

Development Control Committee

23 June 2021

Planning Application DC/21/0367/FUL – Milton House, Thurlow Road, Withersfield

Date registered:	5 March 2021	Expiry date:	30 April 2021 (EOT to 28.06.2021)
Case officer:	Gary Hancox	Recommendation:	Approve application
Parish:	Withersfield	Ward:	Withersfield
Proposal:	Planning Application - five dwellings (following demolition of existing house)		
Site:	Milton House, Thurlow Road, Withersfield		
Applicant:	Mssrs Lansdown And Daniels - Timber & Stone Properties Ltd		

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:

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Background:

The application is referred to the Development Control Committee (DCC) as the previous application on the site for five dwellings was refused by DCC in September 2020 and the Officer recommendation of approval of this application is contrary to the view of the Parish Council.

The previous application on the site was refused for the following reasons:

- **harmful impact on drainage and flood risk**
- **harm to the conservation area**
- **impact on biodiversity**
- **impact on neighbouring amenity.**

(NOTE: - The refusal reasons are set out in full as Appendix 1 to this report)

Proposal:

1. The application proposes the demolition of a two-storey dwelling (Milton House) and the development of five dwellings (net increase of four dwellings).
2. To address the reasons for refusal of application DC/20/0623/FUL, the layout of the site has been revised as follows:
 - plot 5 is located further away from The Old Bakery
 - additional separation space between Plot 1 and Thistledown Cottage has been provided
 - Plots 1 and 2 are set further back from the road
 - Garden sizes to Plots 2, 3, 4 and 5 have also been increased.
3. The revised scheme also includes additional drainage information which would have been supplied via condition on the previous application. The submission includes details of the current condition of the culvert including the results of a CCTV survey carried out in October 2020. A full Flood Risk and Sustainable Drainage Statement has been submitted with the application.
4. The previous 2nd reason for refusal had stated that there was 'a significant tree on the frontage of the site' which formed part of the amenity of the area and should be retained. The revised application retains this tree and uses a tree pit to ensure that the tree roots will not affect the upgraded drainage.

Application supporting material:

5. The application is accompanied by the following plans and supporting documents:
 - Plans and elevations
 - Arboricultural Impact Assessment
 - Ecology assessment

- Site Investigation report
- Design and access statement
- Phase One Geo-Environmental Assessment
- Flood risk & sustainable drainage statement (including the results of a CCTV of the drainage culvert)
- Topographical Survey
- Heritage Statement

Site details:

6. The 0.2 hectare site contains a two-storey dwelling known as Milton House and its associated garden land. It is located adjacent to Thurlow Road towards the north-east end of Withersfield and within the Conservation Area. The site has a significant amount of trees to its boundary, although the garden area to the rear of the site has been cleared of vegetation. Surrounding development is mixed in terms of age and appearance, but mostly is of good quality and contributes towards the character of the Conservation Area. However, some dwellings are more modern and detract from this character, including Milton House, which due to its unsympathetic design and appearance, is considered to be incongruous within the street scene.
7. The site is accessed directly onto Thurlow Road and is wholly within the settlement boundary.

Planning history:

Reference	Proposal	Status	Decision date
DC/20/0623/FUL	Planning Application - 5no. dwellings (following demolition of existing dwelling)	Application Refused	4 September 2020

Consultations:

8. SCC Highways – No objections, subject to appropriate conditions. They support the level of parking proposed as appropriate and state: ‘We note the applicant is proposing a level of vehicle parking in excess of the Suffolk Guidance for Parking recommendations and advise that in this specific location we accept the over-provision to counter any possibility of residents regularly parking on-street.’ The access layout is acceptable. Officers propose seven planning conditions which are acceptable to the applicant. SCC Highways comment that the tree proposed on the site of the existing access will conflict with culverts and chambers. (Note: - The applicants propose to put the tree into a tree pit which will retain its roots.)
9. Conservation Officer – The proposed development is similar to that previously proposed within application DC/20/0623/FUL to which no objections were raised. The application was refused and amendments detailed within the current submission are proposed in an attempt to address reasons for refusal. The changes proposed under the amended scheme are relatively subtle in terms of their impact on the character or appearance of the conservation area so comments previously made therefore are largely relevant, consequently no objections are raised subject to conditions

requiring the provision and approval of samples of external materials and details of hard landscaping.

