

Forest Heath District Council

Application No: F/2013/0394/OUT

AGENT

CgMs Ltd
140 London Wall
London
EC2Y 5DN

APPLICANT

Elevden Farms Ltd

Date Registered: 9 August 2013

Date of Decision: 4 October 2018

Town And Country Planning Act 1990 (as Amended)

Town & Country Planning (Development Management Procedure) (England) Order 2015

Proposal: Outline application - residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, as amended. (Major Development, Departure from the Development Plan and Development Affecting a Public Right of Way).

Location: Land West of Eriswell Road Lakenheath

OUTLINE permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the application shown above, the plans and information contained in the application, and subject to compliance with the following condition(s) and the submission of 'Reserved Matters':

- 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 Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall thereafter 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. To ensure the satisfactory development of the site in accordance with the NPPF, policy CS5 of the Forest Heath Core Strategy (2010) and policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 3 Any subsequent submission of Reserved Matters required by conditions 1 and 2 of this planning permission shall at the same time as its submission also include the following information:

- a) Details of the materials to be used and colour finishes to be applied externally on the dwellings and any garages (including walls, roofs, doors, windows and rainwater goods).

- b) Details of the areas to be provided for storage of Refuse/Recycling bins.

- c) A landscaping strategy for the site in sufficient detail to demonstrate the quality of landscaping design and addresses the key issues relating to the landscape as set out on page 3 of the Landscape and Visual Impact Assessment (the Landscape Partnership, July 2013). The information shall include the layout of the external areas, including i) areas of hard landscaping such as surfacing, ii) soft landscaping such as planting, hedges, grassland and boundary treatments iii) details of proposed tree planting including species and size and iv) significant changes in ground level. The strategy should also include, where appropriate, details of proposed phasing and landscaping management and maintenance requirements.

- d) An Arboricultural Method Statement. The Statement should include details of the following:

- i. Measures for the protection of those trees and hedges on and close to the application site that are to be retained.

- ii. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the

application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,

iii. A schedule of proposed surgery works to be undertaken to those trees and hedges on and close to the application site which are to be retained.

e) An 'Ecological Appraisal' of the application site and the proposals included in the reserved matters submission. The Appraisal shall include the results of new species survey to update those carried out previously and reported in the applicants 'Ecological Appraisal' (The Landscape Partnership, July 2013). The Appraisal shall also include i) details of design strategies to avoid or mitigate impacts upon biodiversity species identified, both during the construction phase/s of the development and post-occupation of the dwellings ii) biodiversity mitigation measures (direct and indirect measures) iii) a site lighting strategy and iv) measures designed to enhance the biodiversity of the site for species post construction (including, for example, provision of bat and bird boxes, inclusion of connected native species planting and the establishment of 'hedgehog highways').

f) Details of the areas to be provided for secure cycle storage for each dwelling.

g) An 'Acoustic Design Statement', as advocated by ProPG - Planning & Noise: new residential development (May 2017). The 'Acoustic Design Statement' shall as a minimum demonstrate:

i) How the approach to the proposed layout of the site has considered and mitigated against noise, and

ii) How lowest practicable noise levels in the external amenity areas of the site (including public open spaces) can be achieved.

h) A scheme for the design, specification, implementation, maintenance and management of a sustainable urban drainage scheme for the development (that shall be provided separately and in addition to the requirement for public open space provision).

i) Details of all areas to be provided for public open space and other similar public spaces. The provision shall accord with the Council's adopted Supplementary Planning Document for Open Space, Sport and Recreation Facilities (October 2011).

j) Details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage and details of adequate car turning space within the site.

k) a scheme for the provision of affordable housing for the development. The scheme shall include full details of the type, tenure and location on the site of the affordable housing. The approved development shall be carried out and thereafter occupied in complete accordance with the approved scheme.

The submission shall also include a timetable for the implementation of the measures included in this condition. Thereafter development shall not be carried out other than fully in accordance with the approved details and implementation timetable.

