

## **Development Control Committee 1 June 2022**

### **Planning Application DC/22/0172/FUL – Land adjacent to 1 and 2, Park Garden, West Row**

<b>Date registered:</b>	21 February 2022	<b>Expiry date:</b>	18 April 2022 EOT 08.06.2022
<b>Case officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	West Row	<b>Ward:</b>	The Rows
<b>Proposal:</b>	Planning application - six dwellings with access, parking and associated site work		
<b>Site:</b>	Land Adjacent to 1 and 2, Park Garden, West Row		
<b>Applicant:</b>	Mr Gavin Wells		

**Synopsis:**

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

**Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

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## **Background:**

**The application has been referred to Development Control committee following consideration at the Council's Delegation Panel. The Officer recommendation for APPROVAL conflicts with the Parish Council objection on highway safety grounds and queries raised by Ward Councillor Don Waldon with regards to the commencement of a previous permission and subsequent fallback position.**

## **Proposal:**

1. Planning permission was granted on the wider application site in outline under reference DC/14/2407/OUT for 7 dwellings. Reserved matters were subsequently approved and development commenced on plot 5. Six plots have subsequently been sold to the applicant who wishes to make minor material changes to the approved 6 dwellings, hence the submission of a new full application to change the layout and design of 6 of the 7 plots. Plot 5 will be built out as already approved.
2. The application proposes 6 detached dwellings, three with attached garages and two with detached garage. Five of the dwellings will be 4-bedroom properties and one a 5 bedroom house. Plot 5, which has approval for a 5 bedroom house has been excluded from the application site and would be built under the extant permission. The site would be accessed from Park Gardens via an existing private access road and each dwelling would benefit from a private rear garden.
3. The application has been amended. Originally an area for bin presentation off Park Garden was proposed and this has now been removed (this matter is addressed in the Officer comments section of the report).

## **Site details:**

4. The site is located to the west of the village and covers an area of approx. 0.49 hectares. It is agricultural land outside of, but adjacent to, the defined settlement boundary for West Row as defined by policy SA1 and CS1, where generally policy DM5 applies. The site is not allocated for housing. The Officer comments section below from para 22 explains why permission was originally granted despite being outside of the settlement boundary. The site is relatively rectangular and fairly level. There is no significant vegetation on site besides a hedge along the southern boundary is to be retained.
5. The site is accessed through the residential cul-de-sac at Park Garden and via Parkers Drove that leads onto Friday Street. Park Garden comprises of three detached properties that are served by the shared road that leads onto Parkers Drove. Other properties accessed from Parkers Drove are No. 4 Park Garden, Nos. 1 & 2 Parkers Drove and Nos. 6, 9 & 62 Friday Street.
6. Residential properties lie to the north, east and south-east corner of the application site and the boundaries of the rear gardens of those properties are defined by fences and/or hedges with some trees and other vegetation. Agricultural fields lie to the south and west of the site with mature vegetation and hedge along the southern boundary of the site and an established area of trees further to the west.

**Planning history:**

7.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/14/2407/OUT	Outline Planning Application (Means of Access to be considered) - Revised Scheme of F/2013/0329/OUT - Construction of 7 detached dwellings	Application Granted	13 February 2015
DC/16/0741/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/14/2407/OUT - scale, appearance, landscaping and layout for 7 no. dwellings	Application Refused	1 July 2016
DC/16/2671/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/14/2407/OUT - scale, appearance and layout for 7 no. dwellings	Application Granted	22 February 2017
DCON(1)/14/2407	Application to Discharge Condition 8 (refuse collection strategy) of DC/14/2407/OUT	Application Granted	27 November 2017
DC/17/2149/RM	Reserved Matters Application - Submission of details under Outline Planning Permission DC/14/2407/OUT - the landscaping details for 7 no. detached dwellings	Application Granted	7 December 2017
DCON(B)/14/2407	Application to Discharge Conditions 4 (Soft Landscaping), 5 (Hard Landscaping), 6 (Boundary Treatment), 7 (Surface water Drainage), 10 (Construction method statement) of DC/14/2407/OUT	Application Granted	17 September 2019
NMA(A)/14/2407	Non-material amendment to DC/14/2407/OUT - Amend condition 11 from provision of Fire Hydrants (as detailed on decision	Application Granted	25 September 2019

notice DC/14/2407/OUT)  
to provision of sprinkler  
systems within each  
dwelling: 'Prior to  
occupation each dwelling  
hereby approved shall be  
fitted with a domestic  
sprinkler systems'

