

Development Control Committee



Title	Agenda		
Date	Wednesday 1 November 2023		
Time	10.00am		
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 Jon London and Phil Wittam</p> <p>Conservative Group (7) Carol Bull Ian Houlder Mike Chester Sara Mildmay-White Susan Glossop Andrew Smith Rachel Hood</p> <p>Independents (5) Mick Bradshaw Jim Thorndyke Roger Dicker Phil Wittam Andy Neal</p> <p>Progressive Alliance Grouping (4) Jon London Marilyn Sayer Lora-Jane Miller-Jones David Smith</p>		
Substitutes	<p>Conservative Group (3) Andy Drummond Andrew Speed Charlie Lynch</p> <p>Independents (2) David Taylor Don Waldron</p> <p>Progressive Alliance Grouping (2) Peter Armitage Donna Higgins</p>		
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registerable 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.		
Quorum	Six Members		
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk		

Details of site visits overleaf...

SITE VISITS WILL BE HELD ON MONDAY 30 OCTOBER 2023 AT THE FOLLOWING TIMES:

The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:

1. Planning Application DC/23/1101/ADV - The Cooperative, Hepworth Road, Stanton, IP31 2FR

Application for advertisement consent - a. one internally illuminated fascia sign b. two non-illuminated window graphics 3. one non-illuminated customer board d. one internally illuminated totem

Site visit to be held at 9.50am

2. Planning Application DC/23/0783/VAR - Doctors Hall, Bury Lane, Stanton, IP31 2DF

Planning application - application to vary conditions 2 (approved plans), 4 (insulation details) and 6 (breeding bitch numbers) of DC/17/1652/FUL for the material change in the use of the land from paddock to the breeding and keeping of dogs comprising the following: (a) 2.1 metre high close boarded timber fence and concrete post; (b) car parking area; (c) 2no. dog kennels and (d) 1no. stable block

Site visit to be held at 10.10am

PLEASE NOTE: This application is not due to be considered by the Committee at the November meeting and is anticipated to be presented at the December meeting. However, a site visit was planned and as Members were already required to travel to Stanton for the application listed at 1. above, it was considered prudent to visit this site on the same day in order to reduce the environmental impact of travel.

3. Reserved Matters Application DC/21/1294/RM - Land West of Eriswell Road, Eriswell Road, Lakenheath, IP27 9AS

Reserved Matters Application - Submission of details approved under Outline Planning Permission F/2013/0394/OUT the access, appearance, landscaping, layout and scale for 139 dwellings and associated works, including details in relation to condition 3 and 11 of F/2013/0394/OUT

Site visit to be held at 11.30am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 12noon.

Development Control Committee Agenda notes

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

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

Material planning considerations

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

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply

to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

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

Documentation received after the distribution of committee papers

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

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

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

Public speaking

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

Development Control Committee

Decision making protocol

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

Decision making protocol

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

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

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

Notes

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

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

Agenda

Procedural matters

Part 1 – public

1. Apologies for absence

2. Substitutes

Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.

3. Minutes

1 - 20

To confirm the minutes of the meeting held on 4 October 2023 (copy attached).

4. Declarations of interest

Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registerable 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. Reserved Matters Application DC/21/1294/RM - Land West of Eriswell Road, Eriswell Road, Lakenheath

21 - 80

Report No: **DEV/WS/23/035**

Reserved Matters Application - Submission of details approved under Outline Planning Permission F/2013/0394/OUT the access, appearance, landscaping, layout and scale for 139 dwellings and associated works, including details in relation to condition 3 and 11 of F/2013/0394/OUT

6. Planning Application DC/23/1101/ADV - The Cooperative, Hepworth Road, Stanton

81 - 94

Report No: **DEV/WS/23/036**

Application for advertisement consent - a. one internally illuminated fascia sign b. two non-illuminated window graphics 3. one non-illuminated customer board d. one internally illuminated totem

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 4 October 2023** 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 Jon London and Phil Wittam

Carol Bull

Sara Mildmay-White

Mike Chester

Lora-Jane Miller-Jones

Roger Dicker

Andy Neal

Susan Glossop

David Smith

Diane Hind

Jim Thorndyke

Rachel Hood

Don Waldron

Ian Houlder

379. **Apologies for absence**

Apologies for absence were received from Councillor Mick Bradshaw.

380. **Substitutes**

The following substitution was declared:

Councillor Don Waldron substituting for Councillor Mick Bradshaw.

381. **Minutes**

The minutes of the meeting held on 6 September 2023 were confirmed as a correct record and signed by the Chair.

382. **Declarations of interest**

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

383. **Planning Application DC/23/0895/FUL - Little Moseleys, The Green, Fornham All Saints (Report No: DEV/WS/23/029)**

Planning application - four dwellings with associated car parking and access

The application was referred to the Development Control Committee because it represented a departure from the Development Plan given the site was outside of the settlement boundary.

Furthermore, the Parish Council had objected to the scheme which was in conflict with the Officer recommendation of approval, subject to conditions as set out in Paragraph 79 of Report No DEV/WS/23/029.

The Principal Planning Officer informed the Committee that outline planning permission was granted on the application site in July 2017 for four dwellings, following the demolition of an agricultural workshop, with all matters reserved and subject to a number of conditions. Reserved matters were granted in January 2021.

Since the grant of outline permission, the site had been cleared and the agricultural workshop demolished. Whilst the application had been submitted on the basis that the previous permission had expired, there was a reasonable likelihood that the earlier permission was extant.

Speaker: Chris Wilkie (agent) spoke in support of the application

Councillor Susan Glossop remarked on the parking that often took place along the highway by the entrance to the application site.

Councillor Jon London commended the applicant for seeking permission in this way irrespective of the previous permission in place for the site. He proposed that the application be approved, as per the Officer recommendation and this was duly seconded by Councillor Ian Houlder.

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 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, unless otherwise stated.
3. Notwithstanding the material details shown on the approved plans, no development above slab level shall take place until details of the proposed roof tiles and feature cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with the approved Written Scheme of Investigation. Prior to any investigation taking place a competent person or persons/organisation shall be nominated to undertake the works set out within the Written Scheme of Investigation. 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.
5. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and

- approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.
6. Prior to first occupation the area within the site shown on drawing number 16 1508 02 Rev C for the purposes of providing safe pedestrian access through the site has been provided in accordance with the details submitted and shall be retained and used for no other purposes.
 7. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No 20 1508 010 REV D for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
 8. The areas to be provided for storage of Refuse/Recycling bins as shown on the Drawing No. 20 1508 010 REV D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
 9. Prior to any works above slab level details of a bin presentation area outside of the gate into the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of any of the dwellings hereby approved the access and turning area for refuse collection vehicles shall be constructed to accommodate a 32 tonne refuse vehicle and the bin presentation area shall be installed in accordance with the details approved and retained as such thereafter.
 10. Before occupation details of biodiversity enhancement measures to include where bird boxes, bat bricks or boxes and hedgehog gap 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. 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.
 11. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
 12. 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.

13. Before the dwelling at plot 3 hereby permitted is first occupied, the first-floor window within the gable end projection shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be non-openable up to 1.7m above floor level and shall be retained in such form in perpetuity.
14. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:
08:00 to 18:00 Mondays to Fridays
08:00 to 13.00 Saturdays
And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
15. The building envelope, glazing and ventilation of the residential dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against external noise. The acoustic insulation of the dwellings unit shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', January 2020.
16. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

384. Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket (Report No: DEV/WS/23/030)

(Councillor Rachel Hood declared a disclosable pecuniary interest in this item and advised that as she had made a personal representation in respect of the application she had sought the Monitoring Officer's advice and would be withdrawing from the meeting during the Committee's consideration of the application.)

Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)

This application was originally referred to the Development Control Committee on 6 September 2023 following consideration by the Delegation Panel on 1 August 2023.

At that meeting Members resolved to defer the consideration of the application in order to allow a site visit to take place, which was subsequently scheduled for 2 October 2023.

Newmarket Town Council objected based on their suggested conditions not being applied to the application.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 46 of Report No DEV/WS/23/030, inclusive of an amendment to the wording of condition No. 5 to reflect that the application was retrospective.

The Planning Officer informed the Committee that a late representation had been received from the Jockey Club who stated that they did not object to the scheme subject to three additional conditions being applied:

- i. Wednesday is the only day of the week when lessons are allowed to take place before 1pm (in this case between 9.30am and 11am);
- ii. Classes on Wednesday mornings are restricted to three swimmers, as per the applicant's supporting statement which also says that "most attendees are siblings that come in one car";
- iii. All vehicles park within the site and not on the private access road or Bury Road.

However, Members were advised that it would not be possible to include iii. as parking on the private access road and/or Bury Road could not be conditioned as part of the application.

Speakers: Tim Merrell (on behalf of Patricia Merrell, neighbouring objector) spoke against the application
Nicola Dale (neighbouring objector) spoke against the application
Calum Gawthroe (founder/owner of CG Swim School and user of the pool) spoke in support of the application
Councillor Sue Perry (Ward Member: Newmarket East) spoke against the application
Stephen Redhead (applicant) spoke in support of the application
(Councillor Perry was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on her behalf)

(On conclusion of the public speaking Councillor Hood left the meeting, following her earlier declaration of interest.)

Considerable discussion took place on the application and the private access road. Councillor Jon London asked if it would be possible to restrict pedestrian access to the swimming pool in order to prevent users parking on the private road.

The Service Manager (Planning – Development) explained that use of the private road was a civil matter and was not a Material Planning Consideration. Furthermore, it would not be possible to restrict pedestrian access to the swimming pool as it would preclude those opting to walk there as their mode of transport.

Councillor Lora-Jane Miller-Jones queried the wording in Condition 4 in respect of the restrictions over the number of people permitted on the site at any one time. She asked if it could be clarified that the restrictions only applied to those taking part in the lessons and not accompanying parents/carers. The Service Manager (Planning – Development) suggested that an informative could be attended to a permission to provide clarification.

Councillor Andy Neal posed questions in respect of the rules and regulations required to operate a facility that accommodated swimmers with special educational needs and disabilities. The Service Manager (Planning – Development) explained that this was not a Material Planning Consideration and did not form part of the application before the Committee.

A number of comments were made over the parking provision, which some Members considered to be inadequate despite Suffolk County Council Highways being satisfied with the proposal.

Councillor Don Waldron proposed that the application be refused, contrary to the Officer recommendation, due to the impact the parking arrangements would have on neighbours' amenity. This was duly seconded by Councillor Andy Neal.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked and the motion for refusal would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, upon being put to the vote and with 6 voting for the motion, 6 against and with 3 abstentions, it was resolved on the Chair's casting vote that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION**, for the following reason:

Policy DM2 requires all development to not adversely affect the amenities of adjacent areas. This supports the requirements of the NPPF that seek to ensure a high standard of amenity for existing and future users as well as the provisions of Policy NKT5 which seeks to prevent businesses at home where they do not respect the nature of the part of the neighbourhood area in which they are located, or which would result in an unacceptable level of visits and activities which would detract from the amenity of the immediate locality.

The pool building and the site in general is closely related to a number of off site residential dwellings, accessed from a private drive and the use of the site as a commercial swimming school is considered to have an adverse impact upon the amenities of nearby residential dwellings by reason of the disturbance associated with comings and goings of vehicles and customers. The harm associated with such impact is significant and it is not considered that the use of conditions would adequately mitigate for the impacts arising from the proposed use of the site which is located in such close proximity to off site dwellings.

The proposal therefore fails to comply with the requirements of Policy DM2, nor with the provisions of Para. 130 of the NPPF or the requirements of Policy NKT5 of the Newmarket Neighbourhood Plan.

(On conclusion of this item the Chair permitted a short comfort break, during which Councillor Rachel Hood rejoined the meeting.)

**385. Planning Application DC/23/0229/FUL - 9 Tasman Road, Haverhill
(Report No: DEV/WS/23/031)**

Planning application - change of use from residential (C3) to residential children's home (C2)

This application was originally referred to the Development Control Committee on 6 September 2023 following consideration by the Delegation Panel.

At the September meeting the Committee resolved that it was 'minded to refuse' the application based on the adverse impacts upon amenity arising from the modest extent of outdoor amenity space at the property, and on the basis of the impacts upon highway safety.

Accordingly, the Decision Making Protocol was invoked, requiring a risk assessment to be produced which set out the potential risks that might arise should planning permission be approved contrary to Officer recommendation.

A Member site visit was held prior to the September meeting.

Attention was drawn to the supplementary 'late paper' that was issued after publication of the agenda and which set out clarification in respect of the red line of the application site.

The Planning Officer also advised Members that one further neighbour objection had been received since the late papers were issued; which largely reiterated the points/comments raised in previous representations.

A letter had also been received from the owners of the property; who explained the current number of vehicles accommodated at the premises and highlighted the fact that a number of children had grown up in the household.

Lastly, it was highlighted to the meeting that the premises could operate as a House in Multiple Occupation (HMO) for up to six residents without planning permission being required.

Officers were continuing to recommend that planning permission be granted, subject to the conditions set out in Paragraph 37 of Report No DEV/WS/23/031.

Speaker: John Edwards (neighbouring resident objector, speaking on behalf of himself and other fellow residents in Tasman Road) spoke against the application
Jo Capuano (applicant) spoke in support of the application

(Ms Capuano was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on her behalf)

Some questions were posed on the operation of the proposed children's home and if the occupants would be from the local area. The Service Manager (Planning – Development) explained that this was not a Material Planning Consideration and did not form part of the application before the Committee.

Councillor David Smith referenced the importance and the benefits of inter-generational contact.

Councillor Rachel Hood drew attention to the number of resident concerns and the views of the Town Council and Ward Member; in light of which she stated that she would abstain from the vote on this item.

