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	DEVELOPMENT CONTROL COMMITTEE A
DATE:	WEDNESDAY, 8 DECEMBER 2021 9.30 AM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

For consideration at the meeting on Wednesday, 8 DECEMBER 2021, the following additional or updated papers that were unavailable when the Agenda was printed.

TABLED PAPERS

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a	DC/21/02956 LAND EAST OF WARREN LANE AND WEST OF, CRESMEDOW WAY, ELMSWELL, SUFFOLK	3 - 16
b	DC/21/03589 LAND TO THE REAR OF THE LEAS, QUOITS MEADOW, STONHAM ASPAL, SUFFOLK	17 - 20

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Agenda Item 7a

Your ref:DC/21/02956/OUT
Our ref: Land East Of Warren Lane and West Of
Cremedow Way, IP30 9DT
Matter No: 60156
Date: 29 June 2021
Enquiries to: Isabel Elder
Tel: 01473 265040
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By e-mail only:

planningyellow@baberghmidsuffolk.gov.uk
john.pateman-gee@baberghmidsuffolk.gov.uk

Dear John

**Elmswell: Land east of Warren Lane and West of Cresmedow Way IP30 9DT,
Planning Reference DC/21/02956/OUT – developer contributions.**

I refer to the above proposal for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of 44 dwellings (inc. 9 bungalows) and 15 No affordable housing; open space; landscaping; and associated infrastructure.

This letter sets out the infrastructure requirements which arise for Suffolk County Council, which need to be considered by Babergh and Mid Suffolk District Councils, most of which will be covered by CIL apart from site-specific mitigation.

The County Council will need to be a party to any sealed Section 106 legal agreement if it includes obligations which are its responsibility as service provider. Without the following contributions being agreed between the applicant and the local planning authority, the development cannot be considered to accord with relevant policies.

Summary table of infrastructure requests:

CIL	Education	Capital Contribution
	- Primary expansion	£172,680
	- Secondary expansion	£166,425
	- Sixth form expansion	£47,550
CIL	Libraries improvements	£9,504
CIL	Waste	£4,972
S106	Early Years New	£69,072

S106	Secondary School Transport costs	£42,175
S106	Pair of bus stops	£15,00
S106	Footpath/Cycle S106 contributions:	£36,960
S106	Monitoring fee per trigger	£412
S106	Highways	Tbc

Paragraph 56 of the National Planning Policy Framework (NPPF) 2018 sets out the requirements of planning obligations, which are that they must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and,
- c) Fairly and reasonably related in scale and kind to the development.

The County and District Councils have a shared approach to calculating infrastructure needs, in the adopted [Section 106 Developers Guide to Infrastructure Contributions in Suffolk](#).

Mid Suffolk District Council adopted their Core Strategy in September 2008 and Focused Review in December 2012. The Core Strategy includes the following objectives and policies relevant to providing infrastructure:

- Objective 6 seeks to ensure provision of adequate infrastructure to support new development; this is implemented through Policy CS6: Services and Infrastructure.
- Policy FC1 and FC1.1 apply the presumption in favour of sustainable development in Mid Suffolk.

The emerging Joint Local Plan contains policy proposals that will form an important tool for the day to day determination of planning application in both districts. Infrastructure is one of the key planning issues and the Infrastructure chapter states that the Councils fully appreciate that the delivery of new homes and jobs needs to be supported by necessary infrastructure, and new development must provide for the educational needs of new residents.

Community Infrastructure Levy

Mid Suffolk District Council adopted a CIL Charging Schedule on 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016.

New CIL Regulations were laid before Parliament on 4 June 2019. These Regulations (Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) came into force on 1 September 2019 (“the commencement date”). Regulation 11 removes regulation 123 (pooling restriction and the CIL 123 List in respect of ‘relevant infrastructure’).

Site specific mitigation will be covered by a planning obligation and/or planning conditions.

The details of specific contribution requirements related to the proposed scheme are set out below:

1. **Education.** Paragraph 94 of the NPPF states: ‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
 - a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’

Furthermore, the NPPF at paragraph 104 states: ‘Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;’

The Department for Education (DfE) publication ‘Securing developer contributions for education’ (April 2019), which should be read in conjunction with the Planning Practice Guidance (PPG) advice on planning obligations [revised September 2019]. Paragraph 19 of the DfE guidance states, “We advise local authorities with education responsibilities to work jointly with relevant local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including both temporary and permanent education needs where relevant, such as school transport costs and temporary school provision before a permanent new school opens within a development site”.