F/2013/0329/OUT	Outline application: erection of 7 detached dwellings	Approve with Conditions	26 November 2013
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## Consultations:

### 8. Public Health And Housing

No objection subject to implementation in accordance with the submitted Construction Management Strategy and restricted construction and delivery hours and construction lighting to ensure no glare to neighbours.

### 9. Waste Management Operations Manager

Concerns were raised about accessibility of the site by bin lorries and if this was the intention swept paths drawing would be required. Concerns were also raised about dragging distances to the proposed collection point.

From the previous application it was clear that it is not feasible for the Council's bin lorries to enter the site. The bin collection was previously agreed within the access road. The waste team agreed, given other examples in West Row where the dragging distances have been exceeded, that on balance the proposal would be acceptable.

Officer note: The applicant has however explored alternative waste collection services which are proposed to be used for the waste collection from within the site, which is a better option in terms of amenity and convenience for future occupants. An informative will be attached to highlight this site specific arrangement.

### 10. Environment Team

Contaminated land:

Based on the submitted Desktop Study Report undertaken by Your Environment, reference YEX3689 dated February 2022, for the above site, this Service is satisfied that the risk from contaminated land is low.

Air quality:

Paragraph 107 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account' e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' Paragraph 112 of the NPPF states that 'applications for development should' be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'

Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to

promote modes of transport with a low impact on air quality (such as electric vehicle charging points)."

Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ' and ensure no deterioration to either air or water quality.

Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge all in new dwellings.

The Environment Team therefore recommends the below condition requesting electric vehicle charge points is attached to the planning consent, should planning be granted, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.

### **11.Environment & Transport - Highways**

No objection based on a review of the collision data of the last 10 years, actual visibility splays and speeds and pedestrian connectivity to local services. Standard conditions recommended to secure parking, cycle storage and vehicle charging points.

### **Representations:**

#### 12.Parish Council

Objects on '1. Access – safety to access for fire and emergency vehicles and access to bin lorry. 2. Increased traffic – number of vehicles per house'

#### 13.Ward Councillor

Cllr Don Waldron raises concerns with regards to the commencement of the previous permission stating that 'digging a trench with no concrete is not a foundation' and that the trench should be reopened to evidence whether foundation were poured or not.

#### 14.Objections have been received from 10 properties on Park Garden and Friday Street, which can be read in full on the application online file. They raise the following summarised concerns:

- Whether works had commenced and the 2014 planning permission is extant
- Highways safety / Access from Friday Street / Access into the site via Parkers Drove and Park Garden
- Overlooking
- Massing / outlook from Friday Street properties
- Waste collection from Parkers Drove would mean long bin dragging distances and adverse effect on visual amenity
- Damage to private road from construction vehicles
- Stress and inconvenience during construction period

### **Policy:**

#### 15.On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were

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

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

SA1 - SALP 2019 SA1 - Settlement boundaries

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS3 - Landscape character and the historic environment

Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change

Core Strategy Policy CS5 - Design quality and local distinctiveness

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

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

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM46 Parking Standards

## **Other planning policy:**

### 17. National Planning Policy Framework (NPPF)

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

## **Officer comment:**

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

- Principle of development
- Layout, design and scale
- Residential Amenity
- Landscape and biodiversity
- Other Matters
- Waste collection/ Emergency access

## **Principle of Development**

19. The principle and detail for development of the whole site by 7 dwellings (including 30% affordable housing) was established by grant of permission in outline with all matters reserved under reference F/2013/0329/OUT. Planning permission was granted despite the site being outside of the settlement boundary for West Row because at the time the Council was unable to demonstrate a five-year housing supply (at that time the supply was 3.6 years). On that basis, in accordance with NPPF, relevant development plan policies could not be considered up-to-date. The LPA was required to grant planning unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole"*.

