence of any impacts upon them;
 - details of other vegetation referred to but not illustrated;
 - the new footpath should be shown (and how the root protection area of the trees will be addressed);
 - location of the knee rail should be shown;
 - landscaping beyond just new trees should be considered (e.g. hedges and shrubs);
 - further clarification relating to the grass seeding mix is required, and;
 - The approved housing [to the south] should be illustrated on the plans for context

Representations:

15. **Lakenheath Parish Council** objects to the proposals on the following grounds:

- Insufficient information provided
- No detailing of public safety measures bearing in mind this is to be located in the green space intended for residents for leisure purposes
- No discussion about treatment of standing (stagnant) water, odours arising and possible attractiveness to birds (exacerbating risk of a bird strike to aircraft)
- A bird protection plan should be required
- The loss of open space should be replaced
- The parish council advocates an alternative (below ground, piped) solution to site drainage.

Policy:

16. The Development Plan relevant to the old 'Forest Heath' part of the West Suffolk area comprises the policies set out in the Single-Issue Review of Core Strategy Policy DM7 (adopted September 2019), the Site Allocations Local Plan (adopted September 2019), Joint Development Management Policies document (adopted February 2015) and the Core Strategy Development Plan document (adopted May 2010). The following policy is applicable to the proposal:

Site Allocations Local Plan 2019

- Policy SA1 (Settlement Boundaries)
- Policy SA8 (Focus of Growth – North Lakenheath) which allocates the application site where the pond would be positioned and the adjacent site

from which the pond would receive surface water for housing and a new primary school.

Single Issue Review 2019

- There are no relevant policies in this plan.

Joint Development Management Policies (2015)

- Policy DM2 (Development Principles and Local Distinctiveness)
- Policy DM6 (Flooding and Sustainable Drainage)
- Policy DM12 (Mitigation, Enhancement, Management and Monitoring of Biodiversity)
- Policy DM13 (Landscape Features)
- Policy DM20 (Archaeology)

Core Strategy (2010)

- Policy CS2 (Natural Environment)
- Policy CS5 (Design Quality and Local Distinctiveness)

Other planning policy:

National Planning Policy Framework (NPPF)

National Policy and Guidance

17. The Government has recently updated national planning policies and has published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and any relevant policies are discussed in the 'officer comment' section of this report.

18. The Planning Practice Guidance (PPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process. Any relevant advice from the Planning Practice Guidance is discussed in the 'officer comment' section of this report.

Officer comment:

19. This application proposes drainage infrastructure required for a housing development that is to be built on adjacent land. The housing development in question is that set out at paragraph 6 above (1st and 2nd entries). The reserved matter application (2nd entry) for the 81 dwellings has been planned for on the basis that the surface water drainage basin will be provided on the adjacent development site. The Committee has already considered and approved the reserved matters on the basis of this strategy for management of surface water (August 2021 meeting). Unfortunately the drainage basin proposals could not be reported to the Committee at the same time as the related reserved matters

as further technical information and amendments to the design of the basin were awaited at the time.