Councillor Sara Mildmay-White proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Carol Bull.

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

Decision

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

1. Time limit

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

2. Compliance with plans

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

3. Parking and manoeuvring

The use shall not commence until the area(s) within the site shown on Drawing No. Drawing No. PA103 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

4. Cycle storage

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

5. EV charging

Prior to the first use of the dwelling as a children's home, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no

other purpose.

6. Refuse/recycling bins

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

7. Number of children

At no time shall more than four children be in residence at the premises.

8. Staff members

At no time shall more than three members of staff be present at the site.

386. Planning Application DC/22/1774/FUL - Land South and West of 9 to 12, Bridewell Lane, Bury St Edmunds (Report No: DEV/WS/23/032)

The Chair informed the meeting that this item had been withdrawn from the agenda.

387. Planning Application DC/23/0664/RM - Hereward House, 2A Hereward Avenue, Mildenhall (Report No: DEV/WS/23/033)

Reserved matters application - a. submission of details under DC/21/1950/OUT appearance, landscaping, layout and scale for plot 3 b. including details reserved by conditions 8 (cycle storage), 13 (biodiversity enhancement), 14 (hard and soft landscaping) and 15 (landscape management plan) of DC/21/1950/OUT

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

Mildenhall Town Council had voiced support for the application which was in conflict with the Officer's recommendation for refusal, for the reasons set out in Paragraph 56 of Report No DEV/WS/23/033.

Members were advised that outline planning permission (all matters reserved) was granted on 7 September 2022 for residential development, comprising two detached dwellings on two separate plots. The application before the Committee considered development on one of those plots.

As part of his presentation to the meeting the Planning Officer provided videos of the site by way of a virtual 'site visit'.

Speakers: Councillor Ian Shipp (Ward Member: Mildenhall Kingsway and Market) spoke in support of the application
Craig Farrow (agent) spoke in support of the application
(Councillor Shipp was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on his behalf)

Councillor Lora-Jane Miller-Jones highlighted specific concerns with the insufficient information that had been submitted with the application in relation to the ecological context of the site, particularly noting the absence of surveys relating to bats and the potential impact of the proposed development on neighbouring trees.

Councillor Carol Bull asked if these elements could be conditioned, however, the Service Manager (Planning – Development) explained that the outstanding matters related to the suitability of the scheme and Officers therefore considered it necessary to have this information prior to determination.

The Planning Officer confirmed that extended discussions and negotiations had taken place with the agent in order to seek the information requested. However, Officers were advised that the applicant wished for the scheme to be assessed and determined. Hence, it came before the Committee with the Officer recommendation of refusal.

Councillor Diane Hind proposed that the application be refused, as per the Officer recommendation. This was duly second by Councillor Miller-Jones.

Councillor Andy Neal spoke in support of the application and proposed that the application be approved, contrary to the Officer recommendation, subject to receipt of the outstanding surveys and information.

The Chair advised Councillor Neal that there was already a motion on the table which would need to be voted on (unless withdrawn) prior to any alternative motion being taken.

Councillors Phil Wittam and Rachel Hood asked if the application could be deferred in order to allow a site visit to take place and to enable the applicant to have additional time in which to submit the required information.

The Chair again reminded the meeting that there was already a motion on the table which had been seconded.

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

Decision

Planning permission be **REFUSED** for the following reasons:

1. Policy CS5 of the Core Strategy seeks to ensure that development reinforces local distinctiveness and has regard to local character, whilst Policies DM2 and DM22 require development to recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area, including that the residential amenity of nearby properties is not adversely affected. The application proposes a 1.5 storey dwelling, measuring 7.0 metres in total height, extended along the western boundary shared with 2 North Place which contains an in-built garage area. The western flank therefore appears overbearing and extends approximately 15 metres,

within 2.7 metres of the western boundary. The dwelling also sits further north into the plot. Previously, the indicative layout illustrated a western (side) elevation that extended 7 metres, situated 4.4 metres from the boundary at a considerably lower overall height.

The building, together with its increased scale, length and orientation to 2 North Place to the west will result in material harm to the residential amenity of the aforementioned dwelling thus proving to be contrary to Policy CS5 of the Core Strategy and Policy DM2 and DM22 of the Joint Development Management Policies Document.

2. Policy DM11 seeks to prevent development that would have an adverse effect on protected species. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

The National Planning Policy Framework (NPPF, 2023) states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).

Insufficient information has been submitted in relation to the ecological context of the site, particularly noting the absence of surveys relating to bats. Officers are therefore not content that there will be no adverse ecological impacts to bat habitats as a result of the proposed development and it is therefore not in accordance with policies DM11 and DM12, as well as the NERC Act and relevant paragraphs within the NPPF.

3. Policy DM13 states development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. The application contains insufficient information in assessing the potential impact of the proposed development on neighbouring trees bordering the site, by virtue of the increased size of the proposed development relative to the indicative details considered at the outline stage and the lack of updated information submitted in relation to arboricultural impacts. The proposal as such would be contrary to the provisions of Policy DM2, Policy DM13 of the Joint Development Management Policies Document (2015), Policy CS5 of the Forest Heath Core Strategy (2010) and the National Planning Policy Framework which seeks to preserve important landscape characteristics which make a significant contribution to the character and appearance of the area.

(On conclusion of this item the Chair permitted a second short comfort break.)

388. **Planning Application DC/22/2228/FUL - Land off Friday Street, West Row (Report No: DEV/WS/23/034)**

(Councillor Mike Chester declared, in the interests of openness and transparency, that he had been briefly acquainted with the applicant for this item, some years ago during his former career. However, this would have no bearing on his consideration of the application.)

Planning application - 10 dwellings with associated access and garages (following demolition of existing dwellings) as amended by plans received 28 April 2023

The application was referred to the Development Control Committee as it represented a departure from the Development Plan, as part of the site was situated within designated countryside.

West Row Parish Council had not objected to the proposal. Officers were recommending that it be approved, subject to conditions as set out in Paragraph 90 of Report No DEV/WS/23/034.

Councillor Don Waldron opened the debate as one of the Ward Members (The Rows) for the application. He advised the meeting that the access for the proposal was on a bend and that there were often instances of flooding in that area of the village.

In response to queries from Members in respect of the lack of affordable housing in the scheme, the Service Manager (Planning – Development) explained that whilst the application was for 10 dwellings, because there was already 3 properties on the site, which were to be demolished, the scheme only added a net total of 7 properties; therefore meaning this did not trigger the requirement for affordable housing to be provided.

Councillor Sara Mildmay-White voiced disappointment that three bungalows were to be demolished and none of the new properties proposed to be built were single-storey.

Councillor Diane Hind asked specific questions in relation to boundary treatment and the Planning Officer suggested that an additional condition was added to request these details.

Councillor Mike Chester proposed that the application be approved, as per the Officer recommendation and inclusive of the additional condition regarding boundary treatment. This was duly seconded by Councillor Sara Mildmay-White.

Upon being put to the vote and with 13 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

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, unless otherwise stated.
 - 3 No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
 - 4 No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.
 - 5 No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
 - 6 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course

- of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 7 All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- 8 During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.
- 9 The building envelope, glazing and ventilation of the dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwellings shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as necessary ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', (AVO Guide), January 2020.
- 10 Prior to commencement of the development hereby approved, including any site preparation or demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during the demolition and construction phases

- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of demolition and construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each demolition and construction activity including piling and excavation operations
 - x) Access and protection measures around the development site for pedestrians, cyclists and other road users including arrangements for diversions during the demolition and construction periods and for the provision of associated directional signage relating thereto.
- 11 Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:
08:00 to 18:00 Mondays to Fridays
08:00 to 13.00 Saturdays
And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
- 12 Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals (ILP) Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.
- 13 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 14 Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 01/01 Rev. April 2023 with an X dimension of 2.4 metres and a Y dimension of 48 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 15 No other part of the development hereby permitted shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. 01/01 Rev. April 2023; with an entrance width of 5.5 metres for a junction-type access. Thereafter, it shall be retained in its approved form. Prior to the new access being brought into use, all other means of vehicular access into the site from Friday Street shall be effectively stopped up and closed in complete accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.
- 16 The use shall not commence until the infrastructure within the site shown on Drawing No. 01/01 Rev. April 2023 for the purposes of preventing surface water falling onto the highway and it being

- discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.
- 17 Before the development is commenced, details of a new footway within the site off Friday Street as indicatively shown on Drawing No. 01/01 Rev. April 2023 shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed to base course before the development is first occupied and fully completed prior to the occupation of the fifth dwelling hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.
- 18 The use shall not commence until the area(s) within the site shown on Drawing No's. 01/01 Rev. April 2023 and 01/06 Rev. April 2023 for the purposes of manoeuvring and parking of vehicles including electric vehicle charging infrastructure has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 19 The use shall not commence until the area(s) within the site shown on Drawing No. 01/01 Rev. April 2023 for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.
- 20 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 01/01 Rev. April 2023 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 21 Before the development hereby permitted is commenced, a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan.
The Construction Management Plan shall include the following matters:
a) Parking and turning for vehicles of site personnel, operatives and visitors;
b) Loading and unloading of plant and materials;
c) Piling techniques (if applicable);
d) Storage of plant and materials;
e) Provision and use of wheel washing facilities;
f) Programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
g) Site working and delivery times;
h) A communications plan to inform local residents of the program of works;
i) Provision of boundary hoarding and lighting;
j) Details of proposed means of dust suppression;
k) Details of measures to prevent mud from vehicles leaving the site during construction;
l) Haul routes for construction traffic on the highway network;
m) Monitoring and review mechanisms and;
n) Details of deliveries times to the site during construction phase.
Reason: To ensure the satisfactory development of the site and to protect
- 22 No part of the development shall be commenced until a photographic condition survey of the highway fronting and near to the site has been

- submitted to and approved in writing by the Local Planning Authority.
- 23 The strategy for the disposal of surface water (dated 30th May 2023, ref: 3036 FRA & DS REV A) and the Flood Risk Assessment (FRA) (dated 30th May 2023, ref:3036 FRA & DS REV A) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 24 Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 25 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:
Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
- i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
 - iii. Measures for managing any on or offsite flood risk associated with construction.
- 26 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- a. A site investigation scheme,
 - b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - c. Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
- 27 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 28 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.

- 29 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (DWA Ecology, September 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 30 Prior to the commencement of development, any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.
- 31 Prior to any works above slab level, A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
- 32 Prior to first occupation, A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (e.g. through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 33 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.
- 34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the southern elevations of plots 6,7,8 & 10 elevation(s) and western elevation of Plot 1.
- 35 No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.
- 36 No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

The meeting concluded at 1.07pm

Signed by:

Chair

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Development Control Committee 1 November 2023

Reserved Matters Application DC/21/1294/RM – Land West of Eriswell Road, Eriswell Road, Lakenheath

Date registered:	16 June 2021	Expiry date:	15 September 2021
Case officer:	Britta Heidecke	Recommendation:	Approve application
Parish:	Lakenheath	Ward:	Lakenheath
Proposal:	Reserved Matters Application - Submission of details approved under Outline Planning Permission F/2013/0394/OUT the access, appearance, landscaping, layout and scale for 139 dwellings and associated works, including details in relation to condition 3 and 11 of F/2013/0394/OUT		
Site:	Land West of Eriswell Road, Eriswell Road, Lakenheath		
Applicant:	Persimmon Homes		

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:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background:

This application follows outline planning permission for the construction of up to 140 dwellings at this site granted in October 2018 and seeks approval of matters reserved by condition 2 of the outline planning permission.

The proposal description for this application was amended to include 'access'. This is because only the two access points from the highway into the site had been considered and approved at outline stage, whilst all other access matters remained reserved. There has been no re-consultation on this description change, because there have been no changes to any of the plans or supporting documents as a result, which have been subject to public consultations. The description change is a technical modification only.

The application has been submitted within three years as is required by condition 1 of the outline planning permission. This report relates to the requirements of condition 2 of planning permission F/2013/0394/OUT and the details required to be submitted with the reserved matters by condition 3 (additional details) and 11 (travel plan) of the outline permission. The decision notice for the outline permission is attached as Working Paper 1.

This application is referred to Development Control Committee following consideration by the Delegation Panel on 4 October 2023.

Proposal:

1. The application seeks reserved matters consent in relation to access, layout appearance, scale and landscaping for 139 dwellings. All matters reserved are included in this submission. Means of access from the public Highway into the site was already considered and approved at the outline stage.
2. The application for reserved matters has been submitted with the details required in relation to condition 3 and condition 11, which relate directly to and have influenced the reserved matters submission:

Condition 3

- a) Materials details,
- b) Details of bin storage,
- c) Landscaping strategy in accordance with the approved LVIA,
- d) Arboricultural Method Statement,
- e) Ecological Appraisal and updated species survey,
- f) Cycle storage details,
- g) Acoustic Design Statement for external areas,
- h) Sustainable urban drainage scheme,
- i) Public Open Space details in accordance with the Open Space, Sport and Recreation Facilities (October 2011) SPD,
- j) Details of the areas to be provided for manoeuvring and parking,
- k) Affordable Housing scheme to include details of the type, tenure and location on the site of the affordable housing.

Condition 11: Submission of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment dated June 2013.