20. The LPA concluded that West Row has been identified as a Primary Village within the Core Strategy that can accommodate growth and in terms of location, the proposed development was considered to relate well to the existing settlement and benefits from easy access to local services and facilities as well as some public transport. The concerns raised by local residents at the time had been taken into consideration and in particular, a balanced view had been taken with regard to the potential impact on highway safety. The application had to be considered against the requirements of paragraph 14 of the Framework at the time and as such, Officers concluded that the benefits of the proposal in terms of delivering housing in a sustainable location outweigh any adverse impacts. Consequently, planning permission was granted by the council's Development Control committee in 06 November 2013.

21. In February 2015, following changes to the threshold for affordable housing contributions, planning permission was then granted under reference DC/14/2407/OUT for 7 market dwellings. Whilst the Council could demonstrate a five-year housing supply when considering the 2014 application, the principle of development had already been established and the Council's housing policies were still out of date as Core Strategy policy CS7 was quashed, so there was no defined housing distribution for the District. Assessed against the NPPF 2012 as a whole, it was not considered that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
22. Reserved matters applications were subsequently submitted and approved under DC/16/2671/RM (scale, appearance and layout) in February 2017 and the last reserved matter under DC/17/2149/RM (landscaping) in December 2017.
23. All pre-commencement conditions had been discharged and works commenced in October 2019. As evidenced by photos and building control records, trenches were dug for the garage associated with plot 5 of the approved development.
24. The concerns by local residents and the ward member in relation to whether the works undertaken in October 2019 took place before the permission expired and whether the works constitute commencement are noted and a legal view has been obtained.
25. On the basis of the evidence available the outline permission for 7 dwellings and subsequent reserved matters (which together form one permission) has lawfully been commenced and as such is extant and can be implemented. This previous permission therefore is a fallback position (as development can still be built out under it) which establishes the principle of development and is a material consideration in the determination of this current application to change 6 of the 7 plots.
26. The threshold for claiming that development has been begun is very low. Case law established that no major works are required and trenches or part trenches do not have to have foundations poured to constitute lawful commencement. To clarify what constitutes commencement in planning terms reference should be made to The Town and Country Planning Act 1990 which deals with the issue of commencement as follows:

By virtue of section 56(1) development of land is taken to be commenced:

  - (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
  - (b) if the development consists of a change in use, at the time when the new use is instituted;
  - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).
27. Section 56(2) goes on to provide that development shall be taken to be begun on the earliest date on which any material operation "comprised in the development" begins to be carried out. The effect of section 56 is that permissions may be 'kept alive' indefinitely; i.e. remain legally extant and capable of full implementation despite expiry conditions if works or actions to implement them have lawfully commenced.



28. These "material operations" (previously referred to as "specified operations" in sec.43 of the 1971 Act) are listed at section 56(4) of the Act and they are as follows:
- A. any work of construction in the course of erection of a building;
  - AA. any work of demolition of the building;
  - B. the digging of a trench which is to contain the foundations, or part of the foundations of any building;
  - C. the laying of any underground main pipe to the foundations or part of the foundations of a building, or to any such trench mentioned in para.(b).
  - D. any operation in the course of laying out or constructing a road or part of a road;
  - E. any change in the use of the land which constitutes material development.
29. The Council's building control team has a record of commencement on site in October 2019, when a surveyor attended the site and witnessed the commencement of foundations for the garage of approved plot 5. Building Control confirmed that the works were classed as having commenced on site. Further evidence in the form of photos have also been submitted and are on the public file.
30. Officers note that concerns were raised about the fact that the trenches were backfilled. However, case law holds that a foundation trench of the requisite width and depth to contain foundations which were dug and then backfilled constituted commencement – High Peak BC v SoS for the Environment [1981] JPL 366.
31. The test to consider when establishing if permission is extant is whether the work was done in accordance with the planning permission and whether it was material in the sense of not being de minimis – East Dumbartonshire Council v SoS for Scotland and MacTaggart & Mickel Ltd [1991] 1 PLR 53
32. It is also important to note that all pre-commencement conditions have been discharged – this is known as the Whitley principle and was the case here. Works carried out under a planning permission cannot qualify as a commencement unless that work is also carried out in compliance with the conditions subject to which the permission was granted. Again, this was the case here, no conditions have been breached when the trenches were dug.