20. The Committee resolved to approve the reserved matters (reference DC/20/2066/RM) subject to the proviso that the notice of approval of the reserved matters only be issued once all other relevant planning applications (including the planning application subject to this report) which might necessitate amendments being made to the reserved matters have been approved without material amendments to the reserved matters being required. In light of this and given the development context of the two allocated SALP sites, the proposed development is considered acceptable in principle, despite being located away from the site to which it will (at least initially) serve.
21. The proposed basin is a relatively minor feature that will, in time, be assimilated into the wider housing led development of the site. Drainage ponds are common features of modern housing estates as contemporary requirements to properly manage surface water (particularly during storm events) within sites. 'SUDS' solutions to surface water drainage are now important policy requirements. Furthermore, above ground solutions (e.g. basins and ditches/swales) are preferred to below ground solutions (e.g. crates/oversized pipes etc) given they are i) easier to maintain, ii) safer in terms of avoiding future surface water driven flood events and iii) can bring about biodiversity benefits. Indeed Development Plan policy DM6 advocates 'SUDS' (Sustainable Urban Drainage Schemes) and informal policy guidance prepared by Suffolk County Council advocates above ground solutions, such as that proposed here, where possible.
22. The Council's Senior Ecology and Landscape Officer has reasonably requested the submission of further information to i) be able to ensure the basin is landscaped appropriately to its setting and constraints, ii) to ensure it will be an attractive functioning feature when the two large housing developments are provided and iii) to ensure the TPO trees to the west are not affected. These requests for further information have been put to the developer whom has since confirmed and demonstrated that the basin is located away from the Root Protection Area of the Trees. The applicant might submit further information to the Council in advance of the Committee meeting relating to the other matters raised, but officers consider these can be resolved by suitably worded planning conditions. These conditions would i) require detailed landscaping proposals to be submitted and ii) to require ecological enhancements to be demonstrated and proposed.
23. The Parish Council has raised a number of concerns about the proposals (paragraph 15 above). These are set out below with officer comment following:

- Insufficient information provided:

The Flood and Water Management Team (F&WMT) at Suffolk County Council agreed with this point and requested further information. Further technical information has been received to supplement and amend the planning application throughout its consideration period. The F&WMT are now content with the information received and they are satisfied that a safe and suitable surface water management scheme is proposed to serve the adjacent housing development (subject to further conditions).

- No detailing of public safety measures bearing in mind this is to be located in the green space intended for residents for leisure purposes:

The basin will be safeguarded with knee rails and perimeter planting however, should a person enter the basin by accident, the shallow slopes to its edges (1 in 4) means that they should be able to egress safely from the basin.

- No discussion about treatment of standing (stagnant) water, odours arising and possible attractiveness to birds (exacerbating risk of a bird strike to aircraft). A bird protection plan should be required:

The drainage system is based on water infiltrating the ground and draining naturally. The pond is required for short periods to hold water where heavy and/or sustained rainfall exceeds the natural infiltration rate. In those circumstances the basin would hold the water on site until it can be drained naturally. The size of the basin has been calculated to ensure it is adequate in the worst conditions. Accordingly, water would not be held in the basin for significant periods such that it might become stagnant and cause amenity issues. There is also a management regime proposed for the surface water drainage systems to ensure they continue working properly.

The safeguarding department of the DIO has also raised the issue of potential bird strike to passing military aircraft and, like the Parish Council has requested a condition to ensure bird strike risk is minimised. It is considered reasonable to impose such a condition should planning permission be granted.

- The loss of open space should be replaced:

The site of the drainage basin is within the site of the planning permission for construction of 375 dwellings and a primary school. That site is yet to be planned for in detail and no reserved matters have been submitted for consideration. Outline planning permission has, however, been granted for that scheme (reference DC/14/2096/HYB – paragraph 6 above). One of the conditions of that permission requires the open space provision to accord with the Councils policies. Accordingly, whilst the drainage basin is likely to reduce the net developable area of the development site by a small amount, it will not displace any public open space that will be required to be provided for the development.

- The parish council advocates an alternative (below ground, piped) solution to site drainage:

This matter is addressed at paragraph 21 of this report.

Conclusion:

24. 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 proposed SUDS feature is an inevitable and beneficial element of modern housing development. The planning application is recommended for conditional approval.

