

Development Control Committee 2 November 2022

Planning Application DC/21/2094/OUT – Townsend Nurseries, Snow Hill, Clare

Date registered:	31 January 2022	Expiry date:	4 November 2022
Case officer:	Charlotte Waugh	Recommendation:	Approve application
Parish:	Clare Town Council	Ward:	Clare, Hundon and Kedington
Proposal:	Outline planning application (means of access to be considered) - 20 dwellings		
Site:	Townsend Nurseries, Snow Hill, Clare		
Applicant:	Mr C Parker & Mrs C Cockerill		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application has been referred to the Development Control Committee following a call-in from one of the local Ward Members (Councillor Nick Clarke of Clare, Hundon and Kedington).

Clare Town Council object and the application is recommended for APPROVAL.

Proposal:

1. The application seeks outline approval for 20 dwellings with access included but all other matters (appearance, landscaping, layout and scale) reserved.
2. Access would be provided on to Snow hill and details of this access have been submitted with the application. A sustainable drainage feature is proposed to the front of the site.

Application supporting material:

3.
 - Location plan
 - Indicative site layout
 - Site section
 - Highway drawing
 - Planning, design and access statement
 - Statement of community involvement
 - Ecology report with appendage
 - Bat survey
 - Tree survey
 - SuDs report
 - Phase 1 contamination report

Site details:

4. The application site is an area of approximately 1 hectare previously used as a plant nursery. The site contains a two-storey dwelling, a bungalow and a few small outbuildings associated with the former use. The site has frontage to the B1063 (Snow Hill). The remainder of the eastern boundary of the site adjoins the rear gardens of 'The Hollow' and 'Atalaya'. Northern and western boundaries of the site adjoin the rear gardens of dwellings in Hertford Road and Gilbert Road. The southern boundary partly adjoins properties in Gilbert Road and partly adjoins No.2, a semi-detached property fronting the B1063. In terms of topography, the land rises from road level to the east up to the west.
5. The site is not subject to any designations or constraints.

Planning history:

6. None

Consultations:

7. The application has been subject to amendments and additional information has been submitted during the application to address concerns raised. The consultation responses set out below represent the current position and are a summary of the latest responses received.

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

9. SCC Highways Authority

The Highway Authority accepts that an access in this location is suitable for the proposed housing development and the indicative drawings, particularly visibility splays show that a safe access is achievable. The applicant should provide more detailed engineering drawings going forward showing necessary alterations to the earth bank to provide visibility splays and the proposed footpath, the Highway Authority notes that the applicant should provide a dedicated pedestrian crossing point to the primary B1063 footpath. *(These details can be provided during the S78 agreement with SCC)* No objections subject to conditions regarding a crossing point, access details, frontage limited to 0.6m, visibility splays, surface water drainage, bin storage, cycle storage, parking areas, electric charge points, road details, construction management plan.

10. West Suffolk Public health and Housing

No comments to make

11. West Suffolk Environment Team

The report recommends intrusive investigations, however, we would recommend that the investigations are extended across the site. As such, no objections subject to a land contamination condition, making note of the first section of the condition which requires the submission of a site investigation scheme.

In terms of air quality, a condition is recommended ensuring the provision of electric car charging points within the development.

12. SCC Lead Local Flood Authority

No objection subject to conditions regarding surface water drainage and the submission of a report detailing the SuDS feature.

13. West Suffolk Strategic Housing

No objection subject to 30% affordable housing to be secured within a S106 agreement.

14. Anglian Water

Wastewater treatment - 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.

15. SCC Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), in close proximity to Clare Camps, a Scheduled earthwork enclosure (HER ref no. CLA 010; Scheduled Monument 1006046). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National

Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

No objection subject to condition securing a programme of archaeological work and the submission of a post investigation assessment.

16. West Suffolk Waste Management

No comments to make

17. Suffolk Fire and Rescue

Offers advice to the applicant in terms of the benefits of sprinkler systems.

