

Development Control Committee 4 October 2023

Planning Application DC/23/0895/FUL - Little Moseleys, The Green, Fornham All Saints

Date registered:	8 June 2023	Expiry date:	3 August 2023 EOT agreed until 09.10.2023
Case officer:	Britta Heidecke	Recommendation:	Approve application
Parish:	Fornham All Saints	Ward:	The Fornhams and Great Barton
Proposal:	Planning application - four dwellings with associated car parking and access		
Site:	Little Moseleys, The Green, Fornham All Saints		
Applicant:	Mr C Browne		

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 the Development Control Committee because its recommendation for APPROVAL conflicts with an objection from the Parish Council and would be a departure from the Development Plan given the site is outside of the settlement boundary. This is explained in more detail in the planning officer comments section.

Outline planning permission was granted on the application site in July 2017 for four dwellings, following the demolition of an agricultural workshop, with all matters reserved and subject to a number of conditions. Reserved matters were granted in January 2021. Since the grant of outline permission, the site had been cleared and the agricultural workshop demolished.

Whilst this application has been submitted on the basis that the previous permission has expired, there is a reasonable likelihood that the earlier permission is extant, and this is explored further in the officer comments.

Proposal:

1. Planning permission is sought for the construction of four dwellings each with a garage and private amenity space. Vehicular access is via an existing access off Hengrave Road through the rural Moseleys Farm business park and a pedestrian and cyclist access to The Green into the village.

Application supporting material:

2. Application form
 - Existing and proposed plans
 - Planning Statement
 - Heritage Statement
 - Ecology Report

Site details:

3. The site is situated between the existing dwelling of Little Moseleys (east) and the Grade II listed residential property Moseleys Barn and garden wall to the west, south of the residential development of Chestnut Close and north of Moseleys Farm Business park. The application site is within the countryside in planning policy terms and abuts the settlement boundary to the north and east. The site is within the Fornham All Saints Conservation Area and comprises of Little Moseleys dwelling (to be retained) with garage and garden and the area previously occupied by a large, steel framed agricultural building and associated yard and hard standing, which have recently been cleared.
4. Little Moseleys is a generous detached dwelling with detached garage. The dwelling and private garden are screened from the adjacent open countryside to the east, the business park and adjacent dwellings by established conifer hedging and a number of trees. East of the existing dwelling is a large commercial building and the wider field around the access off Hengrave Road is a preferred site (5.05a) within the West Suffolk Local

Plan Preferred Options (Regulation 18) stage for further commercial development.

5. To the south of the site lies Moseleys Farm Business Centre with a range of business units including a café which essentially are all orientated towards the yard.
6. The site is accessed by an existing shared vehicular access off Hengrave Road to the west of the site. A pedestrian and cycle path runs through the business park to The Green in the village centre.

Planning history:

7. There are a number of householder type applications in relation to Little Moseley dwelling which are not relevant for the consideration of this application. There are also numerous applications in relation to the Business Park. The most relevant applications for the consideration of this application are listed below, which granted outline permission and reserved matters in 2017 and 2021 respectively. The pre-commencement conditions in relation to Archaeology and Contamination have been part-discharged.

Reference	Proposal	Status	Decision date
DC/17/0029/OUT	Outline Planning Application (All matters reserved) - 4no. dwellings (following demolition of barn)	Application Granted	19 July 2017
DC/20/1355/RM	Reserved Matters Application - Submission of details under DC/17/0029/OUT - the means of access, appearance, landscaping, layout and scale for the construction of 4no. dwellings	Application Granted	4 January 2021
DCON(A)/17/0029	Application to part discharge 4a (site investigate) and discharge condition 7 (archaeology) of application DC/17/0029/OUT	Condition(s) Part Discharged	18 April 2023

Consultations:

8. Parish Council

`We object to this planning application due to its visual impact. The impact on the surrounding residents has not been taken into consideration.

The orientation of the houses on plot 2 and 3 will directly affect the residents in Chestnut close.

We support the comments from Moseley's Barn, The Green and agree that an easement or right of way must be put in place to allow for the upkeep of the Listed building.

A maximum of four houses should be allowed on this plot even if the plot is sold.'

9. Ward Councillor

No comments received.

