

# Public Document Pack



## DEVELOPMENT CONTROL COMMITTEE A

<b>DATE</b>	<b>Wednesday 2 March 2016</b>
<b>PLACE</b>	<b>Council Chamber, Council Offices, High Street, Needham Market</b>
<b>TIME</b>	<b>9.30am</b>

Please ask for: Val Last  
Direct Line: 01449 724673  
Fax Number: 01449 724696  
E-mail: val.last@baberghmidsuffolk.gov.uk

22 January 2015

### DE

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and wishes to be filmed should advise the Committee Clerk.

### AGENDA

1. Apologies for absence/substitutions
2. To receive any declarations of pecuniary or non-pecuniary interest by Members
3. Declarations of lobbying
4. Declarations of personal site visits
5. Confirmation of the minutes of the meeting held on 3 February 2016  
**Report NA/06/16                      Pages A to H**
6. To receive notification of petitions in accordance with the Council's Petition Procedure
7. Questions from Members

The Chairman to answer any questions on any matters in relation to which the Council has powers or duties which affect the District and which fall within the terms of reference of the Committee of which due notice has been given in accordance with Council Procedure Rules

8. Schedule of planning applications

**Report NA/07/16**

**Pages 1 to 292**

**Note: The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public**

9. Site Inspections

**Note:** *Should a site inspection be required for any of the applications this will be held on Wednesday 9 March 2016 (exact time to be given). The Committee will reconvene after the site inspection at 12:00 noon in the Council Chamber.*

***Would Members please retain the relevant papers for use at that meeting***

10. Urgent business – such other business which, by reason of special circumstances to be specified, the Chairman agrees should be considered as a matter of urgency.

**(Note:** Any matter to be raised under this item must be notified, in writing, to the Chief Executive or District Monitoring Officer before the commencement of the meeting, who will then take instructions from the Chairman)

**Notes:**

1. The Council has adopted a Charter for Public Speaking at Planning Committees. A link to the full charter is provided below.

<http://www.midsuffolk.gov.uk/assets/UploadsMSDC/Organisation/Democratic-Services/Constitution/Revised-2015/Pages-22-25-Charter-on-Public-Speaking-Planning-Committee-Extract-for-web.pdf>

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

2. Ward Members attending meetings of Development Control Committees and Planning Referral Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to his/her ward.

**Members:**

Councillor Matthew Hicks – Chairman – Conservative and Independent Group  
Councillor Lesley Mayes – Vice Chairman – Conservative and Independent Group

Conservative and Independent Group

Councillors: Gerard Brewster  
David Burn  
Lavinia Hadingham  
Diana Kearsley  
John Levantis  
David Whybrow

Liberal Democrat Group

Councillor: John Field

Suffolk Together, Green and Independent Group

Councillor: Sarah Mansel

**Substitutes**

Members can select a substitute from any Member of the Council providing they have undertaken the annual planning training.

**Ward Members**

Ward Members have the right to speak but not to vote on issues within their Wards.

## Mid Suffolk District Council

### Vision

**“We will work to ensure that the economy, environment and communities of Mid Suffolk continue to thrive and achieve their full potential.”**

### Strategic Priorities 2014-2019

#### 1. Economy and Environment

***Lead and shape the local economy by promoting and helping to deliver sustainable economic growth which is balanced with respect for wildlife, heritage and the natural and built environment.***

##### Outcomes

- Strong and productive relationships with business, visitors and partners are established.
- Investment is secured and employment opportunities are developed through existing and new business including the delivery of more high value jobs.
- Local skills provision is more aligned to the local economy with our education and training equipping people for work.
- Key strategic sites are developed and an infrastructure is in place that delivers economic advantage to existing and new business.
- The natural and built environment and our heritage and wildlife are balanced with growth.
- Our market towns are accessible and sustainable vibrant local and regional centres.
- Growth achieved in the key sectors of food, drink, agriculture, tourism, advanced manufacturing (engineering), logistics and energy sectors of the local economy.
- Potential from the green economy is maximised, for homes and businesses.
- Our environment is more resilient to climate change and flooding, water loss and emissions are reduced.
- A cleaner, safer and healthier environment is delivered providing a good quality of life for residents and visitors.

#### 2. Housing

***Ensure that there are enough good quality, environmentally efficient and cost effective homes with the appropriate tenures and in the right locations.***

##### Outcomes

- That the supply of housing meets the needs and demands of all and supports diverse vibrant communities.
- Appropriate amenities and infrastructure for core villages acting as hubs for their surrounding areas.
- A high standard of housing that is energy efficient, accessible, of good quality, in the right locations and with the right tenures.



- People are able to move more readily and have the choice and ability to access appropriate housing.

### **3. Strong and Healthy Communities**

***Encourage and support individuals and communities to be self sufficient, strong, healthy and safe.***

#### Outcomes

- Vibrant, healthy, sustainable and resilient communities maximising their skills and assets.
- Individuals and communities taking responsibility for their own health, wellbeing, fitness and lifestyles.
- Communities feel safer and there are low levels of crime.
- Communities are better connected and have a strong and productive relationship with Mid Suffolk District Council.

# Suffolk Local Code of Conduct

## 1. Pecuniary Interests

Does the item of Council business relate to or affect any of your/your spouse /partner's pecuniary interests?

Yes

Declare you have a pecuniary interest

Leave the room. Do not participate or vote (Unless you have a dispensation)

Breach = criminal offence

No

No interests to declare

## 2. Non-Pecuniary Interests

Does the item of Council business relate to or affect any of your non-pecuniary interests ?

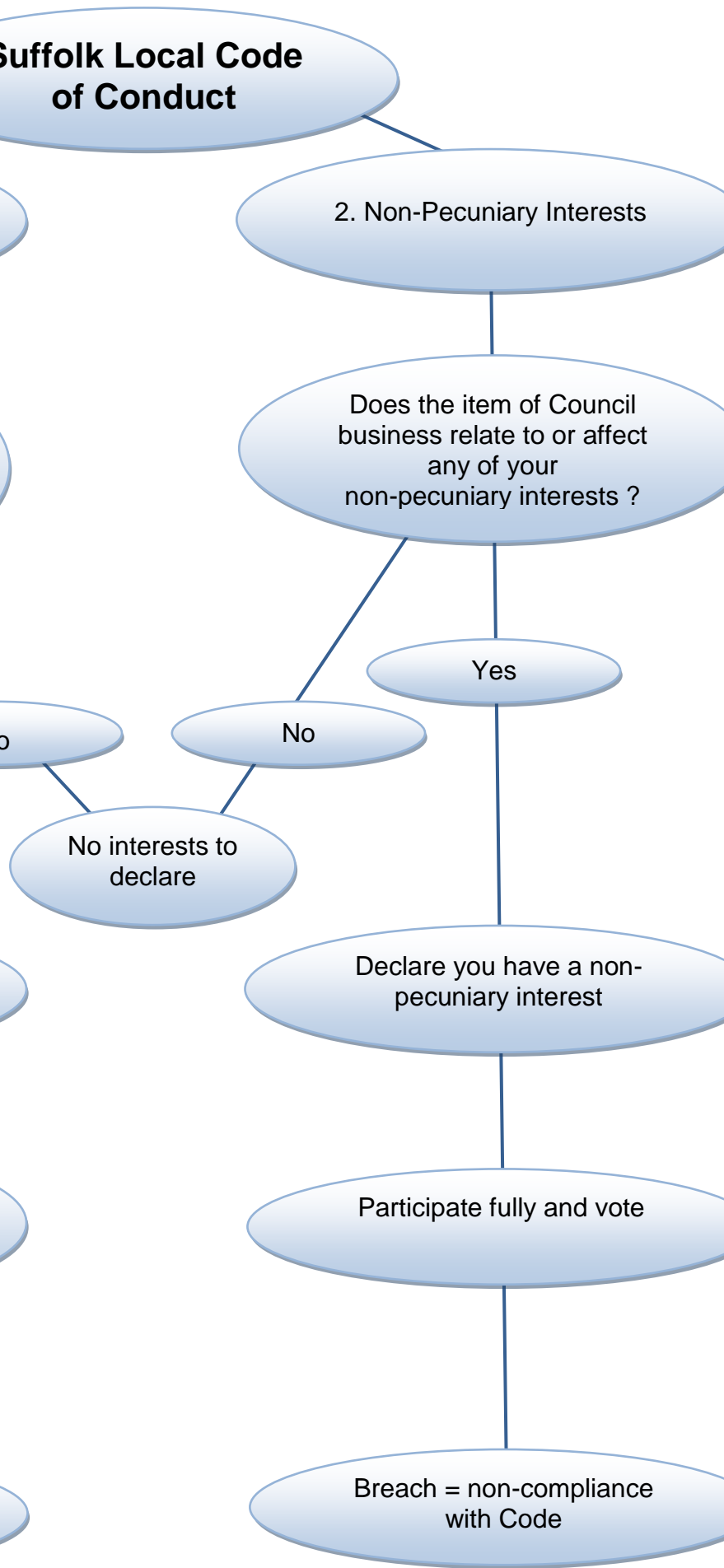
Yes

Declare you have a non-pecuniary interest

Participate fully and vote

Breach = non-compliance with Code

No



**MID SUFFOLK DISTRICT COUNCIL**

Minutes of the **DEVELOPMENT CONTROL COMMITTEE 'A'** held at the Council Offices, Needham Market on Wednesday 3 February 2016 at 9:30am.

**PRESENT:** Councillors: Matthew Hicks (Chairman)  
Gerard Brewster  
David Burn  
John Field  
Lavinia Hadingham  
Diana Kearsley  
John Levantis  
Sarah Mansel  
Lesley Mayes  
Jill Wilshaw \*

Denotes substitute \*

**Ward Members:** Councillors: John Matthissen  
Mike Norris  
Wendy Marchant

**In Attendance:** Senior Development Management Planning Officer (JPG)  
Development Management Planning Officer (LE/SS/RB)  
Corporate Manager - Strategic Housing (JAT)  
Corporate Manager - Economic Development & Tourism (DB)  
Senior Environmental Protection Officer (DH)  
Senior Legal Executive (KB)  
Governance Support Officers (VL/GB)

**NA34 APOLOGIES/SUBSTITUTIONS**

Councillor Jill Wilshaw was substituting for Councillor David Whybrow.

**NA35 DECLARATIONS OF INTEREST**

Councillor Sarah Mansel declared a non-pecuniary interest in Application 4060/15 by reason of knowing the father of the Applicant. The Chairman commented that the application had been referred to Committee because the Applicant was a relative of a Council employee and of a former Councillor and known to several staff and Councillors.

**NA36 DECLARATIONS OF LOBBYING**

Members declared they had received emails of a lobbying nature with regards to Application 4060/15.

**NA37 DECLARATIONS OF PERSONAL SITE VISITS**

There were no declarations of personal site visits.

## NA38 MINUTES OF THE MEETING HELD 6 JANUARY 2016

### Report NA/04/16

The minutes of the meeting held 6 January 2016 were confirmed as a correct record.

## NA39 PETITIONS

None received.

## NA40 QUESTIONS FROM MEMBERS

None received.

## NA41 SCHEDULE OF PLANNING APPLICATIONS

### Report NA/05/16

In accordance with the Council's procedure for public speaking on planning applications representations were made as detailed below:

<u>Planning Application Number</u>	<u>Representations from</u>
3886/15	Sally Gooch (Objector) James Sinclair (Applicant)
4060/15	Martin Price (Agent)
3779/15	Xy Stansfield (Town Council) Andrew France (Objector) Martin Last (Agent) Gregg Dodds (Applicant)

### Item 1

Application Number:	<b>3886/15</b>
Proposal:	Continued use of Sports Hall for school and local community purposes and additional use of first floor for wedding receptions, functions, conferences and other events. Internal alterations
Site Location:	<b>GREAT FINBOROUGH</b> – Finborough School, Finborough Hall IP14 3EF
Applicant:	Mr J Sinclair

At the outset of the presentation on the application, the Case Officer drew Members' attention to the tabled papers. Members were also asked to note a revised recommendation contained therein. Upon conclusion of the presentation, the Case Officer and the Senior Environmental Protection Officer answered Members' questions including in relation to:

- The number of dwellings served by the drive,
- The type of sound limiting device and noise management scheme that could be agreed,
- Current levels of ambient noise at the location and potential noise pollution,
- Details of external illumination and potential light pollution,

- The boundary of a designated Special Landscape Area and a potential effect the proposed use of the Sports Hall would have on the character and appearance of the area.

Sally Gooch, an objector, addressed the Committee and expressed her concerns on behalf of residents living near the School including in relation to:

- Noise and light pollution from events and parties, especially when using the grounds outside the Sports Hall,
- The risk of overlooking and the loss of residential amenity,
- The appearance and design of the Hall,
- Potential detrimental effect in terms of noise and related activities the proposed use would have on the children boarding at the School.

James Sinclair, the applicant, gave a brief overview of the School's plans for growth, based on recent success in attracting new students. Mr Sinclair commented that the proposed use of the Sports Hall would support sustainability of the School and its future growth, as well as provide a hall to use for local community purposes. He assured the Committee that relevant controls would be in place to reduce any potential impact on residents of the neighbouring dwellings.

John Matthissen, Ward Member, commented that the Sports Hall affected the character of the landscape and was more visible than had been expected, especially when illuminated, as it had not been dug into the ground as proposed in the original plan. He expressed his full support for the views of the Parish Council, who had objected to the Application in writing. Councillor Matthissen asked that if the Committee decided to approve the application, an extended landscaping scheme would mitigate some of the impact on the neighbouring residential properties.

The Senior Development Management Planning Officer informed the Committee that additional conditions with regards to a landscaping scheme might not be possible, as it had been conditioned as part of the original planning application and these should be looked at first. The implementation of the building is currently being investigated by the Enforcement team. Any further landscaping requirements if sought should be considered in conjunction with the listed building of the school itself, its Ha-Ha and in relation to the designated Special Landscape Area.

During the debate that followed, Members considered matters including:

- Hours of operation as conditioned by the amended recommendation in the tabled papers,
- Lack of proposed event management scheme,
- Potential impact on students who board at the school,
- Potential light and noise pollution to the detriment of local residents and students,
- Vehicular access and traffic management on site.

Having considered all representations, Members felt that in these circumstances it would be prudent to limit the permission to three years to allow the permission,

impact of use upon rural and residential amenity and compliance with the conditions to be reviewed. It was noted that the conditions recommended by the Environmental Health Officer would be included in full in the Decision Notice. A motion to grant Planning Permission in accordance with the Officer recommendation as contained in the tabled papers, conditions from Environmental Health and limited to three years from implementation was proposed and seconded.

Note: Enforcement to investigate the original landscaping requirements and review the building height.

By 8 to 2 votes

**Decision** – Delegate to the Corporate Manager (Development Management) to grant temporary Planning Permission limited to three years subject to the completion of a satisfactory Section 106 Planning Obligation to secure:

- Use of sports hall two evenings per week 6pm until 10:30pm (Monday to Friday) and 6pm until 00:00 (midnight) by the local community

And subject to the following conditions:

- Time limit for implementation
- Approved plans
- Restriction on use
- Restriction on hours of operation 08:00 am to 10:30 pm Monday to Friday
- Restriction on hours Saturday and Sunday 08:00 am to 00:00 (Midnight)
- Parking provision as agreed under 3410/10
- External illumination as agreed under 3410/10
- No amplified music after 10:30 and before 08:00 (Monday to Friday) and after 23:30 and before 08:00 (Saturday and Sunday)
- Music based entertainment noise shall not exceed 38dBA when measured 1 metre from the facade of any neighbouring noise sensitive dwelling or premises.
- Noise limit on music based entertainment
- Details of a sound limiting device to be agreed
- Submission of a noise management scheme/policy to be agreed
- The number of music based entertainment to be limited to 30 events per calendar year and no more than one event within any one week period.
- No fireworks or Chinese lanterns to be released.
- Submission of a parking management scheme to be agreed
- Conditions as set out by the Environmental Health Officer on pages 20/21 of the agenda papers.

Note: The meeting was adjourned between 10:45 and 10:50 for a short comfort break.

Item 4

Application Number: **3779/15**  
Proposal: Demolition of existing house and erection of 11 flats for affordable rent with associated vehicular access and external works  
Site Location: **NEEDHAM MARKET** – Lion Barn House, Maitland Road IP6 8NZ  
Applicant: Orwell Housing Association

The Case Officer referred to the tabled papers which included an objection from a local business and consultation comments received from Anglian Water and Suffolk County Council Highways. In conclusion Officers answered Members' questions in relation to the estimated ridge height of the existing building in relation to the proposed building and the types of businesses present on Lion Barn Industrial Estate.

Xy Stansfield addressed the Committee on behalf of the Town Council and expressed their objection to the proposed development for reasons including:

- The location of the proposed development was inappropriate for a residential dwelling due to its location on the established industrial site,
- The isolated position, not linked to the wider local community,
- The flood risk zone which would affect access to/from the site,
- Industrial noise pollution for new residents and the risk of complaints about established businesses on the Industrial Estate,
- The site identified for development could be better utilised for industrial development and to support economic growth.

Andrew France, an objector, addressed the Committee on behalf of the local residents and commented that the proposed development would not be in keeping with the character of other residential dwellings, as well as the industrial nature of the area. The proposed block of flats would present a risk of overlooking for the residents in Pinecroft Way. Mr France was also concerned with potential light and noise pollution for the new residents and a safety risk as a result of traffic movement due to the industrial nature of the site and its increased population density. Mr France commented that the proposed development would not serve the best interests of the community and the local businesses and that planning permission should not be granted due to close proximity of the site to the flood zone.

Martin Last, the agent, commented that the application before the Committee was a result of discussions with Planning Officers, and all Environmental Control and planning matters had been addressed. The proposed development would replace an existing unoccupied residential dwelling with a further residential development and deliver much-needed affordable accommodation with sufficient parking and within a short walking distance from local amenities in Needham Market.

Gregg Dodds, the Applicant, commented that the construction works would start in the spring with estimated delivery in early 2017. The funding contract was in place with the Homes and Communities Agency and might be the last opportunity to provide much-needed affordable accommodation of this size in Needham Market. There were over 90 people on the housing list with links to the town.

In response to Members' questions, Mr Last provided information with regards to the proposed building ridge height and ingress and egress from the proposed development site through potential flooding zone as indicated on the plans.

Wendy Marchant, Ward Member, addressed the Committee and voiced objections of the businesses based on Lion Barn Industrial Estate. Councillor Marchant also commented that there was a clear concern for existing local residents over potential overlooking and in relation to parking and traffic. Councillor Marchant supported the Town Council's view that the proposed development site was inappropriate for a residential dwelling due to the established industrial nature of the surrounding area and its close proximity to the flood zone which would leave the site without dry access.

Mike Norris, Ward Member, concurred with Councillor Marchant's representation and commented that the application was contrary to policies H16 and GP1.

During the debate that ensued the Committee considered the location and character of the site, potential impact the proposed development would have on the amenities of neighbouring dwellings and roads, the quality of design and matters in relation to potential flooding and pollution for new residents. Due to the industrial nature of the site location and as a result of the way the discussions had unfolded, Councillor Gerard Brewster considered it appropriate to declare a non-pecuniary interest by reason of being Portfolio Holder for Economy and Stowmarket Regeneration. Members acknowledged the need for affordable housing, but having listened to all representations and taken into account the facts before them they considered the proposal would be out of character with the industrial nature of the site and fail to deliver good quality living standards. Therefore notwithstanding Officer recommendation to grant Full Planning Permission subject to appropriate conditions, a motion to refuse the application was moved and seconded.

By a unanimous vote

**Decision** – That Full Planning Permission be refused for the reasons including:

- The proposed development, if approved, would be sited close to an existing unrestricted industrial/commercial area. On this basis the development was considered contrary to Policy H17 of the Mid Suffolk Local Plan 1998 that provides that residential development will be refused in areas subject to excessive road traffic noise, noise, smell or other form of pollution from industrial premises. Furthermore, in this case the proposed intensification of residential development would act as a unnecessary form of restriction on the industrial and commercial use and likely to affect the viability of these existing uses contrary to Policy E4 of the Mid Suffolk Local Plan 1998. Moreover the development was considered to be contrary to NPPF paragraphs 120 and 123 that seek new development should be appropriate for its location, that decisions should prevent risks from pollution and that new development should not place unreasonable restrictions on existing businesses.
- The proposed development, if approved, by reason of the location of windows, size and scale would likely result in significant overlooking and



detrimental impact on existing residential amenity. On this basis the development was considered to be contrary to policies H16, GP1 and SB2 of the Mid Suffolk Local Plan 1998 and paragraphs 56, 64 and 66.

### Item 3

Application Number: **4060/15**  
Proposal: Conversion of agricultural barn to dwelling. Erection of single storey side and rear extensions following demolition of existing outbuilding and lean-to structures  
Site Location: **LITTLE BLAKENHAM** – Inghams Farm, Nettlestead Road IP8 4LR  
Applicant: Mr J Wright

Martin Price, the agent, addressed the Committee and answered Members' questions as provided for in the Charter for Public Speaking at Planning Committees. It was noted that no objections or comments had been received.

John Field, Ward Member, said the proposed conversion would not have a detrimental effect on the character of the surrounding area and other dwellings and expressed his support for Officer recommendation.

By a unanimous vote

**Decision** – That Full Planning permission be granted subject to the following conditions:

1. Standard time limit
2. Accord with the approved plans
3. Samples of roof material
4. Details of boundary treatment
5. Highways condition regarding parking
6. Details of balustrade for balcony
7. Restrict use of the flat roof extension to west elevations as not to allow extension of balcony
8. Restricted permitted development rights for extensions, outbuildings, roof enlargements and additions to roof
9. Accord with recommendations of Ecology Assessment
10. Mitigation strategy for bats

Note: The meeting was adjourned briefly for a short comfort break.