18. SCC Infrastructure Manager

No Primary school places required as Clare Community Primary School is expected to have surplus capacity to accommodate this and other planned development. No Pre-school places are required as there is a surplus of early years provision within the Clare, Kedington, Hundon ward.

Stour Valley Community School (Secondary). The number of pupils arising from housing completions beyond the forecast period, applications pending decision, and local plan site allocations are expected to cause the school to exceed 95% capacity based on current forecasts. Therefore, 4 x 11- 16 places at £25,253 per place is requested. Total £101,012

The nearest Post 16 education is provided at Samuel Ward Academy, located in Haverhill. The number of pupils arising from housing completions beyond the forecast period, applications pending decision, and local plan site allocations are expected to cause the school to exceed 95% capacity based on current forecasts. Therefore, 1 x 16+ place at £25,253 is requested.

This development will place additional demands on the library service, so a contribution of up to £216 per dwelling is sought to help improve local provision. An additional cost of £16 per dwelling is required for additional stock. Total £4,640

The nearest recycling centre is located in Haverhill. The Haverhill Recycling Centre is over capacity and the strategy is to relocate the existing recycling centre from Chalkstone Way to a new site. The expected cost of this project is £4.25 million which includes land and build costs. 34,280 households are projected to use this new facility by 2043 which gives a cost of £124 per dwelling. Total £2,480.

Representations:

19. Councillor Nick Clarke (Ward Member for Clare, Hundon and Kedington)

I object to the planning application for 23 houses at Townsend Nurseries, Snow Hill, Clare for the following reasons:

The density of the proposal (23 homes on this town centre site) is unacceptable for Clare which does not have the infrastructure to accommodate this scale of development and is out of keeping with the area. Today (08/03/2022) Anglian Water engineers are attending yet another burst water pipe in Bridewell/Callis Street. They indicated that these pipes

were laid 60 years ago, are extremely fragile and the construction contains asbestos. This particular stretch of the B1063 has suffered regular major water pipe bursts and leaks - 24 major bursts in Clare in 24 months. Each of these leaks closes the road completely resulting in a significant detour over Maple Hill which is a single lane track with passing places. This development is sufficiently far away from the town center that most journeys to the center will be by vehicle adding to an already difficult parking problem in the town.

20. **Clare Town Council**

Submitted the following summarised comments:

- Acknowledgement that the land was effectively wasteland and that some use may be desirable
- Acknowledgement that Clare needs housing to retain younger residents
- Infrastructure was a major concern, particularly GP surgery, secondary school at Stour Valley, ongoing issues with drainage and mains water leakages.
- Reiterated its objection in principle to any further development until improvements are made to the infrastructure.
- Concerns about more tarmac leading to further surface water flooding which is already an issue locally. Furthermore, steep banks in the area have subsided and there is historic property subsidence close to the proposed development site.
- Concerns over increased parking and traffic issues
- Acknowledged that additional residents can bring benefits to local businesses.
- Two further development sites in Clare within Local Plan

Those present RECOMMENDED OBJECTION on the grounds that;

(A) Clare has already taken more new residential development than envisaged under the adopted local plan without any commensurate investment in infrastructure;

(B) There are concerns around increasing the flood risk, as significant flooding is already experienced in the area;

(C) The development proposals as described (even at the reduced number of 20 homes) will lead to a cramped, overdeveloped feeling on the site in contrast to the neighbouring environment;

(D) the number of vehicle movements generated will create highway safety issues and the design does little to contribute to the creation of an area with a strong sense of place and distinctiveness.

21. **Clare Society**

Submitted the following summarised comments:

- Has considered the proposed new West Suffolk Local Plan, Issues and Options dated December 2020.
- Acknowledge this is a brownfield site within the settlement boundary
- The proposed 23 dwellings would be within the density figures indicated during the initial SHELAA call for land.
- New development has no responsibility to correct existing infrastructure shortcomings but WSC has a duty of care for existing residents to ensure those shortcomings are not exacerbated
- Clare suffers from regular burst water pipe in Bridewell/Callis Street – The pipes are 60 years old and contain asbestos - 23 major bursts in 24 months

- This results in long diversions and inconvenience for residents, emergency vehicles, public transport, delivery vehicles and utilities
- The GP practice has no capacity for additional patients
- Concerns over visibility for new access
- Concerns over subsidence to existing properties

22.18 representations were received from local residents and the points raised are summarised below. Full copies of the representations are available to view on the public planning file online.

