

Development Control Committee 6 October 2021

Planning Application DC/17/1252/FUL – Land off Cavendish Road, Clare

Date registered: 24 July 2017 **Expiry date:** **EOT - 30/11/2021**

Case officer: Penny Mills **Recommendation:** Approve application

Parish: Clare Town Council **Ward:** Clare, Hundon and Kedington

Proposal: Planning Application - 53no. dwellings with associated access, infrastructure and landscaping

Site: Land off Cavendish Road, Clare

Applicant: LAND Charter Homes Group

Synopsis:

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

Recommendation:

That the application be approved subject to the recommended conditions and following the signing of a S106 agreement.

CONTACT CASE OFFICER:

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Background:

This application was originally submitted in 2017 but its determination was delayed due to landownership issues which have now been resolved.

The proposals have been reassessed against current policy and a fresh full consultation has been carried out.

This application has been referred to the Development Control Committee following a call-in from the local Ward Member (Councillor Nick Clarke). Clare Town Council have also raised concerns with the application.

The site has previously been the subject of consultation with key stakeholders and the local community as part of the preparation and adoption of a Development Brief, which was formally adopted by the Council in 2016.

1.0 Proposal:

1.1 The application seeks full planning permission for 53 dwellings and associated access, infrastructure and landscaping.

2.0 Application supporting material:

Drawing / Document	Reference number
Location Plan	J1072982-CB-01
Site layout Plan	4164-01 REV K
Plot 1 - Elevations	4164/03 B
Plot 1 - Grd. & 1st Floor Plans	4164/04 rev B
Plots 2&3 - Elevations	4164/05 rev A
Plots 2&3 - Grd. & 1st Floor Plans	4164/06 rev B
Plots 4-6 - Elevations	4164/07 rev B
Plots 4-6 - Grd. & 1st Floor Plans	4164/08 rev B
Plots 7-10 - Elevations	4164/09 rev B
Plots 7-10 - Grd. & 1st Floor Plans	4164/10 rev B
Plots 11&12 - Elevations	4164/11 rev A
Plots 11&12 - Grd. & 1st Floor Plans	4164/12 rev A
Plots 13&14 - Elevations	4164/13 rev A
Plots 13&14 - Grd. & 1st Floor Plans	4164/14 rev A
Plot 15 - Elevations	4164/15 rev A
Plot 15 - Grd. & 1st Floor Plans	4164/16 rev B
Plot 16 - Elevations	4164/17 rev B
Plot 16 - Grd. & 1st Floor Plans	4164/18 rev A
Plots 17-19 - Elevations	4164/19 rev A
Plots 17-19 - Grd. & 1st Floor Plans	4164/21 rev A
Plots 20-23 - Elevations (1)	4164/22 rev A

Plots 20-23 - Elevations (2)	4164/23 rev A
Plots 20-23 - Grd. Floor Plan	4164/24 rev A
Plots 20-23 - 1st Floor Plan	4164/25 rev A
Plot 24 - Elevations	4164/26 rev A
Plot 24 - Grd. & 1st Floor Plans	4164/27 rev B
Plot 25 - Elevations	4164/28 rev A
Plot 25 - Grd. & 1st Floor Plans	4164/29 rev A
Plot 26 - Elevations	4164/30 rev A
Plot 26 - Grd. Floor Plan	4164/31 rev A
Plot 27 - Elevations	4164/32 rev A
Plot 27 - Grd. Floor Plan	4164/33 rev A
Plot 28 - Elevations	4164/34 rev A
Plot 28 - Grd. Floor Plan	4164/35 rev A
Plot 29 - Elevations	4164/36 rev A
Plot 29 - Grd. Floor Plan	4164/37 rev A
Plot 30 - Elevations	4164/38 rev A
Plot 30 - Grd. & 1st Floor	4164/39 rev A
Plot 31 - Elevations	4164/40 rev A
Plot 31 - Grd. & 1st Floor Plans	4164/41 rev A
Plot 32-33 elevations	4164/42
	4164/43
Plot 34 elevations	4164/44
	4164/45
Plots 35-37 elevations	4164/36
	4164/
Plot 38 elevations	4164/48
	4164/
Plot 39-40 elevations	4164/50
	4164/
Plot 41-42 elevations	4164/52
	4164/
Plot 43-45 elevations	210P1
Highways works on cavendish Road, overview.	045/2011/24 rev P2
Highway Works on Cavendish Road West of site entrance (1-3 of 6)	045/2011/21 rev P2
Proposed Access and Offsite Highways Works (4-6 of 6)	045/2011/22 rev P5
Residential Access Visibility Assessment	045/2011/30 RevP1
Vehicle Tracking and Max Refuse Collection Points	045/2011/27 Rev P2
Existing Surface Water Flow Paths and Outfall Route	045/2011/02 Rev P1
Proposed Surface Water Drainage Layout	045/2011/03 Rev P4
Drainage Standard Details and Pond Cross Section	045/2011/04 Rev P1

Other supporting reports/documents:

- Tree Survey, AIA and Protection Plan including Arboricultural Report
- Geophysical Survey Transport Statement October 2016
- Updated Traffic Survey (045/2011/06-CAG) (April 2021)
- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Contaminated Land and Geotechnical Assessment
- Ecological Scoping Survey and updated survey 2021
- Great Crested Newt Triturus Cristatus Survey
- Landscape Strategy Report
- Brief for an Archaeological Evaluation and proposed TT Plan
- Flood Risk Assessment and Drainage Strategy

3.0 Site details:

- 3.1 The application site is located on the eastern edge of Clare, which is designated as a Key Service Centre in the Core Strategy. The site is located on the northern side of Cavendish Road, with the Stour Valley Community School to the west of the site, open fields to the north and a residential dwelling, which is also a listed building, to the east.
- 3.2 The site is within the development envelope and has a residential allocation in the Rural Vision 2013.
- 3.3 The site is approximately 2.2 hectares and is currently used as a paddock, with two small stables on the site. The boundaries are formed by a mix of hedges and trees.
- 3.4 The proposed site does not contain any public rights of way (PROW).

4.0 Planning history:

- 4.1 There are no relevant planning applications relating to the site.

5.0 Consultations:

- 5.1 The application has been subject to amendments and additional information has been submitted during the course of the application. The consultation responses set out below represent the current position and are a summary of the latest responses received.
- 5.2 Full copies of consultation responses are available to view online through the Council's public access system using the link below.
- <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ORLK6APDHFY00>
- 5.3 Suffolk County Council is abbreviated to SCC in the consultation responses set out below.

5.4 **Anglian Water** –comments summarised below:

- Wastewater:
The foul drainage from this development is in the catchment of Clare Water Recycling Centre that will have available capacity for these flows
- Used Water network
The sewerage system at present has available capacity for these flows.
- Surface water disposal:
The proposed method of surface water management does not relate to Anglian Water operated assets. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

5.5 **SCC Lead Local Flood Authority** –comments summarised below:

- Confirmation following submission of additional documents that the previous recommendation of approval subject to conditions still applies.
- Recommended conditions relating to provision of detailed surface water drainage scheme, submission of details of the drainage system components for inclusion of the Flood Risk Asset Register and submission of a construction surface water management plan.

5.6 **Natural England** – Confirmed no comments to make on application.

- Advised to refer to standing advice and in house ecology services.

5.7 **West Suffolk Environment Team** –comments summarised below:

- Contamination:
Agree that the risk from land contamination is low and no further specific investigation is required at this point. Recommend a contamination informative on any decision
- Air quality:
The provision put forward by the applicant in terms of EV charging is acceptable. Suggest that the development is granted with a condition to secure this.

5.8 **West Suffolk Waste Team** – comments made summarised below:

- Requested a swept path analysis to confirm there is sufficient space for the waste recovery vehicle to manoeuvre and turn.
- Noted that the waste recovery vehicle should be able to pull up next to the bins, with a dropped kerb to enable the crew to easily move the bins to and from the RCV.
- Collection crews should not have to carry individual waste containers or move wheeled containers in order to facilitate their collections.
- Requested that the drag distances for householders to present their bins be indicated on the plans. The Suffolk Waste Partnership Technical Guidance for Residential and Commercial Developments states that

any designated storage area within the boundaries of the property should not be more than 30m distance from the collection point, to minimise the distance householders need to move their waste

5.9 **West Suffolk Public Health and Housing** –comments summarised below:

- Concerns with the size of the proposed bedroom accommodation, particularly within the three and four bedroom dwellings.
- Noted that there is no statutory legislation with regard to minimum sizes of bedroom, living or kitchen accommodation in new dwellings but advised that to prevent overcrowding, bedrooms to be occupied by a single person should have a minimum floor area of 6.5 sq.m and bedrooms to be occupied by two persons should have a minimum floor area of 9.5 sq.m.
- Recommended that the floor area of all bedroom accommodation is reviewed so as to ensure that they would meet at least the recommended minimum standard.
- Conditions recommended to minimise the impact of the development, during construction, on the existing residential occupiers in the vicinity of the application site and to ensure that the internal ambient noise levels of the proposed dwellings comply with current guideline

5.10 **West Suffolk strategic Housing:** - comments summarised below:

- Strategic Housing support this application in principle to provide 30% affordable housing in line with Policy CS5. There will be a 0.9 commuted sum required.
- The required tenure split required is 80% affordable rented and 20% intermediate.
- The latest schedule of accommodation confirms the affordable dwellings meet Nationally Described Space Standards (NDSS) and the bedrooms meet the recommended minimum single and double room size in line with Statutory Overcrowding Part 10 of the Housing Act 1985.
- The applicant has now resolved the issues that I previously raised.