Recommendation:

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

- Detailed landscaping scheme (to incorporate trees, hedges and shrubs as necessary)
- Ecological enhancement measures
- Bird mitigation strategy (to ensure birds are not encouraged to the basin)
- Construction management plan
- Drainage verification scheme
- Implementation of the drainage scheme.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/21/0079/FUL>

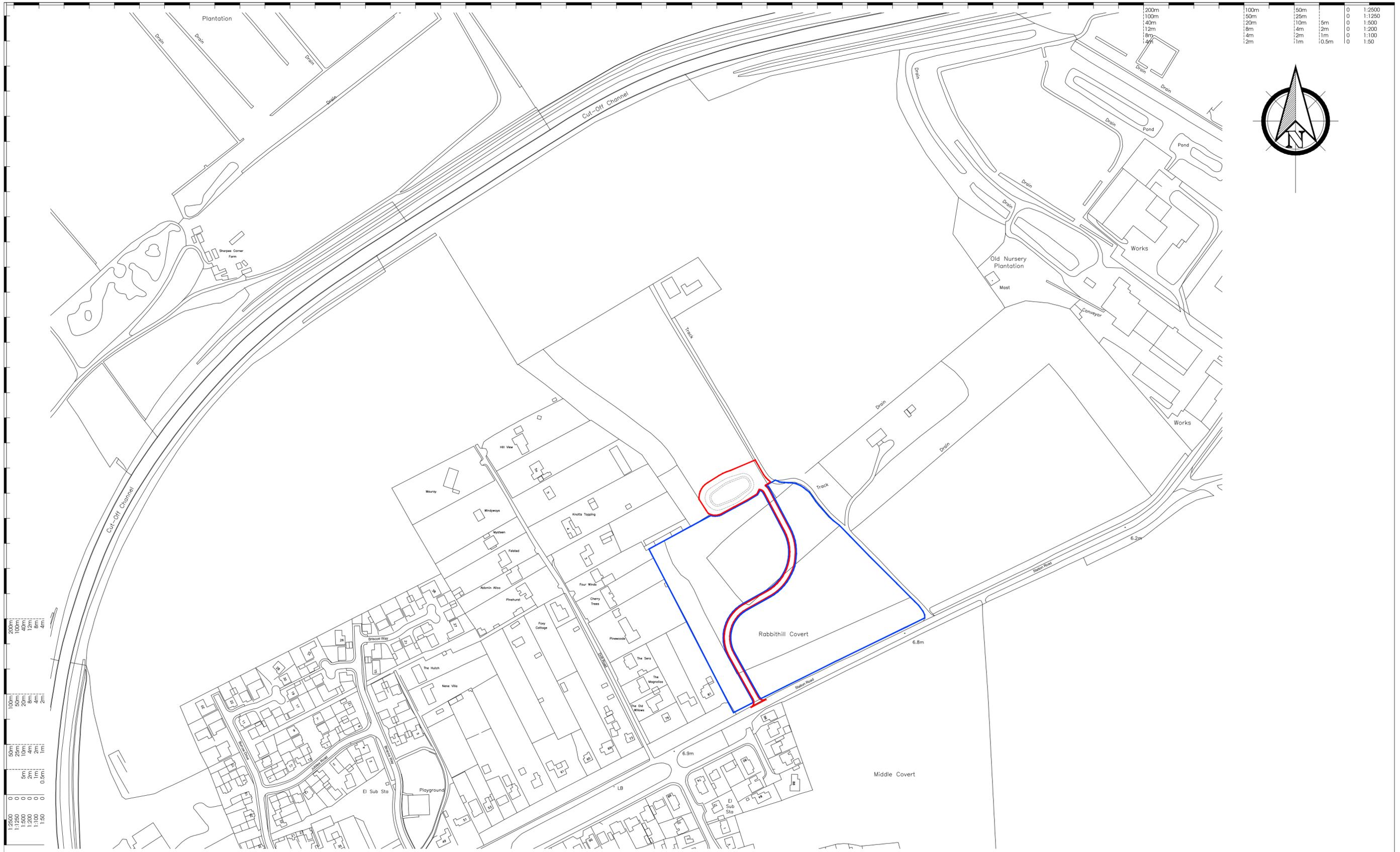
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DC/21/0079/FUL – Rabbithill Covert, Station Road, Lakenheath



