

## **Development Control Committee**

### **3 January 2024**

#### **Planning Application DC/23/0493/FUL – Milton House, Thurlow Road, Withersfield**

<b>Date registered:</b>	23 March 2023	<b>Expiry date:</b>	22 May 2023 (EOT to 05.01.2024)
<b>Case officer:</b>	Gary Hancox	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Withersfield	<b>Ward:</b>	Withersfield
<b>Proposal:</b>	Planning Application - five dwellings (following demolition of existing house)		
<b>Site:</b>	Milton House, Thurlow Road, Withersfield		
<b>Applicant:</b>	Mssrs Lansdown and Daniels		

**Synopsis:**

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

**Recommendation:**

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

**CONTACT CASE OFFICER:**

Gary Hancox  
Email: gary.hancox@westsuffolk.gov.uk  
Telephone: 01638 719258

## **Background:**

**The application was referred to the Development Control Committee (DCC) as the previous applications on the site for five dwellings were refused by DCC in September 2020 and June 2021, and the Officer recommendation of approval of this application is contrary to the view of the Parish Council.**

**The application was deferred by DCC on the 6 December 2023 to allow Members the opportunity of visiting the site. A Committee site visit is planned for 2 January 2024.**

**The most recent (2021) application on the site was refused for the following reasons:**

- **harm to the conservation area**
- **impact on biodiversity**
- **impact on neighbouring amenity.**

**The refusal was then appealed by the applicant in March 2022 and the appeal dismissed by the Inspector in September 2022. In dismissing the appeal, the Inspector concluded that the development was acceptable in respect of the impact on the conservation area, flood risk, highways matters and biodiversity matters. The reason for dismissing the appeal was solely due to the conflict found with the development plan in respect of the impact on the living conditions of the occupiers of the neighbouring dwellings to the site, The Old Bakery and Thistledown Cottage.**

## **Proposal:**

1. The application proposes the demolition of a two-storey dwelling (Milton House) and the development of five dwellings (net increase of four dwellings).
2. To address the Inspector's comments in dismissing the appeal, the application has been revised as follows:
  - Proposed plots 1 and 5 have been reduced from 2-storey to single storey homes which significantly reduces their height. The ridgeline of plot 1 has been reduced in height by 1.8 metres. The ridgeline of plot 5 has been reduced in height by 3 metres.
  - Plot 1 has been reduced from a 3 bed to a 1 bed home, and Plot 5 has been reduced from a 3 bed to a 2-bed home. The change to Plot 1 reduces the amount of car parking needed at the site entrance.
3. It is considered that the above changes reduce any impact that the original design of plots 1 and 5 could have had on the amenity of neighbouring properties.

## Application supporting material:

4. The application is supported by the following plans and supporting documents:
  - Plans and elevations
  - Arboricultural Impact Assessment
  - Ecology assessment
  - Site Investigation report
  - Design and access statement
  - Phase One Geo-Environmental Assessment
  - Planning statement
  - Flood risk & sustainable drainage statement (including the results of a CCTV of the drainage culvert)
  - Sequential and Exception tests
  - Topographical Survey
  - 3D montage views

## Site details:

5. The 0.2 hectare site contains a two-storey dwelling known as Milton House and its associated garden land. It is located adjacent to Thurlow Road towards the north-east end of Withersfield and within the Conservation Area. The site has a significant amount of trees to its boundaries, although the garden area to the rear of the site has been cleared of vegetation. Surrounding development is mixed in terms of age and appearance, but mostly is of good quality and contributes towards the character of the Conservation Area. However, some dwellings are more modern and detract from this character, including Milton House, which due to its unsympathetic design and appearance, is considered to be incongruous within the street scene.
6. The site is accessed directly onto Thurlow Road and is wholly within the settlement boundary.

## Planning history:

Reference	Proposal	Status	Decision date
DC/20/0623/FUL	Planning Application - 5no. dwellings (following demolition of existing dwelling)	Application refused	4 September 2020
DC/21/0367/FUL	Planning Application - five dwellings (following demolition of existing house)	Application refused (Appeal dismissed)	25 June 2021 & 12 Sep 2022

## Consultations:

### Parish Council

7. The Parish Council objects to this application as it represents an overdevelopment of the site and will have a detrimental effect on the

neighbouring householders' properties at the Old Bakehouse and Thistledown Cottage.