### Item 2

Application Number: **4333/15**  
Proposal: Erection of two storey side extension  
Site Location: **STOWMARKET** – 5 Woodfield Lane IP14 1BN  
Applicant: Mr Fuller

Lesley Mayes, Ward Member, addressed the Committee and expressed no objections to the application. It was noted that no objections or comments had been received.

By a unanimous vote

**Decision** – That Planning Permission be granted subject to conditions:

- Time limit
- Approved plans
- Materials
- Removal of PDR on new openings at first floor level or above in the east elevation

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Chairman

**MID SUFFOLK DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE A**

INDEX TO SCHEDULED ITEMS

<b><u>ITEM</u></b>	<b><u>REF. NO</u></b>	<b><u>PROPOSAL &amp; PARISH</u></b>	<b><u>MEMBER/WARD</u></b>	<b><u>OFFICER</u></b>	<b><u>PAGE NO</u></b>
1	4374/15	The Angel Inn Debenham  Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility	Cllr Mrs K Guthrie	LE	1 - 55
2	4375/15 LBC	The Angel Inn Debenham  Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility	Cllr Mrs K Guthrie	LE	56 - 97
3	3975/15	Land on Progress Way, Eye  Use of land for the creation of a memorial garden to include war memorial, information board, 2 No benches, 2 No Flag Poles	Cllr C Flatman	SES	98 - 111
4	4195/15	Land Adjacent Lion Road, Palgrave  Erection of 21 houses	Cllr Burns	RB	112 - 215

5	0846/15	<p>Land South West of School Lane, Fressingfield.</p> <p>Hybrid application comprising :- application for full detailed Planning Permission for the erection of a new Baptist Chapel, car parking and access and an application for Outline Planning Permission for up to 18 No. residential units; as amended by drawings received 17<sup>th</sup> November 2015 altering the design of the Chapel and drawing 18975/802 REV A received 11 January 2015, amending the road layout and agent's letter received 11 January 2015</p>	Cllr Lavinia Hadingham	RB	216 - 292
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MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE -

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<b>AGENDA ITEM NO</b>	
<b>APPLICATION NO</b>	4374/15
<b>PROPOSAL</b>	Partial change of use, erection of first floor extension to reinstate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility (Revised scheme to that submitted under ref. 2494/14 & 2475/14)
<b>SITE LOCATION</b>	The Angel Inn, 5 High Street, Debenham IP14 6QL
<b>SITE AREA (Ha)</b>	0.0622
<b>APPLICANT</b>	Mrs S Paine
<b>RECEIVED</b>	December 14, 2015
<b>EXPIRY DATE</b>	February 16, 2016

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**REASONS FOR REFERENCE TO COMMITTEE**

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

**PRE-APPLICATION ADVICE**

1. No pre application advice was sought prior to the submission of this application.

**SITE AND SURROUNDINGS**

2. The Angel is an established public house standing on the east side of the High Street in Debenham. The building is listed Grade 2 and is within the Debenham Conservation Area.

The public house stands within a mixture of residential and commercial properties typical of a village High Street. Opposite, set back slightly from the High Street, the local Co-operative store, hardware shop, pharmacy and the small associated parking area form the commercial focus for the village

The accommodation is on two floors and currently comprises (as described on the submitted plans):-

- *Ground floor*; entrance lobby, bar area, lounge, store room (in front range - formerly part of public house area), commercial kitchen, toilets and further store room (to rear extension).
- *First floor*; three bedrooms (various sizes), domestic kitchen, bathroom, store room (with en-suite - in front range above ground floor store room).

There is a garden and parking area to the rear of the property, accessed from the High Street through an 'archway' at the southern end of the building.

The building immediately to the north (no. 3 High Street) is listed Grade 2\*.

### HISTORY

3. The planning history relevant to the application site is:

4375/15	Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility	On this agenda for determination
2424/15	Revised Scheme to that submitted ref. 2494/14 & 2475/14 - Partial change of use, first floor extension to re-instate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility	Withdrawn 21/10/2015
2423/15	First floor extension to re-instate former 2 storey rear wing and former separate dwelling, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	Withdrawn 21/10/2015
2475/14	Re-instatement of a former 2 storey rear wing and further extensions to rear to re-instate former separate dwelling adjacent to the Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	31/10/2014 Appeal dismissed
2494/14	Partial change of use, re-instatement of former 2 storey rear wing and further extensions to rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in a reduced form as a community facility	31/10/2014 Appeal dismissed
2648/13	Re-location of existing wall hung sign depicting "The Angel" and associated lighting	Granted 01/11/2013
2637/13	Advertisement Consent Application: Re-location of existing wall hung sign depicting "The Angel" and associated lighting.	Granted 01/11/2013
1747/11	Erection of a willow panel fence and a gate in the rear garden.	Granted 19/07/2011
1511/11	Remove 5 trees: a mixture of conifers and a sycamore.	Raise No Objection 07/06/2011
0148/03/LB	Re-build damaged out buildings. the walls to be re-built with re-claimed suffolk red bricks. the previous flat asbestos concrete had to be replaced with a pitched roof with ridge in pantiles (re-claimed) to match adjoining buildings.	Granted 22/09/2003

### PROPOSAL

4. This application seeks to create a separate dwelling in an extended northern

bay of the building, whilst retaining the public house in its current form in the remaining southern portion. It is proposed that this will be achieved by:-

- Making permanent the current temporary partitioning off of the bay north of the main chimney stack (noted in 'Site and Surroundings' above as the ground and first floor storerooms to the front range).
- Demolition of the existing flat roofed rear extension at the northern end of the building (this area currently houses store rooms, toilets and a garage) and its replacement with a new two-storey rear extension to the proposed dwelling.

Reconfiguration of the existing car parking/external dining/garden area to the rear of the public house to provide a small paved courtyard area for off-street parking spaces for the pub. The proposed dwelling will have a graveled turning and parking area and a grassed garden. Access to both of these spaces is from the High Street is retained along the southern edge of the existing car park, via the coaching arch. A 1.2 metre high brick wall with 0.8 metre high osier fence above is to divide the pub rear space and rear space associated with the proposed dwelling. Vehicular access is gained for the dwelling from the land associated with the public house.

## POLICY

### 5. Planning Policy Guidance

See Appendix below.

## CONSULTATIONS

6. Below is a summary of the consultations responses received. Copies of the full consultation response is provided within the agenda bundle.
- **Parish Council:** Strongly recommend refusal. No material differences to the previously submitted application. The pub was successful in the past. Reference made to policy and SPG context.
  - **Heritage Team:** The Heritage Team considers that, although the addition of a two storey rear extension as proposed will cause no harm the physical fabric of the "host" building, nor to the character, appearance, setting or significance of the conservation area or any adjacent heritage asset, the principle of sub-division to create a separate dwelling will in itself to cause harm to significance through fragmentation of the asset, with harmful implications for its future management.
  - **SCC Highways:** Condition relating to bound material for access.
  - **Historic England:** Do not offer detailed advice on the subdivision of the grade II property as this is not in line with their remit. Concerned over the impact upon the structure of the adjacent Grade II\* listed building.
  - **Environmental Health (Land Contamination):** No objection.



- **Environmental Health:** Habitable rooms overlook the rear paved courtyard and parking area serving the Public House and this may have an adverse impact on the occupiers especially during the night. Without any noise assessment it is difficult to advise further whether the noise from the pub will have a significantly adverse effect on the dwelling. Informative: Recommend that the applicant is reminded of the requirements of Part E of the Building Regulations to achieve appropriate sound insulation between the residential and commercial premises.
- **Environment Agency:** Standing advice.

At the time of writing this report consultation responses are awaited from:

- Suffolk Wildlife Trust
- MSDC Communities Team
- SPAB
- MSDC Policy
- MSDC Economic Development

Updates will be provided verbally at Committee.

#### **LOCAL AND THIRD PARTY REPRESENTATIONS**

7. This is a summary of the representations received:

- The submitted plans contravene the Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public House.
- The intended changes do not demonstrate an intention to retain or further the viability of the business but to diminish the business potential and profitability by reducing the opportunities available at the public house. The reduced floor space, lack of garden and effective parking, closing of all accommodation and very reduced main public bar all prohibit growth of the business.
- There is a willingness to support the business from the village.
- The letter from Birketts stating that only two thirds of the ground floor has ever been used for front of house facility is not correct.
- There has been no evidence provided within the application to substantiate the claim that the viability of the business would be secured by reducing the overheads.
- The Angel provides a public house for all mobilities.
- There are alternative places for residential development.
- This premises is an employment opportunity, this would be increased if The Angel was back to its original layout.
- In its current layout there is not sufficient room for large parties and organisations to congregate.
- Once permission has been granted for a dwelling it is unlikely to revert back to a pub at a later stage.
- A larger public house would encourage visitors to the village.
- The application states 'approximate measurements'.
- No details of surface or rainwater discharge.
- The structural engineers plans and details still do not comply with the requirements set by Historic England.
- The plans show inaccuracies including tree references.



- The schedule of works is thin in detail and specification.
- The covenants on the property appear to have been overlooked.
- No Flood Risk Assessment has been provided. Given the flooding in the UK should a precautionary approach be taken.
- The proposed extension would have a disproportionate impact on the Grade II parts, in particular the viewing gallery. The proposed materials are not in keeping with the original fabric of the property. The proposed rooflights are out of keeping with the character of the surroundings and cause light pollution.
- The window in the easterly gable of the extension will directly overlook No. 3 High Street.
- The hard landscaping including subdivision walls will have a detrimental impact upon its setting of both The Angel and the neighbouring Grade II\* building.
- Prior to the subdivision of The Angel there was circa 12 car parking spaces within the rear parking area. The High Street is very congested and therefore it is important that all of the car parking spaces remain.
- The removal of some of the trees and re-establishment of a garden is likely to have a minimal impact upon wildlife.
- The removal of the flat roofed buildings would be of benefit.
- It must be in the best interest of this building and its Grade II listed to keep it as a single property. The internal changes proposed would have a major impact upon the fabric and the space within. Many important part of the fabric of the building need to be kept as one entity such as the viewing gallery, the hidden staircase and the bressemer beams over the fireplaces with witch markings.
- If the pub closes will it reopen.
- The redevelopment of the site for residential affects the quality of life as the disappearance of the pub as a focal point for the community disappears.
- No evidence has been provided to demonstrate that reasonable efforts have been made to sell or let the pub and that it is not economically viable.
- The change of use of a pub should be resisted where there is local support.
- Any changes to the building should conserve or enhance the Conservation Area. This development does not take this into account.
- Policy E6 regarding the retention of commercial sites states that Ipsas should recognise local employment opportunities of commercial sites.
- When all three rooms were open these were fully occupied and the pub was thriving.
- There has been an expression of interest from the community to buy the pub as a community asset.
- Tourism and service industries are a vital part of a thriving village.
- The plans show the removal of the existing oil tank but does not identify the two replacements for the pub and dwelling.
- Without the garden the pub is not suitable for families.
- The proposed development is unsuitable as a residential property with locating bedroom windows directly above the Angels outdoor smoking patio area.
- The plans leave the pub too small and without the opportunity to properly serve food.
- This area is prone to flooding.
- The public house is essential to the vitality and sustainability of this growing Key Service Centre and policy and guidance.
- At what point was the site a dwelling.
- Debenham village is ever growing and has a diverse range of local

businesses on the High Street and these should be protected at all costs.

- If this is approved this will set a precedent for other sites in the district.
- The proposal represents overdevelopment of the site.
- The proposed plans threaten to cause structural damage to Tudor House. The application fails to include a statement of methodology from a structural engineer. Historic England has raised this as a concern in their response.
- Paragraph 134 of the NPPF requires where development proposal will lead to less than substantial harm to the significance of the designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum use. The applicants have failed to do this.
- The same planning issues apply and have not been addressed in any form.
- To allow the works would mean more sensitive restoration and conservation of the historic gallery would not be possible.

## ASSESSMENT

### 8. Background:

Material to the consideration of this application is the Inspectors decision on an appeal for a similar proposal to that sought under this application. Applications 2475/14 and 2494/14 sought planning permission and listed building consent for the *"partial change of use, re-instatement of former 2 storey rear wing and further extensions to rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in a reduced form as a community facility"*. A copy of the Inspectors decision is included within the agenda bundle for Members reference. The assessment of this application will make reference to this appeal decision.

Both of these applications were dismissed on the basis that the *"proposal would cause harm to the significance of the listed building, the listed neighbouring building and Conservation Area"* (Paragraph 23 Inspectors decision).

The proposals remains similar to that previously dismissed at appeal as follows:

- The proposed change of use of part of the public house to be converted into a dwelling.
- The permanent internal division between the proposed dwelling and remainder public house.
- The demolition of existing single storey rear extension and erection of a two storey rear extension (scale and design amended).
- Subdivision of land to be divided between the proposed dwelling and the public house.

The proposed development sought under this application differs from that sought under applications 2475/14 and 2494/14 as follows:

- A reduction in the size of the two storey rear extension.
- It does not include a 1 1/2 linked element on the boundary with No. 3 High Street.

Assessment:

The Angel is located within the defined settlement boundary for Debenham, so whilst the creation of an additional dwelling is acceptable in principle the applications do raise several important planning issues :-

- The effect of the proposed works on the applicant historic building, neighbouring historic buildings and the character and appearance of the Debenham Conservation area.
- The effect of the proposed permanent reduction in floor space on the viability of the public house and its function and future as a community asset.
- The effect of the proposed works on the amenity of neighbouring residential properties, existing and future.

It should be noted that these were the main issues that the Inspector highlighted in the appeal decision.

Dealing with each of these in turn:-

- The effect on the applicant building itself:

There is no objection to the proposed demolition of the modern single storey flat roofed extension to the rear of the property. This extension is out of keeping and detrimental to the overall character and appearance of the listed building and its removal is welcomed.

However the effect of the proposal to separate the northern bay of the property from the remainder and create a new dwelling is more complex and would involve internal alterations and the erection of a two storey rear extension. Local Plan Policies HB3 and HB4 state that the conversion of or alteration of listed buildings will only be permitted in exceptional circumstances and will be required to meet high standards of design, detailing, material and construction and furthermore the proposal should not detract from the architectural or historic character of the building. The criteria set out in para. 134 of the National Planning Policy Framework (NPPF) is also pertinent to this proposal. This paragraph states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

In the recent appeal decision the Inspector considered that *"the significance of the appeal building and its listed neighbour largely derives from their age, use, historic fabric, form and features of special interest"* (para. 9). Specific reference in the appeal decision was made to the rare 16th century first floor rear gallery within The Angel.

This application has amended the scale and design of the rear two storey extension to address the Inspector's objection that the development *"due to its scale, the extent of development proposed would result in an unsympathetic addition to the appeal building"* (para. 12). The two storey extension proposed



under this application has been reduced in scale and this is considered to be an extension that would be acceptable to this listed building. The extension is of more modest proportions and does not extend further than the rear wing of the neighbouring property (Tudor House). Furthermore there is evidence of a former two-storey range on the site of the proposed extension and no remaining historic fabric in the rear wall of the public house where access would be gained at ground and first floor.

Notwithstanding that an acceptable two storey rear extension has been designed, your Officers consider the principle of the subdivision of The Angel to create a separate dwelling to be unacceptable. In the previous appeal decision the Inspector comments that the permanent subdivision of the heritage asset would in itself cause harm to its significance. Irrespective of the physical changes that are being made the layout, plan and form of The Angel are important in preserving and protecting the architectural character of the building in line with development plan policies. In particular the Inspector makes specific reference to the important first floor rear gallery which if the subdivision were allowed the visual, physical and functional relationship of this gallery with this remainder of the building would be lost and this would have a clear harmful impact upon the historic character of this listed building.

Your Heritage Team has advised that the best situation for The Angel as a designated heritage asset is to continue in one unified ownership, allowing for future management of the asset as a whole.

Paragraph 134 of the NPPF makes to clear that the harm to a designated heritage asset has to be weighed against the public benefits of the proposal. The justification provided is that the proposed reduction in floorspace secures the longer term viability of the consequentially smaller public house. However there is no sound evidence to demonstrate this claim and your Officers consider that for the reasons that have been discussed in this section and below that there is no public benefit which outweigh the harm to the listed building and thus the proposal is therefore considered unacceptable.

Whilst it is accepted that the provision of a single dwelling would add to the local housing stock this limited public benefit would not outweigh the harm to the designated heritage asset and the potential harm to The Angel as a community facility as discussed later in this report.

- The effect on neighbouring historic buildings:

Immediately adjacent to the north is no.3 High Street (part of the former 'Swiss Farm Butchers'), which is listed grade 2\*. This building has a two-storey range projecting to the rear, and single storey outbuildings detached in the garden area.

The proposal for a 2-storey extension attached to the rear of the northern bay of The Angel would abut a modern blockwork parapet wall which adjoins the side of the 2\* building. The submitted plans show this as a 'party wall', and specify a 'new steel structure independent (sic) of party wall to engineers design'.

Historic England has recognised that the proposal is seeking an independent structure but wish to ensure there would be no harm to the structure of the

neighbouring Grade II\* listed building. The occupiers of this property have also raised a concern over the potential impact upon their property. With proper attention to design, detailing and third party property rights, it is considered that the extension need not have any adverse effect on the fabric of the adjacent building.

The prominence of the blockwork parapet wall in views of the rear of no. 3 from The Angel's car park/garden to the south mean that the setting of the 2\* building is not adversely affected from this direction by these extension proposals.

The rear two storey extension sought under this application has been reduced in scale by omitting the one and a half storey linked extension addressing the previous objections raised by the Inspector where it was concluded that "*due to the overall scale of the garden room element of the proposed extension, its position adjoining the shared boundary and the respective orientation of the two properties, this aspect of the proposed extension would result in a material loss of outlook and light for the neighbouring occupiers at No. 3, High Street*" (para. 15).

- The effect of the proposed permanent reduction in floorspace on the viability of the public house.

Since the appeal decision for the proposals at The Angel an appeal has been allowed for the change of use from public house to dwelling at The White Horse Inn, The Street, Hitcham which raises considerations that are material to this application. A copy of this Inspectors decision is included within the agenda bundle for reference.

The relevant part of this decision is paragraph 13 which states "*The premises are also attached to an adjacent residential property and there is only a single skin brick wall between a bar area and the adjacent house. The Council has already advised the appellants that any music events would be likely to cause a statutory noise nuisance and as the public house is a listed building the installation of sound proofing would be likely to harm the character and appearance of the building*".

The contents of this paragraph is relevant as it clearly identifies that there is the potential for an unacceptable impact upon the occupiers of the proposed dwelling by virtue of the adjoining public house use and the limitations of works that can be done to a listed building to overcome this impact. The consultation response from the Environmental Health Officer has also drawn attention to the potential impact of future occupiers of the proposed dwelling. The habitable rooms of the proposed dwelling would overlook the rear paved courtyard and parking area serving the Public House and this may have a severe adverse impact on the occupiers especially during the night.

The Environmental Health Officer has also advised an informative to remind the applicant of the requirements of Part E of the Building Regulations to achieve appropriate sound insulation between the residential and commercial premises. However as The Angel is a listed building appropriate sound insulation might not be capable of being achieved without significant alterations to this designated heritage asset.

Paragraph 17 of the NPPF identifies a set of core planning principles, this includes *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."* To allow the proposed change of use would be in contravention of the NPPF as it fails to provide the occupiers of the proposed dwelling a good standard of amenity.

Officers consider that to allow this development would fetter the continued optimal use of the remaining public house which could potentially accelerate its demise and the ultimate total loss of a community asset.

The Council's supplementary guidance 'Retention of Shops, Post offices and Public Houses' was adopted in February 2004 and sets out the criteria to be satisfied if approval is to be given for the change of use of a public house. The document, whilst initially linked to a Policy in the now withdrawn Suffolk County Structure Plan, however it is considered still to be consistent with the aims of the NPPF in seeking to promote sustainable communities and a strong rural economy. It is acknowledged that the Inspector did consider this document in reaching their decision on the previous applications and concluded that as only part of the public house was being proposed for conversion the tests of this SPD was not directly relevant.

Officers still consider that this SPD reinforces the Council's objective of ensuring sustainable development. As the Inspector recognises at para. 26 *"paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainability cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built and historic environment as well as in people's quality of life' "*.

It is accepted that the proposal does not seek the total closure of the public house. However, Debenham is designated a Key Service Centre in the adopted Mid Suffolk Core Strategy (2008) and The Angel is the larger of the two public houses in the village and located closer to the commercial and social hub. It is thus a key facility for both the community and local economy. This is clearly demonstrated by the strength of objection received within the letters of representation. This is also evident from the fact that The Angel was listed as an Asset of Community Value on the 3rd October 2015, nominated by an unincorporated group known as 'Save The Angel'.

The applicant's justification for this proposal is that The Angel has been failing as a public house for some years and the reduced floorspace will therefore secure the longer term viability of a public house at the site. No financial evidence is submitted as part of the application submission to demonstrate that the only way the public house will be able to financially continue is through the reduction in floor space. It has also been stated that the public house is viable in its present reduced form - i.e. with part of the ground floor temporarily closed off as 'storage space' but it could equally be argued that by reverting back to its former larger space this would provide greater opportunities for both drinkers and diners, particularly given Debenham is on a tourist route. The Inspector in their decision has not made any final conclusions on this matter.

Pertinent to this is that the supplementary guidance further requires that 'there is no evidence of significant support from the community for the retention of the public house'. In this case, as evidence by the number of letters of objection and

the contents of the representations, there is considerable public opposition to the proposal and support for the retention of a public house use in the whole building.

