

WORKING PAPER 1

**Development Control Committee
2 September 2020**

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

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

Synopsis:

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

Recommendation:

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

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Clarification:

This item was withdrawn from the July Development Control Committee agenda following a third party representation which suggested that the application as submitted ought not be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

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

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

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

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

Application context:

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

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

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

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

Proposal:

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

Application Supporting Material:

The following documents have been submitted with this application:

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

Site Details:

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

Planning History – Applications for determination

Reference	Proposal	Status	Decision Date
DC/16/1735/FUL	Planning Application - 2no. dwellings and ancillary access arrangements (retrospective)	Refused	10.02.2017
APP/H3510/C/14/3000236	Appeal against enforcement action for breach of without planning permission the erection of two dwellings	Appeal dismissed	03.02.2016
F/81/340	Erection of 4 houses & Refuse retention of one barn for garaging access		10.07.1981
N/73/1897/M 628/73	Planning permission for 11 Dwellings.	Approve	16.10.1973

Planning History – Enforcement matters

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

11. The chronological order below sets out this important chain of events.

14th October 2014

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

17th June 2015

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

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

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

3rd February 2016

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

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

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

15. Consultations:

16. Planning Enforcement

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

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

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

17. Strategic Housing Team

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

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

18.LPA Conservation Officer

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

19.Environment Agency

- No comments to make and no conditions offered.

20.LPA Environment Team

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

21.SCC Highways

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

22.Public Health and Housing

- No comments to make and no conditions offered.

23.Cambridge Airport

- No objection to proposal and no conditions offered

24.Suffolk Fire & Rescue

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

Representations:

25.Dalham Parish Council

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

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

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

26. Ward Member (Cllr Chester)

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

27. Public Comments:

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

28. The Old Dairy, Denham Road

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

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

29. Derisley Cottage Homes

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

30. Old Manor, The Street, Dalham

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

31. End Cottage, Lidgate Road, Dalham

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

32. Malt Kiln House, Gazeley Road, Dalham

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

33. Dairy Farm, 2 The Street, Dalham.

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

34. 1 Stores Hill, Dalham

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

35. The Coach House, Denham Road, Dalham

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

36. 16 Stores Hill, Dalham.

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

37. 2 Stores Hill, Dalham

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

38. 1 Lidgate Road, Dalham

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

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

39. Street Farm, Dalham

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

40. Spring Cottage, Dalham

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

41. 4 Brookside, Dalham.

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

Planning Policy:

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

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

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

Site Allocations Local Plan 2019

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

Core Strategy Document 2010

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

Joint Development Management Policies Document 2015

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

- Policy DM46 Parking Standards

Other Relevant Planning Policy:

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

Officer Comment:

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

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

Principle of Development

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

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

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

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

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

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

- Rural exception sites
- Entry level exception sites

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

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

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

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

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework;
- and
- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design, form and scale

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

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

67.The NPPF is also clear at paragraph 124 that the creation of "*high quality buildings and places is fundamental to what the planning and development process should achieve*". The NPPF stresses that "*good design is a key aspect of sustainable development, creates better places in which to live and work*" and therefore, the inverse of this applies. Poor design cannot be deemed sustainable development and should thus, in the absence of material considerations, be refused.

68.In this instance, the proposed development is screened to a large extent by the existing development already in situ and as such, the proposal does not dominate the street scene or give rise to unacceptable visual impacts with respect to its scale, design or form. Unrestricted views of the development are not possible and due to the dwellings being set back from the main street scene, they do not present as additions which are incongruent with the wider street scene or urban character.

69.Furthermore, Dalham comprises a mix of property types and designs to prevent the proposed development from appearing as visually jarring or discordant with the locality's existing form of development.

70.The objections submitted with respect to the scale and size of the development are noted but with a maximum ridge height of 7m, the LPA do not consider the proposal to be inappropriately large for its context or of a scale which comprises the existing visual amenity of the application site or the wider visual aesthetics of the village. A material and substantial conflict with policy CS5, DM2 or DM22 is not therefore judged to arise.

71.It is noted that the development could reasonably be described as irregular in shape; it has a varied roof form and by virtue of the ground levels also has a mix of single and two storey design. In addition, the dwellings are not a standard rectangle and they do not appear as a traditional semi-detached development.

72.In this regard, Policy CS5 actively encourages proposals to embrace distinctive design features and, provided the locality's character is not unduly compromised, it also advocates the use of innovative design. The varied nature of the roof form and the multi levelled development, whilst not necessarily innovative does represent a distinctive design and one which does not adversely impact the street scene due to its degree of separation from the main street scene and the limited views into the site itself.

73.Despite the limited views into the site and the minimal interaction that the development has with the public realm, the varied roof form and mirrored roof pitches introduce a visually interesting design which sympathetically respects the surrounding scale and massing of the adjoining development.

74.As such, due to the limited extent to which the development is visible but in conjunction with the sympathetic design and scale, the proposal is not judged to represent a significant conflict with policies CS5, DM1, DM2 or DM22 to such an extent that the LPA would wish to argue a refusal on these points.

