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	DEVELOPMENT CONTROL COMMITTEE A
DATE:	WEDNESDAY, 6 APRIL 2022 9.30 AM
VENUE:	FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE

For consideration at the meeting on Wednesday, 6 APRIL 2022, the following additional or updated papers that were unavailable when the Agenda was printed.

TABLED PAPERS

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a	DC/21/06966 LAND TO THE SOUTH OF, UNION ROAD, ONEHOUSE, SUFFOLK	3 - 24
c	DC/20/04630 LAND WEST OF, WATTISFIELD ROAD, WALSHAM LE WILLOWS, SUFFOLK	25 - 26

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Agenda Item 7a

COMMITTEE ITEM 7A –

DC/21/06966 – LAND SOUTH OF UNION ROAD ONEHOUSE

Members are updated as follows:

- Although consulted on the proposals, the **Environment Agency** has not provided any comments. Members are advised that the Agency did not wish to comment on the outline application.
- The final comments of **Place Services Landscape** were not available at the time this update sheet was produced. However, following discussions with the Officer it is understood that conditions would be recommended to be included as part of a reserved matters approval.
- The outline planning permission decision notice (ref. DC/20/01110) is attached as a separate sheet for Members' information.

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Pegasus Group
Suite 4
Pioneer House
Vision Park,
Histon
Cambridge
CB24 9NL

Applicant:

Endurance Estates Land Promotion Limited
and Mr Paul Barnard
c/o agent

Date Application Received: 12-Mar-20

Application Reference: DC/20/01110

Date Registered: 09-Jul-20

Proposal & Location of Development:

Outline Planning Application. (Access to be considered) for the erection of up to 146no dwellings including vehicular and pedestrian accesses, public open space, play space, landscaping, associated highways, drainage and utilities infrastructure

Land To The South Of, Union Road, Onehouse, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled P18-2635-01F received 14/07/2020 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan P18-2635-01 F - Received 14/07/2020

PROPOSED ACCESS X511_200 P07 - Received 02/11/2020

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

4. RESERVED MATTERS: LANDSCAPING DETAILS

Any details submitted under Condition 2 shall, as appropriate and required, be in general conformity with submitted plan P18-2767_20B Boundary Vegetation to be Removed/Retained, Landscape Context and Connections Plan Ref: P18-2767_21 and the LVA Note Ref: P18-2767 20 January 2021.

Reason: To ensure careful planning in the preparation of the Reserved Matters scheme in respect of existing on-site boundary vegetation; and landscape and visual matters.

5. ACTION REQUIRED PRIOR TO COMMENCEMENT: PROVISION OF ACCESS

Prior to the commencement of development, details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), as outlined on Drawing No. X511_200 P07 shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the details as may be approved and shall thereafter be retained.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

6. ACTION REQUIRED PRIOR TO FIRST USE OF ACCESS: HIGHWAYS - PROVISION OF VISIBILITY SPLAYS

Before the access is first used visibility splays shall be provided as shown on approved drawings under Section A, with an X dimension of 2.4m and a Y dimension of 80m and 120m, and thereafter retained and maintained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

7. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: HIGHWAYS - PROVISION OF FOOTWAYS

Prior to the first occupation of any dwelling hereby permitted footways linking to the existing footway network at Union Road / Starhouse Lane junction (including to the north) and Finborough Road / Starhouse Lane junction, as shown on Drawing No. X511_200 P07, shall be constructed and made available for use. Thereafter these footways shall be retained.

Reason: To ensure that suitable footways are provided to access the application site and to connect the sites with adjacent footways and bus stops.

8. ACTION REQUIRED PRIOR TO COMMENCEMENT : DETAILS AND PROVISION OF ROADS AND FOOTPATHS.

Prior to the commencement of any development, details of the estate roads and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The details shall including layout, levels, gradients, surfacing and means of surface water drainage, details to demonstrate suitability of roads for refuse collection vehicles and a timetable for the implementation of the works. The details as may be approved shall be implemented and completed in their entirety in accordance with the timetable agreed and no dwelling shall be first occupied until the estate roads and footways serving that dwelling have been completed to at least binder course level.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If

agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

9. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - HIGHWAYS: PROVISION OF PARKING AND TURNING.

Prior to the commencement of development details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety and no dwelling shall be first occupied until the areas for the loading, unloading, manoeuvring and parking of vehicles (including secure cycle storage) serving that dwelling have been provided and made functionally available for use. Thereafter those areas shall be retained as approved and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and shall be used for no other purpose.