3. The proposals have been amended since submission and have been subject to public and stakeholder consultation.

Application supporting material:

4. The application is supported by a number of plans and supporting documents, many of which have been amended during the course of the application. Some of the information received overlaps with other conditions of the planning permission:
 - Forms and drawings including site location, layout, elevations and floorplans.
 - Design and Access Statement
 - Planning Statement
 - Material Finishes Schedule
 - Parking Plan LV109-P-140 Rev.F
 - Affordable Housing Plan
 - Adoption plan with Street Hierarchy Layout
 - Ecology Surveys and Mitigation and Enhancement measures
 - Landscaping proposals
 - Landscape Management and Maintenance Plan (JBA, 2023)
 - Landscape strategy
 - Acoustic Design Statement
 - Arboricultural Impact Assessment and Tree Survey
 - Waste Collection Strategy
 - Updated Public Open Space Layout Dated: Feb 2022
 - Updated Planning Layout Dated: Feb 2022
 - Overland Surface Water Flow Route Dated: Nov 2021
 - Surface Water Drainage Strategy
 - Surface Water & Foul Water Drainage Strategy Amended V3
5. The Council has received separate applications seeking approval of details required by some of the other conditions attached to the outline planning permission (see history section below).

Site details:

6. The site is situated to the south of Lakenheath. It is approximately 5.43 hectares in size, is presently dormant agricultural land (Grade 3) and has a 470-metre Pine tree lined frontage onto the highway of Eriswell Road.
7. The application site is allocated for up to 140 dwellings in the Site Allocations Local Plan (2019) and within the settlement boundary of Lakenheath.
8. The site fronts eastward onto Eriswell Road towards a row of existing semi-detached residential properties on the opposite side of the road. An attractive row of mature pine trees marks the site frontage. These are protected by a Tree Preservation Order. Some low-density housing abuts the southern boundary, intersected by a public footpath.
9. The site is relatively flat with a small drop in levels from east to the west. The western (rear) boundary is marked by a steep bank; an Environment Agency flood defence, with a watercourse behind. The site of the sports pavilion is situated to the north of the site, set in large areas of public open space with

sports pitches and a play area in the north-eastern part. The bulk of the settlement and key village amenities is located further north.

10. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area is situated approximately 500 metres to the north (at its closest point). The Environment Agency flood risk maps indicate that the majority of the site is situated within Flood Zone 1 (with little or no risk of flooding) with a small element at the north west corner within flood zones 2 and 3.

Planning history:

11.

Reference	Proposal	Status	Decision date
NMA(A)/13/0394	Non material amendment to F/2013/0394/OUT - condition 2 to include access as a reserved matter	Application Granted	19 October 2023
NMA(1)/13/0394	Non-material amendment for F/2013/0394/OUT - to allow use of revised drawing - site location plan dated July 2012	Application Granted	11 December 2018
DC/21/1986/VAR	Planning application - removal of condition 14 part A(ii) and B of F/2013/0394/OUT for 140 dwellings	Pending Decision	
DCON(D)/13/0394	Application to discharge condition 6 - construction method statement; 13 - contamination, 20 - landscaping drawings; 21(A) - written scheme of investigation of application F/2013/0394/OUT	Pending Consideration	
F/2013/0394/OUT	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).	Application Granted	4 October 2018

Consultations:

12. The application has been subject to amendments and additional information has been submitted during the application to address concerns raised. The consultation responses set out below represent a summary of the latest responses received.
13. Full copies of consultation responses are available to view online through the Council's public access system using the link below.

[DC/21/1294/RM | Reserved Matters Application - Submission of details under Outline Planning Permission F/2013/0394/OUT \(residential development for 139 dwellings, including details of the appearance, landscaping, layout and scale\) together with details in relation to condition 3 and 11 of the F/2013/0394/OUT | Land West Of Eriswell Road Eriswell Road Lakenheath IP27 9AS \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk/DC/21/1294/RM)

Anglian Water Services Limited (September 2021)

14. No objection to the amended proposals for an alternative connection.

Environment Agency (July 2021)

15. Do not wish to comment on the reserved matters, and suggest that the Local Flood Authority (LLFA) should be consulted regarding surface water drainage and surface water flood risk at this site.
16. The EA have provided information to the applicant that works are adjacent to the flood defence embankment. Under the terms of the Environmental Permitting Regulations (EPR), a permit may be required from the Environment Agency for any proposed works or structures within the floodplain or in, under, over or within 8 metres from the landward side of the bottom of the bank of the Cut-off Channel, which is designated a 'main river'.

SCC Flood and Water Management / LLFA (March 2022)

17. Have reviewed the following submitted documents and recommend approval of the application:
- Updated Public Open Space Layout Dated: Feb 2022 Ref: LV109-P-117 Rev.B
 - Updated Planning Layout Dated: Feb 2022 Ref: LV109-P-100 Rev E
 - Overland Surface Water Flow Route Dated: Nov 2021 Ref: 66201708-MLM-ZZ-XX-DR-C-0120 Rev P04
 - Surface Water Drainage Strategy Dated: Oct 2021 Ref: 230-017 Rev 0
 - Surface Water & Foul Water Drainage Strategy Amended V3 Dated: Aug 2021 Ref: 66201708-MLM-ZZ-XX-RP-C-0003 Rev 03
 - Agent Re Surface & Foul Water Drainage Strategy V3 Dated: Aug 2021 Ref: DC/21/1294/RM 66201708

County Archaeologist

18. The conditions for archaeology (21) applied to F/2013/0394/OUT should be sufficient (or repeated if you see fit) on this site to secure the second phase of archaeological evaluation and any subsequent mitigation.

19. Officer note: An application to formally discharge condition 21 will be required separately.

Suffolk Wildlife Trust

20. No comments received.

Suffolk County Council (Travel Plan Officer) 18.10.2021:

21. After initially requesting a revised Travel Plan or Highways Technical Note to address existing bus services, opportunities to secure bus improvements, provision of bus/cycle vouchers, annual resident questionnaires as part of the travel plan monitoring and a travel plan evaluation and support contribution, confirmed that they are satisfied that the revised travel plan (Issue B – 8th October 2021) is compliant with the Suffolk Travel Plan Guidance and meets the requirements of condition 11 of F/2013/0394.

Suffolk County Council (Highways – Development Management) 05 May 2023:

22. Initially requested further information to include the following:

- Requested that connectivity details are provided
- Design drawings for the internal access roads
- Swept path assessments compliant with the Suffolk Waste Partnership document 'Waste Technical Guidance for Residential and Commercial Developments' and suitable for fire tender.
- Layout with regards to cycling and extensive footway network through the site are acceptable.
- Note that 308 total allocated spaces and 35 unallocated/visitor parking spaces (343 in total) would be required in accordance with Suffolk Guidance for parking.
- The proposals include 320 spaces across allocated, unallocated, visitor and garage spaces, which is considered acceptable to promote a sustainable development and encourage the uptake of sustainable modes of transport.
- Trip generation and distribution for the site was considered as part of outline planning application and do not require further assessment. Junction modelling for the site was also considered as part of outline planning application.
- The applicant has subsequently provided evidence to show that waste and recycling collection vehicles will be able to complete turning maneuvers.

23. Following submission of amended and further details SCC Highways raised no objection to the amended proposals subject to a condition which secures the provision of parking and cycle storage prior to occupation of each dwelling.

- Recommends that any permission which that Planning Authority may give should include the conditions below:
 - Car and cycle parking to be provided prior to first occupation.
 - Construction Management Plan (**Officer note:** this is secured under condition 6 of the outline permission)

Natural England:

24. As originally submitted, the proposals could have potential significant effects on the following designated sites:

- Breckland Special Protection Area (SPA)

- Breckland Farmland Site of Special Scientific Interest (SSSI)
- Breckland Forest SSSI
- Eriswell Low Warren SSSI
- Foxhole Heath, Eriswell SSSI
- Lakenheath Poors Fen SSSI
- Lakenheath Warren SSSI
- Wangford Warren & Carr

25. Natural England required further information in order to determine the significance of these impacts and the scope for offsetting.
26. The applicant provided an Executive Summary (James Blake Associates, dated 14 September 2021) with bird breeding data, a Breeding Bird Survey report (James Blake Associates, revision A, dated October 2021) for species other than Stone Curlew, Stone Curlew records provided to the applicant by the RSPB and carried out a qualitative assessment of areas where survey data was not available, indicating land use and suitability for Stone Curlew, extrapolating existing data to derive an estimate of numbers nesting across the area of interest.
27. In September 2022 NE confirmed no objection subject to Appropriate Offsetting being secured.
28. The Stone Curlew Planning Tool (SCPT) was used to analyse the comprehensive Stone Curlew data. In order to mitigate the adverse effects identified and make the development acceptable, the following offsetting measures should be secured:
- Provision of 2ha offsetting land to be managed for stone curlew, maintained for the life of the development.
 - A management plan for offsetting land.
 - Provision of 3.51 acres of public open space within the site.
29. Natural England advise that an appropriate planning condition or obligation is attached to any planning permission to secure the agreed measures.
30. They add that they offer comments on the appropriateness of these measures, or their likely ecological success, but it is for the Local Authority, in their capacity as the competent authority, to determine the legal status of these measures.

Off-setting proposals at Galley Bottom, Eriswell

31. At the time of report writing a separate planning application for the creation of 2ha off-setting land under reference DC/23/1082/FUL is pending approval subject to Appropriate Assessment. This application is subject to a detailed offsetting land management plan. The implementation of the offsetting land and management in perpetuity in accordance with the mitigation strategy will be secured by condition 3 of the outline permission and separate legal agreement in the form of unilateral undertaking.
32. **Natural England** confirmed on 12 October 2023 that they had no objection to the off-setting proposals. To assist the LPA, as competent authority, in undertaking the appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) they provided the following advice:

'Natural England advises that despite the proximity of the proposed development to Breckland Farmland SSSI and Foxhole Heath, Eriswell SSSI, component parts of Breckland SPA, this development will not have an adverse effect on the integrity of the SPA, provided all mitigation measures, proposed to mitigate for all identified adverse effects, are appropriately secured in any planning permission given, including the works to create the habitat taking place outside of the bird breeding season.'

Ramblers Association

33.No comments received.

Defence Infrastructure Organisation (Planning) July 2021:

34. Comments were received in response to the Acoustic Design Statement submitted, which included mitigation measures proposed for internal spaces, confirming that the measures were acceptable. However, these details are required for the discharge of condition 14 of the outline permission and will need to be reconsidered at that stage.

Defence Infrastructure Organisation (Safeguarding): October 2022:

35.Provides the following summarised comments:

- No safeguarding concerns with the heights of the development. Recommend that specific glass specification is used throughout the development in accordance with traditional blast hazard mitigation measures. (Informative)
- No objection to the amended landscaping plans which include suitable planting schedules (to minimise risk of bird strikes to passing aircraft)
- Provide comments with respect to the off-site drainage attenuation basin that would serve this development (i.e. needs to be well drained in order to reduce attraction to birds).

36.Require a condition to secure 1) a Construction Management Plan (CMP) that outlines how mounds of topsoil will be managed, 2) Pond (SUDS) maintenance plan and an informative regarding flight noise. (**Officer Note:** this is already required under condition 6 of the outline permission and an amended CMP has been submitted to address the specific concerns)

Suffolk Constabulary 28.07.2022 Provide comments relating to safety/crime aspects of the layout as follows:

37.There will be 139 dwellings, including 42 affordable dwellings (7 shared ownership and 35 rented and 97 private sale).

38.Note the good general natural surveillance of POS and cycle and footpaths. Make some specific suggestions such as gable windows in active rooms should be designed into all dwellings, paths along the POS and the circular walk should be 3m wide to give room for movement, hedging along boundaries should be kept at 1m high.

39.Are concerned about long rear access paths but appreciate that the number of terraced dwellings has been reduced. Advise that access gates with locks lockable from both sides should be positioned at the front of the entrance and

in line with the house. Recommend where there are terraced houses that a 1.5m close board fence with 300 mm trellis topping is installed.

40. Knee high rail is recommended along the footpath area of the POS and around the Infiltration Basin. This will deter vehicles parking on the area and give a defined boundary. Cycle Storage should be secure.

SCC Development Contributions Manager:

41. The application under reference F/2013/0394/OUT has an associated planning obligation dated 01 October 2018. The planning obligations previously secured under the first planning permission must be binding on this application if West Suffolk Council make a resolution to approve.

RSPB Eastern England Regional Office

42. No comments received.

Strategy And Enabling Officer, Housing

43. Welcome the rounding up from 41.7 homes to 42. Note that the split should be 30% shared ownership and 70% affordable rented and that the proposal did not adhere to this. Request 29 affordable rented and 13 shared ownership and a person per property break down and measurements in sqm so they can confirm the dwellings proposed are sufficient.

44. Reviewed the amended plans 20.10.2021 and support the revised affordable housing mix and 70/30 tenure split but requested some specific dwelling sizes for shared and rented which need to be switched.

45. Support the mix proposed (received March 2022). Note two house types which fall short of the Nationally Described Space Standards (NDSS), but within the 10% of the recommended levels Homes England do not object. Suggest this could be improved by removal of en-suite bathrooms. The amendments were subsequently made.

46. Request that the affordable GF flats are M4(2) compliant for applicants with limited mobility.

47. Raise concern that Arden house type for market housing is below the NDSS. (Officer note: amendments have subsequently been received as set out in the officer section below)

Place Services – Ecology response to condition 3 (July 2023)

48. No objection subject to implementation in full of the ecological measures, provided these can be suitably secured.

Place Services – Landscape (March 2022)

49. No objection subject to conditions to secure landscaping and maintenance as submitted.

- The quality and user experience of the eastern (Pine line walk) and western corridor (Green buffer walk along Cut-off channel) are crucial for this site.

- To meet the objectives of the landscape condition (Condition 3c of F/2013/0394/FUL) attached to the outline:
 - the retention and protection of the TPO pine line is a priority for this site – the amended plans show no development including the circular path within the RPA or crowns spread of the pine trees, to ensure that there is no construction damage or future pressure on the trees.
 - planting along the boundaries of the site will be retained and reinforce, including a hedge line along the western boundary to help mitigate any adverse visual effects from surrounding receptors.
 - legible and permeable movement connections between adjoining areas while respecting important landscape features achieved by corridors through the site following existing desire lines as well as a 1.8m circular paths with access to two tactile crossings on Eriswell Road, linking with the existing PROW along the southern boundary, the cut-off channel and public open space adjoining the site.
 - The POS to be accessible and usable.