Officers therefore still consider that the proposed formalisation of the partial closure is considered to be an unacceptable diminution of a key facility which will diminish its potential and may well accelerate its eventual decline remains as an objection to the proposal.

- Other Material Planning Considerations:

Financial Contributions:

Policy CS6 of the Core Strategy and the supplementary planning document (SPD) on open space and social infrastructure requires a financial contribution from all new residential development to contribute towards the outstanding community and recreational needs of the district.

The CIL regulations (2010) restrict the use of pooled contributions towards items that may be funded via the levy. From April 2015, no contributions may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy. With this in mind, we will not be seeking to collect towards Open Space from developments in the circumstances of this application.

Flooding:

Whilst the building is in Flood Zone 2 this is an existing building and seeks a change in use where under the NPPF residential development is deemed to be acceptable and does not require a Sequential Test to be completed.

Asset of Community Value:

The Localism Act 2011 provides for nomination by Parish Councils or community groups to nominate 'Assets of Community Value' If accepted the nomination gives the group time to bid for an asset if the owner decides to dispose of it. The list is maintained by the Local Authority. The Angel was listed as an Asset of Community Value on the 3rd October 2015 after being nominated by an unincorporated group known as 'Save The Angel'.

The 'Assets of Community Value - Policy Statement' 2011 states that the fact that a site is listed may affect planning decisions and it is open to the Local Planning Authority to decide that listing is a material consideration if an application is submitted, considering all the circumstances of the case. The fact The Angel is listed as an asset is a material consideration in this application but as the proposed development would not result in the total loss of the public house the weighting of this specific consideration is limited and would not constitute represent a separate reason for refusal.

- Summary and Conclusion.



The proposed development would cause harm to the designated heritage asset and it does not have wider public benefits that would outweigh this harm. Furthermore, the level of residential amenity enjoyed by the future occupants of the proposed dwelling would be severely affected by the relationship to the remaining public house.

Overall it is considered that it has not been satisfactorily demonstrated that the proposal would secure the future of The Angel as a viable asset to the community and rural economy. On the contrary, for the reasons outlined above the reduction in scale proposed is likely to lead to further decline and a possible application for eventual closure.

Refusal is therefore recommended.

### **RECOMMENDATION**

**That Full Planning Permission be Refused for the following reasons:**

1. The proposal would lead to the diminution of an established village facility, which may prejudice its longer term future as a community and tourism asset and contributor to the rural economy. As such it conflicts with the aims and requirements of paragraphs 17, 28, 69 and 70 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012).

2. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset, is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims.

Philip Isbell  
Corporate Manager - Development Management

Lisa Evans  
Planning Officer

### **APPENDIX A - PLANNING POLICIES**

#### **1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

**Cor5** - CS5 Mid Suffolks Environment

**Cor4** - CS4 Adapting to Climate Change

**CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT



**CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT**

**Cor1** - CS1 Settlement Hierarchy

**Cor2** - CS2 Development in the Countryside & Countryside Villages

**Cor6** - CS6 Services and Infrastructure

**2. Mid Suffolk Local Plan**

**SC4** - PROTECTION OF GROUNDWATER SUPPLIES

**GP1** - DESIGN AND LAYOUT OF DEVELOPMENT

**HB1** - PROTECTION OF HISTORIC BUILDINGS

**HB9** - CONTROLLING DEMOLITION IN CONSERVATION AREAS

**HB8** - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS

**SB2** - DEVELOPMENT APPROPRIATE TO ITS SETTING

**HB3** - CONVERSIONS AND ALTERATIONS TO HISTORIC BUILDINGS

**H16** - PROTECTING EXISTING RESIDENTIAL AMENITY

**T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

**T9** - PARKING STANDARDS

**HB3** - CONVERSIONS AND ALTERATIONS TO HISTORIC BUILDINGS

**HB4** - EXTENSIONS TO LISTED BUILDINGS

**3. Planning Policy Statements, Circulars & Other policy**

**NPPF** - National Planning Policy Framework

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

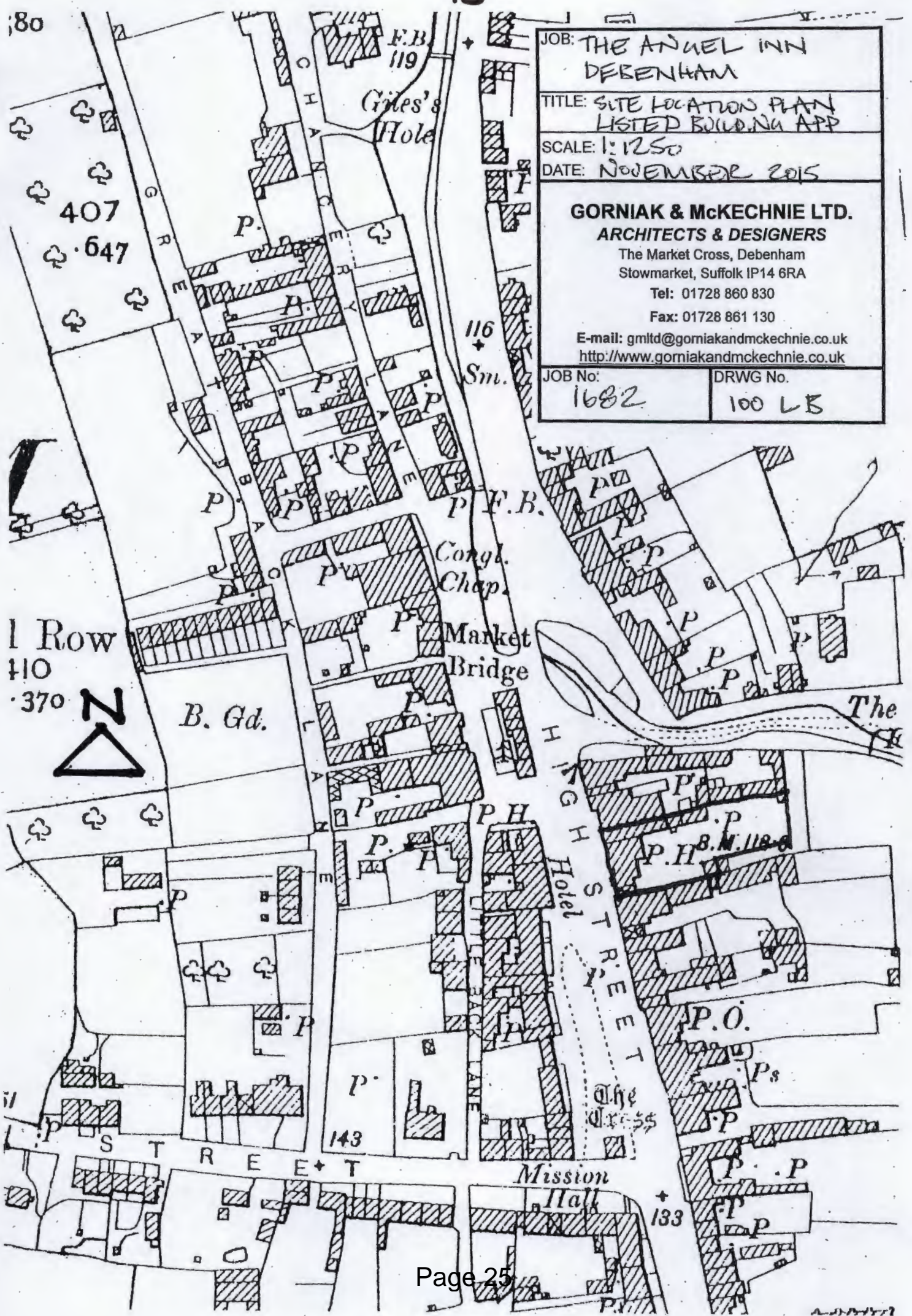
Letter(s) of representation(s) have been received from a total of **56** interested party(ies).

The following people **objected** to the application

The following people **supported** the application:

The following people **commented** on the application:

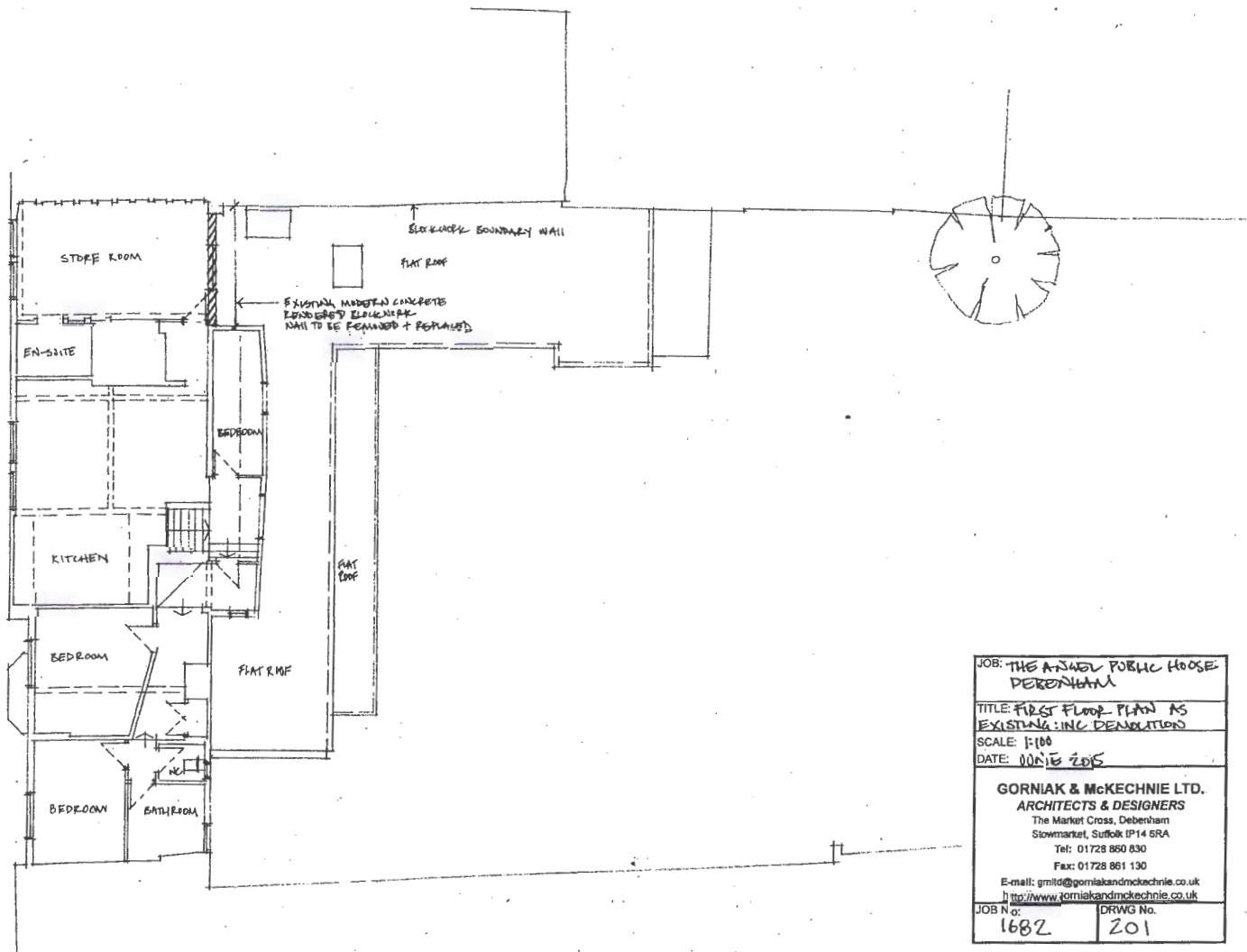




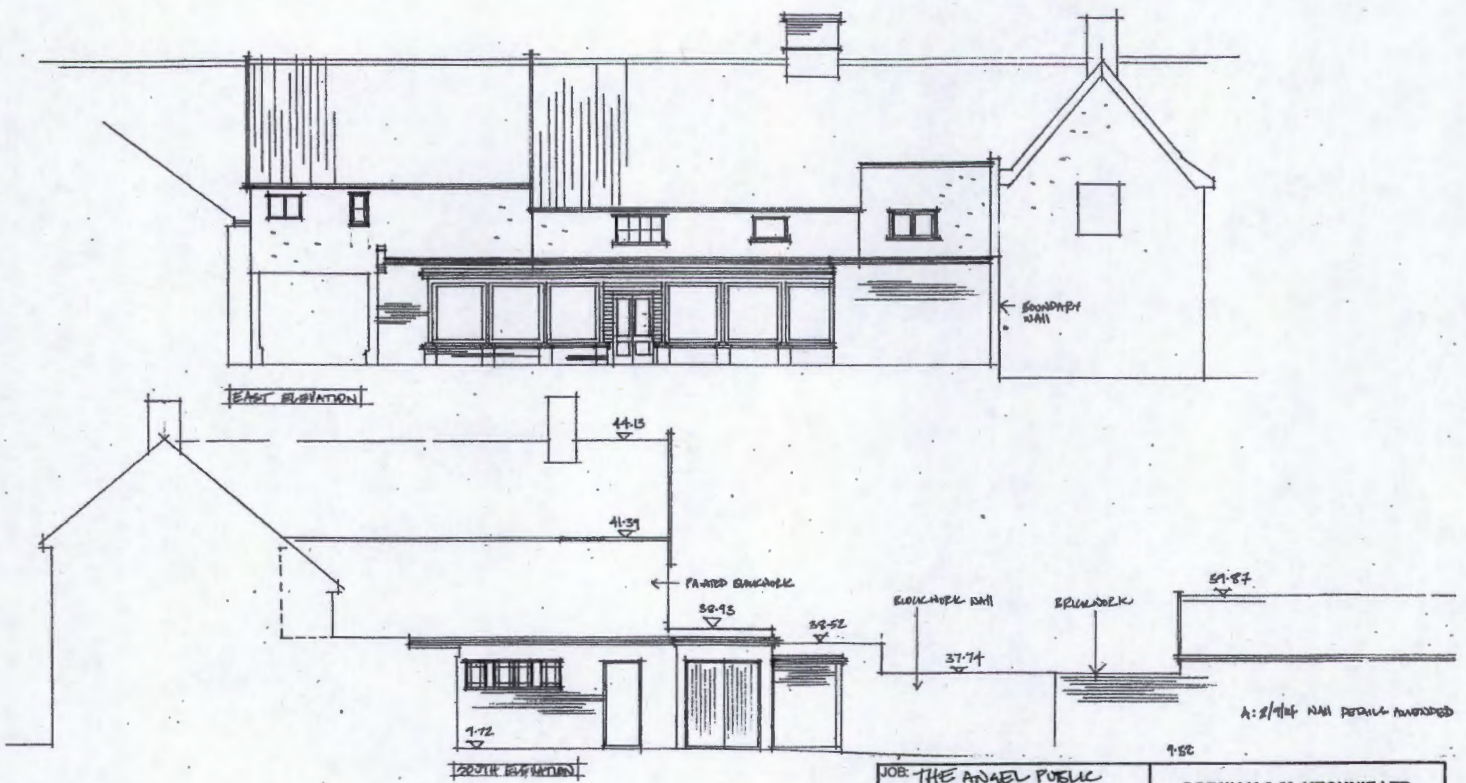
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TITLE: SITE LOCATION PLAN LISTED BUILDING APP	
SCALE: 1:1250	
DATE: NOVEMBER 2015	
<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS	
The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA	
Tel: 01728 860 830	
Fax: 01728 861 130	
E-mail: <a href="mailto:gmltd@gorniakandmckechnie.co.uk">gmltd@gorniakandmckechnie.co.uk</a> <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>	
JOB No: 1682	DRWG No. 100 LB



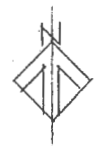
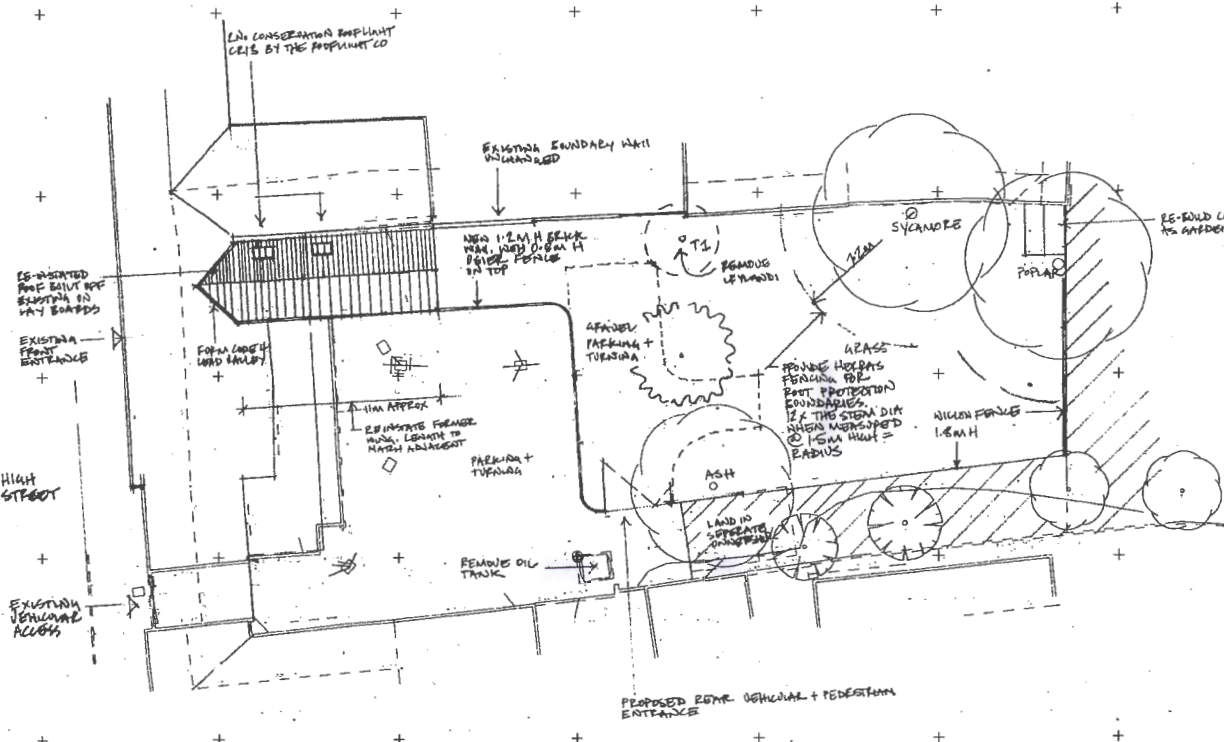




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TITLE: FIRST FLOOR PLAN AS EXISTING: INC. DEMOLITION	
SCALE: 1:100	
DATE: 00/10/05	
GORNIAK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Debenham Suffolk, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmtd@gorniakandmckechnie.co.uk <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>	
JOB No: 1682	DRWG No: 201



JOB: THE ANSEL PUBLIC HOUSE, DEREHAM		<b>GORNIK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Dabeham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gornik@gornikandmckechnie.co.uk <a href="http://www.gornikandmckechnie.co.uk">http://www.gornikandmckechnie.co.uk</a>
TITLE: EAST + SOUTH ELEVATION AS EXISTING		
SCALE: 1:100	DATE: APRIL 2014	
JOB No: 1682	DRWG No: 202.A	

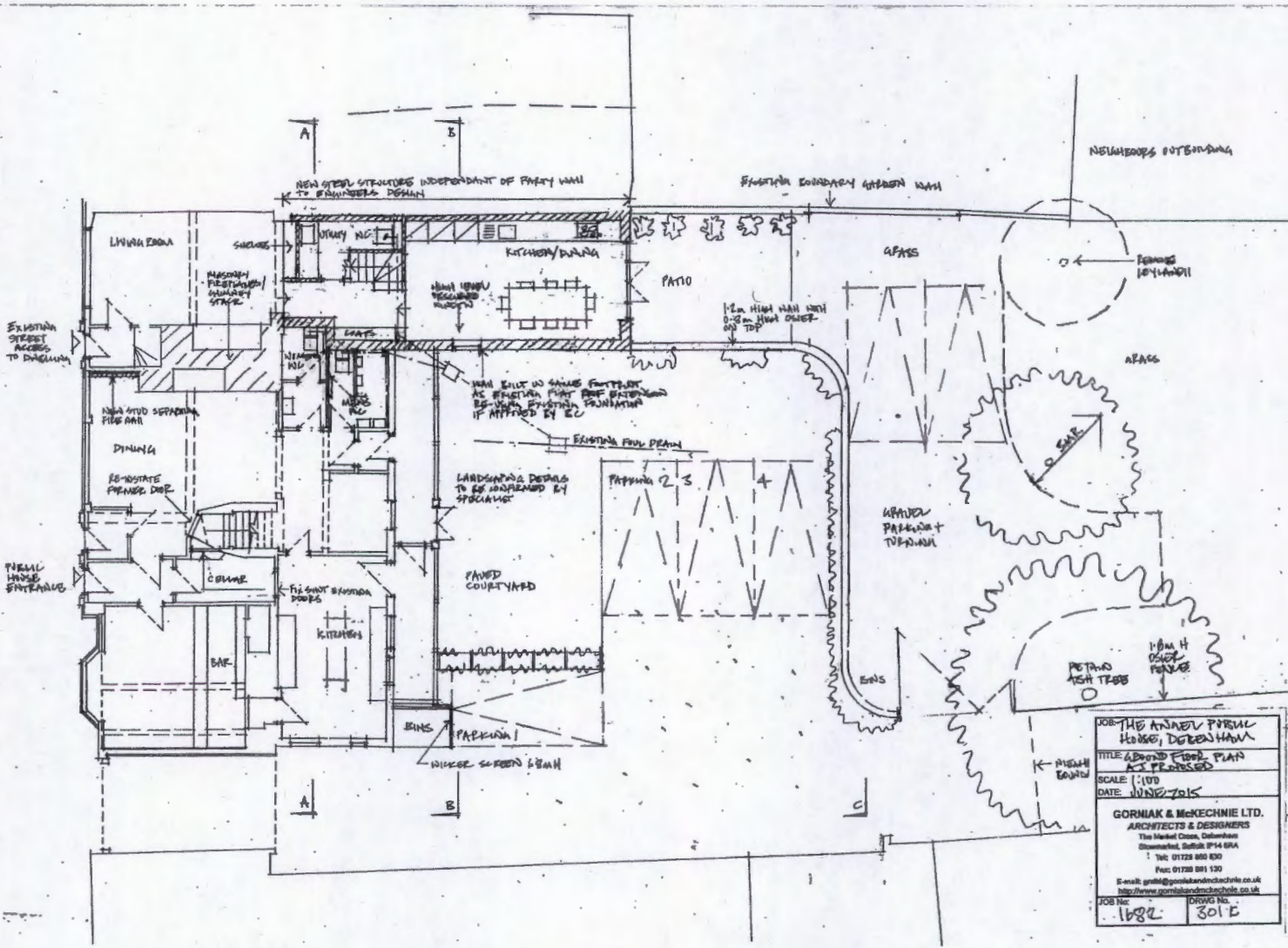


A	25/11/14	BOUNDARY WALL CHANGED TO WILLOW FENCE
B	4/1/15	EXTENSION REDUCED
C	12/1/15	EXTENSION AMENDED

Gorniak and McKechnie Ltd  
**Architects & Designers**  
 The Market Cross, Debenham  
 Downmarket, Suffolk IP14 6SA  
 Tel 01728 825 830  
 Fax 01728 861 130  
 Email: gma@corniakandmckechnie.co.uk