In paragraph 15 of the DfE guidance ‘Securing developer contributions for education’ it says, “We advise that you base the assumed cost of mainstream school places on national average costs published annually in the DfE school place scorecards. This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the national average to reflect the costs in your region, using BCIS location factors”. The DfE scorecard costs have been adjusted for inflation using the latest Building Cost Information Service (BCIS) All-In Tender Price of Index (TPI), published March 2020. The technical notes state to adjust the national average to the region of interest, divide the national average cost by the weight for the region, given in the Scorecard underlying data (the regional weight has been calculated using the

regional location factors).

The most recent Department for Education (DfE) scorecard for primary schools was published in June 2020. The national primary school expansion cost per pupil place is £17,268.00. The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£17,268 / 1.00) produces a total of £17,268 per pupil for permanent expansion of primary schools.

The most recent Department for Education scorecard for secondary schools was published in June 2020. The national secondary school expansion cost per pupil place is £23,775.00. The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£23,775 / 1) produces a total of £23,775 per pupil for permanent expansion of secondary schools. The DfE guidance in paragraph 16 says, “further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place”.

Suffolk County Council (SCC) would anticipate the following **minimum** pupil yields from the above development:

- a) Primary school age range (5-11 years): 10 pupils; Cost per place is £17,268 (2020 costs)
- b) Secondary school age range, 11-16: 7 pupils. Cost per place is £23,775 (2020 costs);
- c) Secondary school age range, 16+: 2 pupils. Cost per place is £23,775 (2020 costs).

The local catchment primary schools are Elmswell CP School (catchment and nearest). The local catchment secondary schools which would serve this development are Thurston Community College (catchment and second nearest) and SET Ixworth School (local school not in nearest 3)

Based on existing forecasts, SCC will have no surplus places available at the primary and secondary schools.

At the primary school level, the approach for this area is currently to **expand** the existing primary school provision to meet the demands arising from basic need and housing growth, rather than new build, based on the take up rates and forecasts. The DfE publication talks about the importance of safeguarding land for schools by working with LPAs and developers to ensure that long-term pupil place planning objectives are secured. Contributions will be sought to futureproof for potential pupil place deficit.

At the secondary school and sixth form levels, the strategy is to **expand** existing provision to meet the demands arising from basic need and housing growth.

On this basis, SCC requests a CIL contribution at a minimum cost of £172,680 for primary, £166,425 for secondary and £47,550 for Sixth Form school provision.

School level	Minimum pupil yield:	Required:	Cost per place £ (2020/21):
Primary school age range, 5-11:	10	10	£17,268
High school age range, 11-16:	7	7	£23,775
Sixth school age range, 16+:	2	2	£23,775

Total education CIL contributions:	£386,655
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Secondary School Transport S106 costs

School transport contribution – 7 secondary-age pupils are forecast to arise from the proposed development. Developer s.106 contributions are sought to fund school transport provision for a minimum of five years for secondary-age pupils. Annual school transport cost per pupil is £1,205. Therefore, a **S106** contribution is £1,205 x 7 pupils x 5 years = **£42,175**, increased by RPI.

Total education S106 contributions:	£42,175
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- 2. Pre-school provision.** Provision for early years should be considered as part of addressing the requirements of the NPPF Section 8: ‘Promoting healthy and safe communities’

The Childcare Act 2006 places a range of duties on local authorities regarding the provision of sufficient, sustainable and flexible childcare that is responsive to parents’ needs. Local authorities are required to take a lead role in facilitating the childcare market within the broader framework of shaping children’s services in partnership with the private, voluntary and independent sector. Section 7 of the Act sets out a duty to secure funded early years provision of the equivalent of 15 hours funded education per week for 38 weeks of the year for children from the term after their third birthday until they are of compulsory school age. The Education Act 2011 places a statutory duty on local authorities to ensure the provision of early

education for every disadvantaged 2-year-old the equivalent of 15 hours funded education per week for 38 weeks. The Childcare Act 2016 places a duty on local authorities to secure the equivalent of 30 hours funded childcare for 38 weeks of the year for qualifying children from September 2017 – this entitlement only applies to 3 and 4 years old of working parents.