Ecology And Landscape Officer

50. Raised no objection to the amended proposals and phasing of the development, as set out in detail the 'Habitat Regulations Assessment' (which forms the appropriate assessment), which is attached to this report as Working Paper 2.

Fire And Rescue Service:

51. No comments received, however condition 17 requires submission of a scheme for fire hydrants to be submitted for approval prior to any occupation.

WSC Urban Designer Officer:

52. Sets out how the design of the scheme has evolved since the reserved matters were first submitted, including a less ridges and more organic layout, which is less suburban at this key gateway to the village. Identified opportunities to improve permeability and to enclose some of mews spaces to create more rural characteristics and create more distinctive spaces. Suggested more definition to the proposed character areas and treatment such as flint and weatherboarding should be considered to reflect more rural characteristics.

Representations:

Lakenheath Parish Council (September 2021):

53. Lakenheath Parish Council Planning objected to the proposed development at the entrance to the village, which should be of high quality, with a high standard of design. Current plans describe further urbanisation of the countryside without employment or infrastructure, detrimental to the large-scale vista across the fenland. The buildings are of poor visual quality. They should reinforce local distinctiveness and be more sympathetic with local references, including traditional materials such as flint including flint.

54. Adverse impact on the already busy highway and ask that at least one of the access points should be traffic light controlled with a pelican crossing to facilitate safe access and connectivity to the rest of the village; otherwise any prospect of walking or cycling is entirely obviated. Indeed, contrary to common sense and the advice of the Climate Change Committee, new residents will be forced to use cars to meet all their employment, schooling, retail and entertainment needs.

55. The circular path should be wide enough to be used by wheelchairs and buggies, and we are unable to see where this path has any connectivity. It appears to run the circumference of the site and disappears into the grass verge on Eriswell Road.

56. The PC could not locate the following:

- 1 Landscaping Strategy
- 2 Arboricultural Method Statement (although we have seen the plan which appears reasonable)
- 3 Construction Method Statement
- 4 Ecological Appraisal
- 5 Acoustic Design Statement

57. We understand the need to meet the deadline, but the Application is now in; we hope that a fresh Consultation will start when all the information is available.

Parish Council (November 2021)

58. Noting that all documents were available, Lakenheath Parish Council Planning Sub-Committee reiterate their comments.

Parish Council comments on re-consultation on amended layout and plans (April 2022):

59. The PC continues to object on noise grounds and note that DIO activity has increased considerably since they commented.

Ward Members:

60. No comments received.

Third Party Representations:

66. No.91 Eriswell Road Lakenheath Object:

- Highways safety concerns in relation to the access
- Lack of infrastructure
- Off-site flooding issue
- Value of property / loss of view (Officer note: both are not material planning considerations)

67. No.13 Lancewood Walk Raf Lakenheath Representation

- Impact on local highway network
- Visitor parking – 1 bay short from what is required by SCC Parking Guidance
- Electric Vehicle charge points – where will dwellings without garage or wall adjacent parking bay charge (officer note: these details are secured by condition 15 of the outline permission)

Policy:

68. The Development Plan comprises the policies set out in the Core Strategy adopted May 2010, the policies of the Joint Development Management Policies Document (2015), the policies included in the Site Allocations Local Plan (2019) and the 'Single Issue Review' of Core Strategy Policy CS7. The following policies are directly relevant to the determination of this application for approval of reserved matters.

69. Forest Heath Core Strategy 2010:

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 CS9 - Affordable Housing Provision

Core Strategy Policy CS13 - Infrastructure and developer contributions

70. Joint Development Management Policies Document

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM22 Residential Design

Policy DM42 Open Space, Sport and Recreation Facilities

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

71. Site Allocations Local Plan

SA7/ SA7(b) – Land west of Eriswell Road

72. Other planning policy

Supplementary Planning Documents

73. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (September 2013)
 - Open Space, Sport and Recreation Supplementary Planning Document (August 2011)
 - Suffolk Guidance for Parking (2019)
74. National Planning Policy Framework (NPPF), with particular reference to chapter 12 'Achieving Well-Designed Places'.
75. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.

Legal Context

Planning and Compulsory Purchase Act 2004 (as amended)

76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The conformity of the proposal details with key policies is discussed through the rest of this report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and The Conservation of Habitats and Species Regulations 2017

77. The application proposals were considered against the Environmental Impact Assessment Regulations and the Habitats Regulations at outline stage. Whilst no Environmental Statement was required, given the location of various designated nature sites in the vicinity of the application site (including the Breckland Special Protection Area and Special Area of Conservation) consideration has been given to the application of these Regulations and various measures were secured to avoid or mitigate recreational impacts to the Breckland Special Protection Area, including 2 hectares of off-setting land at a nearby site called 'Galley Bottom'. This site is being considered under a separate planning permission (DC/23/1082/FUL). The off-setting site will be tied to the reserved matters by a legal agreement.
78. The application proposals include 3.51 acres of public open space including a circular route at the site in accordance with the mitigation requirements identified by Natural England.
79. A copy of the Council's 'Habitat Regulations Assessment' (which forms the appropriate assessment) is attached to this report as Working Paper 2. The assessment concludes the proposals subject to this application alone, and in combination with other projects, would not result in likely adverse effects on

integrity of Breckland Special Protection Area or the Breckland Special Area of Conservation subject to the appropriate off-setting measures being secured at the appropriate time and in perpetuity.

Natural Environment and Rural Communities Act 2006

80. The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) places a duty on all public authorities in England to have regard, in the exercise of their functions, to the purpose of conserving and enhancing biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
81. The potential impact of the application proposals upon biodiversity interest is discussed later in this report.

Equality Act 2010

82. Consideration has been given to the provisions of Section 149 of the Equality Act 2010 (public sector equality duty) in the assessment of this application. The proposals do not raise any significant issues in this regard.

Officer comments:

83. The application is a submission of reserved matters seeking compliance with the requirements of condition 2 of outline planning permission F/2013/0394/OUT. The outline application was accompanied by a Landscape and Visual Impact Assessment including an illustrative masterplan and layout and details of two vehicular accesses from the highway into the site and the relationship between their visibility splays to existing trees. This established how the development should respond to the existing landscape character of the site and surroundings and set out the key objectives. A S106 agreement associated with the outline approval secured the level and timing of financial contributions for education and library provision, affordable housing and other infrastructure, including an off-site public rights of way contribution, NHS contribution, a strategic green infrastructure contribution, a strategic highways contribution and Public Open Space in accordance with the Councils Supplementary Planning Document Open Space, Sport and Recreation Facilities.
84. Condition 3 of the outline permission required the submission of a number of details which are directly related to and have influenced the reserved matters submission.
85. The Reserved Matters submission is within the parameters and means of access secured by that permission. The principle of development for this site was therefore established through grant of outline planning permission in October 2018 and Policy SA7(b) of the SALP 2019 went on to allocate the 5.35 hectares of land as a strategic housing site.
86. The outline permission established the principle of development, a cap on the number of dwellings (up to 140) and the means of access, which cannot be revisited at reserved matters stage.

87. Furthermore, matters controlled by other conditions of the outline planning permission will be addressed separately and do not fall to be considered at this stage. Accordingly, the issues to be considered with this submission are narrow and are restricted to access, layout, scale, appearance and landscaping.

Policy Context

88. The NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

89. It also advises that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

90. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development that is not well designed, especially where it fails to reflect local design policies.

91. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

92. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals and DM22 more specifically for residential development.

Access

93. Access is defined in the 2015 General Development Procedure Order as *the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*. Means of vehicular access and egress from Eriswell Road into the site was considered acceptable and already granted with the outline permission.

94. Some trees have already been felled to provide a gap in the pine line for the access connection (approved under the outline permission) and compensatory replacement tree planting proposals are included. Adequate visibility splays will be provided for safe vehicle manoeuvring.

95. The vehicular access and the main internal distributor roads have been designed to adoptable standards and are likely to be adopted by the Highway Authority in due course. The 'private drives' will remain unadopted.

96. Internal access and movement (including turning space and accessibility for large vehicles) is also acceptable. Private drives with bin collection points will be upgraded to be able to accommodate waste collection vehicles. The site is permeable and good opportunities for pedestrian, cyclist and vehicle (road) connections are provided including to the existing PROW south of the site, to the cut-off channel and via two tactile crossings to the footpath on the other side of Eriswell Road to access village facilities and the local PROW network.

97. Car parking, including provision for visitor spaces, accords with the adopted parking standards and the number of spaces provided has been accepted by the highway authority.

98. The development proposes a recreational route for pedestrians around the perimeter of the site, a 1.8m wide Hoggin path with timber edging, and informal mown paths within the main public open space (POS). This is provided in order to facilitate dog walking and general recreational activity in order to avoid and alleviate increased recreational pressure to the Maids Cross Hill Site of Special Scientific Interest to the south and the Breckland Special Protection Area to the east.

99. It is considered that, 'access' to and within the site is safe and suitable in accordance with policies CS2, DM2, DM46 and the NPPF.

Layout

100. Layout is defined in the General Development Procedure Order 2015 as *'the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.'*

101. The application was subject to detailed discussions with the Council's Urban Design Officer who sought to soften the layout and as a consequence of his advice, a less rigid road layout and softer mews court elements have

been provided. This has resulted in a more organic feel of the proposed development, with four distinctive character areas. Whilst the Urban Design Officer recognises that further improvements could be secured to the mews court layout and to further informalise the site layout, officers consider that an acceptable compromise has been reached. There would be a suitable balance between the roads designed to adoptable standards and the softer driveway arrangements which will be managed by a management company.

102. The character areas are defined as follows:

Pine lines - The strong frontage line of dwellings facing Eriswell Road is set within the distinctive landscape of the pine lines. Particular use of flint at key gateway locations, as characteristic in Lakenheath.

Mews Court - intimate courtyard spaces with distinctive weatherboarding, cart lodges and surface treatment which reflects rural mews characteristics. Use of landscaping to soften the courtyards.

Village Street – main spine road with a more continuous built form and raised table treatment to change the characteristic of the street.

Rural Edge – lower density arrangements of mainly detached dwellings reflecting rural characteristics and creating a softer edge to the development.

103. Public open space has been provided around the perimeters of the development, to provide a circular walking route suitable for dog walking, and adjacent to the main drainage basin in the north-west corner to provide an overflow SUDS. This area of POS will be accessible but would accommodate water from the development during heavy or prolonged rainfall events. Surface water drainage details have been submitted with the reserved matters as required by condition 3h).

104. The drainage and SUDS strategy has been considered by the LLFA and is acceptable.

105. All proposed dwelling houses will benefit from adequate private amenity space. The proposed flats, albeit with good access to public open space, will have no private external amenity space, which is less desirable. Following amendments and one substitution all but one housetype are now fully compliant with the National Described Space Standards (NDSS), and type Flatford falls within the 10% of the recommended levels Homes England suggest. The Strategic Housing team have therefore confirmed that this is acceptable. The inter-relationship between the proposed dwellings is such that a good standard of amenity would be provided to future occupants.

106. The majority of the matters raised by the police architectural officer have been addressed and officers consider the layout is acceptable with respect to crime prevention, including perception or fear of crime.

107. The layout of the proposed development is considered acceptable, in accordance with policies CS5, SA7, DM13, DM2 and DM22.

Scale

108. Scale is defined in the 2015 General Development Procedure Order as *the height, width and length of each building proposed within the development in relation to its surroundings*. Scale has been assessed as follows:
109. The dwellings proposed are of two-storey scale with the exception of one pair of bungalows within the pine line character area. The scheme includes twelve flats within two-storey properties, eight at second floor above cart lodge parking and four within 2 one-up/one-down properties. Given the scale and character of existing development opposite Eriswell Road and the flat nature of the site, the proposed scale would not give rise to any significantly adverse landscape or other significant visual impacts.
110. Similarly, the lengths and widths of the proposed dwellings would be in proportion to their scale. There are no dwelling types proposed that could be considered to have 'over-sized' footprints that might, for example, give rise to bulky or dominant buildings.
111. The scale of development proposed is what you would expect to find at a development of this type and location.
112. The scale of the proposed development is considered acceptable.

Appearance

113. Appearance is defined in the 2015 General Development Procedure Order as *the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture*.
114. The dwellings proposed by the Reserved Matters submission are standard house types. Notwithstanding this they are of relatively simple, traditional design with symmetrically aligned features, reflective of the local vernacular.
115. The successful use of suitably designed standard house types on large scale developments depends greatly upon how those buildings are configured both individually and collectively in order to create a sense of place, attractive street scenes and character. These elements have been discussed above in the 'layout' section of this report.
116. Condition 3a) of the outline planning permission required details of all materials and colour finishes to be applied to be submitted to and agreed in writing with the Local Planning Authority. The different character areas will use a distinctive mix of materials, including red and red-multi brick, grey cladding, a mixture of the two, a mixture of part brick and white render, with red and grey roof pantiles. In the Mews Courts its proposed to use buff brick with grey roof pantiles and some black weatherboarding. Key gateway plots within the pine character area will be flint with brick quoins and surrounds, others with weatherboarding and cream render. The flint draws on the key characteristics of Lakenheath and creates distinctive wayfinding markers at key gateway locations.
117. The above approach to the treatment of the dwellings is considered appropriate. The appearance of the proposed development, subject to

samples or manufacturer details being secured by condition, is considered acceptable.

Landscaping

118. Landscaping is defined in the General Development Procedure Order 2015 as *the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—*

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features;*

119. Policy SA7 of the Site Allocations Plan (SALP) requires:

'Strategic landscaping and open space must be provided on all sites to address the individual sites requirements and location.'