10. Environment Team – CONTAMINATED LAND The application is now supported by a Phase 1 (desk Study) Ground Contamination Report, undertaken by BHA Consulting, reference 3529, dated May 2020. The report includes a summary of the history and environmental setting of the site and surrounding area and includes the findings of a site walkover. The report concludes that some risks are present and recommends limited intrusive investigations. This Service is satisfied with the report and recommendations for limited investigations. We recommend the standard land contamination condition is attached, should planning be granted, to suitably control these intrusive investigations.
11. AIR QUALITY - Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)." St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality.
12. Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge all in new dwellings. We therefore recommend the below condition requesting electric vehicle charge points is attached to the planning consent, should planning be granted, to enhance the local air quality through the enabling and encouraging of zero emission vehicles. Condition regarding electric vehicle charging points recommended.
13. Public Health and Housing – No objection.
14. SCC Flood & Water – Recommend approval of this application subject to conditions relating to surface water drainage strategy, verification report and management plan.
15. SCC Waste Management – No objections.
16. SCC Archaeology – No objection, subject to appropriate conditions.

Representations:

17. Withersfield Parish Council - Withersfield Parish Council objects to this application as it considers that it represents an overdevelopment of the site, in the context of the surrounding environment and its location in a rural village.

18. Whilst planning policy CS4 allows for developments of "up to 5 houses" in an infill village, the policy does not advocate that all developments should be of 5 homes. This development is not a "small scale in-fill development" it is one that maximises the possible built footprint and hard surfacing on a previous single dwelling and garden site. The Parish Council does not consider that this complies with the spirit or intention of this policy.
19. In addition the design of the development, whilst having some attractive features, is more suited to a location which is already semi-urban. Imposed on this particularly rural part of our village, it is out of keeping with the character of the area. The density of homes and bed spaces on this site will, we fear, result in significant additional car and vehicle movements both within the courtyard area, around the entrance, and inevitably spilling out onto the road, where there is a blind bend with a history of collisions. Withersfield has no local facilities (shops, schools, GP surgery, nursery, playground, public transport) which results in a high car ownership level and car journeys being required for the majority of purposes – school runs, shopping, work, social contacts. 5 homes on a single site may well result in 15 cars belonging to residents, added to which will be visitors, and the growing fleet of on-line shopping delivery vehicles. We do not feel that the full implications of this has been taken into account by the developer, nor by officers who are recommending approval.
20. Whilst we acknowledge that the developer has sought to address environmental factors in their new application, the Parish Council believes that there will be a significant loss to the environment the loss of green space and trees on this site. There will be a significant area of hard standing and roadway as well as the footprint of the houses. Each home will have only a small private garden with limited opportunity for planted and wild areas. We cannot agree that this development has a positive impact on the environment and biodiversity.
21. In summary, despite some modifications, this development remains essentially the same as the one rejected by this committee. We believe that it is essential that a clear message is sent to the developer that cramming as many homes as possible onto this site is unacceptable and is disrespectful of the spirit of the planning policies, of the local community who must live in its shadow and on the quality of our rural environment.

Local Residents

22. A total of 68 representations have been received raising the following concerns:
 - Flooding issues at this point in the road
 - Traffic – dangerous point in the road due to restricted sightlines
 - Overspill parking on Thurlow Road
 - Not enough visitor parking
 - Loss of trees
 - Harm to the character of the village
 - Off street parking will be a hazard
 - Detrimental impact on amenity of neighbouring dwellings
 - Increase pressure on existing infrastructure
 - Contrary to Policies DM2, DM22 and DM17
 - Harm to existing ecology

- Potential impact on Great Crested Newts in the area
- Over-development of the site
- Housing not needed, Council already has a 5 year housing land supply
- would set a dangerous precedent for more inappropriate/detrimental residential developments
- Specific amenity impacts in terms of overbearing and loss of privacy to The Old Bakery and Thistledown Cottage.

23. One letter of support was also received with the following comments:

- Much needed housing in a village which is dying due to population decline and a lack of young families and children having access to new homes locally
- character of the Conservation area enhanced
- proposals have been sympathetically amended, comply with the local plan and should be supported by planning committee.

Policy:

24. 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.