- Proposed planting will create a loss of light
- Overlooking/loss of privacy
- Noise and light pollution
- Potential for subsidence
- This parcel of land was not in the Local Plan – Clare has exceeded its quota
- Overdevelopment – density not in accordance with surrounding development
- Loss of trees and hedges
- Impact on wildlife – existing field provides habitats
- Impact on traffic and lack of parking in town centre
- Another access onto busy Bridewell Lane is likely to cause a hazard for pedestrians, cyclists and motorists – no footpath on East side of road
- No communal central green space
- Insufficient infrastructure – including mains water and gas pressure
- Stour Valley Community school and Clare Primary school are at capacity
- Guildhall surgery is at capacity and Stonehall surgery is closed
- Bridewell Lane experiences regular burst water pipes causing road closures – they will not be able to cope with the additional drainage
- The field is at the bottom of a hill and provides drainage for the estate
- Land provides carbon removal
- There is no mention of electric charging points or energy generation
- Noise, dust, road closures, disturbance and traffic during construction
- Whose responsibility will it be to manage proposed landscaping?
- Site forms an integral part of the 'heights' development
- Dwellings should be entirely single storey
- Limited transport to Samuel Ward and Cambridge schools for post 16s
- Property (no. 1 Gilbert road) not accurately shown

23. Since the submission of an amended indicative site plan reducing the number proposed to 20 dwellings, 5 of the addresses which had already submitted comments made further representations confirming that those comments made originally are still applicable.

Policy:

24. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

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

St Edmundsbury Core Strategy 2010

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS12 - Haverhill Strategic Growth
- Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Rural Vision 2031

- Vision Policy RV1 - Presumption in Favour of Sustainable Development
- Vision Policy RV3 - Housing Settlement Boundaries
- Vision Policy R11 - Clare

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

NPPF 2021

Other planning policy:

26. 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:

27. 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)

28. 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

29. 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).

The application site is not in the close vicinity of any designated (European) sites of nature conservation. The ecology report submitted with the application considers the impact of development on any protected species that may be present and has been assessed by an ecologist. Given that the development will not give rise to any impacts on designated sites, no habitats regulation assessment is required.

Natural Environment and Rural Communities Act 2006

30. 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.

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

Equality Act 2010

32. 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.

Principle of Development

33. 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, Rural Vision 2031, and the adopted Joint Development Management Policies Document 2015. National planning policies set out in the NPPF.

34. The site is located within the Housing Settlement Boundary for Clare. Policy RV3 states that planning permission for new residential development will be

permitted within Housing Settlement Boundaries where it is not contrary to other policies in the plan.

35. Policy CS4 sets out the Council's settlement hierarchy and designates Clare as a 'Key Service Centre', these are settlements that have a range of services, facilities, employment opportunities and are able to accommodate a degree of development.
36. The application has been amended since submission to reduce the number of dwellings from 23 to 20 and an indicative layout has been provided to demonstrate how they would be accommodated within the site. Subsequently this development equates to a density of approximately 20 dwellings per hectare. The NPPF encourages the re-use of brownfield land within settlements and promotes efficient use of land in terms of densities. Policy RV11 acknowledges that this is a brownfield site within the Housing settlement boundary which could come forward within the plan period without allocation.
37. It is considered that in terms of the location and extent of development, the proposals are acceptable in principle, subject to acceptable impacts in terms of access, ecology, flooding and drainage.