From these development proposals, SCC would anticipate up to 4 pre-school children arising, which is equivalent to 4 FTE places (1FTE place is 30 hours per week).

In paragraph 16 of the DfE guidance it says, *“Developer contributions for early years provision will usually be used to fund places at existing or new school sites, incorporated within primary or all-through schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school”*. In this case, £20,508 per place for new build.

Based on 44 dwellings it is anticipated that this proposal will generate 4 children

The strategy for this area is to seek S106 contributions towards building a new setting. On this basis, SCC requests an Early Years **S106** contribution (4 FTE's x £17268) of £69,072 (2021 costs) for pre-school provision which will contribute towards the expansion, enhancement and improvement to local provision.

Total Early Years S106 contributions:	£69,072
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- 3. Play space provision.** This should be considered as part of addressing the requirements of the NPPF Section 8: ‘Promoting healthy and safe communities.’ A further key document is the ‘Quality in Play’ document fifth edition published in 2016 by Play England.
- 4. Transport issues.** Refer to the NPPF Section 9 ‘Promoting sustainable transport’. A comprehensive assessment of highways and transport issues will be required as part of a planning application. This will include travel plan, pedestrian and cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 agreements as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. Suffolk County Council FAO Ben Chester will coordinate a response, which will outline the strategy in more detail.

In addition to the highways response, the Transport manager as commented that as with the linked site (DC/20/01677) , the non-school bus routes turn up Cooks Road and aim for School Road and come very close but not quite past the site. The stops

in Cooks road are unmarked so financial contribution is sought to provide a pair of bus stops, one of which would get a shelter. The amount sought is £15,000

Bus stop S106 contributions:	£15,000
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Suffolk County Council, in its role as a local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014 (updated 2019).

The development will be expected to contribute towards a shared off carriageway footpath/cycle facility linking Elmswell and Woolpit as there are different services provided in each village. The NPPF in Chapter 9 covers 'Promoting sustainable transport'. Paragraph 102 (c) says "opportunities to promote walking, cycling and public transport use are identified and pursued". The Mid Suffolk District Council Strategic Objectives Policy SO3 supports measures that promote sustainable transport and encourage people to avoid the use of private motor vehicles for suitable trips, including journeys by cycling and walking instead.

The route identified has been calculated to cost £690,000 which was fed into the Joint Local Plan process. This is based on a cycleway / footway calculated at 3m width @ £200 linear m, plus 50% contingency and 25% design & TM, equating to £350 linear metre. In addition a pedestrian refuge island would be needed at the A1088 circa £50k giving a total of £740,000. A per dwelling cost can be calculated by dividing £740,000 by the number of dwellings emerging in the area (881 dwellings in the Elmswell and Woolpit) = £840 / dwelling. This figure to be indexed linked (BCIS)

For this development of 44 dwellings x £840 a **S106** contribution of £36,960 will be sought

Footpath/Cycle S106 contributions:	£36,960
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5. Libraries. Refer to the NPPF Section 8: 'Promoting healthy and safe communities'.

The libraries and archive infrastructure provision topic paper sets out

the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought i.e., £9,504, which will be spent on **enhancing provision** serving the development. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of (30 x £3,000) = £90,000 per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling.

Libraries CIL contribution:	£9,504
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- 6. Waste.** All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.

SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

SCC has a project underway to identify a new HWRC site for the Stowmarket catchment area. The likely cost of a new HWRC is between £3m and £5m. This is a priority site in the Waste Infrastructure Strategy and some budget has been identified for this purpose, however, the Waste Service would expect contributions of £113 per household from any significant development in this area.

Waste CIL Contribution:	£4,972
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- 7. Supported Housing.** Section 5 of the NPPF seeks to deliver a wide choice of high-quality homes. Supported Housing provision, including Extra Care/Very

Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, needs to be considered in accordance with paragraphs 61 to 64 of the NPPF.

Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations Part M 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition, we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the LPAs housing team to identify local housing needs.