5.11 **West Suffolk Landscape and Ecology:** comments summarised below:

- Advised updated ecological surveys would be required.
- Requested conditions relating to tree protection, detailed landscape plans and landscape implementation and maintenance.

5.12 **West Suffolk Parks and Infrastructure:** comments summarised below:

- Confirmed that a contribution of £39,822.00 is required as a contribution in lieu of on-site play / recreation space.

5.13 **West Suffolk Conservation Officer:** comments summarised below:

- No objections were highlighted in regard to this application and its impact upon the adjacent listed building – Clare Hall Farm.

5.14 **Suffolk Wildlife Trust: comments summarised below:**

- Suffolk Wildlife Trust – Care should be taken with the timing of works to remove a section of hedgerow (works should not be carried out during the bird nesting season). Suggested that swift boxes are incorporated into the dwellings and hedgehog permeable boundaries are maintained.

5.15 **SCC Archaeology** – comments summarised below.

- Confirmed that the application area has already been subjected to an archaeological trial trench evaluation and no further archaeological work is required.

5.16 **SCC Highway Authority** – comments summarised below:

- Further to the Highway Authority's letter dated 14 August 2017 and 26 August 2021. We have reviewed the applicant's subsequent response to our comments and the revised drawings which address the matters raised.
- The application proposes improvements to the existing footway, changes to carriageway width, changes to highway signs and changes to road markings. These details, other technical specifications and commuted sum payments are matters to be approved, if a planning grant is awarded, under a S278 agreement. We have previously indicated that the use of different colour road surfaces is undesirable for future highway maintenance reasons.
- The Highway Authority notes the site was allocated in the Rural Vision (Policy RV11 Clare). The internal layout of the site is acceptable but it is not clear if the internal site roads are to be dedicated as highway maintainable at public expense or not.
- The application has evidenced that a safe access onto the highway can be achieved for all users so in that regard the application is in accordance with the NPPF.
- Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions relating to: access details; access visibility; details of internal roads and paths; delivery of internal roads and paths; off-site highways works; refuse and recycling provision; parking and turning; and, ditch crossing.

5.17 **SCC Highways Travel Plan Officer:** Comments summarised below:

- Recommend a condition to secure a Travel Information Pack to be approved by the Local Planning Authority and Highway Authority, before being provided to each occupier of each dwelling.

5.18 **Suffolk County Council Public Rights of Way and Access** – comments summarised below:

- Confirmed no rights of way on the site
- Request for S106 contribution of £74,500 to mitigate for increase in use of local routes and to provide local sustainable transport link for the development.

5.19 **SCC Contributions:** Table of infrastructure and associated S106 contribution requests copied below:

Infrastructure	Contribution
Secondary School – 9 pupils arising - £23,775 per place	£213,975.00
Sixth form – 2 pupils arising – £23,775 per place	£47,550.00
Libraries improvements	£12,296.00
Waste improvements	£6,572
S106 monitoring fee per trigger	£500

5.20 **Suffolk Fire and Rescue** – Comments summarised below:

- Require a condition for the installation of fire hydrants.

5.21 **Design Out Crime:** comments summarised below:

- Concerns with the use of rear parking and the lack of surveillance to deter car crime and concern for the safety of rear access paths.
- Concerns with the positioning of garages and carports set back from the frontages of dwellings. Advise that if they remain in their proposed locations that dusk to dawn security lighting should be installed to the side of properties and if possible the carport should be secured with lockable gates.
- There needs to be a strong all round external perimeter of 1.8m close boarded fencing as stated on the development plans. Alternatively 1.5m close boarded fencing with 300cm trellis is acceptable.
- Recommend a solid 1.8m wall is incorporated in line with other proposed wall boundaries between the front of plot 30 and the rear of plot 52 instead of just bushes (vegetation).
- Recommend that 1 metre metal hooped railings are installed around the planned communal areas.

5.22 **NHS Clinical Commissioning Group (CCG)** – comments summarised below:

- The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

- The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- NHS England calculates the level of contribution required, in this instance to be £31,800.00 Payment should be made before the development commences.
- West Suffolk CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- West Suffolk CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

6.0 Representations:

Full copies of consultation responses are available to view online through the Council's public access system using the link below.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ORLK6A PDHFY00>

6.1 Ward Member, Cllr Nick Clarke – call in request below:

"I would like to call in this application in order for it to be considered by the planning committee. This is a large development in the historic small town of Clare which is likely to have a significant impact on residents and on the character of the town. Clare Town Council asked for this to be 'called in' in its minutes dated 17th December 2017. The Chair and Vice Chair support the request for the 'call in' in an email to me on 17th May 2021.

It is important that a development application of this size in a special town like Clare should be considered in public."

6.2 Town Council: Most recent comments summarised below:

- This development will bring the total of recently approved houses in Clare to around 170 (which exceeds the stated local plan housing allocation for Clare by nearly 50%) without any corresponding upgrading or investment in local infrastructure.
- Capacity of existing services to cope with existing/increased demand is uncertain.
- Current public transport serving Clare is extremely limited; there are so few bus services that it is inevitable that most residents of the new dwellings will have to use cars for commuting which will lead to additional pressure on both the road system, traffic flows and parking around town. It is unreasonable for residents to have to absorb yet more impact from these proposed additional homes without any corresponding upgrade in relevant infrastructure.

- There are instances of odour emanating from the local sewerage treatment plant which can blight the area. Sewerage outflows have also been an issue recently. Residents continue to complain of problems with the existing sewerage infrastructure; it is of concern that Anglian Water state that there is adequate capacity in the system to deal with additional housing as residents' lived experience is that the existing infrastructure cannot cope with its current load, let alone additional load created by this proposal. The Town Council is not satisfied that this issue has been adequately resolved.
- It is understood that a commuted sum for offsite play equipment will be made available under the planning gain package.
- This development will extend to the very limit of the 30mph zone. Our own VAS data indicates that high speeds exceeding ACPO limits are regularly observed in the 85th percentile at this point as confirmed within the Transport Statement provided by the developer. It is requested that the speed limit to the east be extended by a suitable distance beyond the development. This would provide an additional element of road safety for the increased number of pedestrians using the pavements to access all schools (nursery, primary & secondary) in both directions during the peak hours when the majority of the excessive speeds are recorded....
- CTC is still requesting that either the 30mph limit is extended eastwards or a 40mph buffer is put in place together with the picket fence gateways at the start of the new zone (there is some question as to whether there is room to install the picket gateways at the existing 30mph limit as currently proposed in any event). This would slow speeding traffic before it reaches the development and the crossing to access the new right of way which is part of the proposal.
- In terms of the proposed highway impact mitigation measures ... The previous consultation included measures for highway safety including widening of the pavement (with corresponding removal of central hatching) along Cavendish Road between the development site and along to the junction with Harp Lane where it ends before pedestrians must cross the A1092 to access the opposite footpath into Clare. It was previously suggested that a buff road surface and dropped kerbs would be laid at this point to alert drivers as there is insufficient visibility for a pedestrian crossing of any sort at this point.
- The proposal to achieve a wider pavement is supported; how accessibility and safety is to be managed at the pedestrian crossing point needs further thought - additional features to support and enable safer crossing of the road with drop kerbs and new texture/colour road surface to alert drivers are welcome in principle; however the impact of two telegraph poles and wire connections in the middle of the pavement at the bottom of the hill (photos attached) has not yet been obviously considered in relation to pedestrian safety and this needs to be done. 30mph roundels and dragon's teeth painted on the road were previously proposed; these seem inappropriate on the entrance to an historic town such as Clare, would inevitably wear away and require regular painting.

- The Council is concerned that the traffic scheme appears largely unchanged since 2017 despite continuing unacceptable vehicle speeds being recorded in this area; traffic volumes will increase as a result of the new development which lies immediately next to the school; recent discussions with SCC had lead the Town Council to understand that a speed buffer zone to the east was actively under consideration.
- The Town Council would request that no permission is granted until full engagement with the relevant officer has been achieved particularly in relation to the suggestion for a speed buffer zone (or similar) designed to reduce speeds of approaching traffic.
- Welcome the provision of a new cycle/pedestrian path opposite the school entrance connecting to the railway walk of the Country Park. We have concerns for the management and maintenance of this new 'footpath', given the limited funds within the SCC budget and would appreciate details of which organisation will take ownership of the footpath upon completion. Clare Castle Country Park Trust which controls the railway walk should be invited to comment before any formal decision is made.
- Early adoption of roads and a management plan for the long term maintenance of the estate as a whole but particularly of the basins in the public open spaces are essential
- We also wish to raise a significant policy issue. This development offers a welcome range of smaller units reflecting the needs of Clare's population as found in our recent Community Plan. However, unlike rural exception sites, current West Suffolk policy offers no prioritisation to Clare families or workers, reflecting localised needs. We believe this policy should be re-examined with regard to the next local planning document (the replacement for Rural Vision 2031)
- Residents of Clare will not necessarily benefit from the additional affordable homes and yet the town will be subject to increased impacts as a result of this development.
- The Carter Jonas letter dated 22/7/21 explains why 15 rather than 16 affordable dwellings are proposed. The Town Council requests that the 0.9 affordable unit should be rounded up to a whole unit and provided in place of a commuted sum in order to maximise the amount of available affordable housing offered by this proposal.
- Cllr N Clarke has requested that solar panels and broadband is provided as part of the design; The Town Council supports this request.

