

# Public Document Pack



	<b>PLANNING REFERRALS COMMITTEE</b>
<b>DATE:</b>	<b>FRIDAY, 19 MARCH 2021 9.30 AM</b>
<b>VENUE:</b>	<b>VIRTUAL TEAMS VIDEO MEETING</b>

For consideration at the meeting on Friday, 19 MARCH 2021, the following additional or updated papers that were unavailable when the Agenda was printed.

## **TABLED PAPERS**

Page(s)

- a      **DC/18/00861 LAND TO THE EAST OF, ELY ROAD, CLAYDON, SUFFOLK**      3 - 16

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Robert Carmichael - [committees@baberghmidsuffolk.gov.uk](mailto:committees@baberghmidsuffolk.gov.uk) - 01449 724930

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# Agenda Item 7a

## Tabled Papers

### DC/18/00861 – Land to east of Ely Road, Claydon

*Outline Planning Application (with means of access to be considered) - Erection of up to 67 dwellings, public open space and supporting site infrastructure including access.*

#### **Additional reference to NPPF**

In terms of density in addition to policy CS9 outlined in paragraph 2.1 of the committee report, Members are also advised to consider paragraphs 117 and 122 of the National Planning Policy Framework (NPPF) which identify the following (my emphasis);

*117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.*

*122. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

The NPPF is a material consideration in the determination of the planning application. The above two paragraphs provide further guidance on planning decisions making efficient use of land whilst ensuring other planning considerations such as design, maintaining an area's prevailing character and setting and residential amenity are met. As per the Conclusion of the committee report the proposed development is considered to meet these requirements, not lead to an adverse loss of amenity for surrounding residents and maintain the area's prevailing character in terms of density.

#### **Further consultee response**

Since publishing the committee report three further consultee comments have been received and are appended to these Tabled Papers:

- Babergh Mid Suffolk District Council Environmental Health Noise – no objection subject to condition for a construction management plan (additional to those listed in committee report)
- Place Services – Ecology – no objection subject to conditions (as previously reported).
- Anglian Water – no objection subject to condition (as previously reported).

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## Jo Hobbs

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**From:** David Harrold  
**Sent:** 15 March 2021 09:20  
**To:** BMSDC Planning Mailbox  
**Cc:** Jo Hobbs  
**Subject:** Plan ref DC/18/00861 Land To The East Of, Ely Road, Claydon. Environmental Health - Noise/Odour/Light/Smoke

Thank you for consulting me on the above outline application to erect up to 73 dwellings.

I can confirm with respect to noise and other environmental health issues that I do not have any adverse comments and no objection to the proposed development.

Due to the nature of construction sites, however, and the impact on amenity of nearby noise sensitive premises for a long period of time, I would recommend limiting the operating hours of the construction phase of the development to 08.00 – 18.00 hours Monday – Friday and 0800 – 13.00 hours Saturdays, with no work to take place on Sundays or Bank Holidays.

I would suggest the following condition attached to any approval:

Prior to the commencement of development, details of the construction methodology shall be submitted in a construction management plan. Any such plan shall be approved by the planning authority and incorporate the following information:

- a) Details of the hours of work/construction of the development within such operations shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed to avoid parking on street and conflicts with other road users.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Details of proposed arrangements for notifying neighbours of the commencement of works and contact details in case of enquiries.

The construction shall be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

I trust this is of assistance.

David Harrold MCIEH  
Senior Environmental Health Officer

**Babergh & Midsuffolk District Councils**  
**t: 01449 724718**  
**e: david.harrold@baberghmidsuffolk.gov.uk**

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12 March 2021

Jo Hobbs  
Mid Suffolk District Council  
Endeavour House  
8 Russell Road  
Ipswich IP1 2BX

By email only

Dear Jo,

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*Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Suffolk District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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**Application: DC/18/00861**

**Location: Land To The East Of Ely Road Claydon Suffolk**

**Proposal: Outline Planning Application (with means of access to be considered) - Erection of up to 74 dwellings, public open space and supporting site infrastructure including access.**

Thank you for re-consulting Place Services on the above application.

**No objection subject to conditions to secure:**

- a) Mitigation towards visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar and Deben Estuary SPA and Ramsar, from the development alone and in combination of other plans and projects;**
- b) ecological mitigation and enhancements.**

### **Summary**

We have reviewed the submitted documents provided by the applicant by Geosphere Environmental Ltd, relating to the likely impacts of development on Protected & Priority species / habitats. This includes the Preliminary Ecological Appraisal (January 2018), Great Crested Newt and Amphibian Survey (June 2018), Bat Detector Survey (July 2018), Badger Survey and Outline Mitigation Strategy (September 2018), Mitigation Strategy and Enhancement Plan (September 2018).