8. Sustainable Drainage Systems. Section 14 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. Suffolk County Council is the lead local flood authority. Paragraphs 155 – 165 refer to planning and flood risk and paragraph 165 states: 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.'

In accordance with the NPPF, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

A consultation response will be coordinated by Suffolk County Council FAO Jason Skilton.

9. Ecology, landscape & heritage. These are matters for the Council to consider and address. In terms of good design, it is suggested that consideration should be given to incorporating suitable roosting and nesting boxes within dwellings for birds and bats, as well as providing suitable biodiversity features including plants to attract & support insects, reptiles, birds & mammals.

10. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting which will allow SCC to

make final consultations at the planning stage.

11. Superfast broadband. This should be considered as part of the requirements of the NPPF Section 10 'Supporting high quality communication'. SCC would recommend 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; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability.

As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange-based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

12. Legal costs. SCC will require an undertaking for the reimbursement of its own legal costs, whether or not the matter proceeds to completion.

13. Monitoring Fee. The new CIL Regs allow for charging of monitoring fees. In this respect the county council charges **£412** for each trigger point in a planning obligation, payable upon completion of the S106.

14. Time Limits. The above information is time-limited for 6 months only from the date of this letter.

Yours sincerely,

Isabel Elder
Developer Contributions Consultant
Growth, Highways, & Infrastructure Directorate

cc Ben Chester, Suffolk County Council
Carol Barber, Suffolk County Council
Floods Planning, Suffolk County Council

Our ref : 60156
Your ref: 21/02956
Date: 6 December 2021
Enquiries to: Isabel Elder
Tel: 01473 265040
Email: Isabel.elder@suffolk.gov.uk



John.pateman-gee@baberghmidsuffolk.gov.uk
planningyellow@baberghmidsuffolk.gov.uk

Dear John

Re: Elmswell: Land East of Warren Lane and West of Cresmeadow Way

I refer to the committee report written for the above application to which the County have the following objection. I would welcome a response to these by the end of today or a holding response as to when you will be able to respond so that these can be agreed between us before committee on 8 December . Thank you

I have attach my original response and taken extracts from it for this letter.

In my letter dated 29th June 2021 I requested **S106 contributions** for:

1. Early years new provision £69,072
2. Secondary transport £42,175
3. Bus stops £15,000
4. Footpath/cycle link £36,960

None of these have been included in the requests in the committee report

1. Early years

The county are building a new pre school in Elmswell which the district are aware of. My letter stated:

Based on 44 dwellings it is anticipated that this proposal will generate 4 children

The strategy for this area is to seek S106 contributions towards building a new setting. On this basis, SCC requests an Early Years **S106** contribution (4 FTE's x £17268) of £69,072 (2021 costs) for pre-school provision which will contribute towards the expansion, enhancement and improvement to local provision.

Total Early Years S106 contributions:	£69,072
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The County request that this S106 contribution for new places be included in the committee report.

2. Secondary Transport – there is a requirement for such a payment as set out in my letter – extract below which has not been referred to in the committee report

Secondary School Transport S106 costs

School transport contribution – 7 secondary-age pupils are forecast to arise from the proposed development. Developer s.106 contributions are sought to fund school transport provision for a minimum of five years for secondary-age pupils. Annual school transport cost per pupil is £1,205. Therefore, a **S106** contribution is £1,205 x 7 pupils x 5 years = **£42,175**, increased by RPI.

Total education S106 contributions:	£42,175
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3. Bus stops – I am willing to concede that these fall to CIL
4. Footpath / cycle link

The committee report refers to this being relevant to primary school provision and therefore not necessary. SCC do not agree. Endorsement and agreement for the requirement of the link has been set out in the emerging local plan. When the previous application for 38 dwellings (which has now expired) was approved, there was no policy. This has since been developed.

The County have been asking for contributions from other schemes in the two settlements of Elmswell and Woolpit, there is a precedent that has already been set, which have been secured with NPPF support. The two share health facilities which are in Woolpit and a station in Elmswell and the link is required.

In summary SCC would like to see the committee report amended to include S106 contributions for : Early years new provision, school transport costs, a footpath/cycle link and associated monitoring costs

I look forward to hearing from you

Yours sincerely

Isabel Elder
Developer Contributions Consultant
Growth, Highways & Infrastructure

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Agenda Item 7b

Stonham Aspal Parish Council repeats its objection to this scheme outside the village boundary.