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. This condition is required to be implemented prior to the commencement of any other part of the approved development to ensure highway safety is secured early for the development. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety should proper layout not be achieved.

10. ACTION REQUIRED PRIOR TO OCCUPATION: TRAVEL PLAN

Prior to the occupation of any dwelling hereby permitted details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Travel Plan (dated February 2020), shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as approved and its provisions thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of sustainable development as set out in the NPPF

11. ACTION REQUIRED WITHIN SPECIFIED TIMEFRAME: RESIDENT'S TRAVEL PACK

Prior to the first occupation of any dwelling hereby permitted details of a Residents Travel Pack (RTP) shall be submitted to and approved in writing by the Local Planning Authority. The occupiers of each of the dwellings shall be provided with a RTP in the approved form within one calendar month of their first occupation of the dwelling.

Reason: In the interest of sustainable development as set out in the NPPF

12. ACTION REQUIRED PRIOR TO FIRST OCCUPATION OF DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS

Prior to the first occupation of the development details of the areas to be provided for storage of Refuse/Recycling bins and any associated collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided in their entirety before the development is first occupied and shall be retained thereafter for no other purpose.

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

13. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include and address the following matters:

- parking and turning for vehicles of site personnel, operatives and visitors;
- loading and unloading of plant and materials;
- piling techniques;
- storage of plant and materials;
- programme of works (including measures for traffic management and operating hours);
- provision of boundary hoarding and lighting;
- details of the proposed means of dust suppression;
- details of measures to prevent mud from vehicles leaving the site during construction;
- haul routes for construction traffic on the highway network;
- monitoring and review mechanisms;
- details of delivery times to the site during the construction phase;
- location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping;
- waste storage and removal;
- temporary buildings and boundary treatments;
- noise and vibration management (to include arrangements for monitoring, and specifically for any concrete breaking and any piling);
- litter management during the construction phases of the development;
- during any ground works/construction there shall be no burning of materials on the site;
- any external lighting associated with the development during any ground works/construction for the purposes of security and site safety shall prevent upward and outward light radiation.

The development shall only be carried out in accordance with the CMP as may be approved.

Reason: In the interest of highway safety and residential amenity.

14. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of any dwelling hereby permitted, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details in their entirety and the fire hydrants provided in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

15. ACTION REQUIRED AT RESERVED MATTERS: SURFACE WATER DRAINAGE SCHEME

Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA (dated February 2020) and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- c. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- d. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no flooding, and modelling of the volumes of any flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- e. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings and safe access routes can be maintained;
- f. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority;
- g. 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 local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

1. Temporary drainage systems
2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
3. Measures for managing any on or offsite flood risk associated with construction

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

16. ACTION REQUIRED PRIOR TO OCCUPATION: DETAILS OF SUSTAINABLE DRAINAGE SYSTEM

Prior to the first occupation of any dwelling hereby permitted details of all Sustainable Drainage System components and piped networks shall be submitted to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure 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 per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

17. ACTION REQUIRED: SKYLARK MITIGATION STRATEGY TO BE AGREED WITH RESERVED MATTERS

Prior to or concurrent with the submission of the first of the reserved matters, a Skylark Mitigation Strategy shall be submitted to and approved in writing by the local planning Authority.

The Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery

The Skylark Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be retained delivered for a minimum period of 10 years.

Reason: To conserve Priority species allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

18. ACTION REQUIRED PRIOR TO COMMENCEMENT: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority.

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 conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), the Badger Protection Act 1992 and s40 of the NERC Act 2006 (Priority habitats & species).

19. ACTION REQUIRED PRIOR TO COMMENCEMENT: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to the commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The development shall be carried out in accordance with the strategy as may be approved and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

20. ACTION REQUIRED PRIOR TO COMMENCEMENT: BIODIVERSITY LIGHTING SCHEME

Prior to the commencement of development 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

21. ACTION REQUIRED: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (BIODIVERSITY)

Prior to the commencement of development 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.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), the Badger Protection Act 1992 and s40 of the NERC Act 2006 (Priority habitats & species).

22. ACTION REQUIRED: SUSTAINABILITY SCHEME

Concurrent with the submission of the first Reserved Matters a Sustainability Scheme for the provision and implementation of water, energy and resource efficiency measures shall be submitted to the Local Planning Authority for approval. The scheme shall include:

- o Provision of a 'live' connection point to facilitate the delivery of an electric vehicle charging unit, at one connection per plot for only those plots which have on-plot parking or a garage.
- o Provision of a single water butt to each private residential rear garden
- o A clear timetable for the implementation of the measures in relation to the occupancy of the dwellings to which the measures relate.
- o Demonstrate compliance with NPPF paragraphs 148, 150 and 153

The development shall be carried out in accordance with the scheme as may be approved and made available for use in accordance with such timetable as may be agreed. Once provided the measures shall be retained thereafter.