6.3 **Clare Society:** Comments summarised below:

The Clare Society would like to make the following observations regarding the above application. we consider that these are incorporated as Conditions of Approval from WSCC planning officers.

Speeding

- Cars regularly exceed 30mph in the limit when passing both the school and proposed entrance to the site.
- Concern in relation to the proposed crossing of the Cavendish road. The answer could lie in two separate new priority lanes been given to outgoing vehicles?
- Visibility from both the school and the housing site are considerably impaired. These lanes would slow down traffic entering the town. The 30mph sign could also be moved beyond Clare Hall with a short 40mph sign as well.

Pavements

- Not wide enough (less than 6ft in many places). There are at least two telegraph poles in the middle of the footpath towards the town with at present mobility scooters and buggies having to divert into the carriageway. we believe further pedestrian movement from the estate will only add further risks of injury to the existing problem.

Flooding

- Development lacks any real form of green space. With global warming the chances of severe flooding are more likely. Without green space we do not believe two ponds dug along the entrance to the site are sufficient to stop flooding of the carriageway and beyond. All the out of town developments around the town of Clare have a central green space and these are an important feature of these developments.

Sewage

- Anglian water have advised there is still capacity at their water treatment works. We question whether when it rains like a monsoon(100mm in Haverhill recently) like so many other water authorities, they do not have the capacity to cope and are forced to discharge raw effluent and flood water into the river Stour. We already have a flooding problem including raw sewerage opposite the Ashen road when it pours with rain for any length of time.

Trees and landscape

- Little or no thought regarding the planting of trees in amongst the development. The existing tree planting scheme does not constitute a green corridor. It lacks detail and the LSDP arboricultural Survey and Report suggests removing tree growth overhanging the site on the western border. This we believe should be avoided at all cost as the trees that are there will if large parts of them are cut back become structurally unstable. We believe all trees on the boundaries should be listed in order for their wellbeing to be monitored by a qualified WSCC tree officer. Further enhancement of the site should be carried out to include more trees on the northern boundary and trees and shrubs to the front of the site to enhance the development from the Cavendish road.

Housing.

- Question the architectural approach. The plans are uninformative in that there is no visual street scene either from the Cavendish road or within the estate. There would appear to be no reference as to what materials are proposed except by looking at every house elevation.

- Only the low cost housing on the west side of the site have been updated with a little more detail of construction. The other 37 units have their original hand drawn sketch plans. These appear to be copied from a bog standard pattern book and sadly plonked on the site without further thought.
- Concerned that like so many other out of town developments in Suffolk, the elevations of all the units look deadly boring, all with rendered walls (some possibly brick), various roof tiles and slates to relieve the boredom and in general would appear to be taken off a computer programme.
- The developer has sadly not used the services of a local architect who is totally familiar with all developments in Clare and would undoubtedly in our opinion have produced something considerably better in design than this.
- Lack of outdoor space, no generosity of internal or external space, layout of dwellings to obtain the maximum in the site area is but a trade mark of most recent housing estates in the county.

The Clare Society is not against the principle of a development in the Cavendish Road. We believe it will bring prosperity to the town and school. What it wants to see from WSC and the developer is a well thought out development with commitments by the developer and WSC being carried out in the interests of this historic town.

6.4 Public Representations

Site notice posted, advertisement placed in the East Anglian Daily Times and 14 nearby addresses notified.

One representation received raising the points summarised below. A full copy is available to view on the public planning file online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ORLK6APDHFY00>

Highways

- The visibility splays cross the front of plots. Is this legal and how would this be maintained in the future?
- Are SCC Highways confident that the proposed widening of the pavement along this stretch of road will be sufficient for mobility scooter users and parents with buggies etc to safely pass beside them without having to step into the road?
- The proposed road crossing on the A1092 and access to new Right of Way linking to the Railway Walk in the Country Park is at the limit of the 30mph limit. Are WSC officers satisfied that the proposed crossing will be safe for pedestrians without any additional traffic calming measures other than the proposed 30mph roundels and dragons teeth? Will the proposed new Public Right of Way be a condition included in any approval?

Amenity

- The frontages of plot 11 and 12 face very closely onto the parking spaces for 22 cars. Will this impact their amenity?
- Plots 5,6, 7, 8 and 9 have no residential amenity space.

Visual amenity / landscape

- Apart from the trees and planting proposed for the public open space to the front of the development, there are no other shrubs indicated and only 8 other trees shown on the Structural Landscape plan. All are deciduous varieties which would seem to indicate that, come winter, the social housing areas, in particular, will consist of a bleak outlook of roads, pavements, brickwork and close boarded fence panels more in keeping with an inner city or major urban development.
- The density should be reduced to create actual homes and not a development of little boxes.

Infrastructure

- Has there been a re consultation with NHS England?
- Have officers taken into account the fact that the Stonehall GP practice has closed?
- This development represents 150% of the original allocation for Clare.
- Can Anglian Water confirm that these additional connections will not impact on other properties at the bottom of the hill and further afield in the town? There are existing Anglian Water issues in the town.
- The proposed plans make no mention of high-speed broadband connections.

Other

- Concern with the residential parking areas access via alleyways to the back of properties. Will these be lit for crime prevention?
- Other developments in Clare have worked with the local community to improve their layout.
- Could the attenuation ponds be enclosed with black metal railings which can be seen around Clare to safeguard children while enabling easy access for maintenance.

7.0 Policy:

7.1 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.

7.2 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:

St Edmundsbury Core Strategy 2010

Policy CS1 - St Edmundsbury Spatial Strategy

Policy CS2 - Sustainable Development

Policy CS3 - Design and Local Distinctiveness

Policy CS4 - Settlement Hierarchy and Identity

Policy CS7 - Sustainable Transport

Policy CS8 - Strategic Transport Improvements

Joint Development Management Policies Document 2015

Policy DM6 Flooding and Sustainable Drainage

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM4 Development Briefs

Policy DM7 Sustainable Design and Construction

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

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

Policy DM15 Listed Buildings

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM44 Rights of Way

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Rural Vision 2031

Policy RV1 - Presumption in favour of Sustainable Development

Policy RV11 - Clare

7.3 Other relevant policy and planning guidance is set out below:

National Planning Policy Framework (NPPF):

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Cavendish Road Development Brief 2016:

The Development Brief provides a detailed framework for development on the site and includes information on the physical site constraints and an indication of how it is intended to be developed.

The Development Brief was adopted informally by St Edmundsbury Borough Council on 27 September 2016 and is a material consideration in the determination of any future planning application on the site.

8.0 Officer comment:

- 8.1 This section of the report begins with a summary of the main legal and legislative requirements before entering into a discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Planning and Compulsory Purchase Act 2004 (as amended)

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

The Conservation of Habitats and Species Regulations 2010

- 8.3 The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended).
- 8.4 Consideration has been given to these regulations during the assessment of the application and it was concluded that the requirements of Regulation 6 are not relevant to this proposal and appropriate assessment of the project would not be required. The application site is not in the close vicinity of any designated (European) sites of nature conservation.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)

- 8.5 A residential development of this nature is an urban development project as listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 8.7 The development area does not exceed 5 hectares and the number of dwellings does not exceed 150. As such, the development does not exceed the threshold criteria listed in column 2 of Schedule 2. The site does not fall within a sensitive area as defined within the regulations. It is therefore considered that the development is not EIA development and an Environmental Statement is not required to accompany the application.

Natural Environment and Rural Communities Act 2006

- 8.8 The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

- 8.9 The potential impact of the application proposals upon biodiversity interest is discussed later in this report.

Equality Act 2010

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

Crime and Disorder Act 1998

- 8.11 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application and the comments of the Design Out Crime Office have been considered in assessing the design and layout.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 8.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

- 8.13 In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.14 Section 72(1) of the same Act states;
...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 8.15 The impact on heritage assets are discussed later in this report.

Principle of Development

- 8.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The relevant parts of the West Suffolk Development Plan are the adopted Core Strategy, the Rural Vision 2031 and the adopted Joint Development Management Policies Document 2015.

- 8.17 National planning policies set out in the NPPF and the adopted development brief are also key material considerations.

- 8.18 The application site is located within the settlement boundary for Clare and is allocated for development under Policy RV11 of the Rural Vision 2031.