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note

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notes

site

Proposed Development, Rabbithill Covert, STATION ROAD, LAKENHEATH, SUFFOLK

drawing title
Pond Location Plan

drawn
PARC

scale
1:2500 @ A2

drawing number
019 - 031 - P01

checked
-

date
December 2020

revision
P2

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Development Control Committee 5 January 2022

Applications DC/21/1806/HH & DC/21/1807/LB – Calford Green Cottage, Calford Green, Kedington

Date registered:	27 September 2021	Expiry date:	22 November 2021 EoT 7 January 2022
Case officer:	Sarah Drane	Recommendation:	Refuse application
Parish:	Kedington	Ward:	Clare, Hundon and Kedington
Proposal:	Householder planning application - Installation of dark framed solar panels to the front elevation		
	Listed building consent application - Installation of dark framed solar panels to the front elevation		
Site:	Calford Green Cottage, Calford Green, Kedington		
Applicant:	Mr Ian Evans		

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:

Sarah Drane

Email: sarah.drane@westsuffolk.gov.uk

Telephone: 01638 719432

Background:

1. These current proposals have been referred to the Development Control Committee following consideration by the Delegation Panel.

Proposal:

2. Planning permission and listed building consent is sought for dark framed solar panels on the front roof of the side extension of Calford Green Cottage, which is a Grade II listed building.
3. The solar panels would be on a later addition to the property, located on the west side. The solar panels will be visible from within the curtilage of the listed building itself as well as public vantage points.
4. The solar panels will measure 5m X 3.3m.

Site details:

5. The application site is within the hamlet of Calford Green, which does not have a settlement boundary. The property fronts the Green and is visually prominent from the public realm, especially when approaching from the south. The property is Grade II listed, but is not within a Conservation Area.

Planning history:

6. Planning permission and listed building consent was sought for solar panels to the front elevation of the property in January 2021 under references DC/21/0065/HH and DC/21/0066/LB. Both of these applications were refused on the grounds of being contrary to Joint Development Management Policy DM15, Core Strategy Policy CS3, the National Planning Policy Framework (2019) and being at odds with the duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Act) 1990. During the consideration of these applications it was suggested that the possibility of ground mounted solar panels be considered as an alternative, however the applicant confirmed they did not wish to consider this option.
7. The following are the most relevant applications:

Reference	Proposal	Status	Decision date
DC/21/0065/HH	Householder planning application - Installation of dark framed solar panels on the front elevation to west side	Application Refused	15 April 2021
DC/21/0066/LB	Application for listed building consent - Installation of dark framed solar panels on the front elevation to west side	Application Refused	15 April 2021

Consultations:

8. Kedington Parish Council

"No objections".

9. Ward Councillor

Would like to call the application into Delegation Panel (Councillor Nick Clarke)

10. Conservation Officer

"The application is a resubmission of a former application proposing the installation of solar panels to the front roof slope of a side extension to Calford Green Cottage.

Additional information has been submitted to include an updated design and access statement; reference to the release of the Intergovernmental climate change report; an updated Justification Statement to include a copy of a letter from the Minister of State for Energy, Clean Growth and Climate Change, together with reference to the installation of panels elsewhere. Whilst the additional information is helpful unfortunately it does not address or change the concerns or harm previously identified and for clarity these have been detailed below.

The proposed development includes the provision 'dark framed solar panels' to the front roof slope of a side extension to Calford Green Cottage a grade II listed building, views of which will be appreciated from Calford Green and within the curtilage of Calford Green Cottage itself.

Calford Green Cottage is referred to within the list description as a C17 timber framed and plastered house with thatched roof and diagonally shafted chimney stack. Whilst remodelled in the C20 it still retains much of its original character. The special architectural and historic interest of the building lies in its simple vernacular form.