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

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS7 - Sustainable Transport

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

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

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Rural Vision 2031

Vision Policy RV1 - Presumption in favour of Sustainable Development

NPPF 2019

Other planning policy:

National Planning Policy Framework (NPPF)

26. 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:

27. Having regard to the previous reasons for refusal the issues to be considered in the determination of the application are:

- Principle of Development
- Impact on the Conservation Area (including design and layout)
- Drainage and flood risk
- Impact on trees and ecology
- Parking and highway impact
- Residential amenity

28. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the

development plan should be refused unless material considerations indicate otherwise. Development in accordance with the development plan should be approved, unless material considerations indicate otherwise. The courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

Principle of development

29. The site is within the settlement boundary and infill development of up to 5 dwellings is permitted by Core Strategy Policy CS4. The application fully accords with this policy and the application is acceptable in principle.

Impact on the Conservation Area (including design and layout)

30. Section 66 of the Town and Country Planning (Conservation Areas and Listed Building) Act 1990 requires the LPA to have special regard to the desirability of preserving the setting of listed buildings. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
31. Both of the above requirements need to be taken into account in considering the proposed development, along with the criteria set out in Joint Development Management Policies DM15, DM17, DM1, DM2 and DM22, all of which, seek to protect heritage assets and ensure good design appropriate for the character and context of the site. In this case, although there is a Listed building (The Guildhall) approximately 70 metres to the NW of the site on the other side of Thurlow Road, due to the separation distance and intervening features, it is not considered that the setting of this building would be affected by the proposed development.
32. The Conservation Officer has previously commented that due to the irregular shape of the site and the narrow frontage (relative to the rest of the site) views from the highway (looking towards the site) of the open countryside beyond are almost completely obscured by existing development and mature planting along the rear and neighbouring boundaries. The existing views are not considered to be significant views which contribute towards the character or appearance of the conservation area. Milton House is a modern two-storey dwelling that does not make a positive contribution towards the conservation area and there is no objection to its demolition, or the demolition of its associated outbuilding.
33. Furthermore, existing planting along the front boundary helps reinforce a sense of enclosure broken by a relatively narrow vehicular access extending up to the line of the principal elevation, terminated by a close boarded fence. Whilst the proposed development involves a wider highway compliant access, the proposal takes advantage of the irregular shape of the site avoiding an undesirable long and straight uninterrupted access extending to the rear of the site.
34. Following the amendments to the scheme, proposed plot 1 will still appear most visually prominent to the public realm. The proximity of plot 1 to its south western boundary is not dissimilar to the proximity of Thistledown Cottage (a relatively modern development) to its north eastern boundary.

The lowered eaves height facing towards Thistledown Cottage helps to visually widen the gap between the two, despite the proximity of both to their respective shared boundaries. The narrow gable and steep pitch of the roof respects historic proportions whilst a mix of contrasting materials (an approach consistent throughout the development) adds interest and articulation to elevations. Whilst it may be possible to catch views of plot 6 from the public realm, views will be limited, partially screened by existing trees and planting, seen in context with existing development which is similarly set back from the highway.

35. As the Conservation Officer has stated previously, the proposed development is well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area.
36. The requirements of Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 have been met and the application is considered to accord with Joint Development Management Policies DM2, DM22 and DM17 in this regard. The impact on trees within the conservation area is considered below.

Drainage and flood risk

37. The applicant has produced a sustainable drainage strategy, which ultimately includes mitigation measures as necessary to enable the development to proceed ensuring that it is safe from flooding to recognised standards and does not increase the risk of flooding to neighbouring properties as required by Joint Development Management Policy DM6 and the NPPF. To address refusal reason 1 of DC/20/0623/FUL (see appendix 1) a CCTV survey of the existing drainage system was undertaken and following this, details of a full sustainable drainage system were submitted.
38. The findings of the CCTV survey concluded that the existing culvert has capacity and is an appropriate route for upstream flows from the development site. However, it was recommended that remedial action is undertaken to replace the broken section of culvert within the site boundary. It would also be beneficial if the 150mm pipe were removed from within the culvert to restore its full section size to reduce the existing flood risk, however as this is within the adjacent properties boundary it is outside of the applicant's responsibility. As per national guidance surface water (rainwater from roofs and private driveways) must be disposed of in accordance with the SUDS Surface Water Drainage hierarchy. This requires consideration to be given in order of priority to:
 - a. disposal to the ground (soakaways)
 - b. disposal to a watercourse
 - c. disposal to a public surface water sewer, highway drain or another drainage system
 - d. disposal to a foul or combined sewer
39. The applicants indicate that infiltration testing has shown disposal to the ground is not possible, therefore, the second level of the hierarchy can be

met by providing rainwater storage within tanked permeable pavements, prior to a controlled discharge into the existing culvert.