- 8.19 Within policy RV11 this site is labelled site b. In respect of site b, the policy states the following:

“On site (b) the amount of land available for development, location of uses, access arrangements, design and landscaping will be informed by a Development Brief for the site. Applications for planning permission will only be determined once the Development Brief has been agreed by the local planning authority.

Land off Cavendish Road (b) must incorporate proposals for enhancing footpath and cycleway access to the town centre.

Strategic landscaping and open space must be provided on all sites to address the individual site requirements and locations.”

- 8.20 A Development Brief has been prepared for the site and was adopted by the Council in September 2016. As such, in principle, an application for the development of the site could be acceptable provided that all other elements of the policy are met and other policies within the Development Plan are satisfied.
- 8.21 The proposed development is for 53no. dwellings which is lower than the indicative capacity of 64no. dwellings set out within Policy RV11b. This provides results in a density of 24 dwellings per hectare.
- 8.22 Whilst there is a need to make the best use of land, the number of dwellings in this application has been established as a result of the Development Brief process to create the most appropriate form of development. In this context, the slight reduction from the indicative capacity is considered to be acceptable.
- 8.23 Other elements of policy RV11 relate to the detail of the proposal and are better considered in relation to the key areas of consideration in this case, which are:
- Design, layout and amenity
 - Access, movement and connectivity
 - Landscape, open space, ecology and biodiversity
 - Flood risk and drainage
 - Heritage impacts
 - Affordable Housing
 - Sustainability
 - Planning obligations

Design, layout and amenity

- 8.24 The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development. It goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.25 These design aspirations are reflected in policy DM2, which states that proposals for all development should create a sense of place and/or local character. In the case of residential schemes, Policy DM22 states that proposals should create a coherent and legible place that is well structured so that it is visually interesting and welcoming. New dwellings should be of

high architectural quality and should function well, providing adequate space, light, and privacy.

- 8.26 Developments should also ensure that future residents have a satisfactory level of amenity and that the amenity of nearby residents are not adversely affected.
- 8.27 The proposed layout of the development accords with and further develops the Concept Layout Plan that forms part of the adopted Development Brief. The design of the dwellings and their layout is also informed by Development Brief, which includes an assessment of the town's architectural vocabulary and advises on the historic context of Clare, the scale and pattern of development and appropriate materials and detailing.
- 8.28 The Development Brief discusses the key features in terms of the scale and pattern of development. It identifies the pattern of development as mainly linear, with built-up frontages sitting close to the back edge of the pavement in the town centre, punctuated by narrow accesses. These are often through archways and narrow cuts, opening into spaces beyond the principal street frontages. The brief highlights the small green spaces and occasional gaps in the frontages allowing additional greening of the street. It goes on to identify that towards the edge of the town individual properties predominate. These vary in scale and appearance creating terraced forms of linked individual buildings where the roofs vary from gable ends at right angles to the road to ridges running parallel.
- 8.30 The proposed development seeks to draw on the development patterns described in the brief and contains a mix of house types and sizes including four single storey properties. This variety in the house types and sizes along with the detailing and varying roof-forms creates visual interest and reflects the variety of forms found within the town.
- 8.31 The principal frontage to Cavendish Road would be viewed through a front boundary hedge where the properties would look onto an area of public open space, acknowledging the rural setting of the site. In contrast to this, and in keeping with development within the town, the main the spine road through the site would create a tighter knit built up frontage of mainly linked and terraced properties set closer to the back edge of the highway giving a feeling of enclosure. This would then be punctuated by small squares and courtyard development, accessed from the spine road.
- 8.32 The eastern edge of the site creates a more open, less dense form of development respecting the soft boundary with the adjoining Clare Hall farm and through the centre of the scheme a tree-lined pedestrian route would allow views through the site and improve permeability.
- 8.33 The precise materials would be secured through a planning condition, but the palate would include a mix of red brick, buff brick, render, plain tiles, pantiles and slate which are considered to be appropriate for this development.
- 8.34 In terms of residential amenity, with the exception of the four 1 bed flats, all the properties would have access to good sized private gardens. The one-bedroom units would still have access to outdoor space in the form of an outdoor area shared between ground and first floor properties. The

proposed dwellings are also positioned appropriately so as not to give rise to unacceptable impacts on amenity through overlooking or by being overbearing.

- 8.35 The site incorporates an area of public open space to the front of the site, easily accessible to future residents, which would be separated from Cavendish Road by a bank, a new hedge and tree planting. A green pedestrian link runs through the centre of the site connecting the northern part of the development to the open space at the front. Improved links will also be delivered to off-site recreational space.
- 8.36 All of the affordable housing units would meet Nationally Described Space Standards and bedroom sizes have been altered to ensure that in the affordable units, where maximum occupancy is required, all rooms meet the minimum guidelines as advised by the Public Health and Housing Officer.
- 8.37 In terms of the open market housing, 71% of the units meet or exceed NDSS in terms of total floorspace. The dwellings have also been updated so that all the proposed bedrooms provide a minimum floor area of 6.5 sq m. and 9.5 sq m. for bedrooms to be occupied by one or two persons respectively.
- 8.38 It is noted that whilst the affordable units will be required to be filled at a maximum occupancy rate, future residents of the open market properties may choose to use the smaller bedroom differently, for example as a home office space.
- 8.39 There is no statutory requirement in terms of the minimum size of bedroom and no specific standard of overall size is required by any current development plan policies. Policy DM22 (k) requires that new dwellings are fit purpose and function well, providing adequate space, light and privacy. Looking at the proposed dwellings in the round it is considered that they would meet the requirements of the current policy.
- 8.40 In terms of the amenity of neighbouring occupiers, it is considered that the new dwellings would be sufficiently distant from any neighbouring properties to ensure that they would not have any adverse impact on amenity by introducing overlooking or by being overbearing.
- 8.41 In terms of the safety of the development, comments were received by the Design Out Crime Officer. These focus on the use of rear parking and accesses and the associated lack of surveillance. Concerns were also expressed over the use of setback parking and advice was provided in terms of the types of boundary treatments that would be most appropriate in terms of crime reduction and prevention.
- 8.42 There is often a balance to be struck between the principles of secure by design and other urban design requirements. In this case the set back of garages and rear parking areas do result in some tension in terms of maximising security. However, the layout reflects the concepts agreed in the Development Brief and create a form of development that respects the built form within Clare, rather than a more suburban form with on plot parking in front of every dwelling.

- 8.43 In order to create a locally distinctive form of development that includes terraces and linked properties that create a sense of enclosure to the street, some of these forms of development are therefore considered on balance to be acceptable.
- 8.44 The Design Out Crime Officer has suggested some possible mitigation measures such as the use of specific boundary treatments and the use dusk to dawn security lighting on some properties. These measures could be secured through a condition.
- 8.45 Overall, it is considered that the proposed development would create a locally distinctive sense of place that responds to the Development Brief. The architecture is of a high quality, and appropriate to its location and future residents would have a good level of amenity. The layout also provides sufficient space for soft landscaping and provides access to outdoor spaces both on and off the site.
- 8.46 The development is therefore considered to be in accordance with policies CS1, CS2 and CS3 of the St Edmundsbury Core Strategy 2010, Policies DM2, and DM22 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP. The proposals are also considered to meet the requirements of the Development Brief in terms of the quality of the design and layout of the development and the level of public and private amenity provided for future occupants.

Access, Movement and connectivity

- 8.47 The NPPF promotes all forms of sustainable transport, advising that development should provide for high quality walking and cycling networks. It goes on to advise that development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
- 8.48 Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network and policy DM46 confirms that the authority will seek to reduce over-reliance on the car and promote more sustainable forms of transport. This is also an aspiration of the adopted Development Brief.
- 8.49 Suffolk County Council's Green Access Strategy (2020-2030) promotes sustainable travel options for all and seeks opportunities to enhance public rights of way, including new linkages and upgrading routes where there is a need, to improve access for all and support healthy and sustainable access between communities and services. This is echoed in policy DM 44 which states that improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements and/or providing access to the countryside or green infrastructure sites.
- 8.50 A single vehicular access to the site is proposed via a new priority junction off Cavendish Road (A1092) located towards the western side of the site.

The access is within the 30mph speed limit zone on Cavendish Road which commences from the south eastern corner of the site.