Design, layout, and amenity

38. 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, indivisible from good planning. The NPPF 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.
39. 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.
40. The layout submitted, whilst indicative only, shows a layout which provides adequate space for gardens, parking, manoeuvring and landscaping. Dwellings to the rear are specified as single storey to protect the amenity of dwellings on Gilbert Road and it is considered that dwellings can be designed to ensure no significant loss of amenity to surrounding dwellings.
41. The applicant carried out a public consultation in August/September 2020. Residents were notified by letter and plans were available electronically to view and comment on. This was followed by a subsequent zoom call. A summary of comments received has been provided in a statement of community involvement. Prior to submission of the application a further meeting was held with local representatives outlining changes to the scheme since the initial consultation.
42. Landscaping exists at present on boundaries and it is envisaged that this will be enhanced within the proposal, not only to provide an attractive setting and provide habitat but to help protect residential amenity for new occupants and those existing. A landscaping scheme would be submitted at

the reserved matters stage. A small green space was shown on the indicative plan, albeit this doesn't necessarily represent the final scheme. It is noted that residents have commented that there is no communal space included but given the size of the site and the proximity to public open space this isn't considered necessary.

43. The development is therefore considered to be in accordance with policies CS1, CS2, CS3 and CS12 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.

Access and Movement

44. 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.

45. 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 a key aspiration of the adopted masterplan and design code which seeks to maximise accessibility creating walkable neighbourhoods.

46. The site is located a short distance from the town centre of Clare which contains a variety of services and facilities. There is no pavement at present on the Eastern side of Snow Hill and as such, a pedestrian crossing is required to ensure safe pedestrian access to and from the site. The Highway Authority are satisfied with the location of this crossing and the details will be secured by a condition. Whilst it is noted that some residents feel that occupants would not walk the ½ mile into town, the provision of a crossing will enable easier access and hopefully encourage residents to use alternatives to the car.

47. The reserved matters submission would include details of parking, cycle storage and areas to manoeuvre to ensure these meet adopted standards.

48. A condition has been recommended to ensure electric car charging points are installed to all private drives in accordance with the NPPF and policy DM14 of the Joint Development Management Policies Document which states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality.

49. In light of the above, the development is considered to be in accordance with DM2, DM14 and DM46 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP.

Landscape and ecology

50. 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. 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.

51. There are no sites of international or national importance within or adjacent to the site. However, there are habitats within the application site which contribute to the biodiversity of the site and have the potential to support protected species. A preliminary ecological appraisal supports the application as well as a bat survey which concludes that with the implementation of mitigation measures as stated in the reports there will be no significant adverse impact on protected species.
52. The ecologist is satisfied with the contents of these reports and conditions have been recommended which secure the necessary mitigation and enhancement measures.
53. A tree survey identifies a number of trees within the site as well as boundary hedging. Whilst the majority of which are category C, there are 2 Oaks and a Hawthorn considered category B. It is considered that an effort should be made to retain these trees on the site, which it appears from the indicative plan is possible. Landscaping is a reserved matter and as such, full details of landscaping to be retained and proposed will be submitted at a later date.
54. The development would not introduce any adverse effects on protected species or sites, subject to following the recommendations of the submitted reports. On this basis, the Local Authority has carried out its duty under the NERC Act.
55. The development is therefore considered to be in accordance with policies DM2, DM11, DM12 and DM13 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP.

Flooding and drainage

56. The NPPF and local Policy DM6 seek to ensure that development proposals include details as to how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
57. It is understood that Clare suffers from burst water pipes on a regular basis due to their age. This results in road closures, long diversions and is an inconvenience to residents. Anglian Water who own and maintain the pipe network have confirmed that there is sufficient capacity both within the pipes and the pumping station to accommodate flows from this development and others within the Local Plan period. The responsibility therefore lies with Anglian Water to update their network of pipes to an appropriate standard.
58. The development would be served by a drainage basin to the south-East of the site. The lead local flood authority has reviewed the drainage documentation and has confirmed that the proposals are acceptable subject to the inclusion of conditions regarding further surface water drainage details and completion of the asset register. As such, the development accords with policy DM6 of the Joint Development Management Policies Document 2105.