40. By controlling the rate of run-off via a Hydrobrake, the surface water flow rate from the developed site is reduced by over 50%, therefore reducing the existing surface water flood risk. The applicant's drainage strategy also provides evidence that the drainage network offers sufficient attenuation for the development up to and including the 1 in 100 year storm event with allowance for 40% climate change, the calculations also include a safety factor of 2.
41. Sections of the existing culvert within the site will be replaced and redirected to areas of shared ownership. This allows for the culvert within the site to be maintained by a Private Management Company. The proposal also provides for additional inspection chambers allowing for improved access for any future maintenance work and an increase in volumetric capacity.
42. The drainage strategy and flood risk impact for the site can be summarised as follows:
 - The Site is in FLOOD ZONE 1 and is at very low risk from all other sources of flooding except for a small area of surface water flooding near to the existing entrance. This has been mitigated for within the proposal.
 - The proposed SUDS system will improve the current situation as it will allow surface water run-off to be stored on-site and slowly released into the culvert, reducing surface water flows from site whilst ensuring there is no increase in off-site flood risk.
 - The CCTV survey of the existing culvert has highlighted that sections require remedial work (replacement). The culvert route has been redirected to areas of shared ownership which will be maintained by a Private Management Company. Additional inspection chambers will ensure access for any future maintenance work, such as desilting.
 - Replacement of the culvert within the site boundary which is proposed as part of this development will further improve the current situation as the risk of future blockage will be reduced and the installation of additional manholes will improve access for maintenance in future.
 - The drainage report highlights the fact that removal of the 150mm pipe within the section of culvert in the neighbouring property would be beneficial as this would restore the full cross-sectional size of the culvert and remove the restriction of flow at this point further reducing flood risk in the area. It should however be noted that the development of the site is not dependent upon the pipe being removed due to the reduction in flow and other improvements proposed as part of the development.
 - Foul water from the existing property Milton House is connected to the Anglian Water main sewer located within Thurlow Road. This connection will be maintained.
 - A Maintenance and Management Plan has been developed for the site and is detailed within this report, the plan indicates responsibilities and maintenance requirements of the surface water drainage assets within the

site. A condition of any approval of permission would require accordance with this plan.

43. Suffolk County Council, as Lead Local Flood Authority (LLFA), has reviewed the application and have no objection to the development, which is considered to accord with St Edmundsbury Core Strategy Policy CS2, Joint Development Management Policy DM6 and paragraph 163 of the NPPF in this respect.

Impact on trees and ecology

44. Refusal reasons 2 and 3 of DC/20/0623/FUL, amongst other things, state that the loss of a significant tree on the frontage of the site was also considered to be harmful to the character of the conservation area as it forms part of a group of trees contributing to its amenity. The removal of trees also represents a loss of habitat for bats and birds. The proposed mitigation set out in the Design and Access Statement was not considered sufficient to outweigh this harmful impact representing a net loss in biodiversity. These are issues that have also been raised again by several local residents.
45. As two Ash trees on the site frontage have Ash die-back disease and are to be removed, the revised application provides a replacement tree on the site frontage and uses an innovative tree pit to ensure that the tree roots will not affect the drainage. The remainder of the site is small in area and relatively low in ecological value. Following a full ecological survey, no roosting bats were discovered on the site, though the survey notes that bats are foraging around the site boundary. By implementing the following biodiversity enhancements the development would create a net gain in terms of biodiversity, in accordance with the NPPF and the Joint Development Management Policies DM12:
- 3 x compensatory bat roosting habitat (Schwegler bat box)
 - 3 x Schwegler 1FR Bat Tube
 - 2 x House Sparrow Nest Box
 - 2 x Woodstone Built-in Open Nest Box
 - 4 x Swift Block
 - 4 x Schwegler bird Boxes
 - 2 x Schwegler Hedgehog Domes.
 - Low level bollard lighting to reduce impact
 - Tree replacement
 - Hedgehog friendly boundary fencing (with gaps at intervals)
 - Native soft landscaping
 - Two 1m x 1m habitat piles are also proposed for the site boundary for use by invertebrates, small mammals, amphibians and other wildlife
46. Furthermore, new hedgerows are proposed between the houses. The new hedgerows will be native species and planted in a double staggered row, with at least five whips per linear metre.
47. Subject to the above being required by condition of any approval, the development would have an overall net gain in terms of biodiversity and accord with Joint Development Management Policy DM12 in this regard.