Reason: To ensure the sustainable design and use of the development in accordance with the objectives of the NPPF.

23. ACTION REQUIRED: ADVANCED BOUNDARY PLANTING

Concurrent with the Reserved Matters submission a scheme for advanced site boundary planting shall be submitted to the Local Planning Authority for approval. The advanced boundary planting shall be implemented in the next available planting season in accordance with the scheme as may be approved.

Reason: In order to mitigate the visual impact of the development on the surrounding landscape.

24. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No development shall take place on 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. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

25. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

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 as may be agreed by the Local Planning Authority. Provision shall be 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.

26. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SUBMISSION OF GROUND FLOOR LEVELS WITH RESERVED MATTERS APPLICATION.

Concurrently with the submission of reserved matters in respect of siting and/or design for the development, details of the proposed finished ground floor level measured from a fixed off site datum point shall be submitted for approval, in writing, by the Local Planning Authority, and the development shall thereafter be constructed in accordance with the approved levels.

Reason - In order to secure a design in scale with development surrounding the site so as to protect the visual amenities, amenity of neighbouring properties and character of the area.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

GP01 - Design and layout of development

H07 - Restricting housing development unrelated to needs of countryside

T10 - Highway Considerations in Development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H03 - Housing development in villages
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
CL08 - Protecting wildlife habitats
T11 - Facilities for pedestrians and cyclists
RT04 - Amenity open space and play areas within residential development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
SAAP - Stowmarket Area Action Plan
NPPF - National Planning Policy Framework

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/20/01110

Signed: Philip Isbell

Dated: 30th April 2021

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

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

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

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

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



Key:

01 - 2 Bed Parking Space

01 - 3 Bed Parking Space

01 - 4 Bed Parking Space

V1 - Visitor Space (37 No.)

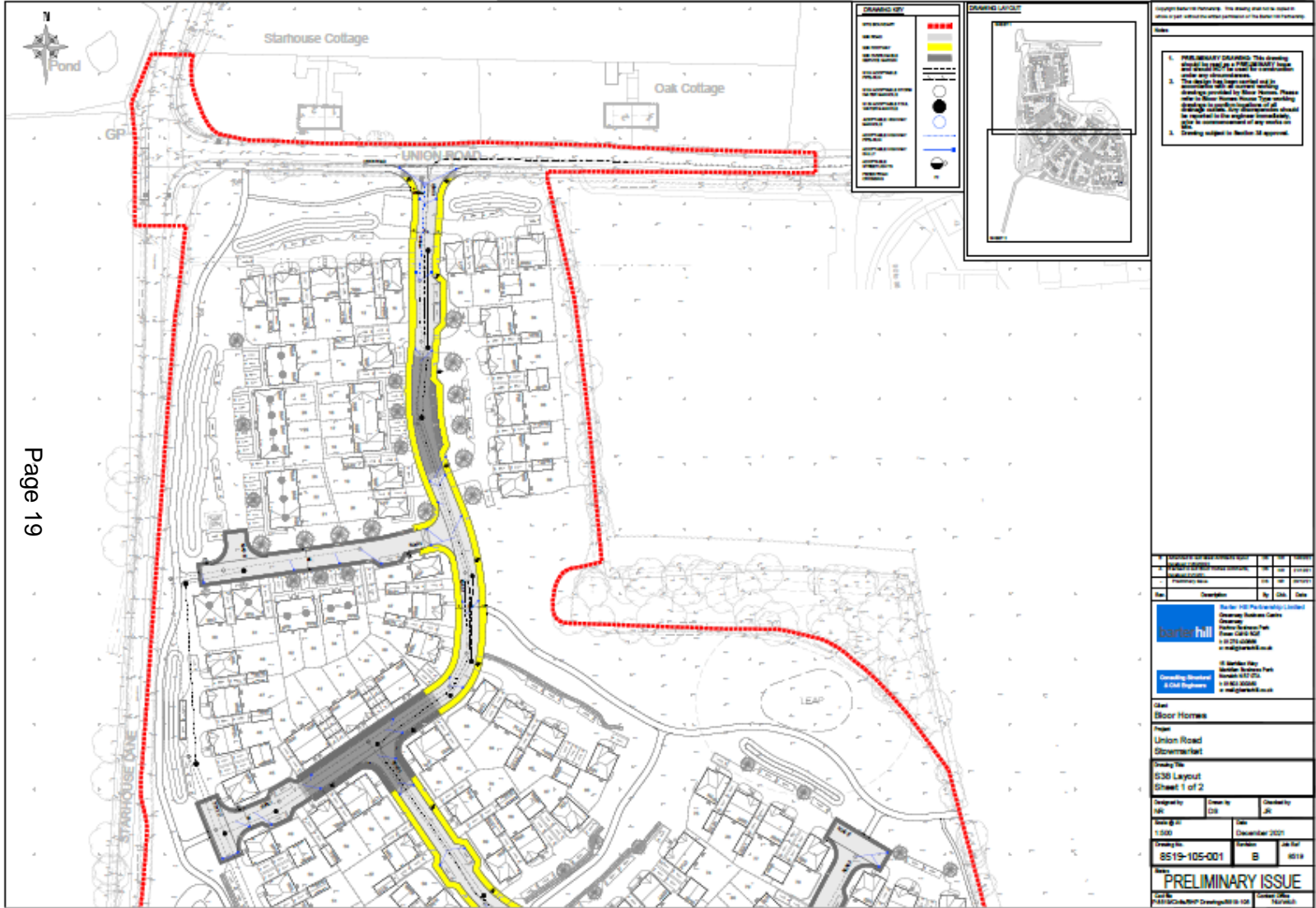
* - Active EV charging point (7kw)