10. Suffolk Wildlife Trust

'The proposed site appears to be vegetated and could support protected species which may be impacted by proposals or development could impact protected species nearby. Records from Suffolk Biological Information Service show a number of protected species are present within the vicinity, including hedgehogs. Proposal plans do not show how the development will deliver a net gain for biodiversity, required under the National Planning Policy Framework.

We therefore wish to submit a holding objection until a Preliminary Ecological Appraisal has been undertaken to confirm whether any mitigation and compensation for protected species is required, and to identify suitable biodiversity enhancement measures for the site, such as integrated bat and bird boxes, and native tree and hedgerow planting.'

Officer note: A Preliminary Ecological Appraisal has subsequently been undertaken and submitted which sets out adequate mitigation and enhancement measures as considered in more detail in the officer section below.

11. Waste Management Operations Manager

'A suitable road service would be required for 26 tonne along with a turning area and bin collection point needs to be at edge of properties.'

Officer note: The applicant has provided amended plans do demonstrate a turning area for waste collection vehicles and confirmed in plan that the access will be constructed to take 26-ton vehicles. Details can be secured by condition.

12. Conservation Officer

27.07.2023: 'The proposed development is very similar if not the same as that previously approved. In the absence of any significant change on policy I raise no objection to the proposed development.'

Officer note: The conservation officer noted the following at outline application stage – 'The location of the site, whilst in a conservation area, is tucked away and largely screened by the existing listed barn with runs perpendicular to the road (The Green). Glimpses of the existing modern workshop building can be viewed from the green, however it is not a building of any architectural interest which needs to be retained, its demolition therefore is supported. The cross section details of the indicative scheme demonstrates a reduction in ridge heights and overall scale to that of the existing workshop. The impact of the development therefore on both the setting of the listed building and the character or appearance of the conservation area is considered to be minimal if at all. I

therefore have no objections to the principle subject to details of the design and materials.

Comments on Reserved Matters Application: 'The revised proposals detail a modest reduction in overall size to include a reduction in footprint and height to some and the separation of some of the garages etc. We are also advised sufficient access to Moseley's barn is now possible.

On this basis I have no objections to the revised proposals subject to the following conditions:

Roof tiles - Tiles specified include Marley old English dark red. – the specification is unclear but it would appear these are concrete which is unacceptable. The weathered finish is also less desirable where a natural finish is desirable. A traditional clay pantile without the weathered finish is recommended.

Feature cladding – is specified as Hardieplank – a natural timber is desirable from a conservation point of view particularly given the presence of the timber cladding to Moseleys barn.

Bricks are acceptable.

Timber windows are acceptable no details required.'

13. Private Sector Housing and Environmental Health

No objection subject to conditions to secure noise insulation to ensure adequate internal amenity for the proposed dwellings, restrict construction hours and external lighting.

14. Environment Team

No objection subject to conditions to secure contamination investigation. Note that electric vehicle charge points in the interest of air quality will be enforced by the building regulations.

15. Environment & Transport - Highways

The proposal is deemed generally acceptable, but the Highway Authority (HA) noted that the measurements for the garages were unclear. To count towards parking these should be 6 by 6m internally and each dwellings should be provided with electric vehicle charging.

Officer Note: The internal measurements for the garages are 6 by 6m. Dimensions are now shown in plan. Electric vehicle charge points can be secured by condition.

Representations:

16. Representations from three neighbouring properties have been received neither objecting nor supporting the application but raising the following summarised points:

Moseleys Barn:

- Agreement with heritage statement but note that access for maintenance is required to the listed building Moseleys Barn. Suggest that future occupiers of plot 3 and 4 are informed that access for scaffolding is sometimes required and that the garage on plot 3 is moved away by a metre.

Officer note: Whilst maintenance access to the listed building from the application site is a civil matter, online guidance suggests that scaffold platforms which are required for access by personnel require a minimum clear width of 500mm,. The garage to plot 3 is sited a minimum of 1.2m away from the boundary fence of Moseleys Barn and the north west corner of Moseleys Barn itself, and there are no other buildings within 5m of the side of Moseleys Barn. Access for maintenance of the side of Moseleys Barn would therefore not be prevented by the proposed development.

6 Chestnut Close:

- To ensure that the adjacent properties are not unduly affected and the character of the conservation area is not adversely affected the number of houses should be restricted to 4 and plots 2 and 3 should be designed so that upstairs windows do not directly overlook properties in Chestnut Close.