Reason: i) To ensure that the external appearance of the housing and the streets and places to be created are satisfactory, ii) to ensure that the most important and vulnerable trees are adequately protected during the period of construction iii) to protect and enhance biodiversity interests at the site from the potentially adverse impacts of development iii) to ensure adequate provision for cycles is made for the first occupiers of the development in the interests of sustainable travel, iv) to ensure the design and layout of the site incorporates the best practicable means of defending the development against aircraft noise, v) to reduce the risk of flooding and to protect and prevent the pollution of controlled waters, vi) to ensure that adequate and policy compliant public open space provision is included and secured and, vii) to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring and safe turning of vehicles and viii) to ensure affordable housing of the appropriate type, tenure and location positioning within the site are secured as part of the design and layout of the development at the reserved matters stage. The various requirements of this planning condition complies with the requirements of the NPPF and policies CS2, CS3, CS5 CS9 and CS13 of the Forest Heath Core Strategy and policies DM2, DM6, DM10, DM11, DM12, DM13, DM22 and DM42of the Joint Development Management Polices Document. These details are required at the Reserved Matters stage (prior to the commencement of development) to ensure the matters required by the condition are incorporated into the design and layout of the scheme in the interests of the character, appearance and functionality of the development and the proper planning of the area.

- 4 No works of construction above slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The hard landscaping details shall include: hard surfacing materials; means of enclosure; proposed finished levels or contours; minor artefacts and structures (e.g. street furniture, signs, lighting, children's' play equipment etc.). Soft landscaping shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. All hard and soft landscaping works shall be carried out in accordance with the approved details and thereafter retained.

The approved hard and soft landscape works shall be carried out within the first planting season November/March following the commencement of work on site. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with the NPPF, policy CS5 of the Core Strategy and policies DM2, DM13 and DM22 of the Joint Development Management Policies document.

- 5 No development above ground level shall commence until details of the locations and proposed arrangements for future management and maintenance of the public open spaces and other 'public realm' spaces (excluding any land to be adopted by the Highway Authority as highway land and any land forming the curtilage of a dwelling) within the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the public open spaces and other public realm spaces shall be maintained in accordance with the approved plan and the approved management and maintenance details.

Reason: To ensure satisfactory development of the site and to ensure all public spaces are managed and maintained thereafter to a suitable and standard.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i). the parking, and manoeuvring of vehicles of site operatives and visitors
- ii). loading and unloading of plant and materials (including deliveries)
- iii). a deliveries management plan (to include routing of delivery vehicles and measures for resolving complaints)
- iv). storage of plant and materials used in constructing the development (including any site office/s)
- v). wheel washing facilities
- vi). measures to control the emission of dust and dirt during construction

vii). a scheme for minimising and recycling/disposing of waste resulting from construction works

viii) hours of operation for construction activities, including operation of generators, traffic movements for deliveries and waste disposal

ix) lighting scheme, if any, for the construction site and any compounds.

x) surface water management plan detailing how surface water and storm water will be managed on the site during construction.

xi) a deliveries management plan for all HGV movements during the construction phase/s of the development.

Reason: To ensure the satisfactory development of the site, to protect the amenity of occupiers of dwellings adjacent to the site from noise and disturbance in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015). These details are required prior to the commencement of development in order to ensure that appropriate measures are in place at the outset of the development.

- 7 The new vehicular accesses shall be laid out and completed in all respects in accordance with Drawing No. 0821-GA-01B and made available for use either i) in accordance with a timetable agreed in advance with the Local Planning Authority or ii) prior to occupation of any of the approved dwellings. Thereafter the accesses shall be retained in the specified form. Before each approved vehicular access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided for that access and thereafter shall be permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access.

Reason: To ensure that the accesses are designed and constructed to an appropriate specification (including safe and sufficient driver visibility) and made available for use at an appropriate time in the interests of highway safety, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 8 Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

- 9 No works of construction above slab level shall take place until a detailed scheme for the off-site highway improvement works (at the general location illustrated on drawing number 0821-GA-07 received by the Local Planning Authority on 23 May 2014) and a timetable for delivery of the works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the off-site highway works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that off-site highway improvement works are designed to an appropriate standard and provided at a suitable time, in the interest of highway safety, in accordance with the NPPF, policy CS12 of the Core Strategy and policies DM2 and DM22 of the Joint Development Management Policies Document.