8. The application is essentially the same as the application previously rejected by the Committee and on appeal. The changes do not materially change the issues raised in our previous objections in relation to overdevelopment, impact on the neighbouring properties, parking pressures on and adjacent to the site and the potential dangers of traffic movements on a dangerous blind bend. We consider that the development is more suited to a semi urban environment rather than a village such as Withersfield. The cul-de-sac and courtyard hard standing covering a large proportion of the site is inappropriate to the village environment. Gardens of the 5 properties squeezed on to the site are all of a minimal size which is out of character and inappropriate to the environment.
9. The Parish Council would welcome a redevelopment of the site and the replacement of the existing Milton House property with a suitable development of 2 or 3 houses. This would have the potential to enhance our conservation area rather than negatively impacting on it as with the current proposal.

#### SCC Highways

10. No objection, subject to appropriate conditions.

#### SCC Flood & Water

11. Recommend approval, subject to conditions requiring the implementation of the surface water drainage strategy.

#### SCC Archaeology

12. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

#### Conservation Officer

13. Support - the proposals have been amended reinstating an asymmetrical roofline with an increased ridge height to plot 1 in an effort to provide a greater presence to the street frontage. (Members should note that the amendment still results in a significant reduction in height from the previous scheme.) Whilst there is a continued preference for a 1 ½ storey dwelling in this forward location (from a conservation point of view) concerns raised by the Inspector would appear to prohibit such an approach. Furthermore, whilst buildings of a reduced scale in a forward location may not be a typical arrangement examples do exist in the locality and include a nearby neighbour which benefits from a part single part two storey outbuilding in a forward location which backs directly onto the street. Consequently, the reduced scale would not appear to be out of character with the area where a mix currently exists. The proposed amendments are therefore an acceptable compromise from a conservation point of view.

14. The following details are required and may be conditioned:

- Sample of external materials
- Details of proposed windows and doors.

#### Place Services (Trees)

15. No objection, subject to appropriate conditions requiring :

- Submission of an Arboricultural Method Statement
- Soft landscaping and retention of existing trees

#### Environment Team (Contamination)

16. The application is supported by a Phase 1 (desk Study) Ground Contamination Report, undertaken by BHA Consulting, reference 3529, dated February 2022. The report includes a summary of the history and environmental setting of the site and surrounding area and includes the findings of a site walkover. The report concludes that some risks are present and recommends limited intrusive investigations. This Service is satisfied with the report and recommendations for limited investigations. We recommend the standard land contamination condition is attached, should planning be granted, to suitably control these intrusive investigations.

#### Private Sector Housing & Environmental Health

17. No objection, subject to appropriate conditions.

#### Place Services (Ecology)

18. Our previous comments relating to the Preliminary Roost Assessment of tree T2 and the level of survey effort applied to the house in relation to bats has now been addressed. We previously highlighted that tree T2 on the AIA had been described as having 'Cavities in stem in and around main fork'. The updated Ecology Letter Response (Skilled Ecology, 26th October 2023) has now clarified that the information within the AIA was incorrect in relation to T2 and related to T3, which was surveyed. The document has provided updated photos in addition to the further information.

19. In addition, we previously raised concerns regarding the level of survey effort applied in relation to the building. The document has provided sufficient justification in relation to why only one updated emergence survey was undertaken. We are satisfied with the proposed need for works to be carried out following precautionary mitigation measures. Whilst no roosting bats were identified the presence of bat droppings found in 2020 does mean there is a potential risk that bats could be present at the time of works. We recommend the roof is soft stripped and overseen by a suitably licenced ecologist. This should be detailed within a Construction Environmental Management Plan (CEMP): Biodiversity and secured by a condition of any consent.

20. An increase in artificial light would negatively impact foraging bats. We recommend lighting details are outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals and secured by a condition of any consent.