And

'A substantial buffer next to the Cut Off Channel, providing semi-natural habitat adjacent to the water course, should be provided where possible in relation to current or future applications.'

120. Policy CS3 seeks to protect, conserve and where possible enhance the quality, character, diversity and local distinctiveness of the District's landscape and historic environment.

121. The site frontage (east) is characterised by the existing mature pine line. This important landscape feature is to be retained apart from certain specimens that were removed to make way for the access. Satisfactory details for tree protection for the trees to be retained and compensation planting for those that had to be removed have been submitted. The circular Hoggin footpath has been moved outside of the root protection area and tree canopies to provide an attractive route without adverse impacts on the vitality and long-term viability of the protected trees. Alongside the path on the side of the development will be further soft landscaping to soften the appearance of the development.

122. Whilst the overall landscaping strategy is required to be submitted at this stage, the finer detail (for example species, planting densities, boundary fence details and so on) are controlled by a separate condition, condition 4, of the outline planning permission. However, the amended planting details already submitted, together with the amended management and maintenance strategy are considered acceptable by the Council's Landscape and Ecology consultants and MOD Safeguarding, which required reduced fruit bearing species within the soft landscaping scheme.

123. The west boundary of the site will benefit from a semi-natural buffer with a central 1.8m wide Hoggin footpaths. A native hedge will run alongside the

path for most of it (on the development side) for screening, and tree planting along the edge of the boundary will allow for longer views toward the cut-off channel and open countryside. Alongside the central infiltration basin, the hedge stops which will allow longer views into the site. Trees will be planted along the perimeter of the basin. The green buffer then widens towards the POS in the north-west where the Hoggin path swings into the application site and around the POS and infiltration basin. Individual trees will be planted within the POS and trees and soft landscaping within the new housing estate where opportunities present.

124. Along the northern boundary, adjacent to the infiltration basin will be a small, approximately 1m raised earth bank for drainage purposes. This area around the drainage basin and the POS will be a mix of seeded wildflower lawn and seeded grass areas.
125. Rear gardens within the development will be enclosed by 1.8m close-boarded fencing or 1.5m close-boarded fencing with 0.3m trellis, both without gravel boards. Enclosure in prominent locations adjacent to the highway or footpath will be brick walls with soft landscaping.
126. On the basis of the above the overall landscape strategy for the site is considered acceptable. It will provide strategic landscaping and POS in accordance with the requirements of the SPD Open Space, Sport and Recreation Facilities (2011) and accords with policy DM2, DM13, CS5 and SA7 in this respect.

Outline Consent Conditions

127. The application includes the submission of details required to be submitted with the submission of reserved matters by conditions 3 and 11. These are addressed in turn below.

Condition 3a (Materials): as set out in the appearance section above. The proposed materials are considered acceptable subject to samples of bricks and tiles to be secured by condition.

Condition 3b (Refuse/ Recycle bin storage): the details submitted show acceptable bin storage areas for each dwelling.

Condition 3c (Landscape Strategy): As set out in the Landscape section above. The details submitted are considered acceptable. The Landscape and Ecology consultant and MOD safeguarding have no objection.

Condition 3d (Arb Method Statement): As set out in the Landscape section above. Acceptable tree protection measures and compensation planting has been proposed.

Condition 3e (Ecological Surveys): The updated protected species surveys submitted together with mitigation and enhancement proposals were considered by the councils Ecology Consultant and are acceptable in accordance with policies CS2, DM10, DM11 and DM12. The details must be implemented in accordance with the timescales set out within the reports and enhancement measures maintained in the approved form thereafter.

Condition 3f (cycle storage): A cycle storage plan has been submitted which shows cycle storage either in a specific bike shed, a shed for cycle storage or dedicated space within the garage. As such the details are acceptable. County Highways raised no objection.

Condition 3g (Acoustic Design Statement) with regards to layout and external amenity areas. The report acknowledges that flight noise cannot be mitigated from external areas. Dwellings have been sited to front Eriswell Road with their amenity space away from the road, one of the main noise sources.

Condition 3h (SUDS scheme and management in addition to POS): Policy CS4 seeks the implementation of Sustainable Urban Drainage Systems into all new developments where technically feasible and DM6 requires all new development to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. The LLFA has confirmed that the details submitted are acceptable and the POS plans demonstrates that POS will be provided in addition to SUDS. The proposals accord with policy DM6 and CS4 in this regard.

Condition 3i (POS details): The condition requires submission of POS details and the provision to accord with the Councils adopted SPD for Open space, Sport and Recreation. In this case 3.51 acres of POS will be provided on-site, which is an overprovision of informal / natural open space exceeding the minimum requirements of the SPD. However, there would be no on-site provision of children's play as required by the SPD. Instead, the applicant would provide the policy equivalent amount of play space and equipment off-site.

Policy DM42 states that where necessary to the acceptability of the development, the local planning authority will require developers of new housing, office, retail and other commercial and mixed development to provide open space including play areas, formal sport/recreation areas, amenity areas and where appropriate, indoor sports facilities or to provide land and a financial contribution towards the cost and maintenance of existing or new facilities, as appropriate. These facilities will be secured through the use of conditions and /or planning obligations.

Where under provision of a certain type of public open space is agreed as appropriate for a development, the SPD allows for developer contributions to be secured by the Council to be used for open space provision/enhancement off-site. In this case the Council's Parks Officer has advised that the play equipment needs arising from this development would be better served by a contribution to improve and contribute to strategic play provision in the village. Officers have no reason to disagree with this advice. Accordingly, it is considered that off-site provision of the play equipment is the best solution in this case. This will be secured via a Deed of Variation to the existing S106 Agreement completed for the outline planning permission. Whilst not a matter for consideration of this reserved matters application, it is important that the off-site provision is properly secured before any reserved matters approval (which does not secure full provision on site) is issued. The recommendation at the end of this report is reflective of this.

Condition 3j (Parking details): Car parking, including within garages and on driveways and provision for visitor spaces, accords with the adopted parking

standards and the number of spaces provided has been accepted by the highway authority.

Condition 3k (Affordable Housing Scheme): Affordable housing has been provided in accordance the requirements of policy CS9. In fact, 30% would equate to 41.7 homes which the applicant has rounded up to 42; 29 for affordable rent and 13 for shared ownership. The rounding up and amended proposed mix are welcomed by the Strategic Housing team.

Condition 3 also requires the submission of a timetable for the implementation of the measures included in condition 3 and the implementation of the development in full accordance with the approved details and implementation timetable.

Conclusion:

128. The application proposals were considered against the Environmental Impact Assessment Regulations and the Habitats Regulations at outline stage. Whilst no Environmental Statement was required, various measures were secured to avoid or mitigate recreational impacts on the Breckland Special Protection Area. The application proposals, which over-provide informal and natural green public open space at the site is a further benefit in this respect, over and above the measures already secured.

129. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework subject to securing the appropriate off-site provision for children's play space and equipment and the conditions below.

Recommendation:

130. It is recommended that subject to;
- i) completion of a Deed of Variation to the S106 Agreement to secure developer contributions towards off-site provision of children's play space and equipment and
 - ii) a legal agreement to secure in perpetuity the off-setting measures subject to application DC/23/1082/FUL,

the reserved matters are **APPROVED** subject to the following conditions:

1. Approved Plans and documents
2. Materials specifications or samples
3. Affordable GF flats to be M4(2) – Accessible and adaptable dwelling compliant
4. Prior to works above slab level the off-setting measures (application DC/231082/FUL) shall be implemented in full
5. Implementation in accordance with the landscape details and phasing plan
6. If construction commences during the period March to September (the stone curlew nesting season), pre-commencement a stone curlew survey must be undertaken and submitted for approval in writing by the LPA to ensure birds are not nesting within 500m of the development site

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1294/RM](#)

Working paper 1 – Outline Planning Permission F/2013/0394/OUT

Working paper 2 – Habitats Regulations Appropriate Assessment

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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 DM42 of the Joint Development Management Policies 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/App-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/21/1294/RM Land West of Eriswell Road, Lakenheath

Habitats Regulation Assessment

Introduction

Reserved Matters Application - Submission of details under Outline Planning Permission F/2013/0394/OUT (residential development for 139 dwellings, including details of the appearance, landscaping, layout and scale) | Land West of Eriswell Road Eriswell Road Lakenheath IP27 9AS

The following comments are based on the planning layout LV109-P-100 rev G 16.6.21 and associated detailed soft and hard landscape plans (JBA21 104 01 - JBA21 104 06 rev G), Landscape Phasing Plan sheet 1 and 2 (250-E-226 rev C and 250-E-227 B), Landscape Management Plan (JBA 21 140 LMP2)

In addition the following documents are referred to:

- Habitats Regulations Assessment (HRA) to planning application F/2013/0394/OUT Land West of Eriswell Road– Updated June 2018
- Decision notice to F/2013/0394/OUT Land West of Eriswell Road Lakenheath, 4 October 2018
- Draft officer report for planning application DC/23/1082/FUL Land Off Access Road, Eriswell (Galley Bottom)
- Habitats Regulations Assessment (HRA) to planning application DC/23/1082/FUL Land Off Access Road (Galley Bottom)

Background and context

A Habitats Regulations Assessment was undertaken at outline planning application stage (updated June 2018). This was appended to the planning committee report for F/2013/0394/OUT at working paper 1

The HRA was able to come to a conclusion that:

- The proposals alone would not result in likely significant effects on Breckland SPA taking into account that
 - the indicative plan for the site provides opportunities for dog walkers within the site to reduce the need for dogs to be exercised on more sensitive nature conservation sites, and
 - the site is immediately adjacent to the playing fields which would also be available for informal recreational use.
- In-combination adverse effects on the integrity of Breckland Special Protection Area can be avoided if the applicant provides:
 - policy compliant open space on the site (secured through a condition) which would include areas of open space, including green corridors and natural greenspace.
 - makes a proportionate contribute to influence recreation in the area to avoid a damaging increase in Visitors to Breckland SPA through provision of offsite measures. These were agreed to be a footpath connection from the site on the periphery of the village recreation ground to the children's

play park, and improvements to footpaths to the south of the site, to the south of Undley Road.

The Decision Notice for the outline planning application sought to secure the requirements of the HRA through a section 106 agreement and planning conditions such that the relevant information to undertake the RM HRA would be submitted. In particular the following conditions were considered relevant:

3 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.

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).

The HRA undertaken at that time screened out effects on Breckland SPA through the pathway of increased built development footprint in Lakenheath, even though the site is located within the 1500m buffer surrounding those parts outside of the SPA which have supported 5 or more nesting attempts by Stone curlew. This was based on data available at that time. Stone curlew data (2011-2015 inclusive) were used in the 2016 review of the constraint zones relating to supporting habitat outside the SPA. In advising on impacts of this planning application upon the SPA, Natural England paid full regard to the relevant nesting records which also informed the revised nesting buffers. The screening also took into account that the development is screened from the SPA by existing development and is separated from the SPA and associated Stone curlew habitat by the B1112 Eriswell Road.

Requirement for HRA

The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017. Regulation 63 (1) requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) 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. There

is also a requirement to consult the appropriate nature conservation body and have regard to any representations made by that body.

The Habitats Regulations is also clear in 63(2) that a person applying for a consent or permission must provide the information that the competent authority may reasonably require for the purposes of the Habitats Regulations Assessment.

Consultation

Natural England has been consulted in relation to this Reserved Matters planning application and has commented as follows:

26 July 2021

Natural England objected to the proposals providing a consultation response in relation to the application based on the information submitted with the application including the Preliminary Ecological Appraisal (James Blake Associates, June 2021). Natural England expressed concern that the proposals could have potential significant effects on Breckland SPA and a number of component Sites of Special Scientific Interest. They requested that further information, in particular Stone curlew records for the past 5 complete years of surveying from within 1.5km of the proposed development along with a strategy for offsetting any identified impacts.

The context for this request is set out in Natural England's response letter. In short, they are concerned that the net increase in built development would impact on nesting Stone curlew.

Natural England has also commented on the potential to cause increased visitor numbers to Breckland SPA, which can lead to recreational disturbance as the site is within 7.5km of the SPA. Natural England advise that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and to ensure there is sufficient strategic green infrastructure in settlements to support residents. They note that public open space is proposed, adjacent to existing sports pitches and a circular dog walking route. They raise concerns about the lack of connectivity to the wider PRoW network.

Natural England goes on to emphasis the context of their advice and the responsibility of the local authority in using that advice in undertaking the Habitats Regulations Assessment and in decision making: *"Whilst Natural England may offer comment on the appropriateness of these measures, or their likely ecological success it is for the Local Authority, in their capacity as the competent authority, to determine the legal status of these measures."*

18 August 2021

Natural England objected to the proposals providing additional comments in relation to the reliance on the Council's HRA that accompanied the Outline planning application noting that:

- in relation to ecological data, The Chartered Institute of Ecology and Environmental Management (CIEEM) advice note on the lifespan of ecological reports and surveys indicates that a report more than 3 years old is unlikely to still be valid; and
- that there has been changes to case law regarding Habitats Regulations Assessments

27 October 2021

Natural England objected to the proposals outlining that the information provided by the applicant in relation to Stone curlew was not sufficient and provided advice on the requirements.

10 February 2022

Natural England objected providing further comments including that initial analysis of submitted data indicates that the proposed development may have an impact on Stone curlew. NE again outlined why the information provided by the applicant was not sufficient and again provided advice on the requirements consistent with and expanding on previous advice.