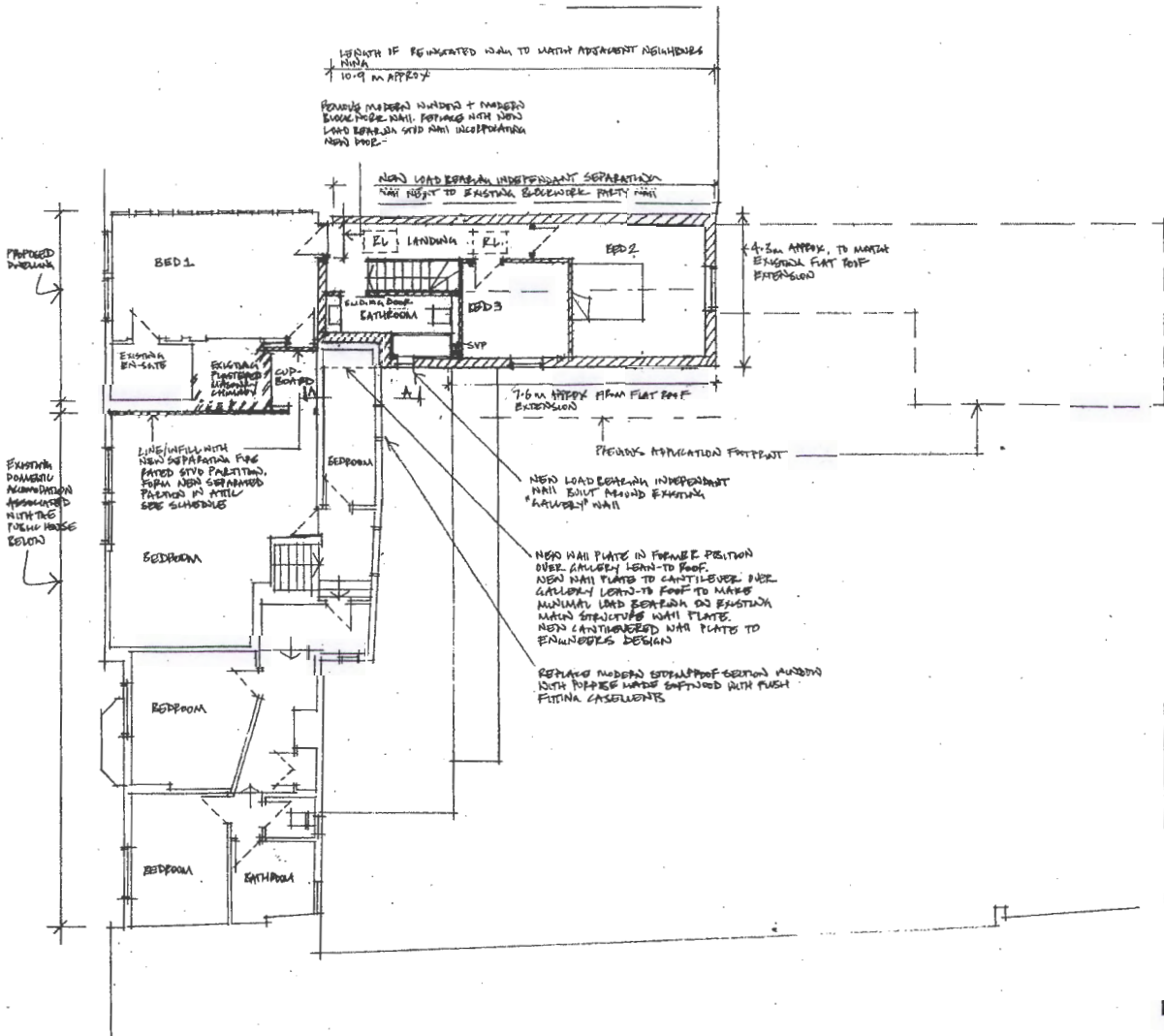
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 Job Title: The Angel Pub  
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 Checked by: Date:  
 Drawing Scale: 1:200 @ A3  
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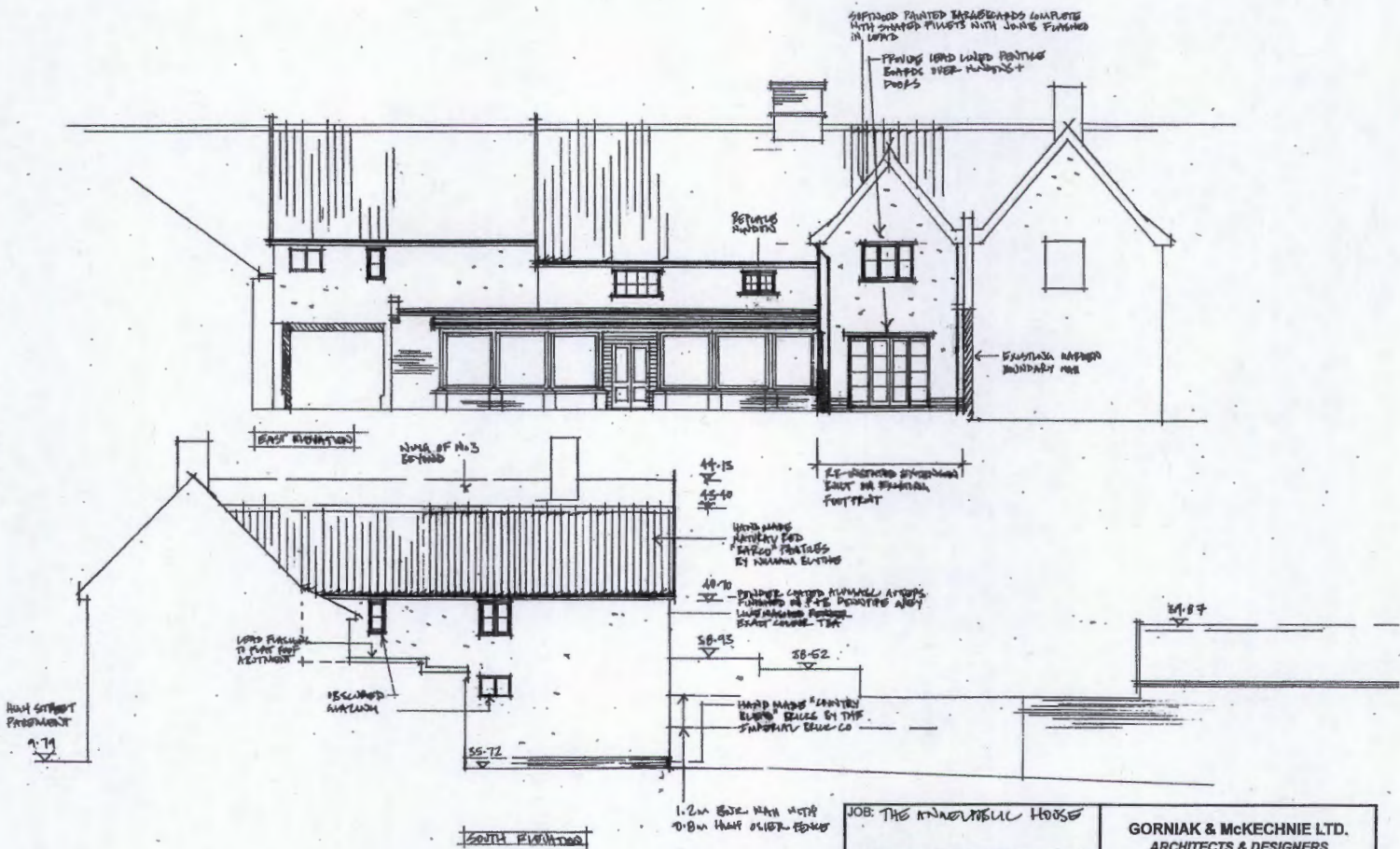


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GORNIAK & McKECHNIE LTD. ARCHITECTS & DESIGNERS The Market Cross, Dorchester Dorset, Dorset, BA1 1PA Tel: 01228 800 800 Fax: 01228 801 130 E-mail: gornik@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 1682	Drawn No: 301E





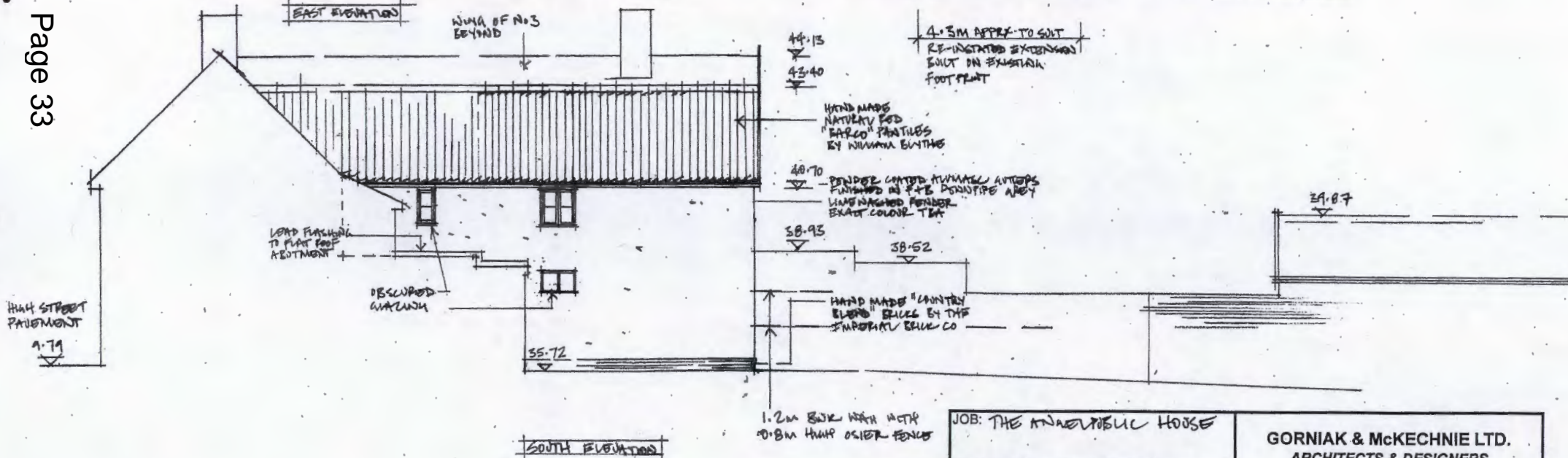
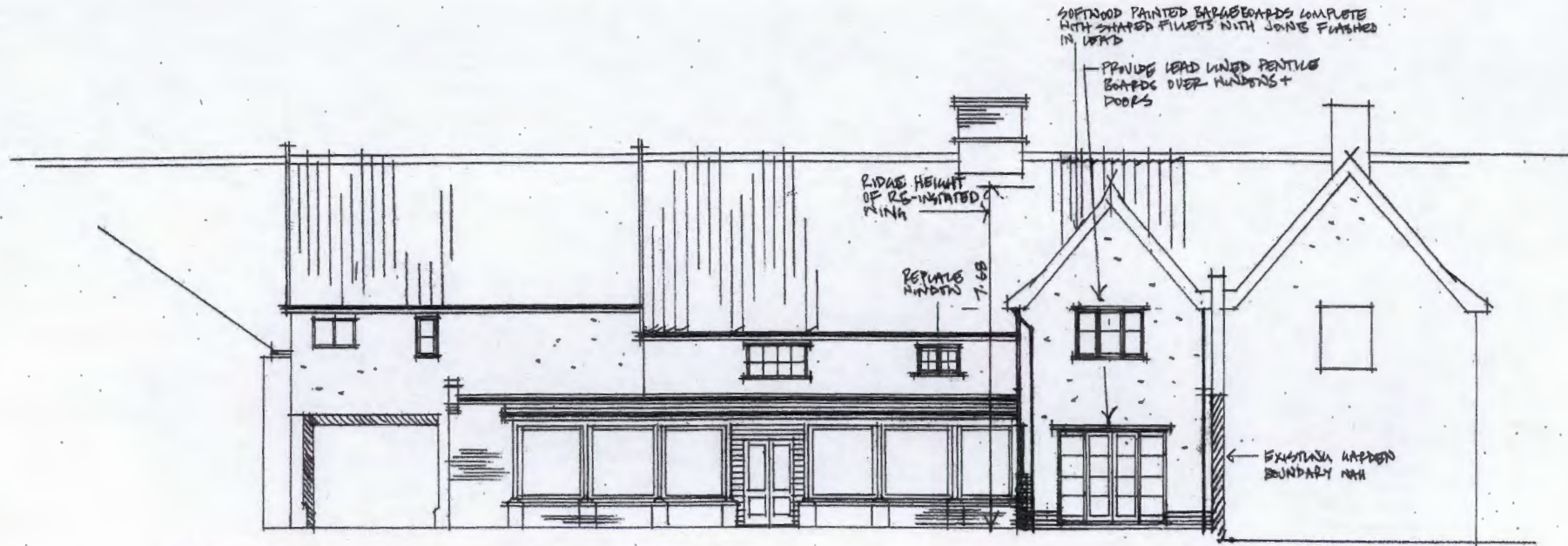
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DATE: JUNE 2015	
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JOB No: 16.00. 16.02.	DRWG No: 302E



JOB: THE MAGNIFICENT HOUSE		<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 630 Fax: 01728 861 130 E-mail: gmitd@gorniakandmckechnie.co.uk <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>
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SCALE: 1:100	DATE: JUNE 2015	
JOB No: 1682	DRWG No: 305D	

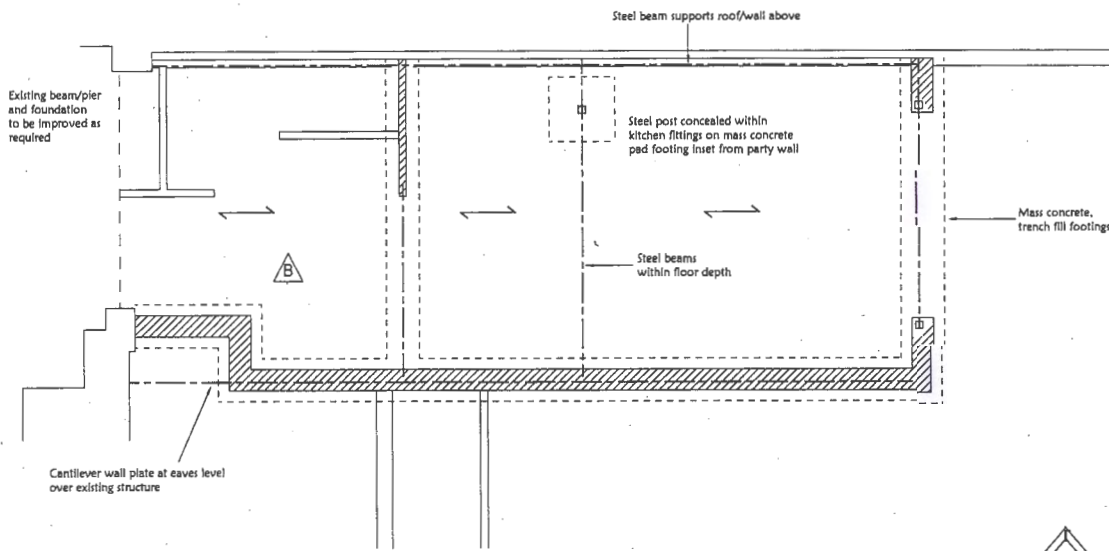


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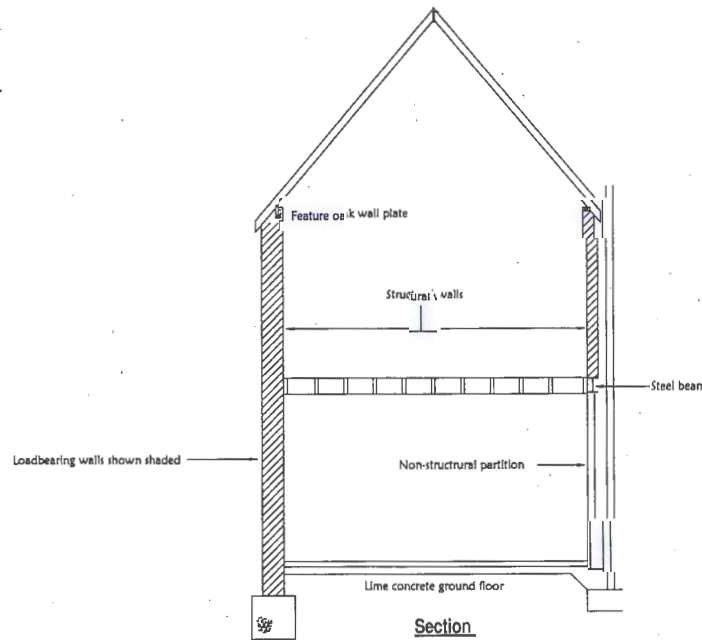


JOB: THE ANAETHETIC HOUSE		<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA. Tel: 01728 880 830 Fax: 01728 881 130 E-mail: gmltd@gorniakandmckechnie.co.uk <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>
TITLE: ELEVATIONS AS PROPOSED		
SCALE: 1:100	DATE: JUNE 2015	
JOB No: 1682	DRWG No: 305E	

CONSTRUCTION NOTES



Plan at Ground Floor Level Showing Foundations & 1st Floor Structure Over



24

Rev	Date	Details
B	23.11.15	Post moved Ground floor layout updated
A	18.11.15	Oak wall plate added

*In the event of any queries please contact:  
Richard Brown BSc CEng MICE MInstStructE*

**ADAM POWER ASSOCIATES**

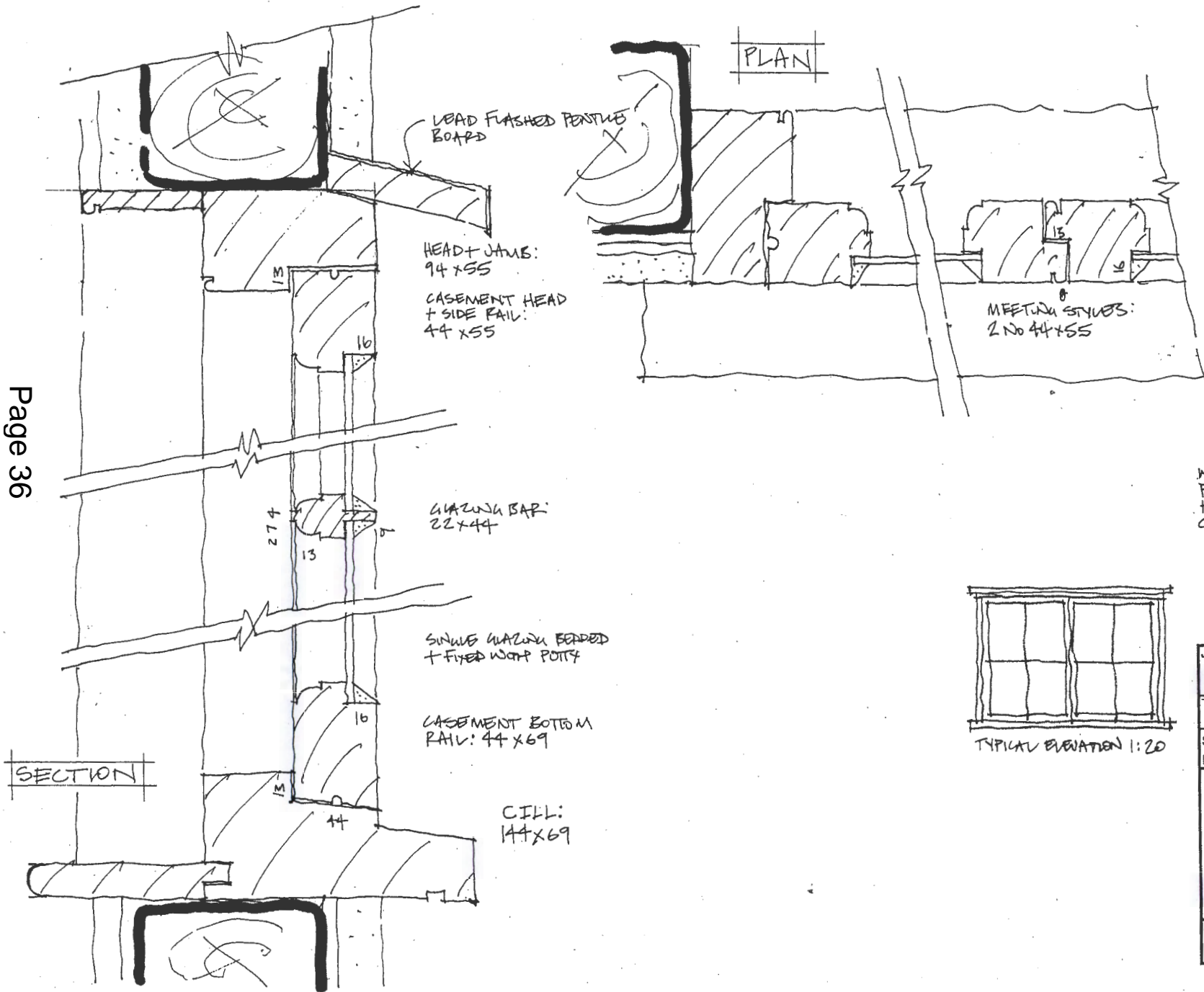
Consulting Civil/Structural Engineers  
The Old Chapel, The Street, Rickingham, Suffolk IP22 1BN  
Tel 01953 887539 Fax 01379 890706  
email: richard@adampower.co.uk