7 Chestnut Close:

- Note that the scheme is virtually the same as the previously approved scheme.
- Seek reassurance that there would be no increase in number or change to house type in future if the land was sold.

Policy:

17. 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.

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

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS7 - Sustainable Transport

Core Strategy Policy CS13 - Rural Areas

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

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 DM8 Low and Zero Carbon Energy Generation

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM15 Listed Buildings

Policy DM17 Conservation Areas

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

NPPF 2023

Other planning policy:

19. The National Planning Policy Framework (NPPF) was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of Development
- Design and layout, Impact on Heritage Assets
- Residential Amenity

- Highways Matters
- Ecology
- Other matters

Principle of Development

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
22. The application site is outside the settlement boundary for Fornham All Saints. Policy CS1 sets out the St Edmundsbury Spatial Strategy and CS4 designates Fornham All Saints as an Infill Village. These are villages that only have a limited range of services. In these villages, the policy only supports infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary. This would be dependent on other environmental and infrastructure constraints.
23. RV3 confirms housing settlement boundaries for the Infill Villages listed in Appendix 2 (including Fornham All Saints). The policy states 'Planning permission for new residential development, residential conversion schemes, residential redevelopment and replacement of an existing dwelling with a new dwelling will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan'.
24. The application site lies outside of, but directly adjacent to the settlement boundary of Fornham All Saints to the south and west. The proposal does therefore conflict with policies CS4 and RV3.
25. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and sets out circumstances where housing would be acceptable. This proposal does not fall within the provisions of policy DM5 and as such it would be a departure from the Development Plan if planning permission is approved.

Other Material Considerations and Conclusion on Principle of Development

26. Outline planning permission for 4 dwellings following the demolition of an existing agricultural workshop was granted in 2017. Subsequently the workshop has been demolished. The extent to which this permission can be implemented is a material consideration which needs to be taken into account when determining this current application.
27. The Town and Country Planning Act 1990 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).

28. 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 a time limit condition, if works or actions to implement them have lawfully commenced.
29. These material operations 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.
30. On this basis it is considered that the previous planning permission is likely to be extant. It is officers opinion that the on the basis that the demolition of the building on site has taken place the permission is likely to be extant, previous permission is capable of being implemented and is therefore a material consideration to be taken into account in determining this application.
31. However, planning history is also a material consideration and whilst the National Planning Policy Framework (NPPF) has been updated since planning permission has been granted, the recent changes do not affect how the proposal would be assessed and the local plan policy context has not changed since the previous applications were considered.
32. Further material considerations include the site specific matters. Policy CS13 Rural Areas states (inter alia) that development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
33. The existing dwelling Little Moseleys will be retained and would together with the residential development to the north and west and the business units in the south enclose the proposed new dwellings. As such the proposal would not encroach into the open countryside, notwithstanding its technical/policy position within such. The carefully designed residential development is not considered to be harmful to the intrinsic character of the locality or the countryside given that the site is largely enclaved with existing development on three sides.
34. Moreover, the application site is within the conservation area and adjacent to the listed building, Moseleys Barn. The conservation officer supports the redevelopment of the site noting that the indicative cross section details demonstrate a reduction in ridge heights and overall scale to that of the existing workshop. The conservation officer therefore considers that the

proposal will have no adverse impacts upon the setting of the listed buildings or upon the Conservation Area as a result of the removal of the buildings and their replacement.

35. In fact, the proposal was considered to have significant potential to enhance the character and appearance of this part of the conservation area. This would accord with the aims of policies DM17, CS4 and CS13 and is considered to weigh notably in favour of the proposal.
36. Noting the very recent planning history of the site and the material benefit that will arise to the Conservation Area as a result of the redevelopment of the site with a suitably designed residential scheme, making effective use of land, this is considered to be a material consideration of notable weight, such that the principle for this particular proposal can be supported notwithstanding the ostensible conflict with the Development Plan.

Design and Layout, Impact on Heritage Assets

37. The LPA has a statutory obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ref. 1), to have special regards to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
38. Policy DM17 requires proposals for development within adjacent to or visible from a conservation area to be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting.
39. The NPPF places an emphasis on producing high quality design and raising the standards of build quality. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
40. Policy CS3 of the Council's Core Strategy states that all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area.
41. Policies DM2 and DM22 acknowledge that the relationship of new buildings with existing development and their integration into the surrounding area is important in achieving a coherent and interesting character and determines acceptable scale and appearance. Collectively they seek to produce coherent and legible places. New developments should recognise and address the key features, characteristics, local distinctiveness and special qualities of the area to produce designs that provide access for all, and that encourage the use of sustainable forms of transport.