Under section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed panels would be located on the southern (front) roof slope of the slate roofed side extension views of which would be possible not only from within the curtilage of the cottage but the wider public realm. From the information provided it would appear the panels would sit proud of the roof plane incorporating a black glass face with each panel subdivided into 60 cells the appearance of which would prove to be a stark contrast to the more mellow and natural colour and softer texture of both the existing slate roof, currently appreciated, and the thatch roof of the original dwelling alongside which they would be appreciated. As a result, I consider their provision would appear as an incongruous addition to a designated heritage asset and would detract from and cause harm to its significance.

The visual harm caused by the panels themselves would appear to be acknowledged by the applicant referring to proposals to site the panels within

the curtilage of the cottage as *'.....detracting from the beautiful cottage garden setting of the building'*.

Consequently their provision would fail to have regard to the duties imposed by section 16 and 66 of the Planning (Listed buildings and conservation areas) Act 1990 and would prove contrary to policy DM15 incorporating the use of unsympathetic materials which fail to respect the character of the building causing harm to its significance.

...I appreciate their provision may help to reduce carbon emissions, resulting in some benefits to the environment. In addition, on the assumption the panels are to be positioned on top of the existing roof finish I appreciate it is unlikely their provision will cause material harm to the fabric of the building (noting also the works relate to a later extension). However para 199 of the NPPF requires great weight to be given to the asset's conservation and para 200 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification. The harm identified would I believe result in less than substantial harm and the tests of para 202 should therefore apply.

Whilst I appreciate the applicant has undertaken a number of measures to help reduce carbon emissions, I do not consider this justifies the harm caused by the installation of the panels. Similarly, whilst the provision of the solar panels may result in some public benefits, I consider these public benefits are likely to be relatively small and consequently such public benefits are not considered to outweigh the harm caused to the significance of the designated heritage asset.

Whilst I note reference is made to solar panels on a neighbouring property, this property however is not a listed property. It would be inappropriate to comment on other examples either inside or outside the district as each case must be considered on its own merit.

And whilst there may be a reduction in co2 emissions from their provision in this particular instance... this does not override the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

In the absence of public benefits which outweigh the harm identified the application is recommended for refusal".

Representations:

11. A total of two comments from neighbouring residents have been received, in support of the application. Comments have been summarised below:
 - Should be positively encouraged to benefit from solar gain.
 - Works are on the later addition rather than the main building itself.
 - Agree with preserving heritage but shouldn't ignore issues around global warming.
 - Recent years have highlighted the urgency of this problem.

Policy:

12. 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.

13. 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:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage.
- Core Strategy Policy CS3 – Design and Local Distinctiveness

Other planning policy:

14. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of Development
- Impact on Amenity
- Impact on the street scene
- Impact on the listed building

Principle of Development

16. The obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 requires decision makers to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be taken into account when determining planning applications. The Framework policies may support a decision in line with the development plan or they may provide reasons which 'indicate otherwise'.

17. Paragraph 152 of the National Planning Policy Framework (NPPF), revised February 2021, states "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."
18. Paragraph 158 of the NPPF states "When determining planning applications for renewable and low carbon development, local planning authorities should:
a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable."
19. Policy DM8 of the Joint Development Management Policies Document encourages low carbon or renewable energy subject to acceptable landscape and visual impacts.
20. Policy DM24 states that alterations or extensions to existing dwellings will be permitted, provided that the proposals respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling curtilage; and will not adversely affect the residential amenity of occupants of nearby properties.
21. The proposed development seeks the installation of solar panels on a residential dwelling, which is located within the countryside. As such, the principle of solar panels in this context is acceptable, however, given the building is listed, a further assessment of the visual impacts and impacts on the heritage asset itself are required in order to determine the acceptability of the proposal.

Impact on Amenity

22. Policies DM2 and DM24 state that proposals for all development should not adversely impact residential amenity, nor the amenities of the wider area. They should not create overlooking, overbearing, loss of light, noise, pollution or other general disturbance that will adversely impact nearby dwellings.
23. Given the scale of development and the nature of the proposal, it is not considered that impacts to residential amenity will arise. The proposal is considered to accord with policies DM2 and DM24 in this respect.