1 April 2022

Natural England re-iterated their previous advice of 10 February 2022

22 September 2022

Natural England commented that without appropriate offsetting the application would have an adverse effect on the integrity of Breckland Special Protection Area (SPA) and damage or destroy the interest features for which Breckland Farmland and Breckland Forest Sites of Special Scientific Interest have been notified. Natural England set out that, based on the Stone curlew Planning Tool, there will be a predicted loss of 0.13 nests per year. The average density for breeding Stone curlew on short semi-natural grassland and heath in Breckland is one pair per 16 hectares. Therefore, to offset the impacts of this development, 2ha of offsetting land should be provided. This could be in the form of a Stone curlew plot.

NE also set out that they welcome the inclusion of 3.51 acres (1.42ha) of public open space within the development

14 October 2022

Natural England objected to the proposal to provide offsetting habitat for stone curlew on land within Breckland SPA to the south of Lakenheath Warren SSSI. NE confirmed that they accept the principle of provision of offsetting habitat for Stone curlew potentially displaced as a result of this development, and set out their concerns about the location of the offsetting land as follows:

- The currently proposed offsetting location is within the boundary of Breckland SPA and they questioned whether the provision of offsetting land within a designated site for pairs displaced outside the designated site is compliant with the Conservation of Habitats and Species Regulations 2017 (as amended).
- Providing Stone curlew habitat over 3km away from the site, will not act as offsetting for the birds that would be potentially displaced from the application site
- The proposed site is on a public footpath.

17 July 2023

Natural England welcomed the location of the Galley Bottom offsetting site with respect to its proximity to Foxhole Heath SSSI and the incorporation of management techniques of Foxhole Heath SSSI. They noted that the land meets Natural England's criteria for offsetting. In addition, they recommended that:

- Construction of the offsetting land should not disturb stone curlew on Breckland Special Protection Area (SPA).
- In relation to the options for the commencement of development at Land west of Eriswell Road in relation to the stone curlew habitat creation at Galley Bottom, NE expressed a preference of between September and March because construction within the stone curlew breeding season may disturb nesting stone curlew in the surrounding area.
- Any offsetting land must be managed for the life of the development.
- A Habitat Creation and Management Plan is required and the proposals for monitoring are welcomed.

European sites and location in relation to the development site

The development site is located outside of Breckland SPA and outside both the 400m buffer around components of Breckland SPA designated for woodlark and nightjar. The closest component is Lakenheath Warren SSSI located 2km to the east which is within the 7.5km radius within which increased residential development has the potential to lead to in-combination recreational effect in the absence of counteracting measures.

The site is also outside of the 1500m buffer around components of the SPA designated for stone curlew; the closest component is also Lakenheath Warren SSSI and Breckland Farmland SSSI. The site is located within the buffer surrounding areas outside of the SPA which have supported 5 or more nesting attempts by stone curlew (in the period 2011-2015 inclusive).

Breckland SPA is designated because during the breeding season it supports populations of nightjar, woodlark and stone curlew which are of European importance. Stone curlew is a summer migrant which breeds on heathland, grassland and arable land within the Brecks. Nightjar breed almost exclusively in afforested land, particularly in clear-fells and young plantations. The system of rotational clear-felling within the conifer plantations also provides ideal breeding conditions for woodlark. The conservation objectives for Breckland SPA, as set out by Natural England, are in table 1 below.

Breckland Special protection Area (SPA)
Qualifying Features: A133 <i>Burhinus oedicnemus</i> ; Stone-curlew (Breeding) A224 <i>Caprimulgus europaeus</i> ; European nightjar (Breeding) A246 <i>Lullula arborea</i> ; Woodlark (Breeding)
Conservation objectives: Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: <ul style="list-style-type: none"> - The extent and distribution of the habitats of the qualifying features - The structure and function of the habitats of the qualifying features - The supporting processes on which the habitats of the qualifying features rely - The population of each of the qualifying features, and, - The distribution of the qualifying features within the site.

Breckland Special Area of conservation (SAC)
<p>Qualifying Features:</p> <ul style="list-style-type: none"> • H2330. Inland dunes with open <i>Corynephorus</i> and <i>Agrostis</i> grasslands; Open grassland with grey-hair • grass and common bent grass of inland dunes • H3150. Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation; Naturally • nutrient-rich lakes or lochs which are often dominated by pondweed • H4030. European dry heaths • H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-</i> • <i>Brometalia</i>); Dry grasslands and scrublands on chalk or limestone • H91E0. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, • <i>Salicion albae</i>); Alder woodland on floodplains* • S1166. <i>Triturus cristatus</i>; Great crested newt
<p>Conservation objectives:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species • The structure and function (including typical species) of qualifying natural habitats • The structure and function of the habitats of qualifying species • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site.

The proposal is not directly connected with or necessary for the management of the European sites

Information for the HRA

The Applicant submitted a number of documents to inform the Habitats Regulations Assessment as follows:

- Stone curlew (*Burhinus oedicanus*) Survey Report Revision A – September 2022, James Blake Associates.
- Information to inform HRA Screening and Appropriate Assessment, Revision B – September 2022, James Blake Associates

The LPA has reviewed these documents in commenting on the current proposal.

In addition, the applicant has submitted a planning application (DC/23/1082/FUL) for the provision of offsetting habitat at Galley Bottom for stone curlew potentially displaced by construction of 139 homes at Land West of Eriswell Road, Lakenheath. The application includes a report on the 'Provision of offsetting land at Galley Bottom for stone-curlew' (POL), which sets out how the 2ha of semi-natural grassland will be created, maintained, managed and monitored for the lifetime of the development which is considered to be in perpetuity, and this has been secured by a condition of that planning application.

Screening

Breckland SPA

Based on the location of the proposed development within these buffers around Breckland SPA, likely significant effects cannot be screened out and Appropriate Assessment will be required.

Breckland SAC

The site is located outside of Breckland SAC and beyond the 200m buffer. RAF Lakenheath SSSI is within the fenced airbase with no access for the public and consequently with no increase in risk of impacts from fly tipping, trampling or other anti-social behaviour. No likely significant effect on the SAC have been identified.

The impact of the offsetting proposals at Galley Bottom have been assessed by the applicant to have a beneficial effect on Breckland SAC in that the created habitat immediately adjacent to Foxhole Heath SSSI and SAC would be colonised by flora and fauna which are present on the SAC.

Appropriate Assessment

Construction

The Supplementary advice on conserving and restoring site features, Breckland Special Protection Area (SPA) sets out that "The nature, scale, timing and duration of some human activities can result in the disturbance of birds at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. Such disturbing effects can for example result in changes to feeding or roosting behaviour, increases in energy expenditure due to increased flight, abandonment of nest sites and desertion of supporting habitat (both within or outside the designated site boundary where appropriate). This may undermine successful nesting, rearing, feeding and/or roosting, and/or may reduce the availability of suitable habitat as birds are displaced and their distribution within the site contracts. Disturbance associated with human activity may take a variety of forms including noise, light, sound, vibration, trampling, and presence of people, animals and structures".

Stone curlew are known to be sensitive to human-related disturbance. Several research projects have looked at the impact of anthropogenic disturbance on the distribution of stone curlew nests in Breckland. The research found that stone curlews are highly susceptible to disturbance with active responses being recorded at distances of up to 500m from a dog walker (Taylor et al. 2007).

Based on this research, the distance of 500m is considered to be the distance within which development construction activity could impact on stone curlew. Survey (undertaken in 2022) confirmed that stone curlew were not present within 500m of the development site, but nests were within 500-650m from the boundary on suitable land. In addition, the development site is screened to the east by between 200-400m of existing built residential development and separated by the B1112 Eriswell Road. It is unlikely that stone curlew would be disturbed by ongoing construction activity on the site however to ensure that nesting birds are not disturbed by the onset of construction, which is a concern expressed by Natural England in their correspondence of 17 July 2023, if construction were to begin during the period March to September, pre-commencement stone curlew survey should be undertaken to ensure birds are not nesting within 500m of the development site.

Subject to securing this requirement, no adverse effects on integrity of the SPA from construction effects can be ruled out.

Built development

Research ([Clarke and Liley, 2013](#)) has shown that stone curlew nest density was consistently lower on arable land around settlements up to a distance 2500m, and significant at a distance of 1500m. The reasons why stone curlews avoid developments are still unclear. Section 9.17 of the above research suggests that "A range of possible mechanisms could be involved, for example the birds may simply be selecting 'open' habitats in which to nest, or the avoidance may be linked to high levels of people (and therefore disturbance) in the landscape around buildings, obstruction of sight lines (of birds wary of potential predators or disturbers), increased predator abundance, presence of pets (such as cats), increase noise and increased light levels (the birds are active at night)".

The applicants Preliminary Ecological Appraisal (James Blake Associates, June 2021) notes that stone curlew have been recorded within 2km of the site. The applicant has submitted stone curlew data acquired from the RSPB and further survey work undertaken in 2022 has confirmed that stone curlew are nesting within 1500m of the development site.

The 'Information to inform the HRA Screening and Appropriate Assessment' states that the nesting attempts recorded are *well screened by a residential housing environment*. However, research has shown that stone curlew avoid built up areas even where there is no line of sight to development, and this point is made by NE in their response of September 2022.

Based on the information and data submitted, Natural England have tested the impact of the development using their stone curlew Planning Tool (SCPT). The SCPT is designed to calculate the change in the number of stone curlew nests that would be expected following changes in the amount of development within a given area. The predictive model, produced in 2016 and in the form of an excel spreadsheet, is based on the most recent evidence (Clarke & Liley 2013). The model predicts stone curlew numbers for a given area based on data on the distance to the nearest trunk road, area of existing housing, amount of new housing and the amount of woodland. Areas of buildings and other data can be manipulated within the spreadsheet to generate predictions of changes in stone curlew nesting. Natural England used the model to determine whether the proposed development would result in effects. Natural England's Stone curlew Planning Tool predicts that 0.13 nests per year would be lost, post-development.

The displacement effect would relate to stone curlew breeding on land outside Breckland SPA. 'European Site Conservation Objectives: Supplementary advice on conserving and restoring site features, Breckland Special Protection Area (SPA)' states that "A significant proportion of the Stone curlew population in Breckland are known to nest outside the SPA; this is primarily on arable land. Nesting birds outside of the SPA boundary may form part of the wider population but are protected separately by Schedule 1 of Wildlife & Countryside Act, 1981 as amended, and / or SSSI protection if nesting within a SSSI. Having regard to NE's position, that without appropriate offsetting the application would have an adverse effect on the integrity of Breckland Special Protection Area (SPA) and damage or destroy the interest features for which Breckland Farmland Sites of Special Scientific Interest

have been notified” and taking a precautionary approach, the Councils view is that if the population of stone curlew outside the SPA were to be maintained, there would be no adverse effects on the SPA.

In response to the calculated displacement of nests and following Natural England’s advice (dated 28 September 22) that 2 ha of offsetting land is required to offset the impacts of this development, the applicant has submitted a planning application for the provision of offsetting habitat at Galley Bottom for Stone curlew potentially displaced by construction of 139 homes at Land West of Eriswell Road, Lakenheath. That application includes a report on the ‘Provision of offsetting land at Galley Bottom for stone-curlew’ (POL), which sets out how the 2ha of semi-natural grassland will be created, maintained, managed and monitored for the lifetime of the development which is considered to be in perpetuity, and this has been secured by a condition of that planning application.

The timeline for the commencement of development at Land west of Eriswell Road in relation to the stone curlew habitat creation at Galley Bottom, is set out in section 2.3.14 of the POL report. Two scenarios are suggested as follows:

- a) For commencement of development in the period September to March; the offsetting land will be in place by the end of March ready to receive stone-curlew returning from migration.
- b) For commencement of development in the period April to August; the offsetting land should be in place by the end of the preceding March.

Either of these two scenarios are acceptable in ecological terms, however Natural England in their correspondence of 17 July 2023 expressed a preference that the first option where construction would commence “between September and March would be preferable. This is because construction within the stone curlew breeding season may disturb nesting stone curlew in the surrounding area”. In other planning applications where the commencement of development has not been outside the bird breeding season an alternative approach is for a pre-commencement stone curlew survey to be undertaken to ensure birds are not nesting within 500m of the development site.

With the imposition of a condition requiring pre-commencement survey, the timing of the habitat creation at Galley Bottom in relation to the commencement of the development could proceed as suggested in either of the two scenarios which are set out in the POL report and secured by its implementation. Development commencement in relation to this timeline should also be controlled.

Based on the proposed implementation of the Galley Bottom habitat creation, and it’s managed and monitored in perpetuity there would be no adverse effects on integrity of Breckland SPA.

Recreational effects

The potential for indirect recreational impacts on the SPA associated with increased residential properties within the vicinity was considered by the Council in coming to its previous conclusions at the outline application stage. Recreational effects were considered both alone and in-combination with other plans and projects and the conclusion of ‘no adverse effects on integrity’ was reached based on the provision of counteracting measures secured in the outline application. Natural England has

confirmed that the approach to offsetting these effects (dog-walking route and open space) is appropriate. The Outline HRA took into account the commitment for the development to deliver the following specific requirements:

- the provision on the site of opportunities for dog walkers within the site to reduce the need for dogs to be exercised on more sensitive nature conservation sites.
- policy compliant open space on the site which would include areas of open space, including green corridors and natural greenspace.
- a proportionate contribution to influence recreation in the area to avoid a damaging increase in Visitors to Breckland SPA through provision of offsite measures. These have been agreed and are a footpath connection from the site on the periphery of the village recreation ground to the children's play park, and improvements to footpaths to the south of the site, south of Undley Road

A review of the most recent landscape plans shows a perimeter path around the site that will include a link to the recreation ground and, to the walking route along the Cut-off channel to the west of the site. This will provide opportunities for recreational access for the new residents, including to walk their dogs, reducing the need to make trips to the SPA.