### **Summary on principle**

33. In summary, all pre-commencement conditions had been discharged and the trenches for the garage of plot 5 were dug in October 2017 before the permission would have expired in December 2017. Notwithstanding the fact that the trenches have been backfilled works have been commenced in accordance with the approved plans and cannot be considered de minimis, the previous permission is therefore considered to have lawfully commenced.

34. On this basis the principle of development of the site has been established and only the proposed changes and their potential impacts can be considered.
35. As set out above this application seeks changes to 6 of the approved 7 plots whilst the 7<sup>th</sup> dwelling (plot 5) will be built out under the extant planning permission and does not form part of this application.

### **Scale, layout and design**

36. The site is rectangular in shape and as previously approved, two dwellings and the former plot 5 are proposed on the western side and four dwellings on the eastern side of the central access. The access slightly curves into the site allowing a more even distribution of the properties and their rear gardens. The six dwellings proposed are of the same scale and similar layout than that already approved. The main changes are the re-orientation of plot 6 to face the access road as opposed to being gable end on, facing plot 5 to the south. The garages to plots 1 to 4 are linked rather than integrated as previously approved. A vehicle turning head and field access into the field to the west will remain as approved. There will be five 4 bedroom dwellings and one 5 bedroom dwelling, which is the same as that already approved. There would therefore be no intensification resulting from this proposed scheme when compared to the approved scheme.
37. The chalet style design is fairly traditional in appearance. The application proposes facing brickwork, traditional brick & stone - Farmhouse Blend to plot 2, 4 and 7 and facing Granchester Blend to plot 1, 3 and 6. Weatherboarding in dark grey is proposed for the garages and grey concrete tiles to the roofs. The mix of materials and the scale proposed reflect the local vernacular and will add to the variety of build development in the area. On this basis the application complies with policies DM2, DM22 and CS5 in this respect.

### **Residential amenity**

38. Concerns have been raised by local residents, particularly off Friday Street, about potential overlooking from plot 4 and the loss of view and outlook to the rear of these properties and The Lilacs. However, the ridge height of the approved and proposed scheme is unchanged at 7.5 meters and therefore impacts in terms of outlook remain the same. Whilst staggered and slightly closer to the boundary in places when compared to the approved scheme, the distance from the rear elevation to the rear boundary of plot 4 has increased.
39. The proposed dwellings are between 13.3 meters (plot 1), 15 meters (plot 2), 14.5 meters (plot 3) and 20.8 meters (plot 4) from the rear boundary of the application site, which backs onto the rear gardens of properties on Friday Street. As such the stand-off between the proposed chalets and existing bungalows on Friday Street is well over 20m. The comments from adjacent properties are noted and whilst it is acknowledged that the presence of chalets on this currently undeveloped field will be notable loss of view is not a material planning consideration. Whilst the Council does not have adopted design standards, a back-to-back stand-off in excess of

20 meters is not considered to cause unacceptable loss of outlook or be overbearing nor would it cause unacceptable overlooking.

40. Plot 4 will be sited approximately 2.2m away from the side boundary with The Lilacs. Whilst this is closer than the approved scheme, the proposed chalet will only have an en-suite bathroom window at first floor in the side elevation towards The Lilacs, which can be conditioned to be obscure glazed, and a kitchen window at ground floor. The existing boundary hedge is to be retained and will provide additional screening, albeit a 1.8m fence will provide sufficient privacy to existing and future occupants.
41. The proposal therefore is not considered to be contrary to policy DM2 and DM22 in this respect.