Impact on the street scene

24. Policy DM2 states that proposals for all development should maintain or create a sense of place, recognise and address key features and characteristics, produce designs which respect the character, scale, form and massing of the locality, and not adversely affect the distinctive historic character and architectural or archaeological value of the area and/or building.

25. The proposed solar panels will be visible from Calford Green given their prominent location to the front of the dwelling. There is another example of a property with solar panels to the west (Rosegarth), however this property is not listed and is less visually prominent from the public realm given its location.

26. It is considered that the proposal will have a harmful impact on the heritage asset and therefore there will be an impact on the distinctive historic character of the area. Further analysis of this is set out within the following section of the report. The proposal therefore is not considered to comply with Policy DM2 in this respect.

Listed building impacts

27. 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 architectural or historic interest which it possesses.

28. Policy DM15 refers to listed buildings, and states that proposals to alter, extend or change the use of a listed building, or development affecting its setting, will be permitted where they can demonstrate a clear understanding of the significance of the building, contribute towards the preservation of the building, are not detrimental to the buildings character or historic special interest, are appropriate in scale, form and design, use appropriate materials and respect the setting of the listed building (inward and outward views).

29. National policy guidance set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'heritage assets' such as scheduled monuments, listed buildings and conservation areas. The particular significance of any element of the historic environment likely to be affected by a development proposal should be identified and assessed. Any harm should require clear and convincing justification.

30. Since the previous application, additional information has been included within the design and access statement, including reference to an intergovernmental climate change report, an updated justification statement, references to the installation of panels elsewhere, and a copy of a letter from the Minister of State for Energy, Clean Growth and Climate change. The solar panels have also been reduced in scale in order to expose more of the existing slate roof. The additional information and changes are not considered to overcome the concerns previously raised for the reasons set out below.

31. Given the prominent location of the proposed solar panels, views will be possible from within the curtilage of the listed building and from the wider public realm. The panels will sit proud on the roof plain to the front and incorporate a black glass face which would appear in stark contrast to the more mellow and natural colour of the existing slate roof and thatched roof of the original dwelling. It is appreciated that the solar panels will be located on a later extension, however paragraphs 193-196 of the NPPF requires great weight to be given to the asset's conservation and any harm or loss requires clear and convincing justification. Where the harm will lead to less than substantial harm to the significance of the building, this harm should be weighed against the public benefits of the proposal.

32. It is acknowledged that the solar panels may result in some modest public benefits, through the production of solar energy to help reduce carbon emissions produced through other energy forms. Whilst these measures would help reduce some carbon emissions, this is not considered to sufficiently justify the harm caused to the significance of the designated heritage asset. There may be some public benefit from the provision, however this will be relatively small and would not outweigh the harm caused to the listed building.