- 8.51 The access proposed in this application accords with the access put forward in the development brief in terms of type and location and is considered to be acceptable by the Highway Authority subject to a condition to secure the required visibility splays.
- 8.52 Following a delay in the determination of the application, an updated traffic survey was required to be carried out in April 2021 as the existing Transport Statement (October 2016) was considered to be out of date.
- 8.53 In accordance with the new traffic speed data, it advises that the proposed visibility splays should be 2.4m x 95m to the east and 2.4m x 115m to the west. The previously submitted proposed access visibility splays were 2.4 x 43m to the west and 2.4 x 100m to the east. The increased visibility splay to the west from 2.4 x 43m to 2.4 x 115m can be achieved within the site and the adjacent highway and would not encroach onto third party land.
- 8.54 A concern has been raised in a public representation regarding the revised visibility splay which goes across the front of a number of plots, with an annotation on the plan stating that no planting above 600mm is permitted. This is an acceptable and routine way in which to secure a visibility splay for a new development. The visibility splays would be secured in perpetuity by a planning condition which would run with the land.
- 8.55 Notwithstanding the acceptability of access as discussed above, the applicant's transport consultant has recently provided further information in relation to why this type of access was advanced as opposed to a roundabout junction in response to comments raised by the Ward Member.
- 8.56 They advise that a roundabout junction, with a two opposing major flow arms and a minor (low flow) side arm, results in imbalanced flows leading to unsatisfactory junction operation. They also advise that roundabouts typically have poor pedestrian and cycle accident rates and by layout, are disadvantaging these road users contrary to the latest Suffolk County Council and government guidance, which puts pedestrian and cyclists above motorised users in the road user hierarchy.
- 8.57 The amount of land required for a roundabout would be greater than the proposed junction and would ideally require land on the southern side of the A1092. A roundabout in this location could also cause significant visual intrusion, especially with the level of street lighting and signing required, to what is currently a very rural setting.
- 8.58 Policy RV11 which allocates the site for development contains a requirement that the development must incorporate proposals for enhancing footpath and cycle access to the town centre. To meet this requirement, off-site improvements works are proposed as part of the development. These were recently reviewed, and a revised set of drawings submitted following the updated survey information. The proposed measures are acceptable to the local highway authority subject to the final detail being secured by a condition.

- 8.60 The off-site highways propose the following measures:
- An improved access into the school site allowing the junction to be crossed in two stages, which is not currently possible,
 - A pedestrian/cycle route from the development to the school,
 - A new crossing point to the west of the new access to an extended footway on the southern side of Cavendish Road to provide a connection to a new off-road route to the south,
 - New road markings to the east including dragons teeth and 30mph speed limit markings with alternative surface treatment and village gateway signs to be agreed with the highway authority.
 - Additional road marking and warning signs to the west of the site on Cavendish Road
 - Additional dropped kerb and tactile crossing points to the west of the site Footway widening along parts of Cavendish Road.
- 8.61 In respect of the footway widening, the Highways Officer and Town Council highlighted a potential conflict with an existing pole/street light which reduced the available width of the footway. The applicant has confirmed that this is to be retained in situ and included within the footway extent. They have highlighted that the Department for Transport Inclusive Mobility guidance (DfT December 2016) provides details of different widths required for mobility impaired and visually impaired people and states that 1.5 m should be regarded as the minimum acceptable giving sufficient space for a wheelchair and walker to pass. The absolute minimum where there is an obstacle should be 1m clear space. In the location in question, past the localised pinch point there is 1.429m clear width available with this footway shown as 1.8m total width.
- 8.62 The measures above include the widening of the southern footway on Cavendish Road opposite the access to the development to enable a connection to a new off-road route across the field to the south linking the proposed development with the railway walk to Care Country Park and then on to the town centre. The Rights of Way Officers have requested a contribution to be secured through a S106 which would provide the funding for this route to be delivered.
- 8.63 Recently, questions have been raised over the appropriateness of upgrading the existing right of way to enable its use by cyclists. Whether or not this takes place would be determined through discussions with the Country Park and others and cannot be determined within this application. However, the infrastructure that would be provided to connect to the route would be the same regardless of its status. The new link would also be of benefit and necessary to facilitate safe and sustainable links to the town whether it is ultimately for cyclists and pedestrians or pedestrians only.
- 8.64 Within the site the applicant intends to construct estate roads and footpaths to adoptable standards. The carriageway will have a minimum width of 5.5m with a 1.8m footway and car parking for dwellings will be provided in accordance with the adopted standards.
- 8.65 The Highways Officer raised a concern that the waste vehicles could not adequately turn within the site. However, the applicant has provided tracking drawings which demonstrate that this is not the case.

- 8.66 Potential development to the east has also been highlighted by the highways officer and it was requested that consideration be given to how occupants here could travel safely to that site. The applicant has advised that an internal pedestrian link from the development to the south-east frontage boundary, utilising the stopped up vehicular access, could provide for future pedestrian routes towards the east and this has been indicated on the plans.
- 8.67 Clare Town Council has raised concerns regarding the speed of vehicles as they enter and exit the village, despite a 30mph speed limit being in place. The Town Council has asked that the speed limit is extended further to reduce vehicle speeds as they pass the site and the crossing points on Cavendish Road. The local highway authority has consistently maintained that an extension to the speed limit is not necessary to make this development acceptable in highway safety terms. However, this does not prohibit ongoing discussions being advanced between the Town Council and the Highway authority separately to the determination of this application.
- 8.68 Overall, the proposed access is considered to be safe, the local highway network will continue to operate retaining significant capacity, and the proposed off-site mitigation enhances pedestrian safety and sustainability in accordance with the allocation. The proposed new footpath link will further improve the connectivity of the site with the town centre and other points of interest such as Clare Country Park. The development is therefore considered to be in accordance with Development Plan policies and the Development Brief in respect of highways.

Landscape open space, ecology and biodiversity

- 8.69 The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts, and enhancements commensurate with the scale of the development.
- 8.70 The development has been laid out with areas of strategic landscape, respecting that the site is on the rural edge of the town. The development would retain the mature trees and vegetation on the eastern and western boundaries to help minimise the impact on the landscape and tree protection measures during development would be secured by condition. Additional tree and hedgerow planting is proposed to the northern and southern boundaries and an area of public open space to the front of the site, will further filter views across the site and soften the impact of the development on the surrounding landscape.
- 8.71 The area of public open space to the front of the site would provide informal green space but would not include any formal play equipment or marked out sports provision. This space has been designed with natural surveillance from the properties to the north which would front on to it whilst also allowing for a clear separation between the public and private space.

- 8.72 A contribution towards play and recreational facilities in lieu of on-site provision would be secured as part of a S106 agreement and would enable additional and enhanced provision at the Country Park and/or the recreation ground, both of which would serve the future residents of this development.
- 8.73 An Ecological Scoping Survey and Great Crested Newt Survey were carried out and submitted to support the application. The Ecological Scoping Survey concluded that the site is of low ecological value with no bats, owls, badgers or reptiles recorded on site. The Great Crested Newt Survey concluded that there was no evidence of newts. The local planning authority is therefore satisfied that the proposed development will not have an adverse impact on any protected species.
- 8.74 An updated Preliminary Ecological Appraisal was prepared in May of this year due to the time that had lapsed since the original appraisal. This confirmed the original conclusions that no further surveys are required.
- 8.75 A number of ecological mitigation and enhancement measures are proposed including landscaping and tree planting throughout, the provision of an area of open space to comprise a meadow with tree planting, two attenuation ponds, hedgehog gaps under the close boarded fencing between the plots and bird boxes.
- 8.76 The main area of informal open space to the south of the site will comprise a meadow-grass habitat with areas of wetland and semi-wetland habitat in the south-east and south-west corners. Tree planting is also proposed in this area with the existing hedge on the southern boundary to be replaced with a mixed-species native hedgerow. Other pockets of soft landscaping are also proposed within the development, which will enhance biodiversity.
- 8.77 The Council's landscape and Ecology Officer is satisfied with the landscape and ecology proposals, subject to appropriate conditions to secure appropriate details compliance with the approved plans.
- 8.78 The development would not introduce any adverse effects on protected species or sites, subject to following the recommendations of the submitted reports.
- 8.79 Subject to final detailed landscape plans and securing the biodiversity enhancement measures, it is considered that the proposed development is acceptable in terms of landscape, open space, ecology and biodiversity.
- 8.80 The development is therefore considered to be in accordance with policies CS1 and CS2 of the St Edmundsbury Core Strategy 2010, Policies DM2, DM11, DM12 and DM13 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP.

Flood risk and drainage

- 8.81 The surface water drainage system for the development consists of an attenuated flow into a nearby watercourse. The attenuation is provided via an open feature located within the development's open space which utilises a system of shallow basins with an upper balancing meadow

provided for events in exceedance of the 1in30 year event. This balancing meadow will therefore only fill with water during severe rainfall events and will drain down into the lower basins and into the watercourse shortly after the event as the stored volumes reduce. Details of the future management of the suds features that sit within the open space along with the open space itself can be secured by condition.