Open space on the development site is secured through condition 3i which refers to the councils SPD. Condition 3h secures the further requirement that a scheme for the sustainable urban drainage for the development should be provided separately and in addition to the requirement for public open space provision. The wording of this condition was to ensure that the open space required on this site was not impacted by other infrastructure requirements, in particular SUDs. The applicant has submitted a Public Open Space Plan (LV109-P-117 revB) which shows the distribution of open space on the application site. The plan quantifies the open space as 3.54 acres (1.43 ha). A proportion of the open space (around 0.5ha) is located within a shallow depression to the north of the site which would also have a sustainable urban drainage function during extreme conditions. This space will be of benefit to the public in the time that they have access. However, it appears that the quantity of open space accords with the minimum standard in the open space SPD.

Condition 3c requires that the landscape *strategy should also include, where appropriate, details of proposed phasing and landscaping management and maintenance requirements*. The relevance of the management and maintenance being that the recreational measures provided should be maintained for the lifetime of the development. A landscape management plan (Guide to the Management of Landscape at Eriswell, Road, Lakenheath, February 2023) has been submitted and the implementation of this should be secured if it is not already a condition of the outline planning permission.

The relevance of the phasing plan is to show that the measures proposed will be provided at the same time as the development. The applicant has submitted a Landscape Phasing Plan (250-E-226 and 227). The plan shows that the construction would commence at the central part of the site and would progress in a southerly direction to complete the southern part of the development before the progressing from the central part of the site to complete the northern part of the development. The landscaping and open space would be phased so that the green corridor to the

east of the site and the walking route around the site would be available at the first occupation. This route would link to the new route across the existing sports field and play area. The remainder of the open space would be provided with the adjacent dwellings and highway with the main SUD area provided by the final occupation. Given that the site is adjacent to existing open space which the residents will have access to, this approach is considered acceptable to provide the new residents with open space and places to walk.

The section 106 agreement to the outline planning application secures financial contributions including 'off-site public rights of way contribution' and a 'Strategic Green Infrastructure Contribution'. The contributions are to provide wider connectivity to existing village facilities as follows:

- a footpath connection from the site to the children's play park located on the northern part of the village recreation ground (paid prior to 60 dwellings), and
- improvements to footpaths to the south of the site, to the south of Undley Road (paid prior to first occupation)

These green infrastructure measures will form part of a wider strategy for the settlement of Lakenheath which includes the opening up of the cut-off channel for recreational use connecting existing footpaths to the north and south of the village.

Conclusions

This project level HRA has been undertaken based on the documents submitted as part of the reserved matters planning application including stone curlew survey of the surrounding area.

The development site is located within the buffer surrounding areas outside of the SPA which have supported 5 or more nesting attempts by stone curlew (in the period 2011-2015 inclusive).

Natural England's Stone curlew Planning Tool has predicted that 0.13 stone curlew nests per year would be lost, post-development without offsetting proposals being secured.

The applicant has submitted a separate planning application (DC/23/1082/FUL) for the provision of offsetting habitat at Galley Bottom for stone curlew potentially displaced by construction of 139 homes at Land West of Eriswell Road, Lakenheath. The application includes a report on the 'Provision of offsetting land at Galley Bottom for stone-curlew' (POL), which sets out how the 2ha of semi-natural grassland will be created, maintained, managed and monitored for the lifetime of the development which is considered to be in perpetuity, and this has been secured by a condition of that planning application.

In line with the precautionary principle which is enshrined in the Habitats Regulations and based on the current submission, Natural England's consultation responses and the commentary above, the local planning authority, as competent authority, is able to conclude that there would be no adverse effects on the integrity of Breckland SPA if the following mitigation measures are secured.

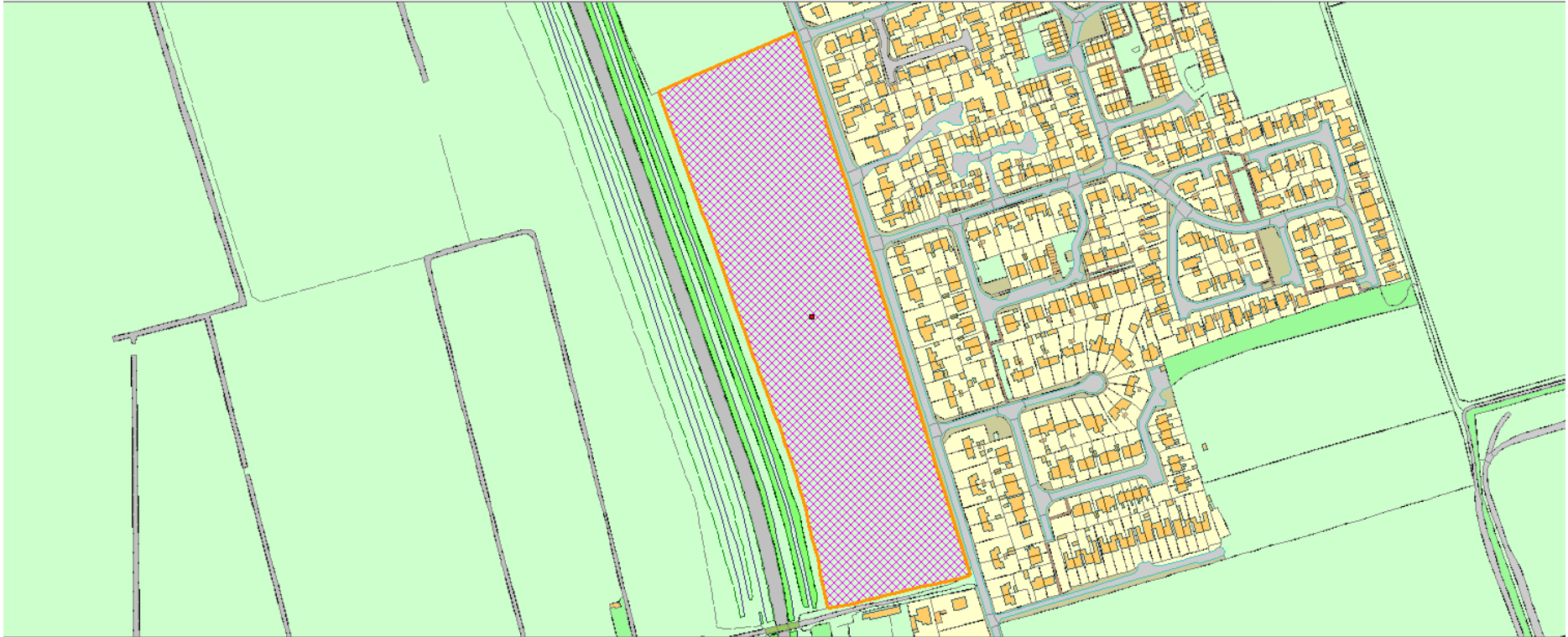
- If construction were to commence during the period March to September (the stone curlew nesting season), pre-commencement stone curlew survey should be undertaken to ensure birds are not nesting within 500m of the development site.

- Commencement of development should be controlled such that either of the two scenarios in section 2.3.14 of the POL report relating to the timescale of development commencement in relation to habitat creation at Galley Bottom are achieved.

- The landscape layout and detailed soft and hard landscape plans (JBA21 104 01 - JBA21 104 06 rev G), the landscape management plan (Guide to the Management of Landscape at Eriswell, Road, February 2023) and the landscape phasing plan (250-E-226 rev C and 250-E-227 B) must all be implemented and this should be secured in the RM decision unless it is already secured as a condition of the outline planning permission.



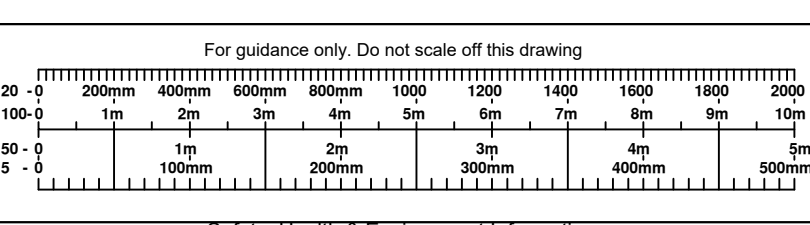
DC/21/1294/RM – Land West of Eriswell Road, Lakenheath, IP27 9AS



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- Notes
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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/Adaptation risks

● Denotes Affordable.

Rev	Description	By	Chk	Date
02	Amended to suit client initial comments	NS	ST	27.04.21

321, Bradford Street,
Birmingham B5 6ET
T: 0121 622 8500 E: rps@rpsgroup.com

Client: **Persimmon Homes Suffolk**

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

Title: **Location Plan**

Status: **Planning** Scale: **1:500 @A0** Date Created: **22.04.21**

Task Team Manager: **NS** Information Author: **NS** Task Information Manager: **X**

Document Number: **AAH5720-RPS-XX-XX-DR-A-021**

Project Code - Originator - Zone - Level - Type - Risk - Drawing Number

RPS Project Number: **AAH5702** Suitability: **SS** Revision: **P01-02**

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Development Control Committee 1 November 2023

Planning Application DC/23/1101/ADV – The Cooperative, Hepworth Road, Stanton

Date registered:	11 August 2023	Expiry date:	6 October 2023 EOT 3 November 2023
Case officer:	Amey Yuill	Recommendation:	Split decision
Parish:	Stanton	Ward:	Stanton
Proposal:	Application for advertisement consent - a. one internally illuminated fascia sign b. two non-illuminated window graphics 3. one non-illuminated customer board d. one internally illuminated totem		
Site:	The Cooperative, Hepworth Road, Stanton		
Applicant:	Miss Sophie Mead		

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:

Amey Yuill

Email: amey.yuill@westsuffolk.gov.uk

Telephone: 01284 763233

Background:

This application is presented to Development Control Committee following consideration at the Delegation Panel on 10 October 2023. It was presented to the Delegation Panel due to a call in from the Ward Member.

A site visit is scheduled to be held on Monday 30 October 2023.

Proposal:

1. The proposal seeks advertisement consent for one internally illuminated fascia sign, one internally illuminated totem, two non-illuminated window graphics and one non-illuminated customer board.
2. The internally illuminated fascia sign measures 1.25 metres in height, 2.995 metres in width and 0.6 metres in depth. The sign is positioned on the front elevation of the shop, sitting above the front entrance doors and is 3.171 metres from the ground level. The sign is internally illuminated, with a luminance of 436 cd/m².
3. The internally illuminated totem sign located to the front of the site, at the car park entrance, measures 3.7 metres in height (4 metres including the ground poles), 1 metre in width and 0.2 metres in depth. The sign is internally illuminated, with a luminance of 436 cd/m².
4. The two non-illuminated window graphics are affixed to the front elevation windows of the shop, with the first spanning over three windows, measuring 2.3 metres in height and 4.455 metres in width overall (1.485 metres per window). The other window graphic measures 2.3 metres in height and 0.91 metres in width.
5. The customer board, affixed to the front elevation of the shop to the right of the main entrance doors, is 1.1 metres in height, 1.49 metres in width and is 1.16 metres from floor level.
6. It should be noted that the signage is in situ. Therefore, the consent now being sought is retrospective.

Application supporting material:

7. In support of this advertisement consent application, the following has been provided:
 - Application Form
 - Location Plan
 - Proposed Elevation
 - Advert Plan – Customer Board
 - Advert Plan – Totem
 - Advert Plan – Window Graphic
 - Advert Plan – Window Graphic
 - Advert Plan – Fascia
 - Advert Pack

Site details:

8. The application site is located off Hepworth Road, to the north, within the settlement boundary of Stanton.
9. The site comprises a newly opened, single storey Co-Operative food store which is set back from the highway. Parking is located to the front of the shop.
10. The site directly borders the Stanton Conservation Area, however, is not within it and there are no listed buildings on the site. However, Foundry House, adjacent to the frontage of the site, and within the Conservation Area, is Grade II listed.

Planning history:

11.

Reference	Proposal	Status	Received date	Decision date
DC/19/1714/FUL	Planning Application - (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)	Application Granted	21 August 2019	6 February 2020
DC/20/1118/VAR	Planning Application - Variation of Conditions 2, 8, 13, 17, 18 and 19 of DC/19/1714/FUL to enable changes to the approved layout and delivery times for (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)	Application Granted	8 July 2020	13 October 2020

Consultations:

12. **Suffolk County Council Highway Authority** – No objections raised to the proposal, subject to a condition restricting the luminance levels to under 600 cd/m².

Representations:

13. **Stanton Parish Council** – Stated they object to this application due to concerns from residents who face the site that the signs 'light up' their

bedrooms at night. Mitigation would be to ensure that the signs are on a timer and are only lit up when the store is open (i.e., 7am - 10pm).

14. **Ward Member** – No comments received.

15. **Neighbour Representation** – One neighbour representation was received from 1 Horseshoe Rise asking for confirmation that the illumination of the signs will be switched off when the shop is not open.

Policy:

16. 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.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM38 Shop Fronts and Advertisements
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design Quality and Local Distinctiveness
- West Suffolk Shop Front and Advertisement Design Guide (2015)

Other planning policy:

18. National Planning Policy Framework (NPPF)

19. The NPPF was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

20. The issues to be considered in the determination of the full planning application are:

- Principle of Development
- Design and Impact on Heritage Assets
- Amenity, Public Safety and Highway Impacts

Principle of Development

21. The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

22. Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that in determining applications for advertisement consent, Local Planning Authorities may only consider amenity and public safety, the provisions of the development plan and any other relevant factors. Other relevant factors in this case include the effect upon designated heritage assets.

23. Policy CS2 of the St Edmundsbury Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment, and policy DM1 of the Joint Development Management Policies Documents states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

24. The application being considered is seeking consent for signage in relation to a new Co-Operative shop in the village of Stanton, which is, in principle, acceptable, subject to other material considerations which are discussed below.