Title Proposed Extension  
The Angel Public House  
Debenham  
Preliminary Sketch Scheme

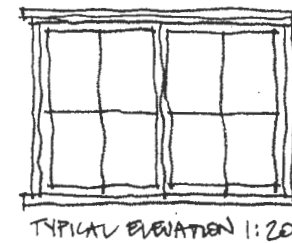
For	The Angel PH	Date	15.9.15
Job No.	R/15/203	Drg No.	SK
CAD Plot Scale	1:50 @ A2	Rev	B





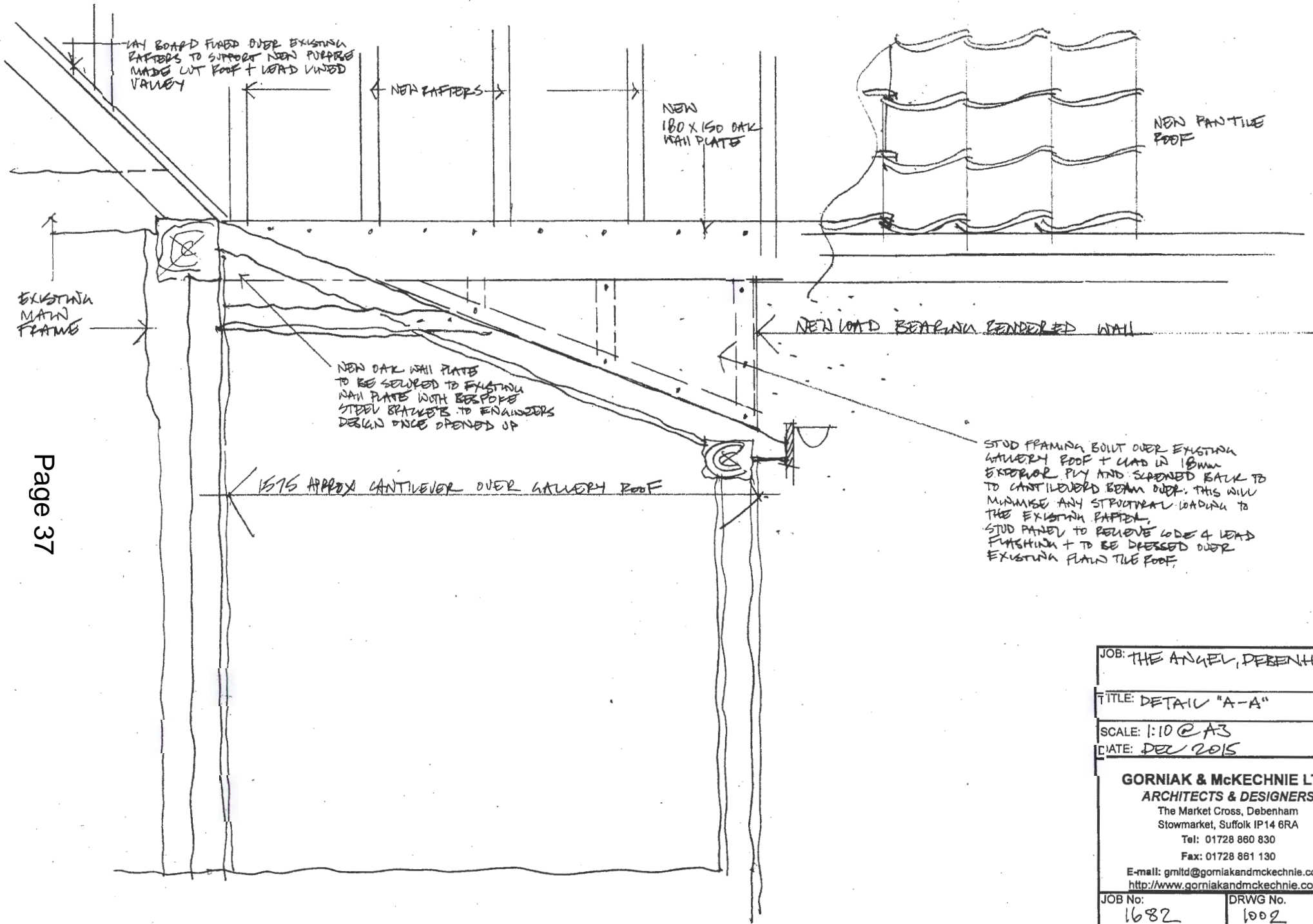


WINDOWS:  
 PURPOSE MADE IN SOFTWOOD WITH  
 HARDWOOD GLUS. ALLOW FOR CLEARANCES,  
 CHECK ADJUSTS + WEATHER STRIPPING



JOB: THE ANGEL PUBLIC HOUSE	
TITLE: REPLACEMENT WINDOW DETAIL	
SCALE: 1:2 + 1:20	
DATE: DEC 2015	
<b>GORNIAK &amp; MCKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmltd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 1682	DRWG No. 1001

26



JOB: THE ANGEL, DEBENHAM	
TITLE: DETAIL "A-A"	
SCALE: 1:10 @ A3	
DATE: DEC 2015	
<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmltd@gorniakandmckechnie.co.uk <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>	
JOB No: 1682	DRWG No. 1002



C/o: Planning Officer, Lisa Evans, Mid Suffolk District Council Planning.

**Applications 4374/15 and 4375/15, The Angel Inn, 5 High Street, Debenham**

**Debenham Parish Council Comments:**

The Parish Council would like to strongly recommend the refusal of the above planning applications. This decision has taken into account the following policies:

**4374/15:** hb8, hb9, gp1, cor4-cs4, hb1, cor 5, hb4, h18, sb2, t9, cor 1, csfr-fc1, and csfr-fc1.1.,

**4375/15:** gp1, cor5, hb9, hb8, hb1, hb4, cor1, csfr1-fc1, csfr1.1, and sb2.

Detailed comments are as follows:

1. There are no material differences between these plans and the plans previously submitted and considered, which were strongly recommended for refusal by the Parish Council previously;
2. The Parish Council believes that the wording used in the application is misleading and does not reflect accurate facts; The pub was successful in the past in its larger format, all 3 front of house rooms have been used (including by the applicants), when the applicants closed the pub in 2013 they had no intention of re-opening it quickly as they sold off all the fixtures and fittings and there is no evidence supplied to back up the claim that the "proposal is essential to secure it's future as a community facility" quite the reverse in fact.
3. The unit referred to as a former dwelling should actually make reference to it being a former single storey cart shed;
4. The provision of the proposed four car parking spaces would be inappropriate for the site; One of those spaces could well be lost as the oil tank which has to be re-sited is not shown on the new plans and at least one space will be needed for staff. Additionally it is highly likely that the residents of the new build not always park at the rear but also add to the High Street parking problem.
5. The applications are clearly against Mid Suffolk District Councils' Tourist Policy, particularly when considering the following elements:
  - It does not encourage the retention of local services
  - It does not encourage the retention of an existing facility
  - It does not resist alterations to existing businesses
  - It most probably will result in the loss of local employment potential
  - The creation of a temporary partition wall meant that the gallery is no longer accessible to the public, who have a right to request to view it.
6. With regards to the temporary wall, the area currently blocked off from the public is rapidly deteriorating and is filled with waste materials/excess furniture and other types of unused items, which in itself is a fire and vermin risk. As guardians of the premises, the current owners have a duty of care to maintain the building and this is not being observed in the areas not being used. This is a listed building in the heart of a conservation area and must be protected as a main facility in this Key Service Centre that is Debenham.
7. Due to the erection of the temporary wall, the entrance point to the public house is now a very narrow door, which is also a possible health and safety hazard. It is very congested at



busy times and encourages patrons to either overspill to the eating area or simply to the pavement, which is certainly not ideal and can cause other problems.

8. The Angel was used by families, young people, local residents, residents of nearby villages and tourists. The public house is the only one in the village accessible for People with Disabilities and for families with young children in pushchairs. Having such a local, centralised amenity for all ages ensured that not only were the social/community aspects addressed, but also encouraged patrons to either walk or cycle to the venue, which make parking on the High Street much easier and reduced the carbon footprint of those now having to driving outside of the village, as well as add to further congestion of access routes.
9. The current owners are also responsible for the loss of the only "purposely built" Bed and Breakfast facility in the village, which was used by many tourists and visiting relatives. This automatically resulted in loss of employment and loss of amenity, thus reducing the village's tourism industry intake.

Furthermore, the Parish Council would like to refer to the following points, some also for your consideration when considering the application please.

#### **Supplementary Planning Guidance (SPG)**

In order for the planning guidance to work effectively it must state its objectives clearly, present robust information and monitor the effects of its policy implementation. This **SPG** has three objectives;

- To encourage the retention of rural services.
- To ensure that proposals for changes of use are properly justified
- To enable the reopening of a service or facility at a future stage by resisting specific building alterations that would prevent reopening.

The Planning system has policies and stated guidance that can and should play an important role in facilitating social interaction and help to sustain inclusive communities by ensuring the provision and integration of community facilities such as pubs to enhance the sustainability of communities.

The **NPPF** states: "The Governments objective is to create strong, vibrant and healthy communities, by creating a good quality built environment, with accessible local services that reflect community needs" ..... "Planning policies and decisions should safeguard against the unnecessary loss of valued facilities and services".

Planning for people-a social role, planning for prosperity and an economic role.

The **CSFR** comments about: "*enabling communities to be balanced, inclusive and prosperous*" and "*Achieving a stable economy for a sustainable community*".

The Mid Suffolk Core Strategy (CS) identifies Debenham as a Key Service Centre within its settlement hierarchy and a main focus for development. **CS policy CS5** requires all development to maintain and enhance the environment and retain the local distinctiveness of the area

"NPPF regarding Listed buildings in Conservation areas" ***Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.***"

As stated in the SPG -we would also like to ask if as part of the process the following evidence has been supplied by the applicants?

• **Evidence on the viability of the facility:**

All of the following points need to be addressed by the applicant:

- *The property is required to have been advertised for sale for a minimum of 12 months. Information should include selling agent's literature, valuations and offers that have been received on the property.*
- *Information on the annual accounts/turnover of the premises for the most recent trading year should be submitted to the Local Planning Authority. These should take the form as if submitted to HM Inland Revenue and not just a single line 'the losses were...£\*\*\*\*'*
- *Evidence needs to be submitted on the opening hours of the premises, and attempts at diversification to sell/provide a wider product range/let rooms during the applicant's tenure as Landlords as well as owners.*
- *Whether an application for financial assistance by an application to the Local Authority for rate relief was made to stave off the 2013 closure by the applicants on the grounds of non-viability.*
- *Whether an application to the Local Authority to accommodate multiple use of the premises has been made.*

We believe The Angel Public House to be essential to the vitality and sustainability of this growing Key Service centre and policy and guidance appear to support this.

**Policy FC1** states that the planning authority takes into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF

**Policy SC5**

"maintain and enhance"

Grade II - buildings that are part of the local heritage and warrant every effort being made to preserve them.

**POLICY HB3** *Proposals for the conversion of, or alteration to Listed buildings or other buildings of architectural or historic interest will only be permitted in exceptional circumstances.*

**POLICY HB1**

*The District Planning Authority places a HIGH PRIORITY on protecting the character and appearance of all buildings of architectural or historic interest. Particular attention will be given to protecting the settings of Listed Buildings. Although there are more details in this application than previous*

*applications as to the foundations for the new extension they have still failed to convince Historic England that no damage to the neighbouring Grade II\* property will result because they have failed to provide the requested Statement of Methodology on how the works will be undertaken. Both demolition of the existing building and erection of the new building pose considerable risks to the adjacent fragile property that has no foundations of its own.*

#### **5.4 Policy statement for village pubs**

*The Change of use of a village Public House to an alternative use will not be permitted **UNLESS**:*

- *At least one other public house exists within the settlement boundary or within easy walking distance to it;*

**AND**

- *It can be demonstrated by the applicant that ALL reasonable efforts have been made to sell or let (without restrictive covenant) the property as a Public House AND that it is not economically viable;*

**AND**

- *There is **no** evidence of significant support from the community for the retention of the Public House.*

The Debenham Parish Council would like to further recommend that the temporary wall is removed (there does not appear to be a deadline for this to take place by in previous planning permissions) and the public house is returned to its original (full) size. This proposal also carries the weight of significant community support, who have also registered this site as an Asset Of Community Value.

The Parish Council would also like to re-iterate all the concerns raised previously and would like to ask the Planning Officer to go through those in detail so that they are fully aware of the background of planning applications for this site and the general community consensus, which has been in line with the Parish Council comments.

Dina Bedwell

Clerk to the Council



## HERITAGE COMMENTS

**Application No.:** 4375/15

**Proposal:** Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility

**Address:** The Angel Inn, 5 High Street, Debenham IP14 6QL

**Date:** 28<sup>th</sup> January 2015

## SUMMARY

1. The Heritage Team considers that, although the addition of a two-storey rear extension as proposed will cause no harm to the physical fabric of the "host" building, nor to the character, appearance, setting or significance of the conservation area or any adjacent heritage asset, the principle of sub-division to create a separate dwelling will in itself to cause harm to significance. The level of harm is assessed as less than substantial.
2. The case officer should now weigh this less than substantial harm against the public benefits of the scheme, as set out in NPPF paragraph 134.

## DISCUSSION

The Angel Inn was listed on 9<sup>th</sup> December 1955. It lies on the High Street in Debenham, within the historic core of the village, at the heart of the Debenham conservation area and within the settings of a number of other listed buildings, not least of which is the building next door, 1-3 High Street, which is an unusual and complex multi-period house incorporating some remarkable surviving medieval and Early Modern features which well justifies its listing at grade II\*. The heritage issues are the effect of the proposals on the character of the Angel Inn itself and its setting, on the character and appearance of the conservation area, and on the setting and significance of all the other designated heritage assets affected.

A previous application for a similar scheme of sub-division and extension was the subject of an appeal against non-determination by the LPA in 2014/15. This appeal was dismissed in a decision by the planning inspectorate issued on 6<sup>th</sup> February 2015, and the scheme then presented was held to have had a harmful effect on the historic character and setting of the Angel Inn as a listed building. The extent to which the present scheme has



overcome, or failed to overcome, the reasons for dismissal of that appeal are also a material consideration in this case.

In commenting on the previous (2014) scheme, I identified that it was harmful to the setting of the neighbouring grade II\* building, 1-3 High Street. This assessment was based on the inclusion in that scheme of a two-storey element, attached to the main two-storey rear extension to the pub by a single-storey link. The overall height and bulk of this attached two-storey element effectively dominated the outbuilding in the garden of no 3 and because of this, caused harm to the setting and significance of 1-3 High Street. The present scheme now has only the rear two-storey extension attached to the pub itself and omits the harmful element entirely. The rear extension is now of more modest proportions, its design has been revised and it does not extend any further back than the rear wing of the neighbouring property. Concerns were raised by various parties (though not by me, as I considered these properly to be a matter for consideration under party wall arrangements governed by the Party Wall Act) about the possible effect of constructing a new extension very close to it on the foundations and structure of the neighbouring property. These appear to have been addressed in the present scheme by a revised engineering approach. My conclusion is that the present scheme now offers no harm to the setting or significance of the neighbouring listed building.

In terms of the effect on the host building itself, I commented on the previous scheme that it had no effect on a number of the building's most important features. The clear evidence of a former two-storey range on the site of the proposed extension and the absence of historic fabric in the rear wall of the pub where access was to be made at the first and ground floor suggested that adding a two-storey extension here was unlikely to be harmful. In addition, removing the present rear extension, which is a single-storey flat-roofed modern range containing the pub toilets, was seen as an improvement. These positive elements also appear in the present scheme, which if anything seeks to replicate the former rear range more exactly.

In her comments on the previous scheme, the appeal inspector raised specific concerns about internal subdivision of a first-floor room by insertion of a modern partition wall to subdivide an existing window, which she considered would result in an insensitive alteration to the building. She further considered that, due to its overall scale, the development then proposed would have resulted in an unsympathetic addition to the building. In my view, these two specific issues raised by the inspector have been addressed in the present application, which includes a revised first-floor layout and a two-storey rear extension of more modest proportions than that previously proposed.

Nevertheless, there remains the principle of sub-division of the building to create a separate dwelling. In her comments, the appeal inspector held that the proposal then before her would have had a detrimental effect on the layout and plan-form of the building, including on the visual, physical and functional relationship of the first floor rear gallery with the remainder of the building. This seems to be a fundamental criticism of the concept of subdivision itself, irrespective of the details of how this is achieved. In commenting on the previous scheme I pointed out that the principle of permanent subdivision could be held in

itself to cause harm to significance, because the best situation for buildings like this was to continue in one unified ownership, allowing for coherent future management of the asset as whole. I still hold to this view, but in addition, in the light of the appeal inspector's comments, I have to take account of the harmful effect on the significance of the building arising from the act of subdivision itself. In particular, the detrimental effects on the relationship of the first-floor rear gallery with the remainder of the building is still integral to this revised scheme. This must be considered harmful to the building's significance as a designated heritage asset.

In commenting on the previous scheme, I stated that the subdivision then proposed seemed to be the least harmful way of creating a separate property, *if that was deemed absolutely necessary*. Many of the harmful elements identified in the previous scheme have been addressed in the present one, and the physical harm to the application building, and to neighbouring heritage assets, seems to be considerably less in this scheme than with the last one. Nevertheless, the fundamentally harmful concept of subdivision of the property remains at the heart of the present scheme and it is still harmful. The level of harm is assessed as less than substantial.

The case officer should now weigh this harm against the public benefits of the scheme, in particular the likelihood of its securing the pub's optimum viable use. The applicants maintain that the changes proposed are necessary to ensure the continued provision of The Angel as a community facility. Assessment of this claim, however, seems to me to involve an appraisal of the economic viability of the business in various formats, which is well beyond the scope of any heritage assessment.

**Name:** William Wall  
**Position:** Enabling Officer - Heritage

**From:** David Harrold  
**Sent:** 15 January 2016 15:47  
**To:** Planning Admin  
**Cc:** Lisa Evans  
**Subject:** Plan Ref 4374/15/FULL The Angel, 5 High Street, Debenham

Thank you for consulting me on the above application.

I note that the proposal is for the reinstatement of part of the Angel back into a two storey residential premises.

Habitable rooms overlook the rear paved courtyard and parking area serving the Public House and this may have an adverse impact on occupiers especially during the night. Without any noise assessment it is difficult for me to advise you further and whether the noise from the pub will have a significantly adverse effect on the dwelling.

In this case, should approval be given to the development, I would recommend the following condition:

The first floor rear bedrooms (Bedroom 2 and 3) shall be constructed so as to provide sound insulation against external noise to achieve internal noise levels not exceeding 30 dB LAeq (night) and 45 dB L<sub>Amax</sub> (measured with F time weighting) for bedrooms, with windows shut and other means of ventilation provided.

Construction of these rooms shall not commence until a scheme demonstrating the achievement of these standards has been submitted to the Local Planning Authority and approved in writing.

Reason: To avoid any significant adverse impacts from noise of people using the paved courtyard and car parking areas, especially at night time..

As an informative I would also recommend that the applicant is reminded of the requirements of Part E of the Building Regulations to achieve appropriate sound insulation between the residential and commercial premises.

David Harrold MCIEH

Senior Environmental Health Officer  
Babergh and Mid Suffolk Council

01449 724718

**From:** Nathan Pittam  
**Sent:** 24 December 2015 11:55  
**To:** Planning Admin  
**Subject:** 4374/15/FUL. EH - Land Contamination.

**4374/15/FUL. EH - Land Contamination.**  
**The Angel, 5 High Street, Debenham, STOWMARKET, Suffolk, IP14 6QL.**  
**Partial change of use, erection of first floor extension to reinstate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst ...**

Many thanks for your request for comments in relation to the above application. I have viewed the application and can confirm that I have no objections to the proposed development.