- 10 No development above slab level shall be commenced until, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, street lighting and means to prevent surface water discharge onto the existing highway), have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard and that satisfactory access is provided for the safety of residents and the public, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 11 Any submission of reserved matters pursuant to the requirements of condition 1 of this outline planning permission that includes Use Class C3 dwellings and flats shall include, for the approval in writing of the local planning authority, details of the travel arrangements to and from the site for residents of the dwellings and flats, in the form of a Travel Plan, in accordance with the mitigation measures identified in the submitted Transport Assessment dated June 2013. This Travel Plan must contain the following:

i. Baseline travel data based upon the information provided in the Transport Assessment and the Lakenheath Cumulative Traffic Study, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by residents across the whole development, with suitable remedial measures identified if these objectives and targets are not met.

ii. Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full.

iii. A commitment to monitor the vehicular trips generated by the residents and submit a revised (or Full) Travel Plan on occupation of the 100th dwelling.

iv. A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority until five years has passed after occupation of the final dwelling using the same methodology as the baseline monitoring.

v. A suitable marketing strategy to ensure that all residents on the site are engaged in the Travel Plan process.

vi. A Travel Plan budget that covers the full implementation of the Travel Plan.

vii. A copy of a residents travel pack that includes a multi-modal voucher to incentivise residents to use sustainable travel in the local area.

No dwelling or flat within the relevant reserved matters site shall be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interests of sustainable development as set out in the NPPF, Policy CS12 of the Forest Heath Core Strategy and policies DM2 and DM45 of the Joint Development Management Policies document (2015).

- 12 No dwellings hereby permitted shall be occupied until the proposed junction improvements, which will include traffic signal control of the junction being introduced, at the B1112 junction with Eriswell Road at Spark's Farm, generally as shown on AECOM drawing reference: 60445024-002-SKE-0001 Rev D have all been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of road safety, traffic capacity and accessibility to a key service centre, in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 13 A. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing,

by the Local Planning Authority:

i) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

iii) Based on the risk assessment in ii), an options appraisal and 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. The plan shall also detail a long term monitoring and maintenance plan as necessary.

B. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii) is submitted and approved, in writing, by the Local Planning Authority. The long term monitoring and maintenance plan in iii) shall be updated and be implemented as approved.

C. 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.

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

14 A. No construction of any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development demonstrating for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed

shall not exceed a daytime level of 35 Db (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 Db laEQ (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of a measurement and assessment methodology for demonstrating compliance with the limits set in part Ai) of this condition, including the identification of specific properties where monitoring shall take place. This methodology shall include measurements within more than one dwelling.

B. Prior to first occupation, a suitable qualified noise specialist shall demonstrate compliance with the noise criteria detailed in part Ai) of this condition using the measurement and assessment methodology as advocated in condition Ai) if this condition and during periods of normal flying operations at RAF Lakenheath and RAF Mildenhall. The findings of the compliance assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings.

Reason: To protect the amenities of the internal spaces of the approved dwellings and flats from the potentially adverse effects of noise from passing military aircraft, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, and the National Planning Policy Framework.

- 15 Each dwelling proposed with dedicated off street parking shall be provided with an opportunity to connect to an electric vehicle charge point prior to its first occupation. Details of the electric vehicle charge equipment other related infrastructure to be installed at the site shall have first been agreed in writing with the Local Planning Authority. All charge points or other charging infrastructure shall be provided within at least 2.0 metres of the associated designated parking space.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the National Planning Policy Framework (NPPF) and Policy DM2 (k) of the Joint Development Management Policies Document.

- 16 No individual dwelling hereby approved shall be occupied until the optional requirement for wholesome water consumption (110 litres use per person per day) in Part G2 Regulation 36 of the Building Regulations 2016 has been complied with for that dwelling.

Reason: To ensure that reasonable provision is made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water in accordance with the Building Regulations (2016) and in accordance with Policy DM7 of the Joint Development

Management Policies Document (2015).

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

Reason: To ensure the adequate supply of water for firefighting/community safety, in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 18 The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register.