21. We are now satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

### **Representations:**

22. A total of 47 letters of objection received. Comments summarised as follows:

- Flooding issues at this point in the road
- Traffic – dangerous point in the road due to restricted sightlines (as evidenced by recent traffic accident)
- Overspill parking on Thurlow Road
- Not enough visitor parking
- Loss of trees
- Harm to the character of the village
- Off street parking will be a hazard
- Detrimental impact on amenity of neighbouring dwellings
- Increase pressure on existing infrastructure
- Contrary to Policies DM2, DM22 and DM17
- Harm to existing ecology
- Over-development of the site
- The modern style of these properties are not in keeping with the village. They look like they'd fit in with a Taylor Wimpey mass development, rather than the traditional aesthetics of the village.
- The bungalows look more like Lodges you'd find at a holiday park. Completely out of place and not in keeping with the conservation area.

23. Comments from Thistledown Cottage - The previous application was rejected by the development control committee and the subsequent appeal ref (Appeal Ref: APP/F3545/W/21/3286825) to the planning inspectorate was dismissed in September 2022 this “new” application with the exception of the reduction in height of 2 plots is fundamentally the same and should therefore be rejected.

24. Comments from The Old Bakery - This development is still contrary to Joint Development Management Policy DM2 and DM22, which amongst other things, requires new development to avoid harm to existing residential amenity. Our previous objections are still entirely relevant as the developer has chosen not to address the two main reasons for refusal of all previous applications. Simply reducing the height of Plots 1 and 5 but still siting them in exactly the same places does not lessen the harm of the amenity of Thistledown and the Old Bakery and does not address the two main reasons for refusal at appeal of the previous application.

25. Three letters of support received from local residents at Hall Farm, Withersfield, Abbots Cottages, Haverhill and Bunn Close, Haverhill, commenting as follows:

- Having reviewed the latest proposals and original objections, I believe all have been met and this discreet well positioned development can now only be good for the village. With more chance for families to be

brought up in the village environment, rather than a big town. Many children and Adults with different Mental Health issues, really struggle in towns and having this opportunity to have more options in this village can only be beneficial. The potential benefits for these dwellings to give people a chance in the village is really positive. Having family that suffer with Mental Health, they got a chance in a village and thrived.

- From an environmental perspective there would be a huge improvement as the new well-designed properties would be of a more eco-friendly standard of living which is so important in the current age.
- Access to and from the site would be significantly improved at the same time offering the opportunity to address the localised flooding issues.
- Whilst it is right that the concerns of the locals should be heard there is no doubt they the majority if not all are founded in the "not in my back yard" school of thought. As the application has the overwhelming support of the West Suffolk planning professionals it should be approved and left to them to ensure that any conditions attached to the approval are fully met and I have every confidence that they would not shirk those responsibilities.
- This is a small development, along the same lines as Homestall Crescent, (Church Farm); which there were some objections back then and a very pleasant "close" has been created and I feel that Milton House could be the same on a smaller scale. The village is in desperate need of smaller and more affordable houses for residents both young and old, and needs to keep a good housing balance of small, medium and large properties.

### **Policy:**

26. 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.

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

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

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

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM46 Parking Standards

### **Rural Vision 2031**

Vision Policy RV1 - Presumption in favour of Sustainable Development

### **Other planning policy:**

National Planning Policy Framework (NPPF)

28. The 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:**

29. The site is within the settlement boundary and infill development of up to 5 dwellings is permitted by Core Strategy Policy CS4. The application fully accords with this policy and the application is acceptable in principle.

30. The Inspector's decision of September 2022 (attached as Working Paper 1) sets out the reason for dismissing the appeal as being solely due to the conflict found with the development plan in respect of the impact on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage. Impacts on biodiversity, flood risk, the Conservation Area and highways,



were found to be acceptable. Acknowledging the slight change to the appearance of the proposed dwellings, the impact on the Conservation Area has been assessed again.

31. Although the site is not located in an area at risk from fluvial flooding, parts of the site (including the access) are located within an area of high-risk surface water flooding (pluvial) as identified on the national flood risk maps. Whilst the flood risk has not materially changed since the 2021 application, the NPPF has been updated and now requires **all** forms of flood risk (not just flood zones associated with fluvial/river flooding) to be considered as part of a sequential test. The NPPF defines the aim of a sequential test as

“to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

32. Following discussion with Officers, the applicants submitted both sequential and exception tests, along with further information and evidence that the proposed drainage scheme is fit for purpose and will result in drainage betterment for the site.