All other plots to be provided with ducting and suitable consumer unit to allow the install of one wall charging unit per dwelling when required by householder.



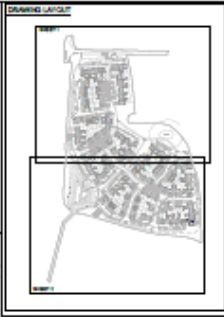
Key:

- -Shared Ownership Units
- -Rented Units



DRAWING KEY

Site Boundary	Red dashed line
S38 Road	Grey line
S38 Footway	Yellow line
S38 Overunable Service Margin	Dark grey line
S104 Adoptable Pipe-Run	Blue dashed line
S104 Adoptable Storm Water Manhole	Black circle
S104 Adoptable Foul Water Manhole	White circle
Adoptable Highway Manhole	Blue circle
Adoptable Highway Pipe-Run	Blue dashed line
Adoptable Highway Gully	Blue line with vertical bar
Adoptable Streetlights	Black circle with white dot
Pedestrian Crossing	White circle with black dot



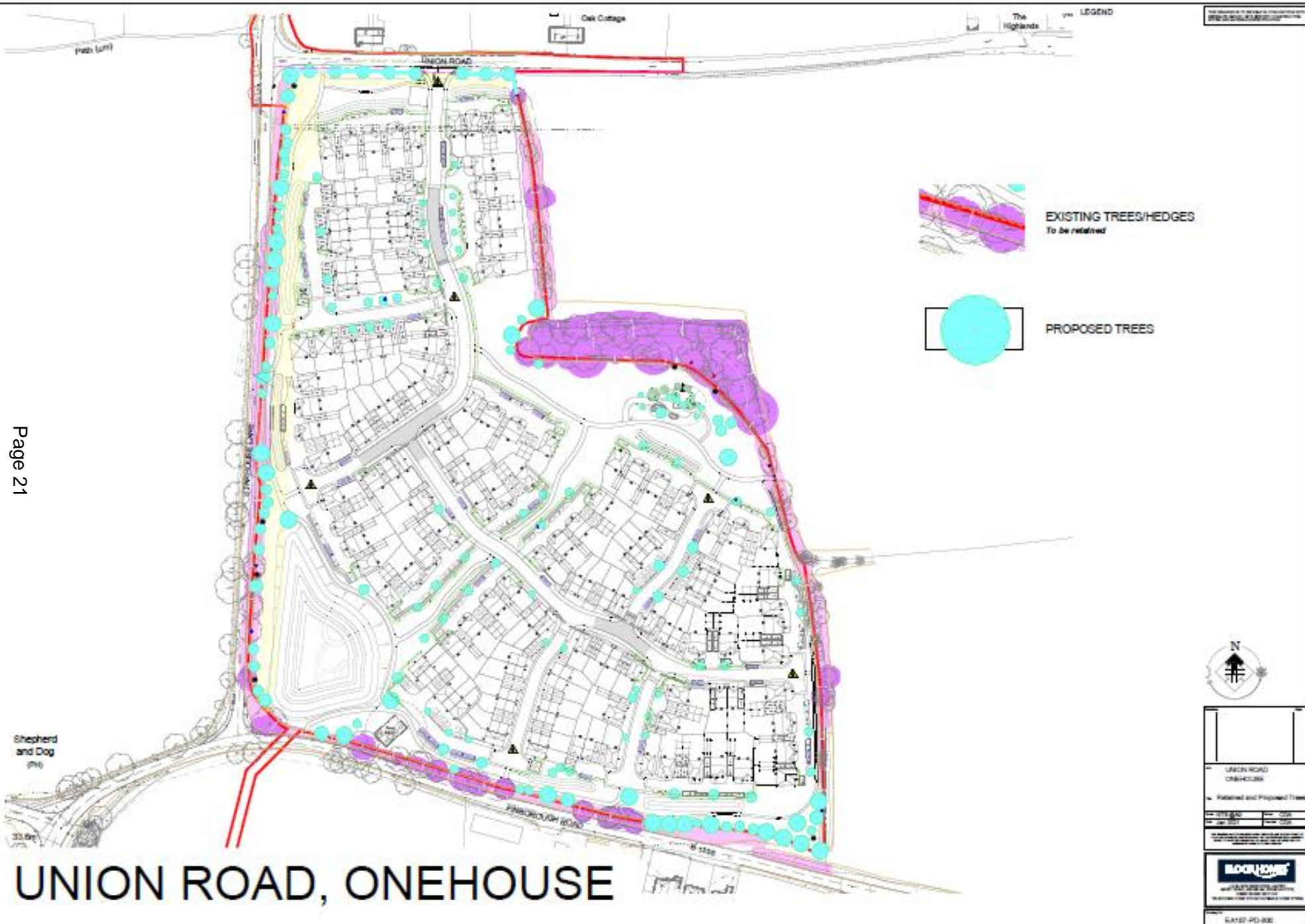
1. PRELIMINARY DRAWING: This drawing should be used as a PRELIMINARY design only. It is not to be used for construction or for any other purpose. The design is subject to change without notice. Please refer to the