### **Highways issues**

42. The access from Friday Street into and out of Park Garden is on a bend and concerns have been raised by local residents about the safety along this junction in terms of highways safety. However, the approved scheme for 7 dwellings and the proposed scheme for 6 plus the former plot 5, will result in the same number of dwellings, 7 in total, comprising of five 4 bedroom and two 5 bedroom properties with the same amount of parking per property, which is ample and meets the current Suffolk Guidance for Parking.
43. The highway authority confirmed no objection to the proposal following a thorough assessment of the site. Based on a review of collision data of the site which reveals no recorded incidents in the past 10 years the access does not indicate an immediate highway safety risk. Visibility from the junction of Park Garden and the blind bend on Friday Street (approx. 40m) is deemed sufficient to allow for adequate inter-visibility between highway users. According to Manual for Streets, junctions within a 30mph zone require a minimum of 43m of visibility to allow for sufficient distance to allow vehicles at this speed to safely stop. It is anticipated that the speeds at this location will in fact be lower than 30mph due to the geometry of the road network which will further reinforce the suitability of the visibility splay.
44. There is sufficient pedestrian provision in the surrounding area, including public rights of ways west of the site, to allow for pedestrians to safely walk to local services such as village halls and schools. The highway authority does not consider that the scale of development would warrant any significant increase in the pedestrian provision.
45. The access utilised by the proposed development would remain as approved and given the scale of development does not change, the traffic generated from the proposed scheme must be assumed to be the same as that of the approved scheme. As such highways matters have already been accepted. The proposal would not be contrary to DM2 and DM46 in this respect.

### **Landscape and biodiversity**

46. The application site lies on the edge of the developed envelope of West Row with open countryside beyond. A Public Right of Way runs further

west of the site. As such the development may be glimpsed in public views. The boundary treatment along this western boundary is particularly important to ensure an appropriate relationship with the countryside. As previously approved, the application proposes a 1.4m high post and rail fence along the western boundary to be planted with a native hedge. Between the plots and along the northern boundary will be close boarded fencing to provide privacy to neighbouring properties and future residents. The existing mature hedge along the southern boundary will be retained. Amenity grassland and additional trees are proposed within the site.

47. The application is supported by an ecology report, which concludes that the site does not contain suitable habitat for protected species and the likely impacts from the development on protected species are negligible. The report includes recommendations for mitigation and biodiversity enhancements, including hedgehog gaps within the close boarded fencing, a native bat friendly hedge along the western boundary and bat and bird boxes. Details of enhancement measures can be secured by condition.
48. Subject to the proposed planting of a native hedge and details for biodiversity enhancement to be secured by condition the proposal is considered to comply with policies CS3, DM11, DM12 and DM13 and the NPF in this respect.

### **Other Matters**

49. Archaeological fieldwork and reporting has been completed on the site and no further investigations are required in order to comply with policy DM20.

The planning history of the site does not give rise to concerns with regards to risk from contamination, as such the application does not conflict with policy DM14. Policy CS4 states that the Council will promote and encourage all development proposals to deliver high levels of building sustainability. Electric vehicle charge points as suggested by the Environment Team would be secured in accordance with the comments from the Councils Environment Team above.

The site is within flood zone 1 and states in the application form that drainage will be dealt with by soakaways. The proposal is of a scale where the details would be dealt with through building regulations. There is therefore no conflict with policy DM6 in this respect.

Construction traffic and hours of construction

50. Concern was raised about construction traffic and hours by residents. A construction management plan has been submitted with the application and Public Health and Housing have recommended standard construction hours to be imposed to ensure impacts on local amenity are minimised. Wear and tear to the private access road is a civil matter. However, it is the responsibility of the site owner, who is aware of the access constraints, and their contractors to ensure they cause no damage to private property and to rectify any damage which may be caused by them.
51. Anyone with an interest in the access may keep a photographic record of the condition of the access before the development begins and could raise any concerns with the developer to make them aware of the issues.