33. With the exception of flood risk and visual appearance (impact on the conservation area), and the scale of plots 1 and 5, nothing has changed in respect of biodiversity and highway safety since the appeal Inspector’s assessment of the site and the proposal. This revised proposal is acceptable in respect of these considerations. Therefore, the main issues to be considered in the determination of the application are:

- Drainage and flood risk (sequential test)
- Impact on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage
- Impact of the development on the Conservation Area
- Other matters

#### Drainage and flood risk

34. The NPPF states that a sequential test should consider if the development could be sited in areas of lower risk of flooding. If this is not possible within an agreed area, and the development is considered to be more vulnerable development within flood zones 2 or 3 (including new dwellings), then in some cases the ‘exception test’ should then be applied. (See [Flood Risk Classification](#).)
35. Although not technically required by the NPPF/NPPG, as the site is not within Flood Zones 2 and 3, an exception test has still been undertaken in accordance with NPPF par. 164. This is because as part of the site is within an area identified to be at high risk of surface water flooding, the elements of the exception test set out below are still relevant to this proposal. Part (b) of the test is in any event required by Joint Development Management Policy DM6 and par. 167 of the NPPF.

36. NPPF par. 164 requires the exception test to demonstrate that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

37. For sequential tests the National Planning Practice Guidance (NPPG) advises that a search area should be agreed with the Local Planning Authority. As the application proposal is within the settlement boundary, it was agreed with the applicant that the area inside the settlement boundary of Withersfield would be a suitable search area to be applied to the sequential test. It was also agreed that the search should be for sites that could provide a net development of 4 dwellings (the same as the proposal).

38. Within the search area, the NPPG then advises that allocations and existing planning approvals should be considered. The applicant's sequential test identifies that there are no residential allocations in Withersfield, and of the three planning approvals for new residential development within the last 3 years, none are big enough to accommodate a net gain of 4 dwellings.

39. Next, the NPPG advises that windfall sites be assessed. These should include sites owned by the applicant, or sites available for purchase at market value. The applicant has responded to this as follows:

"There are no windfall sites available in the village. No development sites are on the market. Of the houses for sale a property on Turnpike Hill is Grade II listed, and as such, a development of four homes would not be possible near to it without harming the setting of the listed building. None of the other properties available for sale could accommodate a net gain of 4 dwellings. As such, no alternative sites are available for the development as proposed."

40. Officers are satisfied with the above sequential test and agree that there are no other suitable sites available. A site-specific Flood Risk Assessment (FRA) has been submitted following consultation with the Local Lead Flood Authority (LLFA). The FRA includes a drainage strategy that will improve the drainage infrastructure; will reduce the level of flooding at the site entrance from local run-off; will take account of climate change; and will improve water quality. The development has been designed to be safe for its lifetime with appropriate finished floor levels.

41. Wider sustainability benefits have also been identified. The development will:

- develop land inside the settlement boundary which is appropriate for housing in order to provide homes to meet local needs;
- provide a mix of homes, with 1, 2, 3 and 4 bed properties, contributing to the delivery of housing in the area and the 5-year supply of housing land;
- have a positive impact on the Conservation Area, and;

- include biodiversity enhancements.

42. Having regard to the above, Officers are content that the application passes the exception test. The applicant has produced a sustainable drainage strategy, which ultimately includes mitigation measures as necessary to enable the development to proceed ensuring that it is safe from flooding to recognised standards and does not increase the risk of flooding to neighbouring properties as required by Joint Development Management Policy DM6 and the NPPF. Consequently, the County Council as Local Lead Flood Authority recommends approval of the application.

Impact on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage

43. In respect of the impact of the development on the living conditions of the two neighbouring dwellings to the site, the Inspector found that 'the proposed dwellings on plots 1 and 5 would have an overbearing effect on the occupiers of The Old Bakery and when viewed from the patio doors within the rear elevation of Thistledown Cottage, to the detriment of their living conditions.' The development was found to be acceptable in respect of loss of light or overbearing effect on the ground floor side windows, and loss of privacy.

44. In respect of the previous proposal for plot 1 to the front of the site and adjacent to Thistledown Cottage, the Inspector commented that

'The proposed dwelling would extend almost the full length of Thistledown Cottage's rear garden and due to its siting and scale, it would result in an enclosed and overbearing outlook when viewed from the patio doors within the property's rear elevation, resulting in harm to the living conditions of the occupiers of this property.'