contract documents for more information. This drawing is the property of the engineer and shall be returned to the engineer immediately upon completion of any work under this contract.

2. Drawing subject to Section 52 approval.

Author	Checked by	Date
Drawn by	Checked by	Date
Revised by	Checked by	Date
Issue	Checked by	Date
<p>Author Richard Hill 10000 Union Road 10000 Union Road 10000 Union Road</p>		
<p>Client Floor Homes 10000 Union Road 10000 Union Road</p>		
<p>Project Union Road Elmwood</p>		
<p>Drawing Title S38 Layout Sheet 1 of 2</p>		
Drawn by	Checked by	Date
10000	10000	10000
Scale	1:500	1:500
Drawing No.	Revision	Date
8519-105-001	B	10/19
<p>PRELIMINARY ISSUE</p>		

DRAWING KEY

















SITE BOUNDARY	
S38 ROAD	
S38 FOOTWAY	
S38 OVERUNABLE SERVICE MARGIN	
S104 ADOPTABLE PIPE-RUN	
S104 ADOPTABLE STORM WATER MANHOLE	
S104 ADOPTABLE FOUL WATER MANHOLE	
ADOPTABLE HIGHWAY MANHOLE	
ADOPTABLE HIGHWAY PIPE-RUN	
ADOPTABLE HIGHWAY GULLY	
ADOPTABLE STREETLIGHTS	
PEDESTRIAN CROSSING	
	PC