Regards

Nathan

Nathan Pittam BSc. (Hons.) PhD  
Senior Environmental Management Officer  
Babergh and Mid Suffolk District Councils – Working Together  
t: 01449 724715 or 01473 826637  
w: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



Your Ref: MS/4374/15  
 Our Ref: 570\CON\4080\15  
 Date: 13/01/2016  
 Highways Enquiries to: kyle.porter@suffolk.gov.uk

**All planning enquiries should be sent to the Local Planning Authority.**

Email: [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk)

The Planning Officer  
 Mid Suffolk District Council  
 Council Offices  
 131 High Street  
 Ipswich  
 Suffolk  
 IP6 8DL

**For the Attention of:** Lisa Evans

**TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN MS/4374/15**

**PROPOSAL:** Partial change of use, erection of first floor extension to reinstate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility (Revised scheme to that submitted under ref. 2494/14 & 2475/14)

**LOCATION:** The Angel Inn, 5, High Street, Debenham

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

**1 AL 8**

Condition: Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the carriageway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

**2 NOTE 02**

Note 2: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's Central Area Manager must be contacted on Telephone: 01473 341414. Further information go to: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Yours sincerely,

**Mr Kyle Porter**  
**Development Management Technician**  
 Strategic Development – Resource Management

**From:** Richard Hoggett  
**Sent:** 08 February 2016 21:14  
**To:** Planning Admin  
**Subject:** FAO Lisa Evans - 4374/15 - The Angel Inn, Debenham - Archaeology

Dear Lisa,

Many thanks for your letter of 23rd December consulting us on the above application. Please accept my apologies for the delayed response.

We have considered the above application and are satisfied that the submitted Heritage Asset Assessment by Leigh Alston provides a sufficiently record of the building and that no further archaeological recording condition is required for this application.

Yours,

Richard

**Dr Richard Hoggett MCIfA**  
Senior Archaeological Officer  
Suffolk County Council Archaeological Service Conservation Team  
Resource Management  
6 The Churchyard, Shire Hall, Bury St Edmunds, Suffolk, IP33 1RX  
Tel.: 01284 741226  
Website: <http://www.suffolk.gov.uk/archaeology/>

Search the Suffolk HER online at <http://heritage.suffolk.gov.uk>

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Historic England

EAST OF ENGLAND OFFICE

Ms Lisa Evans  
Mid Suffolk District Council  
131 High Street  
Needham Market  
Suffolk  
IP6 8DL

Direct Dial: 01223 582738

Our ref: L00492914  
P00492915

12 January 2016

Dear Ms Evans

**Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015**

**THE ANGEL INN, 5 HIGH STREET, DEBENHAM, IP14 6QL  
Application No 4375/15 & 4374/15**

Thank you for your letter of 23 December 2015 notifying Historic England of the above applications.

**Summary**

The Angel Inn is a timber framed building which dates from the 15<sup>th</sup> century and which lies adjacent to the grade II\* listed Swiss Farm Butchers. The application proposes a partial change of use and first floor extension, in addition to internal alterations to the public house. We previously advised that the proposals would not harm the grade II building or the setting of the grade II\* listed Swiss Farm Butchers, however had concerns with potential impact on the structure of the grade II\* listed building. The revised scheme has reduced the potential impact and we would not object, subject to clarification of details and method.

**Historic England Advice**

Historic England have previously commented on similar proposals. We previously advised that the proposals would not harm the grade II building or the setting of the grade II\* listed Swiss Farm Butchers, however had concerns with potential impact on the structure of the grade II\* listed building. We have previously highlighted the significance of the application site and the adjacent grade II\* listed building within our letter of 24<sup>th</sup> August 2015 (applications 2423/15 and 2424/15, withdrawn). We shall not repeat it here, but would refer to it.

The design has been simplified and now seeks to reinstate the form of a previously removed extension. This includes a continuous ridge, removes a lantern and removes a rooflight from the south elevation. We would note that this simpler form would be more appropriate than the previous schemes and we would not make any comment on



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## EAST OF ENGLAND OFFICE

its design. As before, we do not wish to offer detailed comments on the subdivision of the grade II listed property, as it is not in line with our remit.

The boundary wall has been revised to be independent of the existing wall, constructed of steel to a structural engineers design. Any excavations and foundations would impact the existing wall and therefore a sensitive structural design and carefully thought-out method statement is essential to avoid impact on the fabric of the grade II\* listed building. We previously recommended that the prevention of harm to the building in terms of the NPPF should be confirmed by inclusion of a Method Statement and details from a structural engineer. Whilst the proposed arrangement is improved, this is still the case and we suggest that the Council should seek this information prior to determination.

The National Planning Policy Framework states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (NPPF; paragraph 128). The Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (NPPF; paragraph 131). The Framework goes on to state that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting (NPPF; paragraph 132). The Framework states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF; paragraph 132). There is therefore a requirement to rigorously test the necessity of any harmful works. Paragraph 134 of the Framework states that where a proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF; paragraph 134).

We have considered the current proposals in light of this government policy and relevant Historic England guidance.

The proposed extensions to the Angel Inn would be appropriate in siting and scale to the grade II listed host building and surrounding grade II\* listed buildings. The proposed scheme has been improved from previous designs, however its success relies on appropriate detailing and use of traditional vernacular materials, and we suggest that the Council secures this by way of condition, if minded to approve. We are concerned that the construction process could lead to damage or affect the structural stability of the grade II\* listed Swiss Farm Butchers and recommend that your authority seek a structural design and Method Statement from a structural

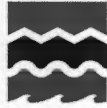


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## EAST OF ENGLAND OFFICE

engineer, prior to determination to prevent harm to the listed building in terms of paragraph 132 and 134 of the National Planning Policy Framework (NPPF; paragraph 134).

**Recommendation**

The Angel Inn lies directly adjacent to a grade II\* listed building with associated garden and ancillary buildings which reflect the status of the property. Historic England consider that the proposed two storey wing would not result in harm to the grade II listed building nor the setting of the grade II\* listed Swiss Farm Butchers. However, we do have concerns regarding the potential impact that construction could have on the structure of the grade II\* listed building. We would not object to the proposals subject to clarification of the boundary wall treatment. To prevent harm to the listed building in terms of paragraph 132 and 134 of the National Planning Policy Framework we recommend that your authority seeks a structural design and Method Statement be secured prior to determination, in order to satisfy paragraph 128 of the NPPF.

Yours sincerely

**Matthew Kennington**

Inspector of Historic Buildings and Areas

E-mail: [matthew.kennington@historicEngland.org.uk](mailto:matthew.kennington@historicEngland.org.uk)



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## Appeal Decision

Site visit made on 6 January 2015

by **Anne Napier-Derere BA(Hons) MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2015

### Appeal A Ref: APP/W3520/A/14/2227486

#### The Angel, 5 High Street, Debenham, Stowmarket IP14 6QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr & Mrs Paine against Mid Suffolk District Council.
- The application Ref 2494/14, is dated 2 August 2014.
- The development proposed is described as 'partial change of use, re-instatement of former 2-storey rear wing and further extensions to the rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in its current format as a community facility'.

### Appeal B Ref: APP/W3520/E/14/2227489

#### The Angel, 5 High Street, Debenham, Stowmarket IP14 6QL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by Mr & Mrs Paine against Mid Suffolk District Council.
- The application Ref 2475/14 is dated 2 August 2014.
- The works proposed are described as 're-instatement of former 2-storey rear wing and further extensions to the rear to re-instate former separate dwelling adjacent to The Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility'.

### Decisions

1. Appeal A is dismissed and planning permission for the 'partial change of use, re-instatement of former 2-storey rear wing and further extensions to the rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in its current format as a community facility' is refused.
2. Appeal B is dismissed and listed building consent is refused for the 're-instatement of former 2-storey rear wing and further extensions to the rear to re-instate former separate dwelling adjacent to The Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility'.

### Preliminary Matters

3. The appeals were made against the failure of the Council to give notice of its decision on the applications within the appropriate period. Subsequent to the submission of the appeal, the Council has confirmed that it would have refused



both applications, had it been in a position to do so, and has provided details of its putative reasons for refusal. These are listed below and I intend to consider the appeals on this basis.

*Appeal A:*

1. The proposal would lead to the diminution of an established village facility, which may prejudice its longer term future as a community and tourism asset and contributor to the rural economy. As such, it conflicts with the aims and requirements of paragraphs 17, 28, 69 and 70 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and the Council's supplementary planning guidance 'Retention of Shops, Post Offices and Public Houses in Villages' (adopted February 2004), which are consistent with those aims.
2. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its historic character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset, is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2 and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims.
3. The proposed easterly section of the two storey rear extension would, by reason of its scale and proximity to the common boundary, adversely affect the setting of the adjacent Grade 2\* listed building. The harm to the designated Heritage Asset is not outweighed by public benefit. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 58, 64, 131, 132 and 134 of the National Planning Policy Framework and Policies CS5 of the adopted Mid Suffolk Core Strategy and saved Policies SB2, GP1, HB1 of the Mid Suffolk Local Plan (1998), which are consistent with those aims.
4. The proposed easterly section of the two storey rear extension would, by reason of its scale and proximity to the common boundary, have an oppressive and overbearing effect, detrimental to the level of amenity enjoyed by the residential property adjacent to the north of the application site. The proposal would therefore conflict with the aims and requirements of paragraphs 17 and 58 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, GP1 and H16 of the adopted Mid Suffolk Local Plan, which are consistent with those aims.

*Appeal B:*

1. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the



designated Heritage Asset is not regarded as substantial, however the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, HB1 and HB3 of the adopted Mid Suffolk Local Plan (1998) which are consistent with those aims.

4. Amended drawings in respect of the proposal, Ref 102A and 202A, formed part of the appeal submissions. Having regard to the nature of the proposed revisions, I am satisfied that they would not materially change the details proposed. As such, I consider that no material interests will be prejudiced by my consideration of the appeal on the basis of these amended plans.
5. A further revised drawing, Ref 306B, was also submitted, which indicated a lower height for the garden room element of the extension than originally proposed. Although I understand that this revision was sent to English Heritage by the appellants, it appears that it did not form part of the scheme as consulted on or considered by the Council. As such, whilst I have taken note of this drawing, I do not intend to consider it formally as part of these appeals. Nonetheless, had I done so, it would not have altered my decisions in respect of the proposal.

### **Main Issues**

6. The appeal property is a grade II listed building, located within the Debenham Conservation Area and situated adjacent to a grade II\* listed building, referred to as No's 1 and 3, High Street, in the listing description. These are designated heritage assets and I am mindful of my statutory duties in these respects.
7. The main issues in these appeals are the effect of the proposal on:
  - The character and appearance of the area, with particular regard to whether or not it would: preserve the listed appeal building, any features of special architectural or historic interest that it possesses, its setting, or the setting of other listed buildings nearby; and preserve or enhance the character or appearance of the Conservation Area;
  - The living conditions of neighbouring occupiers of No 3, High Street, with particular regard to outlook and privacy; and
  - The long term future of the public house.

### **Reasons**

#### *Character and appearance*

8. The appeal building is situated within the heart of Debenham and, as one of a number of historic and prominent buildings within the Conservation Area, it makes a strong positive contribution to the streetscene. Although Debenham is largely residential in character, the Conservation Area contains a variety of commercial and retail uses. The use of the appeal building as a public house,

with living accommodation above, reflects its historic use as an inn and adds to the mixed character of this part of the Conservation Area.

9. From the evidence before me, including the listing descriptions, I consider that the significance of the appeal building and its listed neighbour largely derives from their age, use, historic fabric, form and features of special interest. These include the apotropaic symbols on the fireplace and the rare 16<sup>th</sup> century first floor rear gallery within The Angel, and the richly carved timber framing within No 1-3, High Street. In addition, the setting of these buildings, within the main street and in close proximity to other buildings, with gardens, land and, in the case of No 3, ancillary buildings, stretching back to the rear of the sites, reflects the status of these buildings and makes an important contribution to their significance.
10. Before the submission of the appeal applications, I understand that the appeal building was altered, with temporary partitions installed to the ground floor and the bar and cellar relocated, to reconfigure the public house element of the building. These alterations were in place at the time of my visit. The evidence suggests that, apart from these more recent changes, the configuration and use of the appeal building is likely to have altered over time. The submitted Heritage Asset Assessment and photographic evidence indicates that a rear projecting element and cart shed previously existed, broadly in the location of the proposed extensions, which appears to have been demolished in the 1960's. Evidence also indicates that the northern part of the building was in separate use, linked to the neighbouring shop, in the past.
11. The appeal proposal seeks to permanently subdivide the current building, in part retaining its use as a public house with living accommodation above, but also extending the building to the rear, to enable the provision of a sizeable separate dwelling. Notwithstanding the previous changes undertaken over time, the extent and scale of extensions and alterations as currently proposed would be significant. It is not disputed that the removal of part of the existing modern flat-roof extension to the rear of the building would be a benefit of the scheme. Furthermore, the layout and form of the proposed development would reflect that existing elsewhere within the local area.
12. Nonetheless, notwithstanding the previous development and on the balance of the evidence before me, I consider that extent of alterations proposed would have a detrimental effect on the current layout and plan form of the building, including on the visual, physical and functional relationship of the important first floor rear gallery with the remainder of the building. In addition, the subdivision of a room to create a further bedroom, by the insertion of a modern partition wall to subdivide an existing window, would result in an insensitive alteration to the building. Furthermore, due to its overall scale, the extent of development proposed would result in an unsympathetic addition to the appeal building. As a result, overall, I find that the proposal would have a harmful effect on the historic character and setting of the listed appeal building.
13. In addition, the garden room part of the appeal scheme would result in the development of a sizeable structure in close proximity to No 3, High Street. From within that site, this element would markedly increase the amount of built development along the shared boundary, which would significantly alter the relationship of the high status historic rear projecting wing of the adjoining grade II\* listed building with the land and buildings around it. As a result, it



would reduce the visual and physical dominance of that important part of the building, which would detrimentally affect how the building would be experienced from within its own garden and in views from Water Lane. Accordingly, I consider that the scale, design and siting of the garden room element of the scheme would be harmful to the setting of the adjacent property.

14. As such, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, as it would not preserve the listed appeal building, its features of special interest, its setting or the setting of the adjacent listed building. Furthermore, the adverse effect of the proposal on these buildings would also have a harmful impact on their relationship with their wider surroundings and would diminish their contribution to the quality of the area. Accordingly, for these reasons, I also conclude that the proposal would not preserve the character or appearance of the Conservation Area. Therefore, it would result in material harm to the significance of these heritage assets. It would not accord with the *Mid Suffolk Core Strategy 2008 (CS)* Policy CS5, the *Mid Suffolk Core Strategy Focused Review 2012 (CSFR)* Policies FC1 and FC1.1, and the *Mid Suffolk Local Plan 1998 (LP)* Policies GP1, HB1, HB3, HB8 and SB2, where they seek to protect local character and appearance, including in relation to the historic environment.

#### *Living conditions*

15. Due to the overall scale of the garden room element of the proposed extension, its position adjoining the shared boundary and the respective orientation of the two properties, this aspect of the proposed extension would result in a material loss of outlook and light for the neighbouring occupiers at No 3, High Street. Given the current conditions within the garden, which has a high degree of enclosure and a relatively limited outlook, I consider that the effect of this would be unacceptably harmful. Furthermore, having regard to the ground floor windows of the rear projecting wing of No 3, I also consider it very likely that the proposal would materially reduce the light and outlook available within this part of the dwelling, which would add further weight to the harm identified.
16. Amongst a range of other windows, a first floor window is proposed in the east elevation of the main part of the proposed extension. Although it would be possible to overlook part of the neighbouring garden from this window, other windows currently exist at first floor level of No 1, adjoining the site to the north, one of which is clear glazed. Taking this into account, together with the position of the proposed window within the elevation and the distances involved, I consider that the extent of additional overlooking likely to occur from the proposed window would be relatively limited. The submitted details also confirm that it is intended that another window, which could potentially overlook a more sensitive part of the garden closer to the dwelling, would be obscure glazed. This could be secured by an appropriate condition. Accordingly, I find that the impact of these windows would not be materially harmful. Nonetheless, this does not address the other harm identified above.
17. As a result, I conclude that, although the proposal would not lead to an unacceptable loss of privacy for the neighbouring occupiers of No 3, it would have an unacceptably harmful effect on their living conditions, due to loss of outlook and light. As such, it would be contrary to LP Policies H16 and SB2, where they seek to protect the amenity of local residents.



*Future of public house*

18. It is not a matter of contention that The Angel has experienced numerous changes in management or ownership over recent years. Furthermore, the evidence provided by the appellants indicates that, during this time, a variety of different business models were used but that none has proved viable in the long-term. Strong local concerns have been expressed at the potential impact of the proposal on the successful operation of the public house. However, it is not disputed that the public house has been in operation, with its reconfigured layout, since April 2013. Furthermore, I am advised that the current tenant of the premises is trading successfully and there is nothing before me that would lead me to consider otherwise.
19. At the time of my visit, the bar and cellar were well stocked and the rooms of the public house available for use contained a number of tables and chairs, providing potential customers with a range of options for eating or drinking, with the kitchen apparently fully fitted to a catering standard. Whilst the cellar arrangements appear somewhat unconventional, the brewery has confirmed that they are acceptable. I recognise that my observations took place on one day and the situation may be different at other times. However, there is nothing substantive before me to indicate that this is likely to be the case.
20. As such, whilst recognising that there is strong local support for the retention of a larger licensed premises, I am not satisfied that the evidence demonstrates that the proposal would unacceptably diminish the facility or undermine its contribution to the community or the wider local economy. Moreover, having regard to the comments of the Council's Economic Development Officer, I consider that the changes proposed could potentially enhance its viability. A reduction in the operational floorspace of the public house, to reduce the overheads and outgoings of the business, could contribute to securing its long-term viability and the continued use of the building as a community facility.
21. The Council has expressed concerns that the proposal would not meet the tests within its *Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public Houses in Villages 2004* (SPG). However, these tests relate primarily to proposals that seek to change the use of an entire building, rather than those that seek to retain the use, albeit in a modified form, as part of a mixed use development. As such, in this particular case, I do not regard these tests as directly relevant to the current appeal proposal.
22. Accordingly, for these reasons, I conclude that the reconfiguration of the public house as proposed would not be likely to harm its long-term viability. As such, it would accord with the aims of CSFR Policy FC1 and FC1.1 and would not conflict with the aims of the SPG, where it seeks to encourage the retention of rural services. It would also meet the aims of paragraphs 28, 69 and 70 of the National Planning Policy Framework (the Framework), to promote the retention and development of local services and community facilities and facilitate social interaction.

*Overall Balance*

23. For the reasons given above, I have found that the proposal would cause harm to the significance of the listed appeal building, the listed neighbouring building and the Conservation Area. I give this considerable importance and weight.



However, the proposal would not lead to the destruction of either building or loss of any particular special features that they possess and the proposal concerns one site within a much larger Conservation Area. As such, whilst material, I consider that the resulting harm would be less than substantial. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

24. One of the main public benefits resulting from the scheme would be the provision of an additional dwelling in a location that is within easy reach of a range of local services and facilities. This would make some contribution, albeit limited, towards the local housing stock and would be likely to result in some additional support for local services and facilities. It would also support the continued use and retention of the building, in part, as a public house and local community facility, and would therefore have local economic and social benefits in this regard. The proposal would also have some heritage benefits, from its contribution to securing the long-term use of the listed building. However, it has not been demonstrated that this would be the only way to achieve these benefits, nor that another, potentially less harmful, proposal would not be feasible. Having regard to this and the general encouragement within the Framework to such development, I give these benefits moderate weight.
25. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance and, as heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it would not represent its optimum use. For the reasons given, I conclude that, overall, the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets. The harm identified to neighbouring living conditions adds further weight against the scheme.
26. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built and historic environment as well as in people's quality of life'. I have found that the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas, conserve heritage assets in a manner appropriate to their significance and achieve a good standard of amenity for all future and existing occupants of land and buildings. The appeal scheme would not, therefore, meet the overarching aims of the Framework to achieve sustainable development.
27. The appellants have suggested, within their appeal submissions, that the garden room element of the proposed extension could be removed from the proposal, or reduced in height. However, I am not satisfied that a limited reduction in height would be sufficient to overcome the concerns identified above. Furthermore, from the details provided and having regard to the proposed incorporation of a new boundary wall within the scheme, it is not

clear to me how this element could be easily removed from the remainder of the appeal proposal, without necessitating further changes to the scheme. As such, whilst I have taken note of these suggested possible amendments, they do not lead me to alter my findings above.

#### *Other Matters*

28. The appellants have expressed concerns regarding the content of some of the representations made on the proposal and about the Council's processing of the applications, including the nature and extent of pre-application advice received in light of concerns raised as part of the application processes, and the Council's unwillingness to accept amendments to the formal application proposals. However, whilst I recognise that the outcome of the appeal will be disappointing to the appellants, none of these matters, either individually or cumulatively, leads me to alter my findings above.
29. A completed planning obligation has been submitted, which would make provision for a financial contribution towards open space and social infrastructure, in the event that the appeal is allowed. The national Planning Practice Guidance has recently been revised in respect of such contributions. However, given my findings above, it is not necessary for me to examine this matter or the details of the obligation further.
30. A number of local concerns were raised about various other matters, including a restrictive covenant, the quality of the submitted application details, the structural effect the proposal on the boundary wall and the adjoining property, the removal of a tree, pollution, drainage, landscaping and access for emergency services. However, given my conclusions above, it is not necessary for me to consider these matters further in this case.

#### **Conclusions**

31. For the above reasons, and having regard to all other matters raised, I conclude that these appeals should be dismissed and planning permission and listed building consent refused.