In addition, we have reviewed the map to demonstrate that a circular dog walking route of 2.7 km or more is present within links to surrounding public rights of way (PRoW), which was provided to enable the LPA to have sufficient information to prepare a Habitats Regulation Assessment Appropriate Assessment for this application.

We have also reviewed the details to ensure an appropriate buffer to the Priority Mixed Lowland Deciduous Woodland habitat will be secured for this proposed development.



After review of the submitted information, we are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. We support the reasonable biodiversity enhancements, which should also be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The ecological mitigation and enhancement measures identified in Preliminary Ecological Appraisal (January 2018), Great Crested Newt and Amphibian Survey (June 2018), Bat Detector Survey (July 2018), Badger Survey and Outline Mitigation Strategy (September 2018), Mitigation Strategy and Enhancement Plan (September 2018) should be secured and implemented. This is necessary to conserve Protected and Priority species.

As highlighted within Place Services previous ecological responses and Natural England's Consultation response (Ref: 272939, February 2019), this site lies within the 13km Zone of Influence (ZOI) for recreational disturbance impacts on the Stour & Orwell Estuaries SPA & Ramsar and the Deben Estuary SPA and Ramsar.

The developer has provided sufficient information to support the provision of the Habitats Regulations Assessment by Mid Suffolk District Council (26 January 2021) and its conclusion is supported by Natural England's formal consultation response (Ref: 33905, 22 January 2021). This is necessary to avoid likely 'adverse impacts' on the integrity of these coastal Habitats sites by securing mitigation measures for the development, both alone and in combination with other plans and projects. Therefore, the mitigation measures included within the HRA will need to be agreed and secured by legal agreement for implementation prior to commencement, to ensure implementation of mitigation measures prior to occupation.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

### **Recommended conditions**

#### **1. CONCURRENT WITH RESERVED MATTERS: ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt and Amphibian Survey (June 2018), Bat Detector Survey (July 2018), Badger Survey and Outline Mitigation Strategy (September 2018), Mitigation Strategy and Enhancement Plan (September 2018) 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 UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

## **2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR GREAT CRESTED NEWTS**

*“Works shall not in in any circumstances commence unless the local planning authority has been provided with either:*

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”*

**Reason:** To conserve 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 and s17 Crime & Disorder Act 1998.

## **3. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

*“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.*

*The content of the LEMP shall include the following:*

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from*



*monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”*

**Reason:** To 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)

#### **4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

**Reason:** To allow the 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)

Please contact us with any queries.

Yours sincerely,

**Sue Hooton CEnv MCIEEM BSc (Hons)**

Principal Ecological Consultant

[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

**Place Services provide ecological advice on behalf of Mid Suffolk District Council**

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



### **Natural England's recommendations for larger scale residential developments within the Suffolk Coast RAMS zone of influence (50 units +, or equivalent, as a guide)**

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the Habitats Sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance [here](#) can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km<sup>1</sup> within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

*Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available [here](#).*

However, the unique draw of the above Habitats Sites means that, even when well-designed, 'on-site' provisions are unlikely to fully mitigate impacts when all residential development within reach of the coast is considered together 'in combination'. We therefore advise that consideration of 'off-site' measures (i.e. in and around the relevant Habitats Sites) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases.

As such, in the interim period before the RAMS is adopted, a financial contribution should also be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant Habitats Sites). These measures should be targeted towards

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<sup>1</sup> Taken from *Jenkinson, S., (2013), Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*



increasing the relevant Habitats Sites resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing wardening schemes at the relevant Habitats Sites. A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Suffolk Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

## Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 03456 066087 or email [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk)

AW Site Reference: 170560/1/0115756

Local Planning Authority: Mid Suffolk District

Site: Land To The East Of Ely Road Claydon Suffolk

Proposal: Erection of up to 73 dwellings, public open space and supporting site infrastructure including access.

Planning application: DC/18/00861

**Prepared by:** Pre-Development Team

**Date:** 10 March 2021

### ASSETS

#### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### WASTEWATER SERVICES

#### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Ipswich-Cliff Quay Raeburn Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

It is noted that a surface water connection may be required to the public surface water sewer. In order to make an accurate capacity assessment, we require confirmation of the strategy including proposed connection point and discharge rate. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed. We note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with us, therefore we cannot comment, at this stage, on the proposals suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry, please contact [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk)

### Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Surface Water Disposal (Section 4)

CONDITION No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.

**FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:**

**Next steps**

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

**Surface water:**

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
  - Development hectare size
  - Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
  - Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

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