- 8.82 Suffolk County Council, as the Lead Local Flood Authority (LLFA), has been actively involved in the evolution of the surface water drainage strategy and recommended a number of changes to the scheme as originally submitted. The LLFA has now confirmed its agreement to the drainage strategy and subject to the imposition of a planning condition requiring the final detailed scheme to be agreed, raise no objection to the proposal.
- 8.83 Anglian Water has also confirmed that they have no concerns with the scheme in terms of wastewater, used water network and surface water and have confirmed that there is available capacity for this development.
- 8.84 Concerns have been raised by the Town Council suggesting that Clare is subject to foul drainage concerns in contradiction to the assessment provided by Anglian Water.
- 8.85 Although not obliged to seek further justification of the capacity within the existing Anglian Water foul network, the Developer has been liaising with Anglian Water to understand the nature of these concerns and any reports of foul water flooding which affect Clare presently.
- 8.86 As part of a commitment to the minimising the effect any new development may have on the community, the applicant has advised that a programme for connections to the foul public sewer will be agreed with Anglian Water to ensure any off-site remedial or reinforcement works that are planned have been co-ordinated.
- 8.87 The reinforcement and provision of capacity within sewerage infrastructure is a statutory obligation of Anglian Water as Sewerage Statutory Undertaker. It is considered that, given the formal statutory response of Anglian Water to this planning application, the completion of works to the Anglian Water system should not be subject to planning conditions on this development
- 8.88 It is considered that the proposed drainage strategies are appropriate to the scale of development and that it has been demonstrated that surface water can be managed within the site to ensure that the development does not cause or exacerbate flooding elsewhere. The proposal is therefore considered to accord with policy DM6 of the Joint Development Management Policies Document and the guidance contained within the NPPF.

Heritage Impacts

- 8.89 The site is located on the edge of Clare and would not impact on the historic core of the town and the conservation area.
- 8.90 Clare Hall, a Grade II listed building adjoins the eastern boundary of the site. The building itself is located approximately 40m from the boundary

with the site and is separated from it by tree and shrub planting. The scheme has been designed with lower density housing along the eastern boundary to minimise any impact from the development. The Conservation Officer is satisfied that the proposal will have no adverse impact on Clare Hall or its setting and as such the proposal complies with policy DM15 in this regard.

- 8.91 In terms of below ground heritage assets, the County Council Archaeological Service has confirmed that the application area has already been subjected to an archaeological trial trench evaluation and no further archaeological work is required.
- 8.92 The development is therefore considered to be acceptable in terms of the impact on heritage assets and does not give rise to any conflict with the relevant Development Plan Policies DM15, DM17 and DM20 of the Joint Development Management Policies Document and Core Strategy Policy CS2.

Sustainability

- 8.93 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, this objective can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.94 The NPPF sets out three overarching objectives in achieving sustainable development which are interdependent and need to be pursued in mutually supportive ways. These are: an economic objective, a social objective and an environmental objective.
- 8.95 The mix and type of housing proposed which includes affordable housing, would help to foster a vibrant and healthy community with a range of homes to meet the needs of present and future generations. The development is also considered to be well-designed with a high-quality architectural approach with detail and variety creating an attractive and locally distinct place that will have new green spaces and provide access to existing green infrastructure.
- 8.96 The necessary infrastructure needs to support this development are secured through condition and S106 planning obligations. Measures to improve biodiversity would also be secured by condition and a sustainable urban drainage system taking account of adjustments for climate change has been incorporated into the scheme.
- 8.97 The development would also bring improvements to sustainable links to the town including a new off-road footpath connection.
- 8.98 The NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
- 8.99 West Suffolk Council declared a climate emergency in 2019 and the West Suffolk Local Plan, which is currently being prepared will play a key role in

implementing the Government and council's ambitions to reduce greenhouse gas emissions and adapt to climate change. Until the new plan is in place it is the existing policies in the Core Strategies of the former Forest Heath and St Edmundsbury areas, and in the Joint Development Management Policies local plan must be applied to all proposals for new development

- 8.100 Policy DM7 of the Joint Development Management Policies Document requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), and requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
- 8.101 The Design and Access Statement sets out that the properties will meet the Building Regulations in relation to water use, the installation of low-energy light bulbs, low-flow sanitary applications and reduced energy consumption through the use of high levels of insulation. Properties will also incorporate water butts to reduce reliance on the use of potable water for garden maintenance.
- 8.102 The Ward Member Councillor Clarke has requested that solar panels be included within the development to provide onsite renewable energy generation. In light of the current development plan policies, the use of a specific renewable technology is not something that the local planning authority can insist upon. However, the applicant has advised that this is something that they would be willing to include.
- 8.103 It is considered that the most appropriate way to secure this or other renewable energy technologies would be through the use of a condition requiring the submission of an energy and sustainability statement for the development detailing how the development adheres to the broad principles of sustainable design and construction, how energy efficiency will be optimised through the use of technology, materials, insulation and construction techniques and what renewable or low carbon sources of energy will be included in the scheme.
- 8.104 A condition would also be used to secure provision for electric vehicle charging points 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.

Affordable Housing

- 8.105 Policy CS5 of the Core Strategy requires developments to provide 30% affordable housing. In this case the 30% of the total development would equate to 15.9 dwellings. In such cases the local planning authority cannot compel the developer to round up the figure to the nearest whole and a commuted sum is sought for the part dwelling.
- 8.106 In this case the development will deliver 15 affordable units on site with a tenure split of 80% affordable rent and 20% intermediate or shared ownership. The provisions for the affordable housing and the appropriate commuted sum would be secured as part of the S106.

8.107 The Strategic Housing Officer initially raised concerns with the unit sizes for the affordable units. The applicant has subsequently made amendments to the proposals to increase the floor area in line with the minimum space requirements stipulated by the Nationally Described Space Standards as shown in the table below:

PLOT NUMBER	PLOT SIZE	PROPOSED FLOOR AREA (M ²)	MINIMUM SPACE REQUIREMENTS (M ²)
Plot 1	4-bedroom 6-person	111.6	106
Plot 2	3-bedroom 5-person	93.8	93
Plot 3	3-bedroom 5-person	93.8	93
Plot 4	3-bedroom 5-person	94.6	93
Plot 5	1-bedroom 2-person	50.0	39
Plot 6	1-bedroom 2-person	54.9	39
Plot 7	2-bedroom 4-person	79.2	79
Plot 8	1-bedroom 2-person	50.4	39
Plot 9	1-bedroom 2-person	55.1	39
Plot 10	2-bedroom 4-person	79.2	79
Plot 11	2-bedroom 4-person	80.4	79
Plot 12	2-bedroom 4-person	80.2	79
Plot 43	2-bedroom 4-person	79	79
Plot 44	2-bedroom 4-person	79	79
Plot 45	2-bedroom 4-person	79	79

8.108 Additionally, the applicant has provided a more detailed schedule including the bedroom floor areas for these units demonstrating that these are in accordance with the minimum size recommendations set out in the Housing Act.

Planning Obligations

8.109 Planning obligations can be secured as to mitigate for any unacceptable impacts in order to make the development acceptable. Such obligations must only be sought where they are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.'

8.110 The following obligations have been requested to mitigate for the impacts of this development:

Affordable Housing:

8.111 The Council's Housing Officer has confirmed support for the scheme and the provision of affordable housing on the site. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider can be secured through the S106.

8.112 As noted earlier in the report the application proposes 15 affordable dwellings as part of the development. As 30% of the development would equate to 15.9 dwellings the additional 0.9 of a dwelling will be secured as a contribution. This is in accordance with the provisions set out in the Council's Affordable Housing Supplementary Planning Document.

Health:

- 8.113 The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 8.114 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- 8.115 NHS England has calculated that the level of contribution required, in this instance would be £31,800.00 and should be made before the development commences.

Open space / play and recreation:

- 8.116 The development triggers a requirement for public open space to serve the future occupants in accordance with Development Plan policies and the Councils' adopted Supplementary Planning Document.
- 8.117 In lieu of the provision of formal play and recreation space onsite a contribution of £39,822.00 is sought for improvements in play and recreation facilities in the vicinity of the development to serve future occupants. This could be directed to the Country park or the recreation ground as both sites would be easily accessible from the development.

Public Rights of Way improvements:

- 8.118 The County Council has requested a contribution of £74,500 to mitigate for increase in use of local routes and to provide local sustainable transport link for the development. This would be used to deliver the off-road sustainable route identified in the Development Brief.

Education:

- 8.119 Suffolk County Council as education authority has currently identified a need for contributions in respect of Secondary School (9 pupils with a total cost of £213,975.00) and sixth form (2 pupils arising with a total cost of £47,550.00).

Libraries

- 8.120 Based on a proportionate approach, the County Council has requested a contribution of £11,488 towards improvements to library facilities. An additional £16 per dwelling for new stock has also been requested which the local planning authority does not currently consider to be CIL compliant. Further evidence and justification on this point will be sought from the County if it is to be included within the S106.

Waste

- 8.121 Based on a proportionate approach the County Council is requesting a contribution of £124 per dwelling towards a new recycling centre. The local planning authority is seeking further evidence and justification on this point regarding CIL compliance.

8.122 The provisions as described above ensure that the effects of the development proposal on local infrastructure, in terms of affordable housing, education, libraries, play and recreational space, public rights of way, healthcare, and waste would be acceptable. The S106 would therefore secure the necessary improvements to existing infrastructure within Clare and the local area in accordance with Core Strategy Policy CS13

8.123 With the exception of the additional libraries contribution and waste contribution, officers are satisfied that they meet the three tests of planning obligations set out in the NPPF, and are therefore justified in planning terms. Further information will be sought in relation to the additional libraries request and the waste contribution. The recommendation at the end of this report makes provision to secure the libraries and waste contributions should it subsequently be justified to do so.

Other matters:

Broadband

8.124 The Ward Member has requested that the development be required to provide highspeed broadband to the new properties.