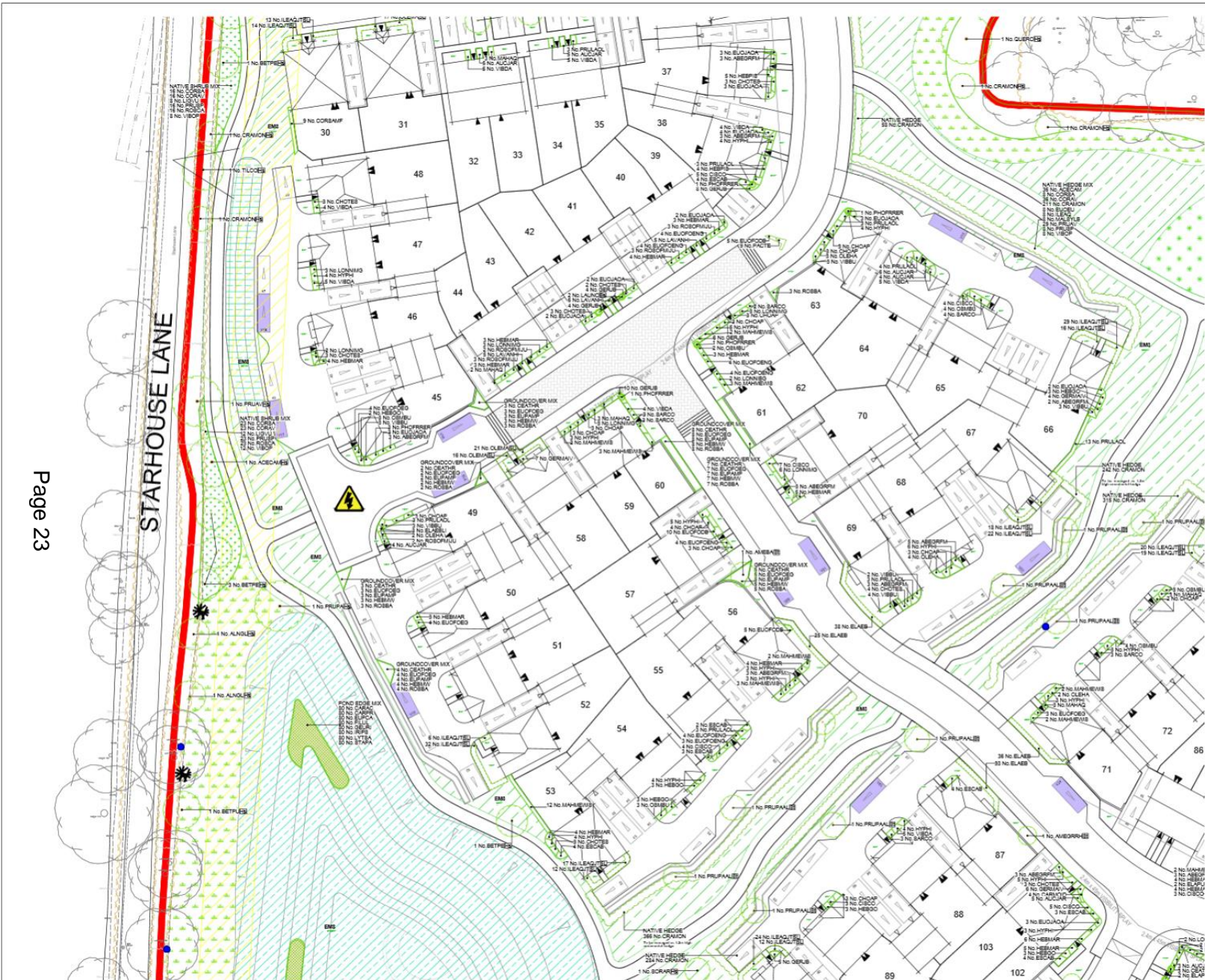
UNION ROAD



LEGEND

-  **EXISTING TREES/HEDGES**
To be retained
-  **PROPOSED TREES**
Some Heavy/Heavy Standard
-  **TREES IN PAVING**
in Tree Pits with Roadspace
See Detail
-  **SPECIMEN PLANTING**
See Schedule
-  **ORNAMENTAL HEDGE**
See Schedule
-  **NATIVE HEDGE**
See Schedule
-  **PROPOSED PLANTING**
Shrubs/Herbaceous/Graasses
See Schedule
-  **TURF**
with area (m²)
-  **AMENITY GRASS AREAS**
Wear Tolerant Turfgrass Mixture
Ecograde G222 sown at 25g/m²
Keep mown short to 40mm
-  **EL1**
FLOWERING LAWN MIX
Ecograde EL1 sown at 40 g/m²
-  **EM5**
WILDFLOWER MEADOW
Special General Purpose Meadow Mixture
Ecograde EM5 sown at 4 g/m²
(Planting grasses to be retained and managed, where retention is required see schedule)
-  **EM10**
TUSOCK GRASSLAND
Ecograde EM10 sown at 4 g/m²
-  **EM10F**
TUSOCK WILDFLOWER
Ecograde EM10F sown at 4 g/m²
-  **EM5**
SEASONAL WETLANDS
Wetland Mixture for Seasonally Wet soils
Ecograde EM5 sown at 4 g/m²
-  **SHRUB MIX**
See Schedule
-  **MARGINAL MIX**
See Schedule