42. Policies DM15 (Listed buildings) and DM17 (Conservation Areas) both seek to protect and where possible enhance and better reveal the setting of listed buildings and the conservation area respectively.
43. The Conservation officer previously noted that impact on the character and appearance of the conservation area will be limited due to limited views from the public realm. However, the development was supported on the basis of any development being of a reduced scale to that of the agricultural workshop, to ensure the setting of Moseleys Farm is not adversely affected and the character and appearance of the conservation area is enhanced or better revealed.
44. The proposed dwellings replace a 30m by 20m large and 8.4m high agricultural workshop of utilitarian appearance. The detailed layout and design of the scheme had been carefully negotiated at the reserved matters stage previously and this current scheme is almost identical, with the exception of minor changes to the access into the residential yard.
45. The heritage statement submitted with the application advises that the layout follows the concept of four 'barn-like' dwellings arranged around a central farm courtyard, with shared circulation space and connecting brick walls. It provides suitable density of development for this village edge development. The comprehensively planned yard layout would create a sense of place and provide each dwelling with adequate private amenity space.
46. The dwellings are mostly two-storey with some single and one and a half storey elements, which aids to break up the massing. The dwellings are proportionate to their plot size and reduced in scale compared to the workshop they replace. The dwellings relate appropriately in scale to the surrounding Moseleys barn and dwellings in Chestnut Close.
47. Plot 1 will measure 8.6m in height, 14.3m in width and 11.3m in depth and will be constructed from brick with render and grey timber painted windows and doors. The dwelling will incorporate a timber porch to the front elevation and a stepped down element to the east. The rear of the property will incorporate bi folding doors at ground level and a Juliette balcony to the first floor. The dwelling will also be host to a double carport constructed from red brick and timber posts. The carport will measure 5.2m in height, 6m in width and 6m in depth.
48. Plot 2 will measure 8.6m in height, 15.5m width and 11.2m in depth and will be constructed from red brick, feature cladding and grey painted timber windows and doors. The front elevation of the dwelling incorporates a projecting gable element which will be cladded. Given the location within the conservation area the cladding should be of traditional materials rather than hardiplank, details will be secured by condition. The dwelling incorporates an integrated double garage to the side and a Juliette balcony on the second floor of the west elevation.
49. Plot 3 will measure 8.6m in height, 12.3m in width and 11.7m in depth and will be constructed from red brick, with white render and grey painted timber windows and doors. The front elevations will incorporate a timber porch and bi folding doors. The rear elevation will incorporate a brick

projecting gable element. Plot 3 will be incorporate a detached double carport measuring 5.3m in height, 5.8m in width and 6.5m in depth and will be constructed from red brick with timber posts.

50. Plot 4 will measure 8.3m in height, 12.3m in width and 11.9m in depth and will be constructed from Stockwell antique red brick, cladding and grey painted timber windows and doors. The front elevation will include a porch and the south elevation will incorporate bi folding doors and a Juliette balcony at first floor. The plot will also be host to a detached car port constructed from red brick and cladding and will measure 5.2m in height, 6.4m in depth and 6.5m in width.
51. The dwellings are simple but modern in appearance with traditional proportions and pitched roof lines. The proposal includes a limited palette of traditional, high quality materials, including facing brickwork and brick walls, render, weatherboarding and pantiled roofs, which is appropriate in this location and in keeping with development in the area. On the basis of the above the proposal is considered to comply with the relevant policies and guidance within the NPPF.