45. In response to the above concerns the applicants have reduced the ridge height by 1.8 meters to 5.5 metres. The eaves height closest to the boundary with Thistledown Cottage has been reduced by 0.95 metres to approx. 2 metres in height. Whilst the siting of this dwelling remains the same, the reduction of height will make a significance difference to the impact on the amenity of Thistledown Cottage.

46. Noting that the Inspector stated that views from patio doors would be harmed by the previous proposal, the applicants point out that the low height of the revised proposal means that the boundary hedge, or any 2 metre fence that may be put up on the application site in the future, should the hedge ever be removed, will have a more significant impact protecting the views from Thistledown towards the revised Plot 1 than it would have had on views of the previous design.

47. In respect of the previous proposal for plot 5 adjacent to 'The Old Bakery', the Inspector commented that

'Notwithstanding the separation distance between The Old Bakery and the proposed dwelling on plot 5, the siting and scale of the proposed dwelling would result in an enclosed and overbearing outlook to the living conditions of the occupiers of this property.'

48. The applicant has responded to the above concerns by significantly reducing the scale of plot 5, resulting in a single storey dwelling. The dwelling is also moved slightly further away from the site boundary (0.7 metres). Three metres have been reduced from the ridge height, and 0.9 metres reduced from the eaves height. These changes significantly reduce the impact of the dwelling.
49. Overall, officers are satisfied that the amended proposals have satisfactorily addressed the concerns of the Inspector in respect of neighbouring amenity impact. The impact on existing residential amenity is considered acceptable and in accordance with Joint Development Management Policies DM2 and DM22 in this regard.

#### Impact of the development on the Conservation Area

50. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In considering the previous appeal, the Inspector also had regard to this duty and concluded that the development would not harm the character or appearance of the surrounding area, and consequently would preserve the character and appearance of Withersfield Conservation Area. The Inspector also concluded that the proposal would comply with Policies DM2, DM17 and DM22 of the JDMPD, which seek to protect heritage assets and ensure good design appropriate for the character and context of the site.
51. As is discussed at paragraphs 43 – 49 above, having regard to the Inspector's conclusions in respect of the impact on the amenity of neighbouring dwellings, both proposed plots 1 and 5 have been significantly reduced in height and scale (see par. 2 above). The plans have also been further amended reinstating an asymmetrical roofline with an increased ridge height to plot 1 in an effort to provide a greater presence to the street frontage, whilst still resulting in a significant reduction in overall height compared to the previously refused scheme. The Conservation Officer is satisfied that the reduced scale (as amended) would not appear to be out of character with the area where a mix of building heights currently exists. The proposed amendments are acceptable from a conservation point of view and still enhance the conservation area.
52. It is considered that the proposed development continues to be well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area.
53. The requirements of Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 have been met and the application is considered to accord with Core Strategy Policy CS3 and Joint Development Management Policies DM2, DM22 and DM17 in this regard.

#### Other matters

54. Ecology and biodiversity - by implementing the following biodiversity enhancements the development would create a net gain in terms of biodiversity, in accordance with the NPPF and Joint Development Management Policies DM11 and DM12:
- 3 x compensatory bat roosting habitat (Schwegler bat box)
  - 3 x Schwegler 1FR Bat Tube
  - 2 x House Sparrow Nest Box
  - 2 x Woodstone Built-in Open Nest Box
  - 4 x Swift Block
  - 4 x Schwegler bird Boxes
  - 2 x Schwegler Hedgehog Domes.
  - Low level bollard lighting to reduce impact
  - Tree replacement
  - Hedgehog friendly boundary fencing (with gaps at intervals)
  - Native soft landscaping
  - Two 1m x 1m habitat piles are also proposed for the site boundary for use by invertebrates, small mammals, amphibians and other wildlife.
55. Furthermore, new hedgerows are proposed between the houses. The new hedgerows will be native species and planted in a double staggered row, with at least five whips per linear metre.
56. The Council's ecology consultant is satisfied that there is sufficient ecological information available for determination of this application, and that it provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable (These are set out at paragraphs 18 – 21 of this report.)
57. Subject to the above mitigation being secured by condition, the development would have an overall net gain in terms of biodiversity and accords with Joint Development Management Policy DM12 in this regard.
58. Highway access and parking - subject to appropriate conditions, SCC Highways raises no objection to the scheme which is considered to accord with Core Strategy CS7 and Joint Development Management Policies DM2 and DM46 in this regard.
59. The application has dealt with any potential land contamination risks and subject to standard conditions controlling intrusive ground investigations required by the ground contamination report, the development accords with Core Strategy Policy CS2 and Joint Development Management Policy DM14 in this regard.
60. Energy efficiency – Joint Development Management Policy DM7 states that: "All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national

Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined.”