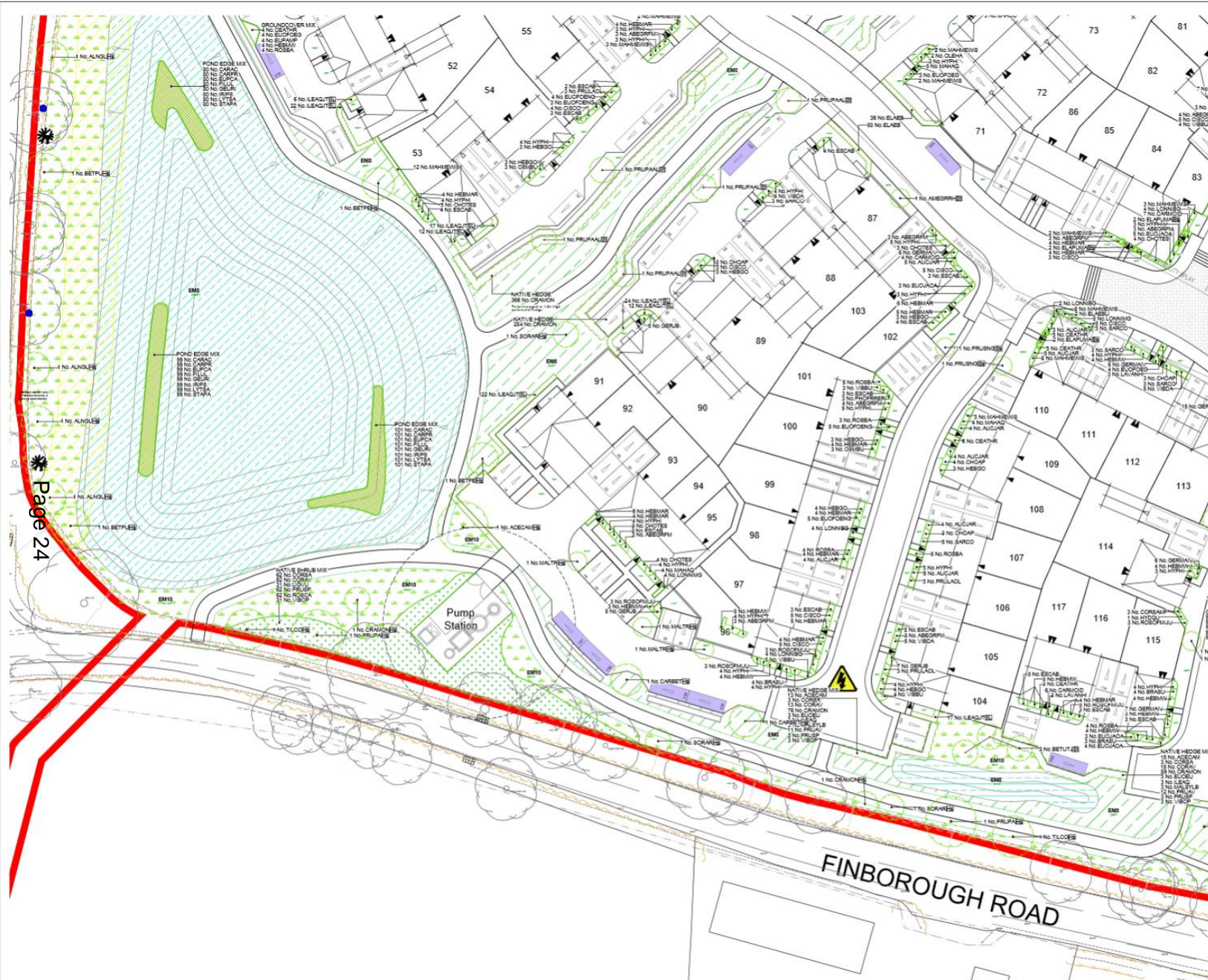
STOWMARKET, UNION ROAD



LEGEND

	EXISTING TREES/HEDGES To be retained
	PROPOSED TREES Bore Heavy/Heavy Standard
	TREES IN PAVING In Tree Pits with Roadspace See Detail
	SPECIMEN PLANTING See Schedule
	ORNAMENTAL HEDGE See Schedule
	NATIVE HEDGE See Schedule
	PROPOSED PLANTING Shrubs/Herbaceous/Grasses See Schedule
	TURF with area (m ²)
	AMENITY GRASS AREAS Wear Tolerant Turfgrass Mixture Emergare EG22 sown at 25g/m ² Keep mown short to 40mm
	FLOWERING LAWN MIX Emergare EL1 sown at 40 g/m ²
	WILDFLOWER MEADOW Special General Purpose Meadow Mixture Emergare EM3 sown at 4 g/m ² (Mowing grassland to be retained and managed, where retention is required see also above)
	TUSOCK GRASSLAND Emergare EM10 sown at 4 g/m ²
	TUSOCK WILDFLOWER Emergare EM10F sown at 4 g/m ²
	SEASONAL WETLANDS Meadow Mixture for Seasonally Wet soils Emergare EM5 sown at 4 g/m ²
	SHRUB MIX See Schedule
	MARGINAL MIX See Schedule

STOWMARKET, UNION ROAD



LEGEND

	EXISTING TREES/HEDGES To be retained
	PROPOSED TREES Extra Heavy/Heavy Standard
	TREE IN PAVING In Tree Pits with RootSpace See Detail
	SPECIMEN PLANTING See Schedule
	ORNAMENTAL HEDGE See Schedule
	NATIVE HEDGE See Schedule
	PROPOSED PLANTING Shrubs/Herbaceous/Greases See Schedule
	TURF with area (m ²)
	AMENITY GRASS AREAS Wear Tolerant Turf/Grass Mixtures Emergence @332 cover at 25g/m ² Keep mowed short to 65mm
	FLOWERING LAWN MIX Emergence @17 cover at 43 g/m ²
	WILDFLOWER MEADOW Special General Purpose Meadow Mixture Emergence @332 cover at 4 g/m ² (Relating grasses to be retained and managed, where competition is required see as above)
	TUSOCK GRASSLAND Emergence @310 cover at 4 g/m ²
	TUSOCK WILDFLOWER Emergence @310 cover at 4 g/m ²
	SEASONAL WETLANDS Meadow Mixture for Seasonality Wet soils Emergence @280 cover at 4 g/m ²
	SHRUB MIX See Schedule
	MARGINAL MIX See Schedule

STOWMARKET, UNION ROAD

Agenda Item 7c

Agenda Item 7c - DC/20/04630 - Land West of Wattisfield Road, Walsham Le Willows

Explanation of legal position

The original planning permission ref: 1352/17 secured 21 affordable housing units and the current application (Ref: DC/20/04630), submitted under section 73 of the Town and Country Planning Act, proposes, amongst other things and additional 10 no. affordable housing units.

The current section 73 application requires a section 106 deed of variation agreement in order to secure planning obligations, including affordable housing.

Following negotiations with regards the content of this legal agreement with the applicant's solicitors, the applicant was unwilling to include the additional 10 affordable units as part of of this agreement.