Residential amenity

52. The NPPF at para 119 requires decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 f seeks to safeguard a high standard of amenity for existing and future users.
53. Policy DM2 states that all developments should, as appropriate not adversely affect residential amenity. Concerns had been raised by No.6 Chestnut Close with regards to potential overlooking and some loss of privacy from first floor windows in the rear elevation of plot 2 and 3. This matter has carefully been considered.
54. Plot 2 has a separation distance between the proposed dwelling with its staggered rear elevation and the rear boundary of between 10 and 12.5m respectively, and approx. 23m to the rear elevation of No.7 Chestnut Close. The rear elevation includes 4 windows, two of which will serve a bathroom and en-suite, one a dressing room and one narrow window is a secondary window within a bedroom.
55. Plot 3 has a separation distance to the rear boundary of 7.6m from the projecting gable and 12m from the rear main elevation. No.6 Chestnut Close does not have any windows in the gable elevation facing the application site. The rear elevation of proposed plot 3 includes a narrow, secondary window serving the bedroom in the gable projection, which would be closest to the neighbour boundary. Being a secondary window this could therefore be obscure glazed. The bedroom window in the main elevation is some 15m away from the amenity space associated with the neighbouring dwelling and is further screened by existing trees and vegetation outside of the application site.
56. The absence of fenestration in the gable end nearest to the application site and the separation distances between the existing and proposed properties are such that the proposal is not considered to result in unacceptable

overlooking or loss of privacy and would accord in this respect with the requirements of policy DM2 and guidance in the NPPF.

57. Additionally, all proposed dwellings meet the nationally described space standards and would benefit from private amenity space such that a good standard of living would also be achieved for future residents, in accordance with policy DM22 and guidance in the NPPF.

Highways Matters

58. The NPPF is clear that development should not be prevented or refused on highways grounds if there would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

59. Policy CS7 requires developments to provide for travel by a range of means of transport other than the private car, with an emphasis on walking and cycling.

60. Policy DM2 seeks to ensure that all new development produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.

61. Policy DM46 requires all proposals to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.

62. The proposal is for four 4-bed houses, which in accordance with the Suffolk Guidance for Parking require three parking spaces each. All dwellings benefit from two driveway parking spaces and a garage. Whilst not all four garages are wide enough to count as double garages (6x6m), there will be at least three parking spaces per dwelling, which is sufficient in accordance with the adopted parking standards. Cycle storage will be provided in garden sheds.

63. The vehicular access to the development from the existing access off Hengrave Road serves the existing farm, dwelling and business park and is suitable for the additional movements. A separate, safe pedestrian and cyclist access has been included in the proposal and will be secured by condition.

64. The proposal is therefore considered acceptable with regards to highways matters, in accordance with policy DM2 and DM46.

Ecology

65. The Natural Environment and Rural Communities Act (NERC Act) 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. Policy DM11 seeks to prevent adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992),

and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation. And policy DM12 requires that measures are included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.

66. The NPPF also requires decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (para 174 d) and to identify and pursue opportunities for securing measurable net gains for biodiversity (para 179 b).
67. The Suffolk Wildlife Trust noted that the initial submission was not supported by an ecology report and proposal plans did not show how the development will deliver a net gain for biodiversity, required under the National Planning Policy Framework.
68. Subsequently an ecology report was submitted which sets out mitigation and enhancement measures. The site consisted of approximately 0.2ha of poor condition grassland with large areas of bare ground, hardstanding and tall ruderal vegetation. There are opportunities for nesting birds within site boundaries, but no other protected species were assessed as being present on site.
69. Recommended mitigation includes sensitive timing of vegetation clearance, any external lights associated with the new properties should use warm white lights at <2700k and not illuminate site boundaries and the developer is advised to deal with the rabbits on site humanely before site clearance begins, i.e. using a specialist contractor. Enhancements include new hedgerow planting, bat and swift boxes/ bricks and two sparrow terraces and two house martin or swallow nest boxes.
70. The proposals subject to conditions set out below are considered to comply with policy DM11, DM12 and the NPPF in this respect.

Other matters

71. There are a number of trees within the residential curtilage of Little Moseleys dwelling and beyond the rear boundary. The western part of the site, where the 4 new dwellings will be sited does not contain any significant trees or hedges. The proposal is therefore not considered to have an adverse impact on trees.
72. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The NPPF policies also seek to ensure that new development does not increase the risk of flooding elsewhere. The application site is within flood zone 1, low risk. In terms of flood risk the proposal is sequentially acceptable and accords with local and national policies.
73. Development Management Policy DM6 states that proposals for all new development are required to demonstrate that on site drainage will be managed so as not to cause or exacerbate flooding elsewhere. Given there is no watercourse within the vicinity surface water drainage is not reasonably

considered to be an issue and appropriate measures such as soakaways or SuDS will be covered by building regulations.