Parking and highway impact

48. The proposed access to the site is directly off Thurlow Road, utilising a new access moved slightly further to the north than the existing access serving Milton House. SCC Highways is satisfied that adequate visibility splays can be satisfactorily achieved taking into account the curvature of the road and the relocated access.
49. Again the significant local objection to the development with respect to highway impact is acknowledged. However the application provides off street and in curtilage parking in excess of highway standards (the site layout indicates 12 resident parking spaces and 3 visitor spaces). SCC Highways comment that 'the applicant is proposing a level of vehicle parking in excess of the Suffolk Guidance for Parking (2019) recommendations and advise that in this specific location we accept the over-provision to counter any possibility of residents regularly parking on-street.'
50. SCC Highways has also made the following specific comments:
- Following our previous comments we are advised that the submitted surface water drainage strategy and discharge to the existing culvert has been accepted by the LLFA, and it is based on this assurance that we recommend the below conditions.
 - We note the drainage strategy proposes relaying the first few metres of the existing culverted watercourse and we recommend the chamber is replaced and a new chamber and cover is installed to facilitate easier maintenance. We also request that a highway authority easement is included with the section 278 agreement.
 - We advise the tree proposed on the site of the existing (to be stopped up) access will conflict with the culvert and chamber/s. Trees are not recommended to be planted within 6.0m of a piped drainage system.
 - We note drawing 19002-41 Rev B does not show the definitive highway boundary. This will need to be ascertained during the section 278 application process.
51. The applicant has provided an amended plan indicating that the replacement tree closest to the culvert will be planted in a tree pit that will retain its roots. All the other comments will be taken into account with the final details required for the section 278 application process (this being the agreement with the Local Highway Authority to execute highway works).
52. Subject to appropriate conditions, SCC Highways raises no objection to the scheme which is considered to accord with Joint Development Management Policies DM2 and DM45 in this regard.

Residential amenity

53. Proposed plots 1 and 5 are considered to have a direct impact on the amenity of existing properties. Thistledown Cottage to the south of the site is a two-storey dwelling which shares a common side boundary. The side elevation of the proposed dwelling (plot 1) would have a separation distance of approximately 5 metres from the eaves of plot 1 to the gable end of Thistledown Cottage. Although Thistledown Cottage has ground floor side

secondary windows, the proposed plot 1 is effectively single storey at the boundary with no overlooking windows. High-level rooflights provide light to the upper rooms on the south side of the dwelling. The residential amenity impact is not therefore considered harmful.

54. Whilst proposed plot 5 (similar in design to plot 1) would change the outlook of The Old Bakery dwelling, taking into account the lower eaves height and high-level roof lights of the proposed dwelling, the impact in terms of it being overbearing will not be significantly harmful. The amended scheme achieves a 4-metre separation distance to the garden boundary with the Old Bakery and a 5-metre separation distance to the closest part of the eaves of the single- storey projection of plot 5. Intervening landscaping will also help to mitigate any impact.
55. Overall, the layout of the site has been revised so that the dwellings are located further away from The Old Bakery, provide more space between Plot 1 and Thistledown Cottage, and are set further back from the road. The garden sizes of plots 2, 3, 4 and 5 have also been increased. The impact on existing residential amenity is considered acceptable and in accordance with Joint Development Management Policies DM2 and DM22 in this regard.

Other matters

56. Energy efficiency – Joint Development Management Policy DM7 states that: “All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined.”
57. The applicant has set out the approach to sustainability in a Design and Access Statement, and included in the environmental measures proposed is the following:
 - Water use reduction measures including airflow taps and dual flush cisterns etc.
 - All plots are to be provided with below-ground rainwater harvesting.
 - All plots are to be provided with free standing electric/hybrid car-charging points (refer to annotated site plan).
 - All plots are to be provided with 2.4 x 1.8 garden sheds for cycles and garden storage.
 - The dwellings will be fitted with Energy Efficient light bulbs.
 - The dwellings will have ample space for dry recyclables.

- Mechanical Ventilation and Heat Recovery systems (MVHR) will be installed to each dwelling – each dwelling design incorporates dedicated space in this respect.
- Where white electrical goods are provided these will be 'A' rated for energy efficiency.

58. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 110 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion:

59. The scheme accords with Core Strategy Policy CS4 and is acceptable in principle. The development scheme (as amended) has satisfactorily demonstrated that the proposed 5 dwellings can be accommodated without detriment to highway safety, residential amenity, and the character of the conservation area in accordance with relevant policies and the NPPF. The response to the previous reasons for refusal of application DC/20/0623/FUL can be summarised as follows:

60. Previous refusal reason 1 (drainage and flooding) – This amended planning application now includes a detailed assessment of the existing culvert and a comprehensive analysis of the existing drainage capacity, along with a carefully considered solution to a sustainable drainage system for the proposal. Both the Local Lead Flood Authority and SCC Highways accept the drainage proposal. The application demonstrates that the proposed development will not cause, or contribute to, a risk of flooding on or off the site.

61. Previous refusal reason 2 (harm to the conservation area) – As Officers concluded with the previous application on the site, the proposed development is well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area. Along with other planting, the amended application also proposes the repositioning of Plot 1, creating an opportunity for a similar, healthy replacement tree to be planted at the front of the site.

62. Previous refusal reason 3 (impact on biodiversity) – Notwithstanding that the previous application was supported by Officers in terms of biodiversity, this amended application now includes proposed enhancements that represent a considerable increase over the previous scheme. This is an even greater 'net-gain' for the site.

63. Previous refusal reason 4 (impact on neighbouring amenity) - Notwithstanding the Officer's view that the previous proposal was acceptable

in terms of amenity impact, the layout of the site has been revised so that the proposals are located further away from The Old Bakery, provide more space between Plot 1 and Thistledown Cottage, and are set further back from the road. The garden sizes at Plots 2, 3, 4 and 5 have also been increased. These amendments further reduce the amenity impact of the proposal.

Recommendation:

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

1. 3-year planning permission time limit
2. In accordance with approved plans
3. No development above slab level shall take place until details of the facing and roof materials 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.

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

4. Before any development or any demolition work hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details: -
 - (a) hours of construction operations including times for deliveries and the removal of excavated materials and waste;
 - (b) site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - (c) noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - (d) dust, dirt and vibration method statements and arrangements;
 - (e) site lighting.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

5. The hours of demolition, site clearance and construction activities, including deliveries to the site and the removal of waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No demolition, site clearance or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

6. No security lights or street lighting shall be erected on site without the submission of details to, and written approval from, the Local Planning

Authority to ensure a lighting environment of low district brightness at residential properties.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality.

7. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

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. 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.

8. 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.

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. 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.

9. 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.

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. 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.

10. The access shall be completed mainly in accordance with Drawing No.19002-41 Rev B; with an entrance width of at least 4.5m and be available for use before first occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

11. Prior to the development hereby permitted being first occupied, the access onto the C668 Thurlow Road shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access and to reduce the risk of loose material migrating onto the highway in the interests of highway safety.

12. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on drawing number 19002-30 Rev D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse & recycling bins are not stored or presented on the highway causing obstruction and dangers for other users.

13. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway, either directly from the access and courtyard, or indirectly from the surface water drainage attenuation or outfall. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

14. All HGV and construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials or equipment commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The Plan shall include:

- Routing for HGV and other construction delivery traffic.
- Means to ensure no damage will be done to the highway, including the carriageway, footway and verge, by construction and/or delivery traffic. This will include a before and after condition survey/s.
- Means to ensure no surface water, mud or other construction debris can flow or be deposited onto the highway.
- Means to ensure sufficient space is provided on site for the parking and manoeuvring off all construction site and delivery vehicles.
- Means to ensure sufficient space is provided on site for the storage of materials and equipment.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive and residential areas.

15. The use shall not commence until the area(s) within the site shown on drawing 19002-30 Rev C, for the purposes of loading, unloading, manoeuvring and parking of vehicles and the secure storage of cycles has been provided and thereafter that area(s) 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.

16. Before the access is first used visibility splays shall be provided as shown on Drawing 19002-41 Rev B with an X dimension of 2.4m and a Y dimension of 90m 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 highway safety.

17. The development shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment by Skilled Ecology dated 8th February 2021.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

18. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal Including a Protected Species Assessment by Skilled Ecology (January 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policy 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.

19. 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.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

20. The demolition of the existing dwelling on site shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- i) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- ii) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that the land is used in such a manner as to improve its ecological and nature conservation value, 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.

21. 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.

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

22. The strategy for the disposal of surface water (Dated Apr 2021, Ref: Ver 6) 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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

23. Within 28 days of practical completion of the last dwelling, 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.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 to enable the proper management of flood risk with the county of Suffolk.

24. 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:-

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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

- 25.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.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012).

- 26.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 24 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0367/FUL](https://www.stedmundsbury.gov.uk/DC/21/0367/FUL)