On this basis, it is your officers assessment and advice is that your current planning policy position in relation to provision of a proportion of affordable housing in new housing developments, at altered local plan policy H4, allows the LPA to negotiate an element of affordable housing of up to 35% of the total provision of housing on relevant sites, such as the current proposal. As the additional 10 no. affordable units proposed would be in excess of 35% of the total provision, the LPA is unable to secure these additional 10 units as part of the current section 106 deed of variation agreement currently being negotiated.

The advice of your legal advisors is that the committee report presented to members at committee on 20th January 2021 described the additional affordable housing as providing “significant social benefit” which was to be weighed in the planning balance. The recommendation was to approve the application subject to prior agreement of a section 106 Obligation securing “onsite delivery of 31 Affordable Housing Units”. Given that members were directed to give positive weight to this provision in the planning balance, it is the advice of your legal advisors that if the additional affordable housing units are no longer to be secured in perpetuity the application will need to be returned to committee for further consideration by members.

The current section 106 agreement also requires a financial contribution towards secondary School Pupils’ transport costs. As Suffolk County Council have advised this contribution has already been paid, the current section 106 deed of variation agreement is being drafted to secure retention of this payment, and not to seek additional payment in this regard.

Your legal advisors also note that the current section 73 application seeks to vary the reserved matters. While the relatively recent legal cases of *Pressland* and *Fulford* appear to indicate that reserved matters may be varied by a s.73 application members will be familiar with the concept that s.73 approval creates a new planning permission and that a reserved matter approval is not a planning permission. A s.73 of a reserved matters approval therefore creates a challenge for local planning authorities. In order to address this challenge, should the current S.73

application be granted conditions from both the host outline planning permission and reserved matters approval will be required to be rolled forward onto the new decision notice.