Independent legal advice could also be sought about the responsibilities on the owner and contractors. However, these matters are outside of the control of the planning process.

### **Waste collection/ Emergency access**

52. The application originally proposed a collection point off Park Garden which would have meant that the residents would have to drag their bins well over the recommended maximum dragging distance set out in the West Suffolk Waste Guidance. Whilst the approved scheme already exceeds the recommended maximum dragging distance of 30m by approx. 40m, the proposed location only extends this by a further approx. 15 metres, as such, in the view of officers this alone would not be sufficient to justify refusal. The developer has explored alternative private collection services. The application proposes collection from within the site by a private provider.
53. Concerns were raised by local residents about impact on amenity from the activity associated with the bin presentation. However, whilst this would be a weekly occurrence and as such not a constant issue that would warrant refusal, the amended proposed private collection addresses this point as well.
54. SCC Fire and Rescue Services have been consulted and confirmed that subject to fire sprinklers within the properties they have no concerns or objections. These have been secured by condition on the approved scheme and would be secured again.

### **Summary and Conclusion:**

55. The principle of development has been established through the extant outline and reserved matters permissions and a scheme for 7 dwellings can and would be implemented regardless of the outcome of this application. The changes proposed through this application relate to the layout of 6 of the 7 plots and their design. Reserved matters approval cannot be varied under the provisions of s73 of the Act, hence a new full application has been submitted for these 6 plots. The design proposed is acceptable in this location which is characterised by a variety of dwelling designs and sizes. Loss of view is not a material planning consideration and impacts on outlook or overlooking are considered to be acceptable, nor will the proposals be overbearing given the 7.5m chalet height and considerable separation from the rear boundary of between 13.3m and 20.8m. Waste collection is proposed to be provided by a private service provider from within the site, which will be an improvement to the current approved scheme.
56. The scale of the development and access will remain unchanged from the approved scheme such that there would not be an adverse effect on highway safety as a result of this revised scheme and parking provision will be in accordance with the current standards.
57. The principle and detail of the proposals, subject to conditions, are therefore considered acceptable and the application is recommended for approval subject to conditions.

## Recommendation:

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

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reference number	Plan type	Date received
JP-2021-014-70 Plot 7	Proposed elevations & floor plans	2 February 2022
JP-2021-014-60 Plot 6	Proposed elevations & floor plans	2 February 2022
JP-2021-014-10 Plot 1	Proposed elevations & floor plans	2 February 2022
JP-2021-014-40 Plot 4	Proposed elevations & floor plans	2 February 2022
JP-2021-014-30 Plot 3	Proposed elevations & floor plans	2 February 2022
JP-2021-014-20 Plot 2	Proposed elevations & floor plans	2 February 2022
JP-2021-014-1 Rev.A	Location & block plan	20 April 2022

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

- 3 Before the dwelling at plot 4 hereby permitted is first occupied/brought into use, the first floor bathroom window in the south elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights up to 1.70m from floor level and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The Construction Management Statement received on 02 Feb 2022 shall be adhered to throughout the construction period.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 No construction HGV movements, loading and unloading of vehicles or deliveries shall be taken or despatched outside the hours of 07:00 - 19:00 Mondays to Saturdays and no deliveries shall be taken or despatched on Sundays and Bank Holidays unless agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 All construction lighting installations to be provided at the site, including those within the car parking areas, service yards and security, shall be positioned so as not to cause unacceptable glare to the residential properties in the vicinity of the site.

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

- 8 All planting comprised in the approved details of landscaping detailed on drawing no P-2021-014-1 Rev A shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

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

- 9 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015,

Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

- 11 The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

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. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 12 Prior to occupation each dwelling hereby approved shall be fitted with a domestic sprinkler system and shall be maintained fully functional thereafter.

Reason: To enhance Firefighter safety in accordance with policy DM22.

- 13 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. JP-2021-014-1 Rev.A for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials 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: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive areas, in the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 No development above slab level shall take place until details of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0172/FUL](https://www.westsuffolk.gov.uk/DC/22/0172/FUL)