Conclusion

33. Policy DM8 states that all proposals for generation or recovery of low carbon or renewable energy, such as wind turbines, biomass, and combined heat and power, will be encouraged subject to the following criteria:
- a. proposals will be required to demonstrate the new carbon saving benefit that they will create, taking into account both carbon dioxide savings from renewable energy generation and any additional carbon dioxide generation that results from the proposal;
 - b. proposals will be required to include a landscape and visual assessment which should, where appropriate: i. show the impact of the proposal in the landscape or townscape. All development should be designed and sited to minimise intrusion and visual impact; ii. include mitigation measures to address the visual impact of the scheme; iii. include an appraisal of the impact on the environment of the proposal either in isolation or cumulatively with any other similar developments;
 - c. where appropriate the proposal includes provision for mitigation and compensation measures, such as habitat enhancement or relocation.
34. Additional information has been submitted to include an updated design and access statement; reference to the release of the Intergovernmental climate change report; an updated Justification Statement to include a copy of a letter from the Minister of State for Energy, Clean Growth and Climate Change, together with reference to the installation of panels on properties elsewhere. Whilst the additional information is helpful unfortunately it does not address or change the concerns or harm previously identified.
35. The installation of solar panels and their environmental benefits are not being questioned nor disregarded in this assessment of this application, but in this case, the assessment is on the acceptability of solar panels on the front roof slope of this particular designated heritage asset. Support in principle is offered in Policy DM8, however paragraph B(i) and B(ii) of this policy states that proposals for the generation of low carbon or renewable energy will be encouraged subject to the impact of the proposal in the landscape or townscape being designed and sited to minimise intrusion and visual impact, and the inclusion of mitigation measures to address the visual impact of the scheme. There are no mitigation measures which would enable this proposal to be considered favourably.
36. The solar panels would clearly result in some direct environmental benefits for the occupiers of the dwelling, and modest public benefits, through the contribution to reduction of carbon emissions.
37. The proposed panels would be located on the southern (front) roof slope of the slate roofed side extension views of which would be possible not only from within the curtilage of the cottage but also the wider public realm. The

proposed panels would sit proud of the roof plain incorporating a black glass face with each panel subdivided into 60 cells, the appearance of which would be a stark contrast to the more mellow and natural colour and softer texture of both the existing slate roof, currently appreciated, and the thatch roof of the original dwelling alongside which they would be appreciated. As a result, their provision would appear as an incongruous addition to a designated heritage asset and would detract from and cause harm to its significance.

38. The harm identified would result in less than substantial harm and the tests of para 202 of the NPPF should therefore apply. In this case, the modest benefits of the proposal do not override the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

39. The principle and detail of the development is therefore considered to conflict with the relevant development plan policies and the National Planning Policy Framework, and as such, is recommended for refusal.

Recommendation:

40. It is recommended that planning permission be **REFUSED** for the following reason:

1. Calford Green Cottage is referred to within the list description as a C17 timber framed and plastered house with thatched roof and diagonally shafted chimney stack. Whilst remodelled in the C20 it still retains much of its original character. The special architectural and historic interest of the building lies in its simple vernacular form. The proposed panels would be located on the southern (front) roof slope of the slate roofed side extension views of which would be possible not only from within the curtilage of the cottage but also the wider public realm. The proposed panels would sit proud of the roof plain incorporating a black glass face with each panel subdivided into 60 cells, the appearance of which would be a stark contrast to the more mellow and natural colour and softer texture of both the existing slate roof, currently appreciated, and the thatch roof of the original dwelling alongside which they would be appreciated. As a result, their provision would appear as an incongruous addition to a designated heritage asset and would detract from and cause harm to its significance. The harm identified would result in less than substantial harm and the tests of para 202 of the NPPF should therefore apply. The modest benefits of the proposal do not override the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal is therefore considered to be contrary to Policies DM2 and DM15 of the Joint Development Management Policies Document, Policy CS3 of the St Edmundsbury Core Strategy, para 202 of the NPPF and the duties imposed by section 16 of the Planning (Listed Buildings and Conservation Act) 1990.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1806/HH](https://www.stedmundsbury.gov.uk/DC/21/1806/HH)