Affordable housing

59. Core Strategy policy CS5 as supported by the supplementary planning document which identifies the need for affordable housing in the district and sets the threshold at 30% on developments above 10 dwellings.

60. A S106 agreement has been drafted and agreed by all parties which secures 30% of the dwellings as affordable. Of this 10% of overall proposed dwellings are to be shared ownership in line with Paragraph 65 of the NPPF, the remaining affordable housing quota as affordable or social rent. The mix of dwellings shall be agreed with Strategic Housing at reserved matters stage and shall be in accordance with the signed S106 and the Affordable Housing SPD.

61. As such, this element of the scheme complies with policy CS5 and the NPPF securing 30% onsite affordable homes.

Developer Contributions

62. The NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in policy CS14.

63. Suffolk County Council have considered the application in respect of its impact on education and services and have requested contributions towards secondary and sixth form education, libraries and waste. A full list is within the consultation response section.

64. The applicant has agreed the above obligations as well as the inclusion of on-site affordable housing and a draft S106 agreement has been provided. Consequently, the development is policy compliant in this regard.

Other matters

65. The site is located within an area of archaeological potential and consequently a scheme of investigation is required before any work is commenced. This will be secured by condition.

66. The issue of subsidence has been raised by the Town Council. Any development would need to take account of the ground conditions in order to comply with the building regulations. These regulations operate independently to the planning regulations and seek to ensure that any development is structurally sound.

Conclusion:

67. 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.

68. The site is considered a sufficient size to accommodate 20 dwellings at an acceptable density, as well as associated private amenity space, parking and road network.
69. The Highway Authority is satisfied with the position and details of the access onto Snow Hill and is content that a safe crossing point can be provided to ensure access for all.
70. It is considered that the development has the ability to offer a good level of amenity to future occupants, and the submission of plans at reserved matters stage would ensure the amenity of existing residents.
71. The Lead Local Flood Authority has confirmed that the SuDS basin design is acceptable and subject to the submission of details they are content with the overall drainage solution.
72. Consultees are satisfied with the ecology details submitted and do not consider the development to have an adverse impact on protected species. Subject to conditions and landscaping details officers are content that a successful scheme can be designed accommodating sufficient planting and ecological enhancements.
73. Having regard to the above conclusions, 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:

74. It is recommended that outline planning permission be **APPROVED** subject to;

A signed S106 agreement to secure the following:

- 30% affordable housing
- £101,012 for Secondary school provision (4 places)
- £25,253 for post 16 education (1 place)
- £4,640 for libraries
- £2,480 for waste recycling centre

And the following conditions:

- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to commencement of development details of the appearance, landscaping, layout and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

3. 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:

Location Plan

Highway Plan 184-2019-02 P1

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

4. Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a. A site investigation scheme,

- b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),

- c. Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core

Strategy Policies.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 7 Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
- a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
 - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
 - g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
 - h. 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:-

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

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology report (Framlingham Environmental, 25th August 2020) and Bat Surveys (Aspen Ecology, 22 July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 10 Concurrent with reserved matters a Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.
- The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 Concurrent with reserved matters a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
- The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority species and allow the Local Planning Authority CEMP to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 12 Concurrent with reserved matters a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 13 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) 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 any other part of the development taking place. Thereafter the access shall be retained thereafter in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time, 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. This condition requires matters to be agreed prior to commencement since it relates to highway safety and it is necessary to secure details prior to any other works taking place.

- 15 Before the access is first used, visibility splays shall be provided as shown on Drawing No. 184/2019/02 and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of the Town and

Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging, 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.

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

Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard 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.

17. No development above ground shall take place until details have been 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, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 18 Before the development is commenced details of a new footway and pedestrian crossing to the frontage of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed fully before first occupation of any dwellings The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

- 19 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.

- 20 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:30 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.

- 21 Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network and
 - m) monitoring and review mechanisms.
 - n) Details of deliveries times to the site during construction phase

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

- 22 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.

- 23 Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway and in accordance with Suffolk Guidance for Parking 2019

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/2094/OUT](#)