- 19 Site clearance, removal of hedgerows, trees, shrubs, other vegetation and habitats, or works to or demolition of buildings or structures that may be used by breeding birds or bats, shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person at the written approval from the Council . A site attendance record shall be maintained by the applicant which shall contain name and purpose of the visit and shall be available for inspection at 24 hours notice.

Reasons: In the interest of protecting nesting birds from harm during site preparation and construction works in accordance with Policy CS2 of the Forest Heath Core Strategy (2010) and Policies DM11 and DM12 of the Joint Development Management Policies Document (2015).

- 20 Prior to the commencement of development, a scheme of replacement tree planting to compensate for the felling of trees to make way for the approved accesses shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include a timetable for the implementation of the replacement tree planting scheme. Thereafter development shall be carried out in accordance with the scheme. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reasons: To ensure the trees to be felled as part of the development

proposals are replaced in the interests of visual amenity and the character and appearance of the area in accordance with policies CS3 and CS5 of the Forest Heath Core Strategy (2010) and policies DM2 and DM13 of the Joint Development Management Policies Document (2015). This information is required in advance of development commencing to ensure a suitable scheme of replacement planting is agreed before the existing trees are felled. This information is required prior to development commencing to ensure a scheme of replacement tree planting, including a timetable for implementation of the replacement planting, is secured before the existing trees are felled.

21 No development shall take place within the application site (as identified on drawing number 14-017-A-096)] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for public engagement, publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

No building within the development (as identified on drawing number 14-017-A-096) 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 part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reasons: To enable any remains of archaeological significance to be investigated and recorded in accordance with the NPPF, policy CS3 of the Forest Heath Core Strategy (2010) and policy DM20 of the Joint Development Management Policies Document (2015).

The Following policies are considered relevant to the current decision:

Core Strategy Policy CS1 - Spatial Strategy
Core Strategy Policy CS2 - Natural Environment
Core Strategy Policy CS3 - Landscape character and the historic environment
Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
Core Strategy Policy CS5 - Design quality and local distinctiveness
Core Strategy Policy CS6 - Sustainable economic and tourism development
Core Strategy Policy CS7 - Overall housing provision
Core Strategy Policy CS9 - Affordable Housing Provision
Core Strategy Policy CS10 - Sustainable rural communities
Core Strategy Policy CS13 - Infrastructure and developer contributions

Development Management Policy DM1 Presumption in Favour of Sustainable Development
Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness
Development Management Policy DM5 Development in the Countryside
Development Management Policy DM6 Flooding and Sustainable Drainage
Development Management Policy DM7 Sustainable Design and Construction
Development Management Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
Development Management Policy DM11 Protected Species
Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
Development Management Policy DM13 Landscape Features
Development Management Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
Development Management Policy DM17 Conservation Areas
Development Management Policy DM20 Archaeology
Development Management Policy DM22 Residential Design
Development Management Policy DM27 Housing in the Countryside
Development Management Policy DM42 Open Space, Sport and Recreation Facilities
Development Management Policy DM44 Rights of Way
Development Management Policy DM45 Transport Assessments and Travel Plans
Development Management Policy DM46 Parking Standards

Informatives:

- 1 Any failure to adhere to approved plans or to comply with any conditions or limitation attached to this permission/consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.