8.125 Developing a good telecommunications system is an essential part of the future for the West Suffolk and it is important to give it due consideration throughout the development process. However, the planning system's scope and influence with regards to telecommunications is limited with the NPPF requiring local planning authorities to 'support' and 'enable' telecommunication development. The government is seeking to update building regulation legislation in order to install broadband from the outset before development has commenced.

8.126 The existing Local Plan includes a positive policy supporting the provision of telecommunications development. This policy is designed to facilitate the growth and improvement of the telecommunications network whilst keeping the environmental impact to a minimum. It cannot be used to require an individual development to deliver broadband as a planning requirement.

8.127 Notwithstanding the above, the applicant has indicated that they will be looking to deliver broadband to the development.

Waste

8.128 Initially, concerns had been raised by our Waste Team over the positioning of waste collection points in some locations within the site. Some of these concerns relate the distances that refuse workers would need to travel to collect the bins, and some relate to the distances that occupants would need to take their bins for collection.

8.129 A revised waste strategy has been submitted which demonstrates that the maximum distance of travel has been reduced to 25 metres in those areas of the site. It is considered that this is a reasonable distance for collection crews to travel in a limited number of locations across the site.

Summary and recommendation:

- 8.130 Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions.
- 8.131 The proposals are in accordance with the adopted Development Brief and meet the requirements set out in allocation RV11 of the Rural Vision.
- 8.132 It is considered that the proposed development would create a well-laid out and attractive development that responds to its rural setting on the edge of Clare and would not adversely effect nearby heritage assets or their settings.
- 8.133 The development would deliver a policy compliant proportion of affordable housing and it is considered that overall, the development would offer a good level of amenity to future occupants whilst not adversely affect the amenity of any existing properties.
- 8.134 The proposals are considered to be acceptable in highway safety terms and the off-site highways mitigation and improvements to the footpath network meet the relevant policy requirements and improve connectivity to the town by means other than by car.
- 8.135 The Lead Local Flood Authority has confirmed that the proposed surface water drainage scheme is acceptable and Anglian Water has confirmed that there are no capacity issues that would affect their ability to accept flows from this development.
- 8.136 The impacts on trees, ecology and landscape are considered to be acceptable and suitable planting and biodiversity enhancements would be secured by condition. Appropriate sustainability measures including electric vehicle charging would also be secured by condition.
- 8.137 Other impacts arising from the development on local infrastructure including health, education, libraries, open space and recreation and public rights of way would be mitigated for through appropriate obligations within a S106 legal agreement.
- 8.138 In light of the above it is considered that the development is in compliance with the relevant development plan policies and with the National Planning Policy Framework and it is therefore recommended for approval.

Recommendation:

9.0 That planning permission is **GRANTED** subject to:

- 1.) The completion of a S106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):
 - Policy compliant level and tenure split of affordable housing

- Contribution in respect of the 0.9 part affordable dwelling.
- Education contribution – Secondary School £213,975.00 and sixth £47,550.00
- Libraries contribution (if deemed compliant with CIL Regulation 122)
- Waste contribution (if deemed compliant with CIL Regulation 122)
- Public rights of way improvements - £74,500
- Off site Play and Recreation - £39,822.00
- NHS - £31,800.00

In the event that there are any substantive changes to the S106 package, then this will go back to the Chair of the Planning Committee to determine whether it is necessary to bring the proposals back before the committee.

2.) The following conditions:

1. Time

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

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

2. Approved Plans

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

Drawing / Document	Reference number
Location Plan	J1072982-CB-01
Site layout Plan	4164-01 REV K
Plot 1 - Elevations	4164/03 B
Plot 1 - Grd. & 1st Floor Plans	4164/04 rev B
Plots 2&3 - Elevations	4164/05 rev A
Plots 2&3 - Grd. & 1st Floor Plans	4164/06 rev B
Plots 4-6 - Elevations	4164/07 rev B
Plots 4-6 - Grd. & 1st Floor Plans	4164/08 rev B
Plots 7-10 - Elevations	4164/09 rev B
Plots 7-10 - Grd. & 1st Floor Plans	4164/10 rev B
Plots 11&12 - Elevations	4164/11 rev A
Plots 11&12 - Grd. & 1st Floor Plans	4164/12 rev A
Plots 13&14 - Elevations	4164/13 rev A
Plots 13&14 - Grd. & 1st Floor Plans	4164/14 rev A
Plot 15 - Elevations	4164/15 rev A
Plot 15 - Grd. & 1st Floor Plans	4164/16 rev B
Plot 16 - Elevations	4164/17 rev B
Plot 16 - Grd. & 1st Floor Plans	4164/18 rev A
Plots 17-19 - Elevations	4164/19 rev A

Plots 17-19 - Grd. & 1st Floor Plans	4164/21 rev A
Plots 20-23 - Elevations (1)	4164/22 rev A
Plots 20-23 - Elevations (2)	4164/23 rev A
Plots 20-23 - Grd. Floor Plan	4164/24 rev A
Plots 20-23 - 1st Floor Plan	4164/25 rev A
Plot 24 - Elevations	4164/26 rev A
Plot 24 - Grd. & 1st Floor Plans	4164/27 rev B
Plot 25 - Elevations	4164/28 rev A
Plot 25 - Grd. & 1st Floor Plans	4164/29 rev A
Plot 26 - Elevations	4164/30 rev A
Plot 26 - Grd. Floor Plan	4164/31 rev A
Plot 27 - Elevations	4164/32 rev A
Plot 27 - Grd. Floor Plan	4164/33 rev A
Plot 28 - Elevations	4164/34 rev A
Plot 28 - Grd. Floor Plan	4164/35 rev A
Plot 29 - Elevations	4164/36 rev A
Plot 29 - Grd. Floor Plan	4164/37 rev A
Plot 30 - Elevations	4164/38 rev A
Plot 30 - Grd. & 1st Floor	4164/39 rev A
Plot 31 - Elevations	4164/40 rev A
Plot 31 - Grd. & 1st Floor Plans	4164/41 rev A
Plot 32-33 elevations	4164/42
	4164/43
Plot 34 elevations	4164/44
	4164/45
Plots 35-37 elevations	4164/36
	4164/
Plot 38 elevations	4164/48
	4164/
Plot 39-40 elevations	4164/50
	4164/
Plot 41-42 elevations	4164/52
	4164/
Plot 43-45 elevations	210P1
Highways works on cavendish Road, overview.	045/2011/24 rev P2
Highway Works on Cavendish Road West of site entrance (1-3 of 6)	045/2011/21 rev P2
Proposed Access and Offsite Highways Works (4-6 of 6	045/2011/22 rev P5
Visibility Assessment	045/2011/30 RevP1
Vehicle Tracking and Max Refuse Collection Points	045/2011/27 Rev P2
Existing Surface Water Flow Paths and Outfall Route	045/2011/02 Rev P1
Proposed Surface Water Drainage Layout	045/2011/03 Rev P4

Drainage Standard Details and Pond Cross Section	045/2011/04 Rev P1
Interception Drain to North Boundary	045/20112/05 P2

Reason: To define the scope and extent of this permission

3. Construction and site management plan – pre commencement

Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation.

The programme shall include:-

- a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities;
- b. access arrangements for contractors' vehicles (locations and times), parking and turning for vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials and a methodology for avoiding mud from the site tracking onto the highway with a strategy for remedy of this should it occur.
- 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: This condition is pre-commencement as it relates to details that must be agreed before any work commences in order to safeguard the amenity of neighbouring properties in accordance with policy DM2 of the Joint Development Management Policies Document 2015. The condition is also required to avoid the hazard caused by site personnel parking on the highway, to avoid mud and debris being brought on to the highway.

4. Construction Surface Water - pre-commencement

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

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

Reason: This condition is pre-commencement to ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan

5. Detailed surface water drainage – pre-commencement

No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (FRADS) by GH Bullard Associates, ref. 045/2011/FRA Rev E and dated Feb 2018 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off to greenfield runoff rates (5l/s) and at least 734m³ of surface water storage on site, as outlined in the FRADS. Details to be submitted include:-

1. Dimensioned drawings showing all aspects of the surface water drainage system (including an impermeable area plan). Section details of the proposed storage areas shall also be submitted showing the level benches.
2. Modelling or similar method shall be submitted to demonstrate that the surface water discharge to the receiving watercourse will be restricted to 5l/s for all events up to the critical 1 in 100yr +CC rainfall event.
3. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100yr rainfall event including climate change.
4. Modelling of the pipe network in the 1 in 30yr rainfall event to show no above ground flooding.
5. Modelling of the volumes of any above ground flooding from the pipe network in a 100yr + climate change rainfall event, along with topographic plans showing where water will flow and be stored to ensure there is no flooding to buildings on the site and there is no flooding in the immediate area due to offsite flows. These flow paths will demonstrate that the risks to people are kept to a minimum.
6. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse.
7. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
8. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.

Reason: The condition is pre-commencement to ensure that the appropriate details to deliver the approved strategy are secured to ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure that the proposed development can be adequately drained.