*Anne Napier-Derere*

INSPECTOR





## Appeal Decision

Hearing held on 26 February 2015

Site visit made on 26 February 2015

by **S Stevens BSc (Hons) MSc DipTP DMS MCMi MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2015

**Appeal Ref: APP/D3505/W/14/3001531**

**The White Horse Inn, The Street, Hitcham, Ipswich IP7 7NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure to give notice of the decision within the appropriate period on an application for permission.
- The appeal is made by Mr and Mrs R Lewis against Babergh District Council.
- The application Ref B/14/01086/FUL, dated 22 August 2014.
- The development proposed is a change of use of premises from public house to dwelling.

**Decision** <https://acp.planningportal.gov.uk/ViewDocument.aspx?fileid=2615105>

1. The appeal is allowed and planning permission is granted for a change of use of premises from public house to dwelling at The White Horse Inn, The Street, Hitcham, Ipswich IP7 7NQ in accordance with the terms of the application, Ref B/14/01086/FUL, dated 22 August 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan and 1:500 block plan.
  - 3) The building currently used for the provision of bed and breakfast accommodation shall be retained as an residential annexe ancillary to the main property and shall not be occupied as a separate residential unit.

### Main Issues

2. The main issue are:
  - the effect of the proposal on the provision of local services and facilities;
  - whether reasonable efforts have, or have not been made to retain the premises as an employment generating use; and
  - whether the public house business is financially viable.

### Reasons

#### *Background*

3. The public house is located at the edge of Hitcham at the junction of the B1115 and Balls Hill. It is a two storey building which is attached to a residential property, the Old Forge Cottage which is in separate ownership. The appeal site



includes the rear garden which contains a number of outbuildings and a converted stable block that houses 3 bed and breakfast units. To the rear of the site abutting the eastern boundary is a residential property, Bridge Cottage.

4. Prior to the submission of the appeal the Council received a nomination for the public house to be listed as an Asset of Community Value (ACV) under Part 5 Chapter 3 of the Localism Act 2011. Before the Hearing the Council confirmed the premises had been included on the list. However, the appellants have confirmed that they will request a review of that decision to list the property as an ACV and if necessary they will appeal to an independent Tribunal. Therefore at the time of determining the appeal the inclusion of the public house as an ACV has not been confirmed. Nevertheless, I regard the request for listing as an ACV a material consideration that I have taken into account in determining this appeal.

### Reasons

5. The village of Hitcham is spread over a considerable distance along the road and it does not appear to have a distinctive centre. It has a village shop/post office and village hall which are located about half a mile from the public house.
6. I am mindful that the listing of a building as an ACV can be an indication of the value that the local community place on a property to further the social wellbeing or social interests of the local community and the Council's development plan includes policies that seek to retain, protect or enhance local services in rural areas. The National Planning Policy Framework (the Framework) also requires planning policies and decisions to plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and residential environments and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
7. During the consideration of the planning application a survey of local residents was undertaken by the Parish Council which indicated that a significant number of those responding wished to see the public house retained. A number of persons also wrote to the Council objecting to the proposed change of use.
8. However, the appeal submissions and the evidence given at the Hearing indicate the public house has played a very limited part in the local community for some time. A record kept by the appellants over the last year showed only 27 villagers had used the public house with any level of frequency. A resident who had lived in the area for 15 years and who had seen the public house run by three previous landlords said most of the customers came from out of the area.
9. I understand the wish of residents to see the village pub retained but the evidence before me and that given during the Hearing indicates very few local persons have actually used the public house and that it has provided a very limited services or facilities to the local community. Little, if any specific evidence has been submitted or presented at the Hearing detailing the contribution the public house has made to the locality or the effect its loss would have on the community's ability to meet its every day needs. Submissions at the Hearing also indicated the village hall was licensed and well used for social, leisure and community events. This would suggest that the village does have another local facility that provides for some of the needs of the community.



10. Details were submitted with the application regarding the actions taken by the appellants to retain the premises as a public house or in some other employment generating use. Saved Policy EM24 of the Babergh Local Plan (Alterations No. 2) (LP) permits a change of use of employment generating premises only where it can be demonstrated that the retention for an employment use has been fully explored. The Council has also referred to the Safeguarding Employment Land Supplementary Planning Document (SPD) which provides guidance to applicants. This sets out two ways to demonstrate that the retention of an employment use has been fully explored by: undertaking an agreed marketing campaign at a realistic price; and that the premises are not viable for all forms of employment related uses.
11. The public house has been marketed over the last three years using a commercial property consultant who specialises in the licensed property sector. The property has been advertised in a variety of media and in specialist licensed trade publications since 2012 and during this period the asking price was reduced. During this time the Council sought further information from the appellant regarding the marketing undertaken, the price being asked for and other business and financial information. Although the marketing failed to attract interest to continue the licensed use the Council have however, confirmed that the appellants have carried out an appropriate marketing exercise in order to try and keep the premises as a public house or some other employment use.
12. From the submissions it is clear the appellants have tried over a significant period of time to sell the public house as a licensed premises. They have sought expert advice from a specialist property consultant and the premises have been widely advertised. Nevertheless this was not successful and it was acknowledged by both the appellant and Council that the specific characteristics of the premises would limit its appeal to prospective purchasers.
13. The submissions and from my observations during my visit show the open area to the front of the public house is within the ownership of the highway authority and which limits the use of this area for outside seating which may often attract passing custom. The premises are also attached to an adjacent residential property and there is only a single skin brick wall between a bar area and the adjacent house. The Council has already advised the appellants that any music events would be likely to cause a statutory noise nuisance and as the public house is a listed building the installation of sound proofing would be likely to harm the character and appearance of the building. In addition there is another dwelling that abuts the garden area to the rear. Consequently, these factors restrict the variety of events that can be provided and limits the appellants' ability to diversify and attract new customers and make the premises a more attractive business proposition.
14. The Council has also confirmed, based on the submissions made to it that the public house is not viable. The business accounts have not been provided as evidence for the appeal but a letter from the appellant's accountant confirms that for the last three years the business is unviable. Evidence given at the Hearing also confirmed that the appellants have been working in the public house without taking a wage and that one of the appellants had also taken another job to provide income. It was also said that there were days when they had only two or less customers all day. The B&B units had a 30 per cent occupancy rate and the income from this part of the business was being used to cross subsidize the

public house. However, even taking this into account the public house was still making a loss.

15. A number of interested parties have indicated their wish for the public house to remain and some have made comments relating to the marketing and viability of the business. They also point out that there is no reason why the public house could not be successful in the future; that it is located in a good position to attract passing trade; that it is of historical value and once permission is given for a residential use the public house will be permanently lost.
16. I have taken account of these points but I have also given weight to the expert advice given to the appellant and Council in respect of these matters. Whilst I am sympathetic to these points and I understand the wishes of the community to retain the village public house as a local community facility the submissions before me lead me to conclude the public house has not provided such a facility for a considerable period of time. The evidence indicates that it has not been supported by local residents, it has not been viable business for some time and that the appellants have made every effort to retain the premises in employment use.
17. I do not consider it is reasonable to expect the appellants' to continue to operate a business that is unviable especially when they have satisfied the Council that they have made every reasonable effort to do so. In the circumstances I conclude the proposal would comply with Policies CS1, CS11 CS15 of the Babergh Local Plan 2011-2031: Core Strategy & Policies adopted February 2014 and LP Policies EM24, CN06 and TP15.

#### *Other matters*

18. The public house is a Grade II Listed Building and S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As the proposal is for a change of use and no alterations to the building are proposed I am satisfied the proposal would preserve the building, its setting and any features of special architectural or historic interest which it possesses.
19. The appellant has raised concerns over the way the planning application was dealt with and comments made regarding the conduct of a Planning Committee. These are not matters for this appeal and they have no bearing on my decision. The Parish Council also state that it is concerned over the lack of time it was given to respond to the proposal. From the documents submitted with the appeal I am satisfied interested parties were notified in accordance with the requirements of the planning legislation. Furthermore, I also have a copy of a letter dated 2 February 2013 that was sent by the appellant to the Parish Council advising it that they were discussing the future of the public house with the Council and if a buyer could not be found then they would explore a change of use to residential.

#### **Conditions**

20. I have considered the conditions suggested by the Council and, where appropriate, amended them to ensure they comply with the advice in in the

Planning Practice Guidance. In addition to the standard time limit conditions requiring the development to be carried out in accordance with the approved plans and the bed and breakfast annexe building to be retained as an ancillary annexe are necessary in the interests of proper planning and to ensure satisfactory living conditions for the occupants of the residential accommodation.

**Conclusion**

21. For the reasons given above I conclude that the appeal should be allowed.

*Sarah Stevens*

INSPECTOR



**APPEARANCES**

**For the appellant:**

Mr Richard Lewis	Appellant
Mrs Ann Lewis	Appellant
Mr Brian Morron	Gotelee Solicitors, Agent
Ms Stephanie Lewis	Appellants' family

**For the Local Planning Authority:**

Mr Shaun Wells BA (Hons) DipTP MRTPI	Planning Officer, Babergh District Council
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**Interested persons:**

Mr Colin Widdup  
Mr Simon King

**DOCUMENTS SUBMITTED AT THE HEARING**

None

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MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE -

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<b>AGENDA ITEM NO</b>	<b>2</b>
<b>APPLICATION NO</b>	4375/15
<b>PROPOSAL</b>	Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility
<b>SITE LOCATION</b>	The Angel Inn, 5 High Street, Debenham IP14 6QL
<b>SITE AREA (Ha)</b>	
<b>APPLICANT</b>	Mrs S Paine
<b>RECEIVED</b>	December 14, 2015
<b>EXPIRY DATE</b>	February 16, 2016

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**REASONS FOR REFERENCE TO COMMITTEE**

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

**PRE-APPLICATION ADVICE**

1. No pre application advice was sought prior to the submission of this application.

**SITE AND SURROUNDINGS**

2. The Angel is an established public house standing on the east side of the High Street in Debenham. The building is listed Grade 2 and is within the Debenham Conservation Area.

The public house stands within a mixture of residential and commercial properties typical of a village High Street. Opposite, set back slightly from the High Street, the local Co-operative store, hardware shop, pharmacy and the small associated parking area form the commercial focus for the village

The accommodation is on two floors and currently comprises (as described on the submitted plans):-

- *Ground floor*; entrance lobby, bar area, lounge, store room (in front range - formerly part of public house area), commercial kitchen, toilets and further store room (to rear extension).
- *First floor*; three bedrooms (various sizes), domestic kitchen, bathroom, store room (with en-suite - in front range above ground floor store room).

There is a garden and parking area to the rear of the property, accessed from

the High Street through an 'archway' at the southern end of the building.

The building immediately to the north (no. 3 High Street) is listed Grade 2\*.

### HISTORY

3. The planning history relevant to the application site is:

4374/15	Partial change of use, erection of first floor extension to re-instate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility (revised scheme to that submitted under ref. 2494/14 and 2475/14).	On this agenda for determination
2424/15	Revised Scheme to that submitted ref. 2494/14 & 2475/14 - Partial change of use, first floor extension to re-instate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility	Withdrawn 21/10/2015
2423/15	First floor extension to re-instate former 2 storey rear wing and former separate dwelling, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	Withdrawn 21/10/2015
2475/14	Re-instatement of a former 2 storey rear wing and further extensions to rear to re-instate former separate dwelling adjacent to the Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	31/10/2014 Appeal dismissed
2494/14	Partial change of use, re-instatement of former 2 storey rear wing and further extensions to rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in a reduced form as a community facility	31/10/2014 Appeal dismissed
2648/13	Re-location of existing wall hung sign depicting "The Angel" and associated lighting	Granted 01/11/2013
2637/13	Advertisement Consent Application: Re-location of existing wall hung sign depicting "The Angel" and associated lighting.	Granted 01/11/2013
1747/11	Erection of a willow panel fence and a gate in the rear garden.	Granted 19/07/2011
1511/11	Remove 5 trees: a mixture of conifers and a sycamore.	Raise No Objection 07/06/2011
0148/03/LB	Re-build damaged out buildings. the walls to be re-built with re-claimed suffolk red bricks. the previous flat asbestos concrete had to be replaced with a pitched roof with ridge in pantiles (re-claimed) to match adjoining buildings.	Granted 22/09/2003

### PROPOSAL

4. This application seeks to create a separate dwelling in an extended northern



bay of the building, whilst retaining the public house in its current form in the remaining southern portion. It is proposed that this will be achieved by:-

- Making permanent the current temporary partitioning off of the bay north of the main chimney stack (noted in 'Site and Surroundings' above as the ground and first floor storerooms to the front range).
- Demolition of the existing flat roofed rear extension at the northern end of the building (this area currently houses store rooms, toilets and a garage) and its replacement with a new two-storey rear extension to the proposed dwelling.

Reconfiguration of the existing car parking/external dining/garden area to the rear of the public house to provide a small paved courtyard area for off-street parking spaces for the pub. The proposed dwelling will have a graveled turning and parking area and a grassed garden. Access to both of these spaces is from the High Street is retained along the southern edge of the existing car park, via the coaching arch. A 1.2 metre high brick wall with 0.8 metre high osier fence above is to divide the pub rear space and rear space associated with the proposed dwelling. Vehicular access is gained for the dwelling from the land associated with the public house.

## POLICY

### 5. Planning Policy Guidance

See Appendix below.

## CONSULTATIONS

6. Below is a summary of the consultations responses received. Copies of the full consultation response is provided within the agenda bundle.
- **Parish Council:** Strongly recommend refusal. No material differences to the previously submitted application. The pub was successful in the past. Reference made to policy and SPG context.
  - **Heritage Team:** The Heritage Team considers that, although the addition of a two storey rear extension as proposed will cause no harm the physical fabric of the "host" building, nor to the character, appearance, setting or significance of the conservation area or any adjacent heritage asset, the principle of sub-division to create a separate dwelling will in itself to cause harm to significance through fragmentation of the asset, with harmful implications for its future management.
  - **Historic England:** Do not offer detailed advice on the subdivision of the grade II property as this is not in line with their remit. Concerned over the impact upon the structure of the adjacent Grade II\* listed building.

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received:



- The submitted plans contravene the Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public House.
- The intended changes do not demonstrate an intention to retain or further the viability of the business but to diminish the business potential and profitability by reducing the opportunities available at the public house. The reduced floor space, lack of garden and effective parking, closing of all accommodation and very reduced main public bar all prohibit growth of the business.
- There is a willingness to support the business from the village.
- The letter from Birketts stating that only two thirds of the ground floor has ever been used for front of house facility is not correct.
- There has been no evidence provided within the application to substantiate the claim that the viability of the business would be secured by reducing the overheads.
- The Angel provides a public house for all mobilities.
- There are alternative places for residential development.
- This premises is an employment opportunity, this would be increased if The Angel was back to its original layout.
- In its current layout there is not sufficient room for large parties and organisations to congregate.
- Once permission has been granted for a dwelling it is unlikely to revert back to a pub at a later stage.
- A larger public house would encourage visitors to the village.
- The application states 'approximate measurements'.
- No details of surface or rainwater discharge.
- The structural engineers plans and details still do not comply with the requirements set by Historic England.
- The plans show inaccuracies including tree references.
- The schedule of works is thin in detail and specification.
- The covenants on the property appear to have been overlooked.
- No Flood Risk Assessment has been provided. Given the flooding in the UK should a precautionary approach be taken.
- The proposed extension would have a disproportionate impact on the Grade II parts, in particular the viewing gallery. The proposed materials are not in keeping with the original fabric of the property. The proposed rooflights are out of keeping with the character of the surroundings and cause light pollution.
- The window in the easterly gable of the extension will directly overlook No. 3 High Street.
- The hard landscaping including subdivision walls will have a detrimental impact upon its setting of both The Angel and the neighbouring Grade II\* building.
- Prior to the subdivision of The Angel there was circa 12 car parking spaces within the rear parking area. The High Street is very congested and therefore it is important that all of the car parking spaces remain.
- The removal of some of the trees and re-establishment of a garden is likely to have a minimal impact upon wildlife.
- The removal of the flat roofed buildings would be of benefit.
- It must be in the best interest of this building and its Grade II listed to keep it as a single property. The internal changes proposed would have a major impact upon the fabric and the space within. Many important part of the fabric of the building need to be kept as one entity such as the viewing gallery, the hidden staircase and the bressemer beams over the fireplaces



- with witch markings.
- If the pub closes will it reopen.
  - The redevelopment of the site for residential affects the quality of life as the disappearance of the pub as a focal point for the community disappears.
  - No evidence has been provided to demonstrate that reasonable efforts have been made to sell or let the pub and that it is not economically viable.
  - The change of use of a pub should be resisted where there is local support.
  - Any changes to the building should conserve or enhance the Conservation Area. This development does not take this into account.
  - Policy E6 regarding the retention of commercial sites states that Ipsas should recognise local employment opportunities of commercial sites.
  - When all three rooms were open these were fully occupied and the pub was thriving.
  - There has been an expression of interest from the community to buy the pub as a community asset.
  - Tourism and service industries are a vital part of a thriving village.
  - The plans show the removal of the existing oil tank but does not identify the two replacements for the pub and dwelling.
  - Without the garden the pub is not suitable for families.
  - The proposed development is unsuitable as a residential property with locating bedroom windows directly above the Angels outdoor smoking patio area.
  - The plans leave the pub too small and without the opportunity to properly serve food.
  - This area is prone to flooding.
  - The public house is essential to the vitality and sustainability of this growing Key Service Centre and policy and guidance.
  - At what point was the site a dwelling.
  - Debenham village is ever growing and has a diverse range of local businesses on the High Street and these should be protected at all costs.
  - If this is approved this will set a precedent for other sites in the district.
  - The proposal represents overdevelopment of the site.
  - The proposed plans threaten to cause structural damage to Tudor House. The application fails to include a statement of methodology from a structural engineer. Historic England has raised this as a concern in their response.
  - Paragraph 134 of the NPPF requires where development proposal will lead to less than substantial harm to the significance of the designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum use. The applicants have failed to do this.
  - The same planning issues apply and have not been addressed in any form.
  - To allow the works would mean more sensitive restoration and conservation of the historic gallery would not be possible.

## **ASSESSMENT**

### 8. Background:

Material to the consideration of this application is the Inspectors decision on an appeal for a similar proposal to that sought under this application. Applications 2475/14 and 2494/14 sought planning permission and listed building consent for the *"partial change of use, re-instatement of former 2 storey rear wing and*



further extensions to rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in a reduced form as a community facility". A copy of the Inspectors decision is included within the agenda bundle for Members reference. The assessment of this application will make reference to this appeal decision.

Both of these applications were dismissed on the basis that the "proposal would cause harm to the significance of the listed building, the listed neighbouring building and Conservation Area" (Paragraph 23 Inspectors decision).

The proposals remains similar as that previously dismissed at appeal as follows:

- The proposed change of use of part of the public house to be converted into a dwelling.
- The permanent internal division between the proposed dwelling and remainder public house.
- The demolition of existing single storey rear extension and erection of a two storey rear extension (scale and design amended).
- Subdivision of land to be divided between the proposed dwelling and the public house.

The proposed development sought under this application differs from that sought under applications 2475/14 and 2494/14 as follows:

- A reduction in the size of the two storey rear extension.
- It does not include a 1 1/2 linked element on the boundary with No. 3 High Street.

Matters to be considered:

Development Plan Policies and the NPPF seek to ensure that works to, within, or affecting the setting of a designated heritage asset do not cause harm to the fabric, character or appearance that or any other designated Heritage Asset.

The consideration of this application is:

- The effect of the proposed works on the applicant historic building, neighbouring historic buildings and the character and appearance of the Debenham Conservation area.

It should be noted that this consideration was amongst the main issues that the Inspector highlighted in the appeal decision.

- The effect on the applicant building itself:

There is no objection to the proposed demolition of the modern single storey flat roofed extension to the rear of the property. This extension is out of keeping and detrimental to the overall character and appearance of the listed building and its removal is welcomed.

However the effect of the proposal to separate the northern bay of the property from the remainder and create a new dwelling is more complex and would

involve internal alterations and the erection of a two storey rear extension. Local Plan Policies HB3 and HB4 state that the conversion of or alteration of listed buildings will only be permitted in exceptional circumstances and will be required to meet high standards of design, detailing, material and construction and furthermore the proposal should not detract from the architectural or historic character of the building. The criteria set out in para. 134 of the National Planning Policy Framework (NPPF) is also pertinent to this proposal. This paragraph states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

In the recent appeal decision the Inspector considered that *"the significance of the appeal building and its listed neighbour largely derives from their age, use, historic fabric, form and features of special interest"* (para. 9). Specific reference in the appeal decision was made to the rare 16th century first floor rear gallery within The Angel.

This application has amended the scale and design of the rear two storey extension to address the Inspector's objection that the development *"due to its scale, the extent of development proposed would result in an unsympathetic addition to the appeal building"* (para. 12). The two storey extension proposed under this application has been reduced in scale and this is considered to be an extension that would be acceptable to this listed building. The extension is of more modest proportions and does not extend further than the rear wing of the neighbouring property (Tudor House). Furthermore there is evidence of a former two-storey range on the site of the proposed extension and no remaining historic fabric in the rear wall of the public house where access would be gained at ground and first floor.

Notwithstanding that an acceptable two storey rear extension has been designed, your Officers consider the principle of the subdivision of The Angel to create a separate dwelling to be unacceptable. In the previous appeal decision the Inspector comments that the permanent subdivision of the heritage asset would in itself cause harm to its significance. Irrespective of the physical changes that are being made the layout, plan and form of The Angel are important in preserving and protecting the architectural character of the building in line with development plan policies. In particular the Inspector makes specific reference to the important first floor rear gallery which if the subdivision were allowed the visual, physical and functional relationship of this gallery with this remainder of the building would be lost and this would have a clear harmful impact upon the historic character of this listed building.

Your Heritage Team has advised that the best situation for The Angel as a designated heritage asset is to continue in one unified ownership, allowing for future management of the asset as a whole.