Design and Impact on Heritage Assets

25. Policy DM38 states that proposals for advertisements must preserve or enhance the character and appearance of the building or location of which it forms a part, and the street scene in which the proposal is located and must not adversely affect amenity and/or public safety. In addition, policy DM2 seeks to ensure advertisements are not unduly large or visually jarring and it also requires that such proposals do not undermine prevailing or existing amenity.

26. Policy DM2 also states proposals for all development should recognise and address the key features, characteristics, landscape/townscape character,

local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate and produce designs that respect the character, scale density and massing of the locality.

27. Policy CS3 states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Furthermore, proposals will be expected to address, as appropriate, the following components:
- detailed heritage and conservation design appraisals and information;
 - consideration of protection of the landscape and historic views;
 - an understanding of the local context and an indication of how the proposal will enhance the area and improve community safety;
 - protection of the natural and historic environment
28. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
29. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 66) 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. Furthermore section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
30. Policy DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to the buildings character, architectural or historic features that contribute to its special interest.
31. Paragraph 136 of the NPPF explains that the quality and character of places can suffer when advertisements are poorly sited and designed.
32. The application site is immediately adjacent to the Stanton Conservation Area, with views of the application site being achieved from the Conservation Area and Hepworth Road, as well as views from the site being predominantly of the Conservation Area. Therefore, policy DM17 is also relevant, and states that proposals for development within, adjacent to or visible from a Conservation Area should:
- a. preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area;
 - b. be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting;
 - c. retain important natural features such as open spaces, plot divisions, boundary treatments, and trees and hedges, which contribute to the special character of the area;
 - d. retain important traditional features that contribute to the area's character such as original doors, windows, shop fronts and flint or clunch walls;

- e. include fenestration which respects its setting;
 - f. use materials and building techniques which complement or harmonise with the character of the area; and
 - g. demonstrate a clear understanding of the significance of the Conservation Area and/or its setting, alongside an assessment of the potential impact of the proposal on that significance. The proposal should demonstrate how the key characteristics of the character area have been addressed.
33. Policy DM17 goes on to state that new shop fronts, fascias, awnings, canopies, advertisements and other alterations to commercial premises must be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'house' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that premises rely principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.
34. Policy DM2 supports policy DM17 by stating that proposals for all development (including changes of use, shopfronts, and the display of advertisements) should, as appropriate, preserve or enhance the setting of, or views into and out of, a Conservation Area.
35. In terms of illumination of shopfronts and signage, paragraph 8.11 and 8.12 of West Suffolk's Shopfront and Advertisement Guidance states that street lighting and lighting from window displays can effectively provide a visually interesting nighttime environment and is therefore often preferable to illuminating signage. If acceptable in policy terms illumination of the fascia needs to be given careful thought and be sensitively incorporated into the shopfront composition. Where external lighting is proposed and appropriate, it should be subdued, discreet and sympathetic to the building and the surroundings. Full internal illuminations of fascia boxes and hanging signs will not be supported as this is almost always visually dominant.
36. The two internally illuminated signs (one fascia on the shopfront and one totem close to the highway and entrance of the site) are not considered to comply with policy DM17, DM2, DM38 and CS3, by reason of their internal illumination, which is directly contrary to policy DM17, as well as West Suffolk's Shopfront and Advertisement Guidance. Even in scenarios where illumination is considered justified on the basis that a premises will rely on trading principally after dark, DM17 does not in any circumstance permit internal illumination in, close to, or visible from, a Conservation Area.
37. Officers have contacted the agent for the application to advise of the policy requirements and have recommended that the illumination is removed from the totem sign entirely, due to its position on the boundary with the Conservation Area, and that the illumination for the fascia sign is altered to be external halo illumination. A low level of external illumination for this sign could be acceptable due to it being set back from the road, and on the basis that the store opening hours (until 10pm) will typically take it into the hours of darkness all year round. Whilst it could not necessarily be argued that the premises will rely principally on trading after dark (the opening hours are 7am – 10pm, so the majority of the store's trading

hours will be during hours of daylight) the internally illuminated fascia sign is more discretely sited with reference to the Conservation Area, and so some degree of appropriate external illumination could be tolerated here. Regardless, and in any event, this request to the applicant to amend the proposal has been declined, with the retention of the internal illumination for both the totem and fascia signs.

38. The internal illumination, in particular the totem sign, which is located on the edge of the Conservation Area due to its siting at the front entrance of the car park, but also in relation to the fascia sign, which is brightly lit, is considered to neither preserve nor enhance the adjacent Conservation Area, which the signage is readily visible from, contrary to policy DM17 and DM2. The totem signs will also be readily visible in views into the Conservation Area from the car park, again proving harmful. There will as a result be a material adverse impact upon the character and appearance of the Conservation Area. Furthermore, with the site being well lit by other forms of existing illumination (i.e., streetlights, the flashing pelican crossing, car park lighting and lights on and around the shop itself), there is no justification as to why the internal illumination of the signage is required to support the trading of the business, again, resulting in a clear conflict with policy DM17.
39. The site was formerly in retail use as a country store (Tripp Batt). However, that use has ceased, and the building has since been demolished, and the signage in relation to this application is now considered on its own merits.
40. In terms of the two non-illuminated window graphic signs and the customer board to the front of the building, these are deemed to be acceptable in terms of their design, scale, and siting.
41. Regarding the proposed signage and site being located within the setting of a Grade II Listed Building, Foundry House, which is adjacent to the site, consideration has been given as to whether the proposal will impact the setting of the listed building, as required by policy DM15. No objections have been raised by the Conservation Officer in terms of the proposal's impact upon the listed building, therefore, the proposals are considered acceptable in this regard.

Amenity, Public Safety and Highway Impacts

42. In assessing the impact of an advertisement on amenity and public safety, the Local Planning Authority is expected to have regard to the effect upon the safe use and operation of any form of traffic or transport on land including the safety of pedestrians.
43. It is considered that the proposed advertising signage will not result in an adverse impact upon public, pedestrian or highway safety and that its display would be consistent with guidance in respect of advertisements.
44. Comments were received from Stanton Parish Council raising concerns regarding potential for disruption because of the illumination of the signs and asked for the illumination to be restricted to the store opening times. This concern was corroborated by a neighbour representation from No.1 Horseshoe Rise, which is adjacent to the site, requesting confirmation that

the illumination of the signs would be switched off when the shop is not open.

45. Officers consider it reasonable to control the hours that the signage is illuminated, if consent were to be granted, in order to reduce impact upon residential amenity as there are residential properties within close proximity of the signage. This would be controlled through the use of a condition and would otherwise render the impacts satisfactory.

46. No objections were raised by Suffolk County Council as Local Highway Authority, subject to a condition requiring a maximum luminance from the internally illuminated signs of 600 candela/m². This condition would be considered reasonable and necessary if consent were otherwise to be granted, to ensure the impact of the signage on the locality's amenity is minimised and to limit any distraction to road users.

47. It is therefore considered that the proposed advertising signage would not result in an adverse impact upon public or highway safety, nor upon the residential amenities of any nearby dwellings, and that its display would be consistent with guidance in respect of advertisements.

Conclusion:

48. In conclusion, the two non-illuminated window graphic signs and the customer board to the front of the building, are acceptable in terms of their design, scale, and siting, as well as their impact upon the Conservation Area and setting of the nearby Grade II Listed Building.

49. However, whilst it is acknowledged that there are some economic benefits associated with the internally illuminated fascia sign and internally illuminated totem sign for the Co-Operative store and its provisions, alongside the lack of objection from the Highway Authority, officers do not consider the internally illuminated nature of the advertisements to be acceptable when considered in relation to the adjoining Conservation Area and the requirements of policy DM17, which prohibits the use of internal illumination in locations such as this.

50. It is considered that the advertisement consent application partially fails to comply with the relevant policies of the development plan, as well as paragraph 136 of the NPPF in terms of the two internally illuminated signs, therefore, officers recommend a split decision for the advertisement consent application.

Recommendation:

51. It is recommended that advertisement consent be **GRANTED** subject to a Split Decision with consent only granted for the two non-illuminated window graphics and one non-illuminated customer board, 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 following approved plans and documents, unless otherwise stated below:

Reference number	Plan type	Date received
-------------------------	------------------	----------------------

Application Form*	11 August 2023
Location Plan*	11 August 2023
Proposed Elevation*	11 August 2023
Advert Plan – Customer Board	11 August 2023
Advert Plan – Window Graphic	11 August 2023
Advert Plan – Window Graphic	11 August 2023

*Excluding details relating to the fascia and totem signs

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

52. And, in relation to the internally illuminated fascia sign and the internally illuminated totem sign, advertisement consent be **REFUSED** for the following reason:

1. Policy DM17 applies in relation to all proposals within, adjacent to or visible from a Conservation Area, and states that new shop fronts, fascias, awnings, canopies, advertisements and other alterations to commercial premises must be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'house' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that premises rely principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.

The proposed fascia sign and totem sign are both internally illuminated. The internal illumination is considered to neither preserve nor enhance the character of the adjacent Conservation Area, from which the store and its signage is readily visible from. Furthermore, with the site being well lit by other forms of illumination which already exist there is no justification provided as to why the internal illumination of the signage is required to support the trading of the business, resulting in a clear conflict with policy DM17.

The proposed internally illuminated fascia and totem signs are therefore deemed to conflict with policy DM17 of the Joint Development Management Policies Document 2015, as well as to paragraph 136 of the NPPF, to a level which warrants the refusal of the advertisement consent for these signs.

Documents:

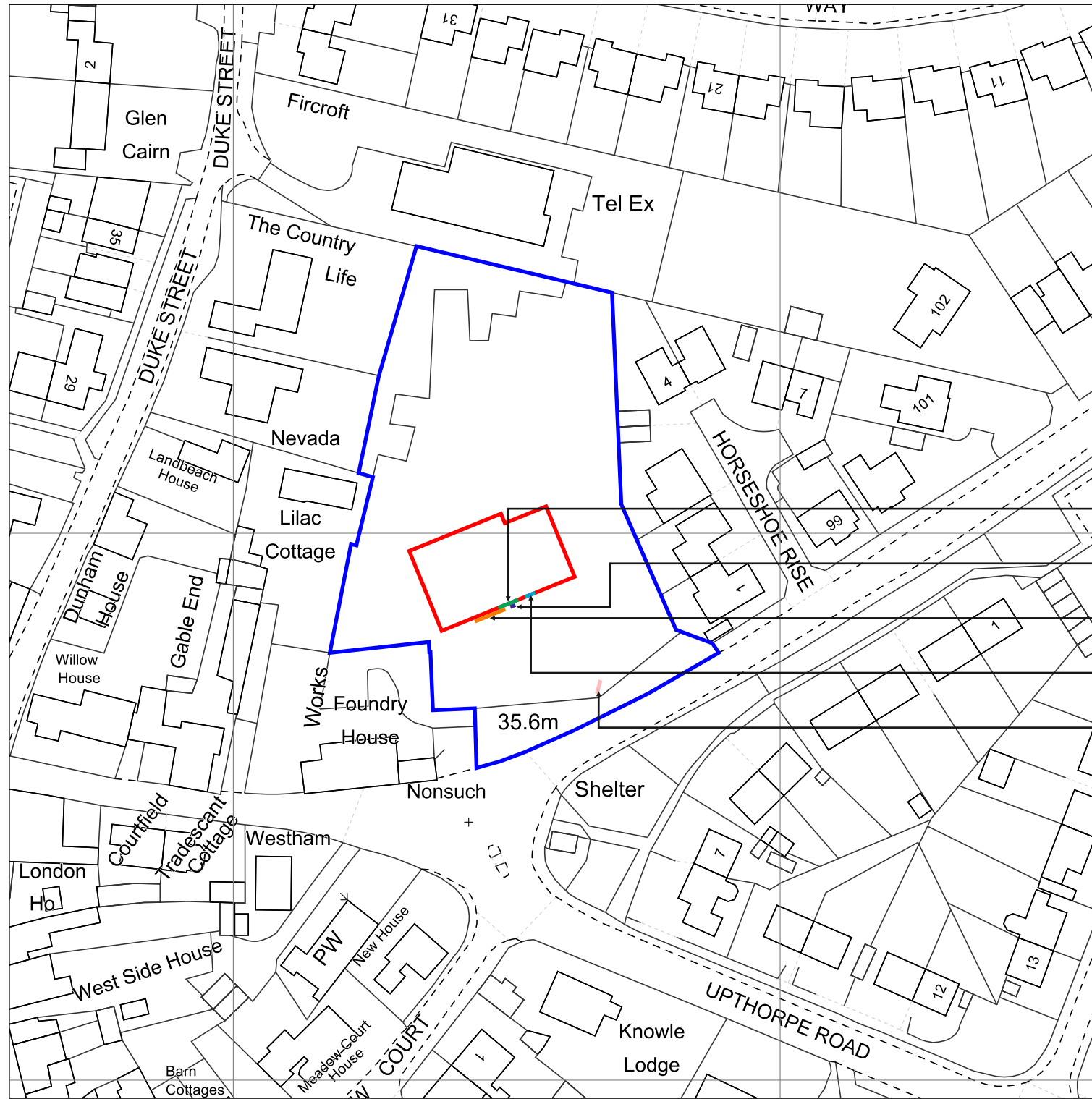
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1101/ADV](https://www.dorsetcouncil.gov.uk/DC/23/1101/ADV)



DC/23/1101/ADV - The Cooperative, Hepworth Road, Stanton, Bury St Edmunds, IP31 2FR



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- ITEM 1 - Face Illuminated (CFF-1250) Letters On Rails
- ITEM 2 - 'Hello' Window Vinyl
- ITEM 3 - 'Fairtrade Fruit' Window Vinyl
- ITEM 4 - Community Board
- ITEM 5 - D/sided Internally Illuminated Totem Sign

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