6. Site Access - Pre commencement

Before any plant, machinery or materials are brought onto the site and prior to the first commencement of development, full details of the proposed construction site access (including the position of any gates to be erected, visibility splays provided and drainage or other existing infrastructure to be altered) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to first use or any other part of the development taking place and no other access to the site shall be used during the construction phase.

Reason: This condition is pre-commencement to ensure that the site access for construction purposes is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

7. Deliveries Management Plan - pre commencement

All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

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

Reason: This condition is pre-commencement as it relates to details that must be agreed before any work commences in order to reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

8. Access details - Prior to access construction

Prior to the access being constructed details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

The ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.

Reason: To ensure an appropriate and safe access into the development and to ensure uninterrupted flow of water and reduce the risk of flooding of the highway.

9. Offsite highway work - pre commencement

No part of the development shall be commenced until details of the proposed off-site highway improvements indicatively shown on Drawing Nos. 045/2011/22 REV P5 and have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.

Reason: To ensure the appropriate final details for the highway improvements to be finalised at an early stage to enable them to be carried out at an appropriate time to improve the safety of pedestrians and other road users.

10. Internal road details - pre commencement

Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, street lights, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This condition is required to be pre-commencement as it relates to the design of sub surface structures to ensure that roads/footways are constructed to an acceptable standard.

11. Fire Hydrants – pre-commencement

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

Reason: The condition is pre-commencement to ensure the adequate supply of water for firefighting/community safety.

12. Tree protection - pre commencement

The trees shown on drawing number LSDP11418.01 Rev A shall be protected in accordance with BS5837: 2012 before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: The condition is pre-commencement to ensure that appropriate protection is in place prior to work commencing to ensure that the most important and vulnerable trees and landscape features are adequately protected during the period of construction.

13. Construction hours - during construction

The hours of construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to between 07:00 and 18:00 hours on Mondays to Fridays and 08:00 and 15:00 hours on Saturdays. No construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of neighbouring properties in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

14. Vegetation Clearance – during construction

Notwithstanding the approved details or any details submitted in compliance with the requirements of any other conditions imposed upon this grant of planning permission, there shall be no clearance of any existing vegetation upon the site or other site clearance works during the bird nesting season (March - September inclusive), without the written agreement of the local planning authority following the submission of survey information, undertaken by a competent ecologist to assess the nesting bird activity on site during this period.

Reason: In the interests of protecting nesting birds and to comply with policies DM11 and DM12 of the Joint Development Management Policies Document.

15. Sustainable Design and Construction details – pre-above ground

No development above ground level shall take place until, an energy and sustainability statement for the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development adheres to broad principles of sustainable design and construction and how energy efficiency will be optimised through the use of renewable and other technology, materials, insulation and construction techniques. The development shall be carried out in accordance with the approved strategy.

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.

16. Designing out opportunities for crime – pre-above ground

No above ground construction shall take place until the details of the measures and strategies to design out opportunities for crime have been submitted to and approved in writing by the Local Planning Authority. The measures shall include as a minimum:

- details of the anti-crime features to be provided for each dwelling including the use of security lighting, where appropriate;
- details of measures to improve the safety of rear access paths including the use of gates, boundary treatments and lighting; and
- Details of boundary treatments to provide safe and secure private amenity spaces and clear demarcation of public and private spaces.

All work shall be carried out in accordance with the approved details.
Reason: To ensure that the development is appropriately designed to reduce the likelihood of crime in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

17. Waste Strategy – pre-above ground

Notwithstanding the information submitted with the application, no development above ground level shall take place until a waste strategy has been submitted to the local planning authority and agreed in writing.

Such a strategy shall include full details of the bin storage and collection points including presentation areas for individual dwellings and groups of dwellings. The details shall clearly indicate presentation points and the properties they would serve and shall include details of the distances from dwellings to those bin presentation points where they are not on the property.

Reason: To ensure adequate provision for bin storage and bin presentation in the interests of visual and residential amenity and to ensure the safe operation of the highway within the development in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

18. Fire hydrants – pre above ground

No above ground construction shall take place until a scheme for the provision of fire hydrants has been submitted to the local planning authority and agreed in writing. The fire hydrants shall be provided in accordance with the approved scheme and thereafter retained in their approved form.

Reason: To ensure an adequate supply of water for firefighting in the interests of community safety.

19. Boundary Treatment - pre above ground

Notwithstanding the details previously submitted in relation to the boundaries of the site, no construction above ground level shall take place on the site until full details of the boundary treatments within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted and in the case of hard boundaries must include provision for hedgehog permeability (with gaps of 13x13cm at ground level).

The approved boundary treatments in relation to residential plots shall be constructed or erected before the dwelling to which it relates is first occupied. Other on site boundary treatments shall be completed before the first occupation of any dwelling on the site. Where boundaries include soft landscaping, planting shall be done so within 12 months of the date on which those details are agreed or in accordance with a timetable agreed in writing with the local planning authority. Any planting removed, dying, being severely damaged or becoming seriously diseased within five

years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted.

Reason: To ensure the use of appropriate boundary treatments in the interests of visual and residential amenity and to ensure boundary treatments do not adversely affect connectivity of the site for hedgehogs in accordance with policies DM2, DM12 and DM22 of the Joint Development Management Policies Document 2015.

20. Hard landscaping - pre above ground

No construction above ground level shall take place until full details of the hard landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features. The scheme shall be implemented prior to the first occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To enhance the appearance of the development in accordance with policy DM2 and DM22 of the Joint Development Management Policies Document 2015.

21. Soft Landscaping and Biodiversity Enhancement Details - Pre above ground

Notwithstanding the structural landscaping details provided, no above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. Planting should include native species and a mixture of trees and shrubs that provide nectar, fruit, or seeds to maximise foraging opportunities for invertebrates, birds, and bats.

Additional biodiversity enhancements should include the creation of additional hibernation features suitable for use by amphibians and the provision of artificial bird and/or bat boxes targeted towards species that are notable regionally or nationally.

The approved scheme of soft landscaping and biodiversity enhancement works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available

planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and enhance biodiversity in accordance with policies DM2 and DM12 of the Joint Development Management Policies Document.

22. Materials - prior to construction

No construction using visible facing or roofing materials take place until details of those facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance that respects the character of the area in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document and the guidance set out in the adopted Development Brief.

23. Access Surface Water - pre above ground

Prior to any construction above ground level taking place on the site, 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. 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.

24. Visibility splays - prior to first use of the access

Before the access is first used visibility splays shall be provided as shown on Drawing No. 045/2011/22 REV P5 with an X dimension of 2.4 metres 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: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

25. Carriageway and footway construction - prior to first occupation

No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: To ensure that satisfactory access is provided for the safety of

residents and the public.

26. Parking - prior to first occupation

Prior to the first occupation of any of the dwellings hereby approved, the areas within the site shown on Drawing No. 4164-01 REV K for the purposes of manoeuvring and parking of vehicles and for the purposes of secure cycle storage have been provided and thereafter that 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.

27. Cycle storage for dwellings – Prior to occupation

Prior to the first occupation of any dwelling, the cycle storage for that dwelling, as indicated on drawing no. 8946/22 rev C shall be provided. Where it is indicated that this will be within the rear garden it shall be provided in the form of enclosed, secure storage with a minimum size of 3m² shall be provided prior to the first occupation of that dwelling.

Reason: To ensure the provision of adequate cycle parking to promote sustainable transport in accordance with the North West Bury St Edmunds Masterplan, policies DM2, and DM22 of the Joint Development Management Policies Document 2015 and chapter 8 and 9 of the National Planning Policy Framework 2019.

28. Refuse/recycling bins - prior to first occupation

The areas to be provided for storage and presentation for collection of Refuse/Recycling bins as shown on Drawing No. 4164-01 REV K shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

29. Public Open Space and landscape management and maintenance – prior to first occupation

Prior to the first occupation, full details of the proposed arrangements for future management and maintenance of the public open space, including the associated suds features, shall be submitted to the local planning authority and agreed in writing.

The details must include a full landscape management plan, including long term design objectives, and maintenance schedules for all soft landscape areas, included associated suds features (other than small privately owned domestic gardens) together with a timetable for the implementation.

The details must also specify the appointed management company or adopting body, and the proposed management arrangement. The open spaces shall thereafter managed and maintained in accordance with agreed details.

Reason: To ensure that public open space is adequately maintained for the benefit of the community and in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

30. EV charging – prior to first occupation

Prior to first occupation of any dwelling with off street, on plot, parking (Plots 15-16, 19-34, 38, 46 to 53), the relevant dwelling shall be provided with a suitable consumer unit and wiring to allow the future installation of an electric vehicle charge point capable of 7kWh charging at a reasonably and practicably accessible location.

Prior to first occupation of dwellings served by a parking court, the relevant parking court shall be provided with two electric vehicle charge points capable of at least a 7kWh charge, available for communal use.

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.

31. Suds Components details - prior to first occupation

No dwelling hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

32. Water consumption - prior to occupation

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

Reason: In the interests of sustainability in accordance with policy DM7 of the Joint Development Management Policies Document 2015.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/17/1252/FUL>

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.