61. The applicant has set out the approach to sustainability in a Design and Access Statement, and included in the environmental measures proposed is the following:

- Water use reduction measures including airflow taps and dual flush cisterns etc.
- All plots are to be provided with below-ground rainwater harvesting.
- All plots are to be provided with free standing electric/hybrid car-charging points (refer to annotated site plan).
- All plots are to be provided with 2.4 x 1.8 garden sheds for cycles and garden storage.
- The dwellings will be fitted with Energy Efficient light bulbs.
- The dwellings will have ample space for dry recyclables.
- Mechanical Ventilation and Heat Recovery systems (MVHR) will be installed to each dwelling
- each dwelling design incorporates dedicated space in this respect.
- Where white electrical goods are provided these will be 'A' rated for energy efficiency

62. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 110 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

### **Conclusion:**

63. This revised application has satisfactorily addressed the appeal Inspector's concerns. The scheme accords with Core Strategy Policy CS4, Joint Development Management Policy DM1 and Rural Vision Policy RV1, and is acceptable in principle. The development scheme (as amended) has satisfactorily demonstrated that the proposed 5 dwellings can be accommodated without detriment to highway safety, residential amenity, biodiversity, and the character of the conservation area in accordance with relevant development plan policies and the NPPF.

### **Recommendation:**

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

1. 3-year planning permission time limit

2. In accordance with approved plans
3. No development above slab level shall take place until details of the facing and roof materials, and doors and windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Before any development or any demolition work hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details: -
  - (a) hours of construction operations including times for deliveries and the removal of excavated materials and waste;
  - (b) site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
  - (c) noise method statements and noise levels for each construction activity including any piling and excavation operations;
  - (d) dust, dirt and vibration method statements and arrangements;
  - (e) site lighting.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

5. The hours of demolition, site clearance and construction activities, including deliveries to the site and the removal of waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No demolition, site clearance or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

6. No security lights or street lighting shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality.

7. 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,

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

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and 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.

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

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and 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.

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

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and 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.

10. The access shall be completed mainly in accordance with Drawing No. 19002-66; with an entrance width of at least 4.5m and be available for use before first occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

11. Prior to the development hereby permitted being first occupied, the access onto the C668 Thurlow Road shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access and to reduce the risk of loose material migrating onto the highway in the interests of highway safety.

12. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on drawing number 19002-50 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

13. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway, either directly from the access and courtyard, or indirectly from the surface water drainage attenuation or outfall. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

14. The use shall not commence until the area(s) within the site shown on drawing 19002-50 for the purposes of loading, unloading, manoeuvring and parking of vehicles and the secure storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

15. Before the access is first used visibility splays shall be provided as shown on Drawing 19002-66 with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

16. All HGV and construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials or equipment commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The Plan shall include:

- Routing for HGV and other construction delivery traffic.
- Means to ensure no damage will be done to the highway, including the carriageway, footway and verge, by construction and/or delivery traffic. This will include a before and after condition survey/s.
- Means to ensure no surface water, mud or other construction debris can flow or be deposited onto the highway.
- Means to ensure sufficient space is provided on site for the parking and manoeuvring off all construction site and delivery vehicles.
- Means to ensure sufficient space is provided on site for the storage of materials and equipment. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive and residential areas.

17. Prior to commencement of development a finalised Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

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

b. 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,

c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

18.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. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement 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. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

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.

19.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 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 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 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).

20. The strategy for the disposal of surface water (dated May 2020, ref: 3529.SK01 REV P7) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

21. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

22. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including

demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

- 23.No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

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.

- 24.All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal (Skilled Ecology, March 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 25.A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.