74. Policy DM7 states (inter alia) that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to the broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.
75. DM7 specifically requires all new residential development to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in this respect, it is therefore considered appropriate to attach a condition to ensure compliance with policy DM7 in this regard.
76. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Part S of the Building Regulations requires an electric vehicle charging point to be included for new dwellings where there is an associated parking space, which is the case in this instance. Therefore, a planning condition requiring EV charging is not required in this instance as this will be enforced by the building regulations,
77. An acceptable written scheme of investigation has already been submitted and approved under DCON(A)/17/0029. SCC Archaeological Services were satisfied that the condition can be part-discharged, noting that there may be a need for further work (full excavation, or monitoring of contractor's groundworks), thus the need to leave parts f and g of the standard condition in place. The archaeological investigation will be complete when the final evaluation report has been submitted and approved, which can be secured by condition to ensure compliance with policy DM20 in this respect.

Conclusion:

78. In conclusion, the proposal does not comply with the relevant development plan policies of settlement restraint for housing development. However, the weight to be attached to this policy conflict is significantly reduced, due to the absence of any harm and the site-specific considerations as set out above including the clear heritage benefit arising from the sympathetic residential redevelopment and the planning history as notable material considerations to justify a departure from the Development Plan in support of the application.

Recommendation:

79. 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.Approved plans

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
20 1508 REV B	Location Plan	8 June 2023
20 1508 33 REV A	Proposed elevations	8 June 2023
20 1508 32 REV A	Proposed elevations	8 June 2023
20 1508 31 REV A	Proposed elevations	8 June 2023
20 1508 30 REV A	Proposed elevations	8 June 2023
20 1508 023 REV A	Proposed floor plans	8 June 2023
20 1508 22	Proposed floor plans	8 June 2023
20 1508 21 REV A	Proposed floor plans	8 June 2023
20 1508 31 REV A	Proposed elevations	8 June 2023
20 1508 20 REV A	Proposed floor plans	8 June 2023
20 1508 11 REV B	Sections	8 June 2023
20 1508 010 REV D	Site plan	21 July 2023
20 1508 Block REV A	Block plan	20 September 2023

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

3. Notwithstanding the material details shown on the approved plans, no development above slab level shall take place until details of the proposed roof tiles and feature cladding 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 and DM17 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. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with the approved Written Scheme of Investigation. Prior to any investigation taking place a competent person or persons/organisation shall be nominated to undertake the works set out within the Written Scheme of Investigation.

The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012).on shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

5. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition. Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2021).

6. Prior to first occupation the area within the site shown on drawing number 16 1508 02 Rev C for the purposes of providing safe pedestrian access through the site has been provided in accordance with the details submitted and shall be retained and used for no other purposes.

Reason: To ensure that a safe pedestrian route through the site is provided and maintained in order to ensure the pedestrians and vehicles are separated in the interest of the safety of all users of the development.

7. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No 20 1508 010 REV D 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, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

8. The areas to be provided for storage of Refuse/Recycling bins as shown on the Drawing No. 20 1508 010 REV D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that sufficient space for the storage of Refuse/Recycling bins is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. Prior to any works above slab level details of a bin presentation area outside of the gate into the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of any of the dwellings hereby approved the access and turning area for refuse collection vehicles shall be constructed to accommodate a 32 tonne refuse vehicle and the bin presentation area shall be installed in accordance with the details approved and retained as such thereafter.

Reason: To ensure that suitable space for the presentation of Refuse/Recycling bins is provided, in accordance with policy DM2 and

DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

10. Before occupation details of biodiversity enhancement measures to include where bird boxes, bat bricks or boxes and hedgehog gap 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. 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 the provisions of Policy DM12 of the Joint Development Management Policies.

11. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, 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.

12. 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.

13. Before the dwelling at plot 3 hereby permitted is first occupied, the first-floor window within the gable end projection shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be non-openable up to 1.7m above floor level and shall be retained in such form in perpetuity.

To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not unacceptably 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.

14. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays
08:00 to 13.00 Saturdays

And at no times during Sundays or Bank / Public Holidays without the prior written consent of 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.

15. The building envelope, glazing and ventilation of the residential dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against external noise. The acoustic insulation of the dwellings unit shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', January 2020.

Reason: To protect the amenities of future occupiers of the dwellings, in accordance with policies DM2 and DM14 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.

16. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0895/FUL](#)