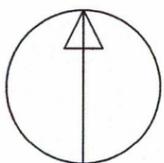
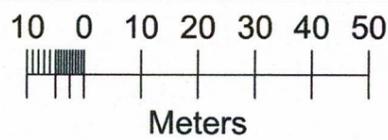
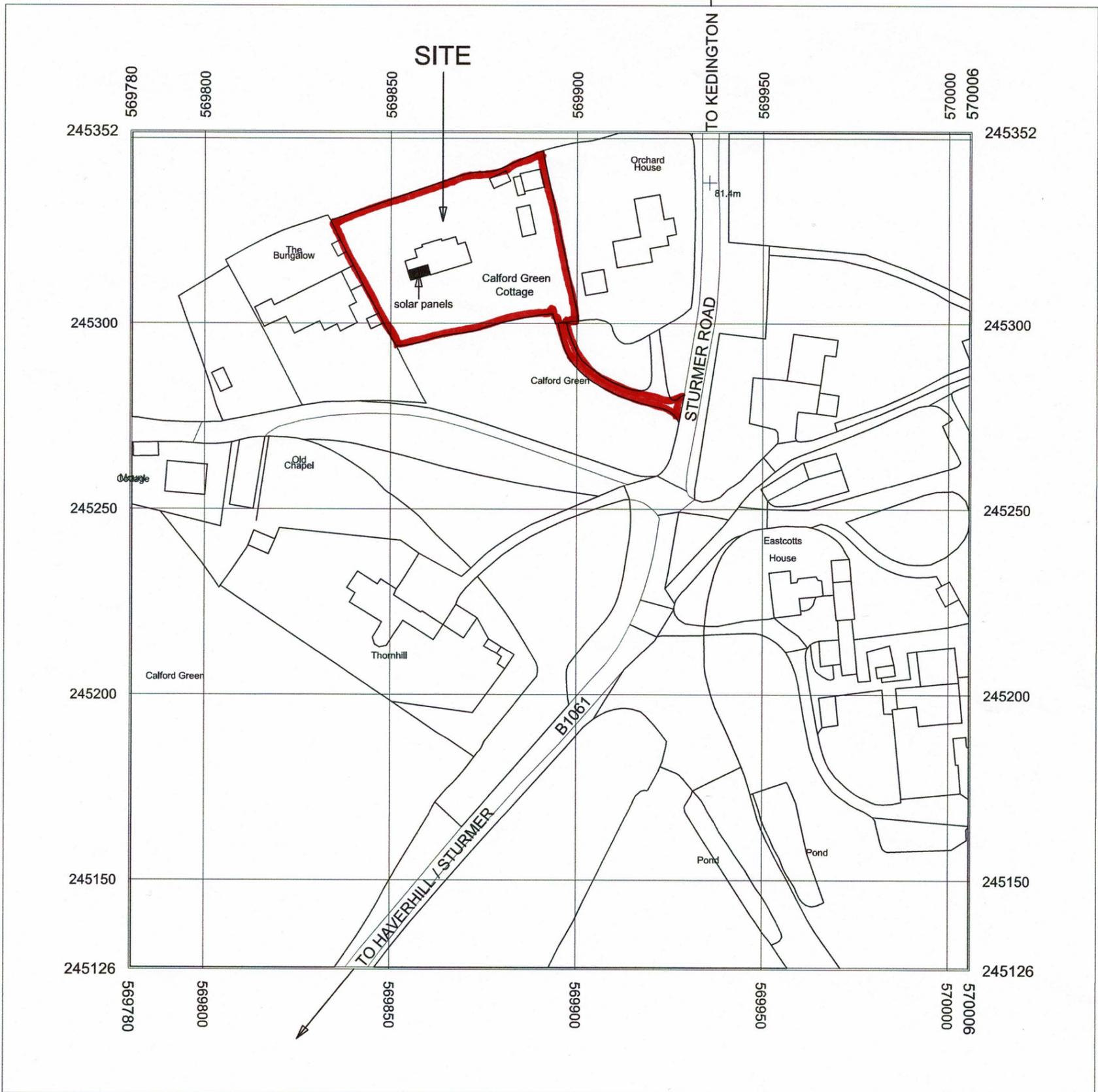
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DC/21/1806/HH and DC/21/1807/LB – Calford Green Cottage, Calford Green
Kedington



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LOCATION PLAN FOR
 CALFORD GREEN COTTAGE
 CALFORD GREEN CB9 7UN

DRAWING	AY/2298/2
DATE	DECEMBER 2020
SCALE	1:1250

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