- 2 The project may be subject to the requirements of the Building regulations 2010. Advice and assistance can be obtained from our Building Control Team on 01284 757387 or building.control@westsuffolk.gov.uk. They will work with you offering competitive fee quotations and pre-application advice upon request.
- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or registration other than the Town and Country Planning Act 1990 or under any covenant.
- 4 The development hereby approved should be built in accordance with the approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the council's website at www.westsuffolk.gov.uk. A fee of £34 for a householder application or £234 for all other applications will be required in order to register the application.
- 5 The applicant, developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath and RAF Mildenhall when constructing and occupying their properties.
- 6 Officers from Suffolk County Council rights of way team has provided the following advice and guidance for the applicant/developer: i. There must be no interference with the surface of the right of way as a result of the development. ii. The right of way must be kept clear and unobstructed for users and no structures placed upon the right of way. iii. Any damage to the surface of the route(s) as a result of the development must be made good by the applicant. iv. The Highways Authority is not responsible for maintenance and repair of the route beyond the wear and tear of normal use for its status and it will seek to recover the costs of any such damage that it has to remedy. v. The Area Rights of Way Office must approve any proposed works to the surface of the route(s). For further information and advice go to <http://publicrightsofway.onesuffolk.net/assets/Traffic-Regulation-docs/App-form-guidancefor-works-on-ROW-01-12.pdf> or telephone 0845 606 6067. vi. The applicant should have private rights to take motorised vehicles over the public right of way. Without lawful authority it is an offence under the Road Traffic Act 1988 to take a motorised vehicle over a public right of way other than a byway. We do not keep records of private rights. vii. If the public right of way is temporarily affected by works which will require it to be closed, a Traffic Regulation Order will need to be sought from the County Council. A fee is payable for this service. For further information and advice go to <http://publicrightsofway.onesuffolk.net/assets/Traffic-Regulation->

[docs/Guidance-toapplicants-on-applying-for-temp-closures-01-12.pdf](#) or telephone 0845 606 6067. viii. There may be other public rights of way that exist over this land that have not been registered on the Definitive Map. These paths are either historical paths that were never claimed under the National Parks and Access to the Countryside Act 1949, or paths that have been created by public use giving the presumption of dedication by the land owner whether under the Highways Act 1980 or by Common Law. This office is not aware of any such claims.ix. Public rights of way are protected by law. If you wish to build upon, block, divert or extinguish a right of way within the development area marked on the planning application an order must be made, confirmed and brought into effect by the local planning authority, using powers under s257 of the Town and Country Planning Act 1990.

- 7 The responsibility for the safe development and secure occupancy of the site rests with the developer. If contamination is found on the site that was not previously identified, the Council's Environmental Health Department should be contacted as a matter of urgency to discuss the situation.
- 8 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case amendments were secured to the material accompanying the planning application and further information was received with regard to the potential impacts of and to the development. Furthermore an agreement under S106 of the 1990 Planning Act has been completed which secures a package of mitigation measures such that the Local Planning Authority was able to grant planning permission.
- 9 This permission is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991.
- 10 In accordance with the Regulation 11D of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2008, a fee will be charged for each request for the discharge of a condition(s) attached to this planning permission. The fee will need to be submitted with each request.
- 11 Access to buildings for fire appliances and firefighters must meet with the requirements specified in the Building Regulations Approved Document B (Fire Safety), 2006 Edition incorporating 2010 and 2013 amendments. Volume 1 Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Section 16 and 17, in the case of buildings other than dwellinghouses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum

carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

- 12 Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.
- 13 It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's West Area Manager must be contacted on Tel: 0345 606 6171. For further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/ A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
- 14 The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.
- 15 The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant/developer will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
- 16 Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available. Anglian Water Services has advised the sewerage system serving the application site has available capacity for the flows from the development. If the developer wishes to connect to the sewerage network they should serve notice upon Anglian Water Services under Section 106 of the Water Industry Act 1991. Anglian Water services will advise of the most suitable point of connection.

- 17 To reduce fire hazards, as identified in the Housing Act 2004, Housing Health And Safety Rating System there should be adequate, appropriate and safe means of escape in case of fire from all parts of the dwelling. With 65% of all domestic fires occurring in the kitchen this room should not form part of the means of escape.
- 18 Suffolk County Council recommends that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest British Telecommunications exchange is likely to be required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed.
- 19 The Environment Agency advises that all surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156). The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways will not be permitted to be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- 20 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

David Collinson

David Collinson
Assistant Director - Planning & Regulatory Services

Date: 4 October 2018

Forest Heath District Council

NOTES

- 1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78
Town and Country Planning Act 1990

Listed Building Applications: Section 20
Planning (Listed Buildings and Conservation
Areas) Act 1990

Advertisement Applications: Section 78
Town and Country Planning Act 1990
Regulation 15
Town and Country Planning (Control of
Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/model-notification-notice-to-be-sent-to-an-applicant-when-permission-is-refused> The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain

an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

- 2 If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.