1. The application doesn't meet the requirements as set out in Article 6 of the Town and Country Planning Order 2015.

Contrary to what you may have been told, Outline Planning consent does not create a "blank sheet of paper". The order states that "The details of the reserved matters application MUST be in line with the outline approval" in respect of Appearance, Layout and Scale.

Significant changes require a new application.

At the previous Planning Committee meeting, it was suggested that four and five bedroomed houses did not need to be of significantly greater scale than the two and three bed properties indicated and approved at Outline stage.

We have measured the footprint of the houses and garages on the current plans. They are at least 42% bigger (nearly half as big again) than the Outline indicated development – as well as being significantly more massive. Remember that two of the houses at Outline were bungalows.

If the Committee agrees that these changes are "significant" the current application must automatically be refused because it is not in line with the Outline Approved scheme.

2. MSDC now has almost double the required housing land supply, so we believe that the focus should be on building the "right" houses for local needs. The supposed "Public Benefits" of this revised scheme are spurious. The original Outline application specifically mentioned the need for smaller houses in the area. The people who can afford the 4/5 bedroom scale houses now proposed will not be working in this Hinterland village.
3. The revised scale of the buildings will create a major increase in traffic movements over and above that envisaged at outline approval. Young people live at home these days, and will have their own cars and motorbikes.

The bigger scale proposed will result in significantly greater harm to the enjoyment of existing and future residents of Quoits Meadow by increased noise and disturbance from vehicles and pedestrians and by disturbance from vehicle headlamps at night time.

4. Impact on the significance and setting of the Grade II Heritage Asset. We are pleased to see that the Heritage Team and Case Officer have reread their previous objections and recognise that placing enormous five bedroomed houses and garage blocks between a listed farmhouse and its context in the rural landscape does have an impact on the significance and setting of the Heritage Asset greater than the 3 bedroom bungalows indicated and approved at Outline stage.
5. The attenuation pond is clearly outside the red line, and requires separate consent. We accept that you are able to approve the design of the surface water drainage system within the site, but we do not believe that you can properly discharge this condition until it is demonstrated that the water has somewhere to go to.
6. Our concerns about the positioning of the bin store alongside existing properties and the distance new residents will be expected to drag them have been ignored. Suffolk Waste

Partnership recommends a maximum of 30m. This is far further.

7. We do not find the lack of safe provision for pedestrians acceptable – and the plans are silent on who will be maintaining the verges where they are expected to seek refuge.

You might find the design of the houses attractive in themselves, but it is the impact of their scale, design and layout on the landscape and on adjoining properties that you are being asked to consider.

The Parish Council does not agree that the major increase in scale of these buildings after Outline Approval is acceptable; and we believe the impact of the increase in scale on residential amenity and Heritage Assets significantly outweigh the doubtful Public Benefits of the proposal. We therefore urge the Planning Committee to respect and support the needs of this village community and refuse the application – not just on Heritage grounds, but also the other reasons identified above, and especially the significant increase in scale from the Outline consent.

Note: The “representations” in support in the case report are all from one individual – not multiple people as the 5 bullet points used by the Case Officer might suggest.

Tabled Paper – Area Planning manager – DC/21/03589 – Land to the rear of The Leas, Quoits meadow, Stonham Aspal, Suffolk

For Members information, the order Art 6 states in full the following:-

“Applications for approval of reserved matters

6. An application for approval of reserved matters—

(a) must be made in writing to the local planning authority and give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;

(b) must include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline planning permission; and

(c) except where the authority indicate that a lesser number is required, or where the application is made using electronic communications, must be accompanied by 3 copies of the application and of the plans and drawings submitted with it.”

In this case, only access was considered with Outline application and only that part is fixed for consideration of reserved matters. The position of the Parish Council on the planning legalisation is incorrect. Layout, appearance, scale and landscaping are reserved matters and any information on these matters under the Outline are not fixed or unchangeable for the purpose of the consideration of reserved matters on their individual merits. If the layout, appearance, scale and landscaping are appropriate or not is a matter for debate.

The legal definition of the terms are as follows:-

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

“access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network;

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

I hope this information is of assistance.