Impact on Conservation Area

75.The application site lies within the Dalham Conservation Area. Accordingly, the impact upon this designated heritage asset must be considered fully as per the statutory duty placed on the LPA by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

76.From a national planning policy perspective, the NPPF advises at paragraph 184 that Heritage Assets, such as Conservation Areas are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

77.As set out by paragraph 194 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

78.In addition, Vision 1 and policy CS3 of the FHDC Core Strategy both require proposals to take into account, where applicable, their historic setting. This is further bolstered by policy DM17 of the Joint Development Management Policies Document which provides that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area (or its setting), and views into, through and out of the area whilst also being of an appropriate scale, form, height, & massing. DM17 further sets out that materials used within such proposals should harmonise with the character of the Conservation Area and should not visually detract from established, important historical features.

79.Accordingly, formal comments from the LPA's Conservation Officer have been secured and they are as follows:

- "*Views of development limited by landscaped boundaries and topography of site. Traditional materials have been used for the buildings. New buildings in conservation areas do not have to copy traditional architecture but should reflect character of the conservation area in terms of scale and materials. By virtue of their design and materials the new houses are consistent with the conservation area, and do not appear discordant in the street scene*"

80.In light of these comments which have not altered since the application was last considered by the LPA, no conflict with the advice contained within the NPPF or the development plan (namely policies CS3 and DM17) has been identified. No conditions are required from a Conservation perspective either and this further illustrates the lack of concern from a Heritage preservation perspective.

Residential amenity

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

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

82. With respect to their scale and massing, the two dwellings do not present as unduly large additions which have the potential to harm amenity. They do not loom over existing development and they are positioned such that they do not dominate the street scene or give rise an unacceptable visual impact.
83. Due to their location 'behind' existing development, amended plans have been sought by the Local Planning Authority to ensure undue overlooking cannot take place. The initially submitted plans indicated that there would be a large number of windows on the southern elevation which would, if occupied, give rise to unacceptable overlooking into the private amenity space of the off-site dwelling to the south of the development.
84. In particular, the upper floor windows were highlighted as representing a significant concern and in response, amended plans have been submitted to the Local Planning Authority in an attempt to address the identified overlooking. The amended plans have been altered by:
 - The removal of 2 upper floor windows on the southern elevation
 - Introduction of glazing and restrictive opening to the remaining upper floor window
 - Additional first floor window installed to the east elevation
 - Indication of close boarded fencing to the south elevation to prevent direct views into private amenity space of off-site dwellings.
85. These amendments are considered satisfactory in addressing the harmful overlooking which *would have* arisen had the changes not been made. The removal of the upper floor windows from the eastern dwelling mean that direct views into the private amenity space of the adjacent dwelling is no longer possible. It is noted that the smaller upper floor window remains but the plans, as submitted, indicate that this will be obscure glazed with only a top opening vent. This can be controlled through the imposition of a suitably worded planning condition.
86. With respect to the ground floor windows, as indicated on the amended block plan, a new 2m high close boarded fence is proposed and this further mitigates against direct views into the adjacent neighbouring property. To further protect the longevity of an appropriate relationship, the fencing will be subject to a condition which requires it to be retained in the approved form. This ensures residential amenity is not unduly compromised after planning permission has potentially being granted and therefore satisfies policy DM2.
87. Given the degree of space afforded to the dwellings and the separation distance between the proposal and existing development, no further adverse impacts upon residential amenity have been identified. The access track does not result in cars manoeuvring in an unacceptable proximity to the existing off site dwellings whilst the fencing along the access will also serve to prevent headlights disturbing the occupiers of offsite properties.

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

Ecological matters

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

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

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

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

Highway Matters

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

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

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

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

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

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

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

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

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

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

Electric charge points for vehicles

102. Section 3.4.2 of the Suffolk Guidance for Parking provides that "*Access to charging points should be made available in every residential dwelling.*" PolicyDM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.

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

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

S106 Implications

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

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

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

Conclusion and planning balance:

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

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

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

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

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

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

113. No adverse impacts with respect to residential amenity have been identified and those which the LPA have raised with the applicant have been satisfactorily addressed. In addition, no objection has been submitted by the Highway Authority and the scheme is able to demonstrate suitable compliance with the NPPF's advice relating to Highway safety and policies DM2 and DM46.
114. Accordingly, whilst the number of public objections are noted, given the extent to which this scheme complies with local and national policy and the lack of material demonstrable harm arising, the Local Planning Authority have not identified any material reasons which would warrant the refusal of the application.

Recommendation:

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

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

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

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

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

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

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

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

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

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be installed to the dwellings hereby approved and the windows and openings as approved by this permission shall not be altered or extended in any way without the prior written consent of the Local Planning Authority.

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

- 5 There shall be no residential occupation of the site until the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

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

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

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

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

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

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

Reason: In the interests of road safety.

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

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

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

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

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

Reason: in the interest of highway safety

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

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

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

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

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

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

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

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

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

Documents:

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

Enforcement Appeal:

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

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

Refused planning application DC/16/1735/FUL

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

All documents submitted within this application, including consultation responses

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

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