Paragraph 134 of the NPPF makes it clear that the harm to a designated heritage asset has to be weighed against the public benefits of the proposal. The justification provided is that the proposed reduction in floorspace secures the longer term viability of the consequentially smaller public house. However there is no sound evidence to demonstrate this claim and your Officers consider that for the reasons that have been discussed in this section and below that



there is no public benefit which outweigh the harm to the listed building and thus the proposal is therefore considered unacceptable.

Whilst it is accepted that the provision of a single dwelling would add to the local housing stock this limited public benefit would not outweigh the harm to the designated heritage asset and the potential harm to The Angel as a community facility.

- The effect on neighbouring historic buildings:

Immediately adjacent to the north is no.3 High Street (part of the former 'Swiss Farm Butchers'), which is listed grade 2\*. This building has a two-storey range projecting to the rear, and single storey outbuildings detached in the garden area.

The proposal for a 2-storey extension attached to the rear of the northern bay of The Angel would abut a modern blockwork parapet wall which adjoins the side of the 2\* building. The submitted plans show this as a 'party wall', and specify a 'new steel structure independent (sic) of party wall to engineers design'.

Historic England has recognised that the proposal is seeking an independent structure but wish to ensure there would be no harm to the structure of the neighbouring Grade II\* listed building. The occupiers of this property have also raised a concern over the potential impact upon their property. With proper attention to design, detailing and third party property rights, it is considered that the extension need not have any adverse effect on the fabric of the adjacent building.

The prominence of the blockwork parapet wall in views of the rear of no. 3 from The Angel's car park/garden to the south mean that the setting of the 2\* building is not adversely affected from this direction by these extension proposals.

- Summary and Conclusion.

The proposed development would cause harm to the designated heritage asset and it does not have wider public benefits that would outweigh this harm.

Refusal is therefore recommended.

## RECOMMENDATION

**That Listed Building Consent be Refused for the following reasons:**

1. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset, is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy



Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims.

Philip Isbell  
Corporate Manager - Development Management

Lisa Evans  
Planning Officer

## **APPENDIX A - PLANNING POLICIES**

### **1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

**Cor1** - CS1 Settlement Hierarchy  
**Cor5** - CS5 Mid Suffolks Environment  
**CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT  
**CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

### **2. Mid Suffolk Local Plan**

**SB2** - DEVELOPMENT APPROPRIATE TO ITS SETTING  
**GP1** - DESIGN AND LAYOUT OF DEVELOPMENT  
**HB1** - PROTECTION OF HISTORIC BUILDINGS  
**HB3** - CONVERSIONS AND ALTERATIONS TO HISTORIC BUILDINGS  
**HB8** - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS  
**HB4** - EXTENSIONS TO LISTED BUILDINGS

### **3. Planning Policy Statements, Circulars & Other policy**

NPPF - National Planning Policy Framework

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

Letter(s) of representation(s) have been received from a total of 47 interested party(ies).

The following people **objected** to the application

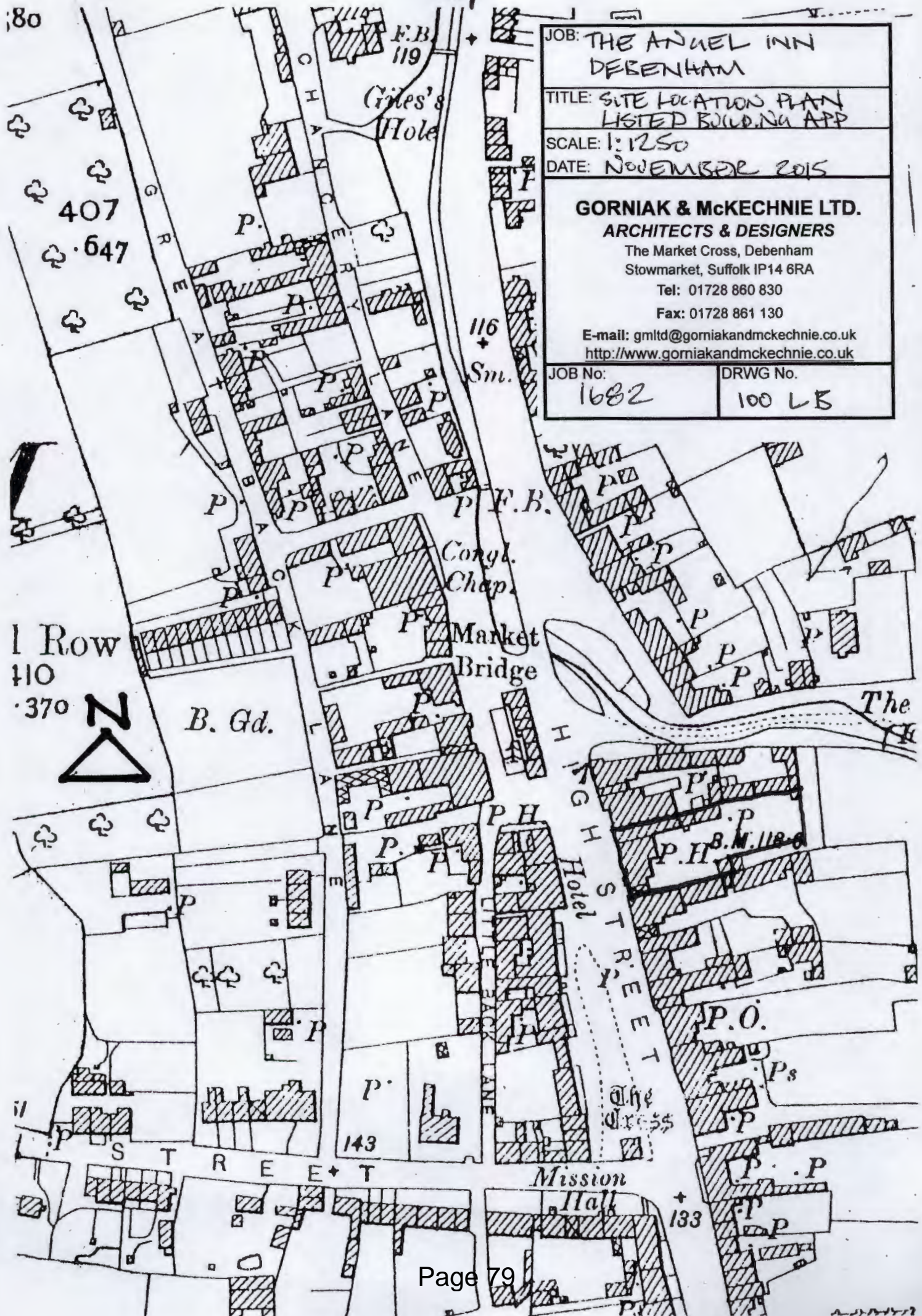
[Redacted list of names and addresses]

The following people **supported** the application:

The following people **commented** on the application:

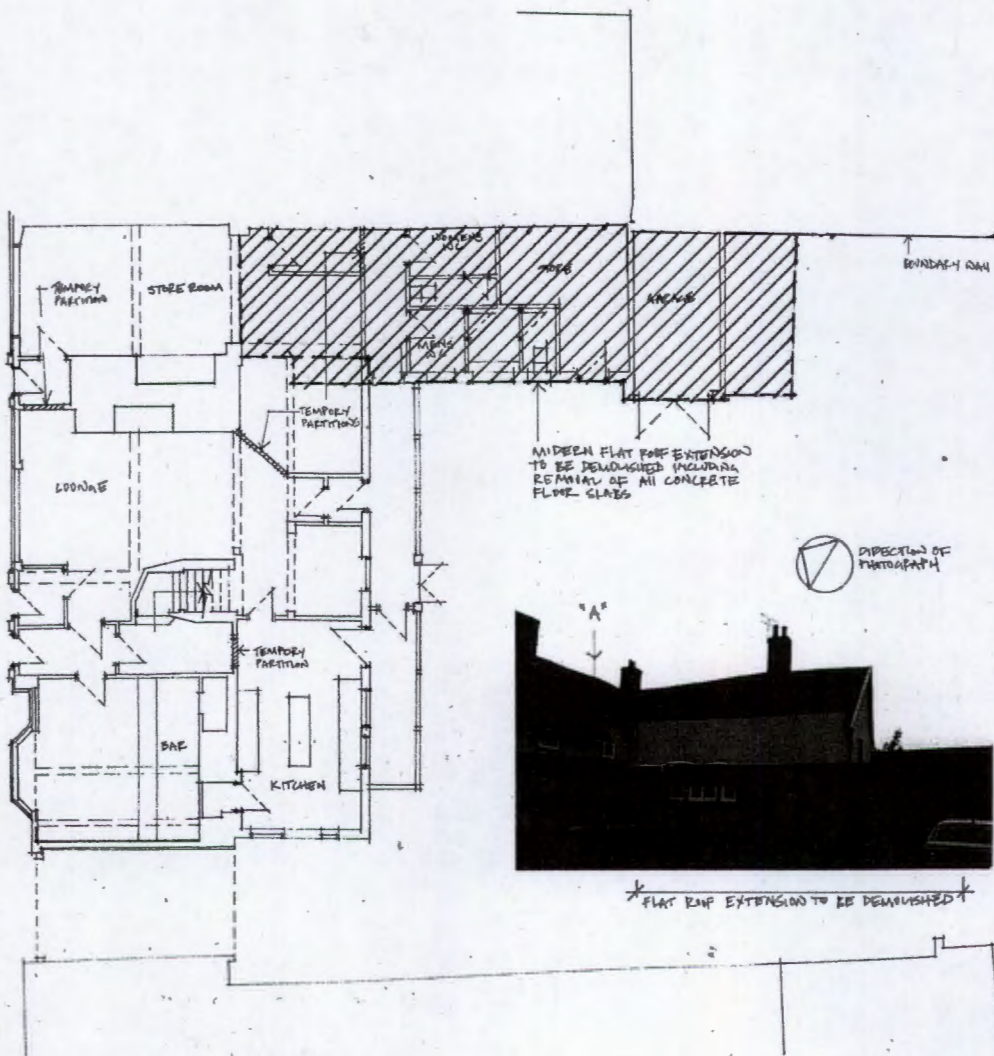


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<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS	
The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmltd@gorniakandmckechnie.co.uk <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>	
JOB No: 1682	DRWG No. 100 LB





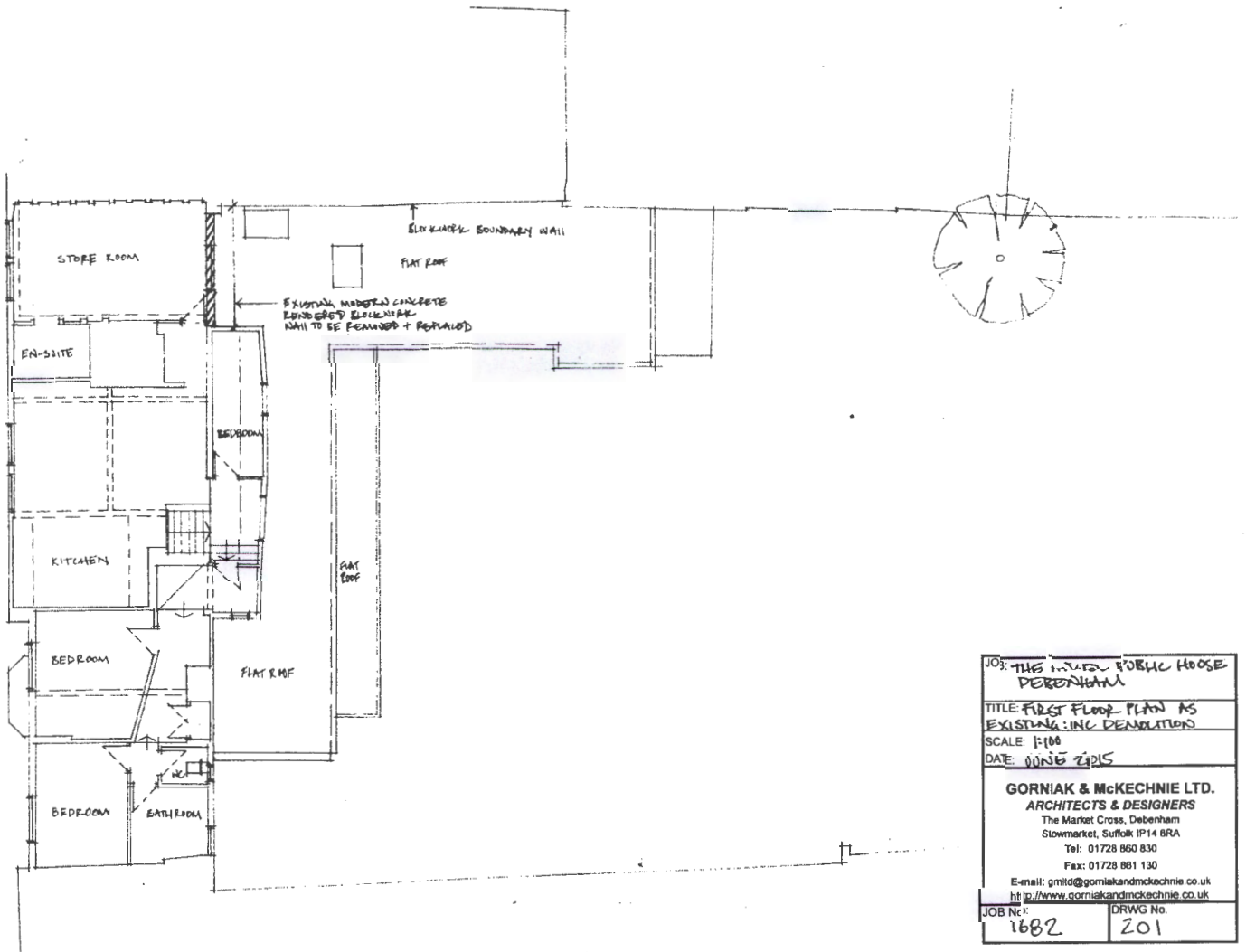
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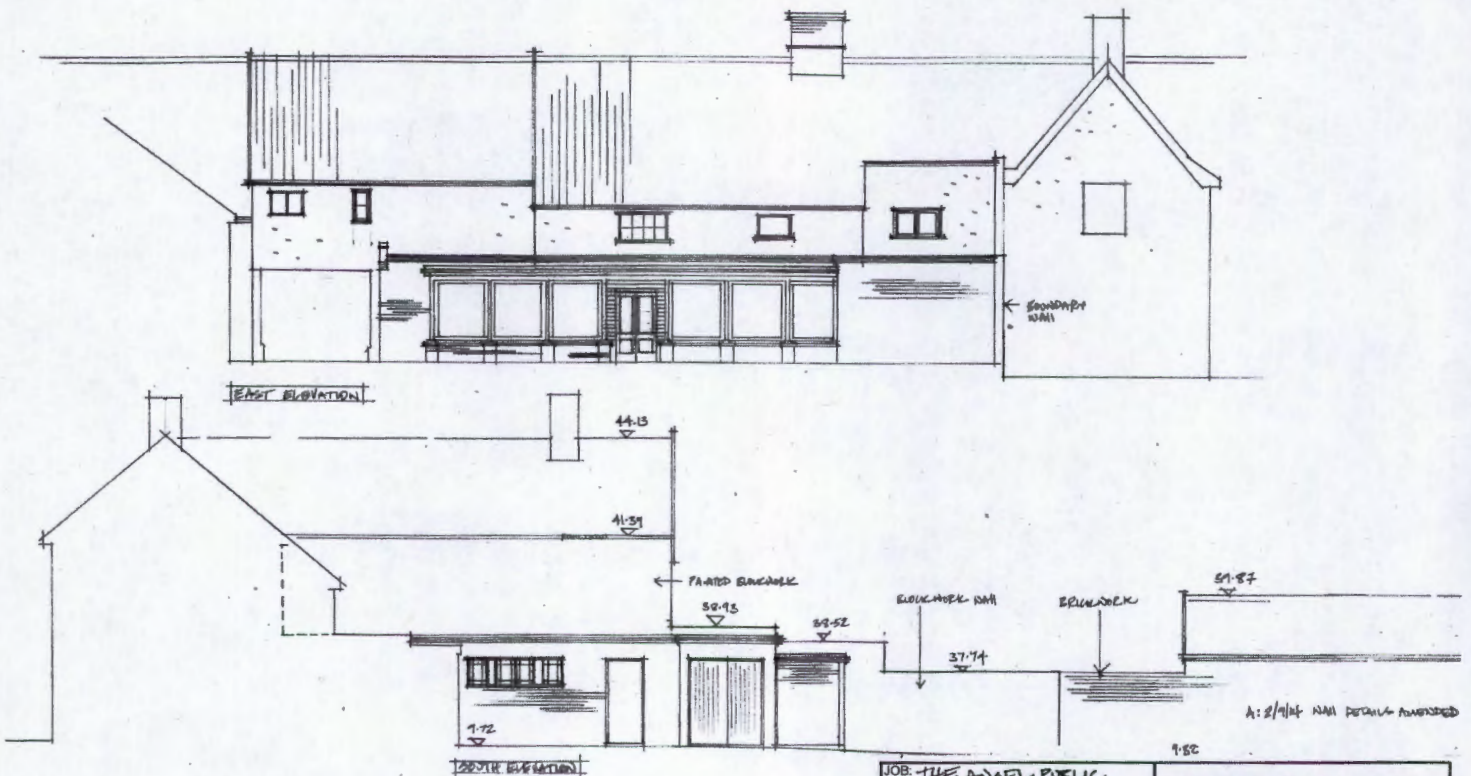
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DATE: APRIL 2011	
<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Snettisham, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmltd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No. 1682	DRWG No. 200





JOB: THE NEW PUBLIC HOUSE DEBENHAM	
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SCALE: 1:100	
DATE: JUNE 2015	
<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 8RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmltd@gorniakandmckechnie.co.uk ht tp://www.gorniakandmckechnie.co.uk	
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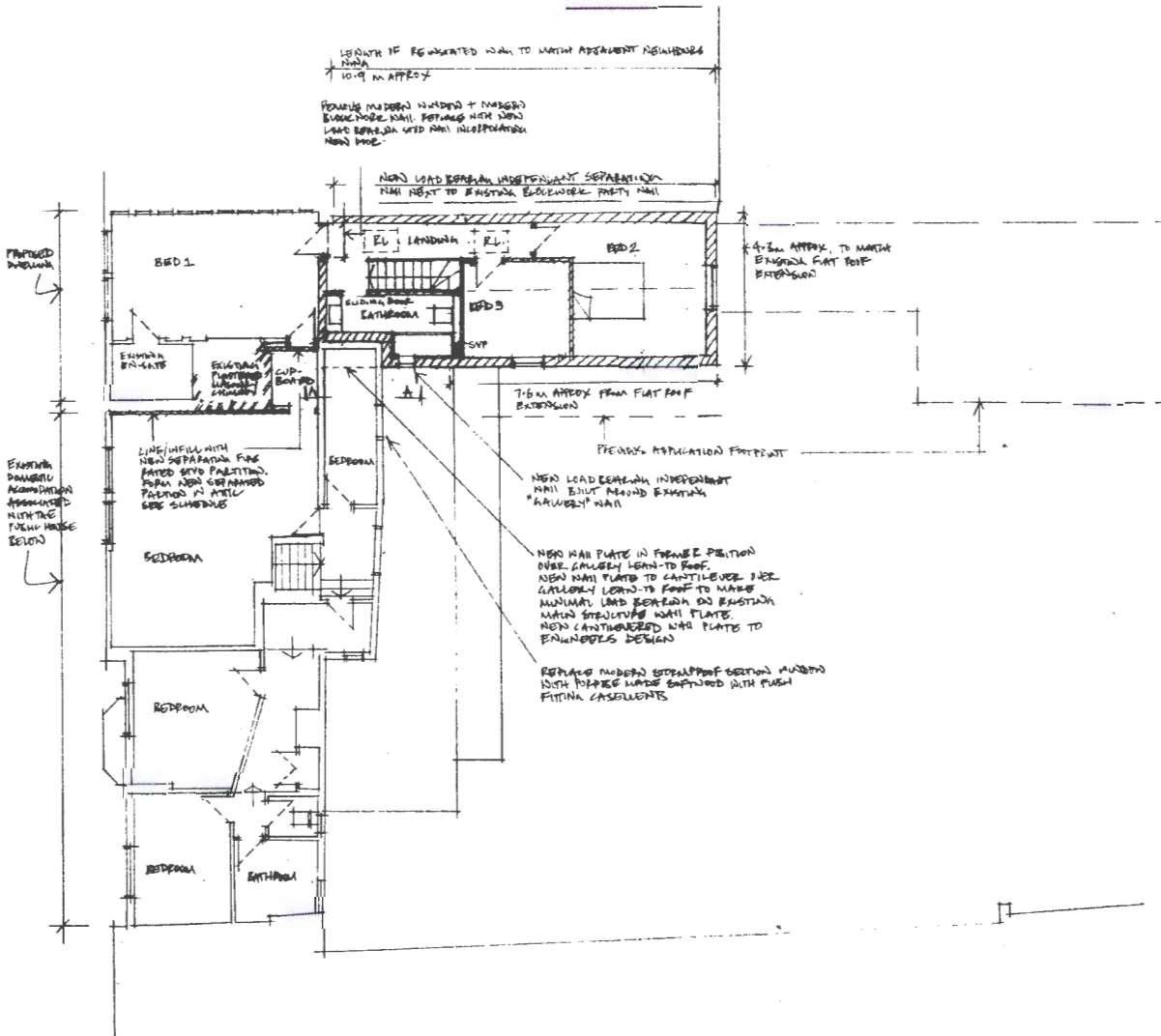


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JOB No: 1682	DRWG No: 202.A	

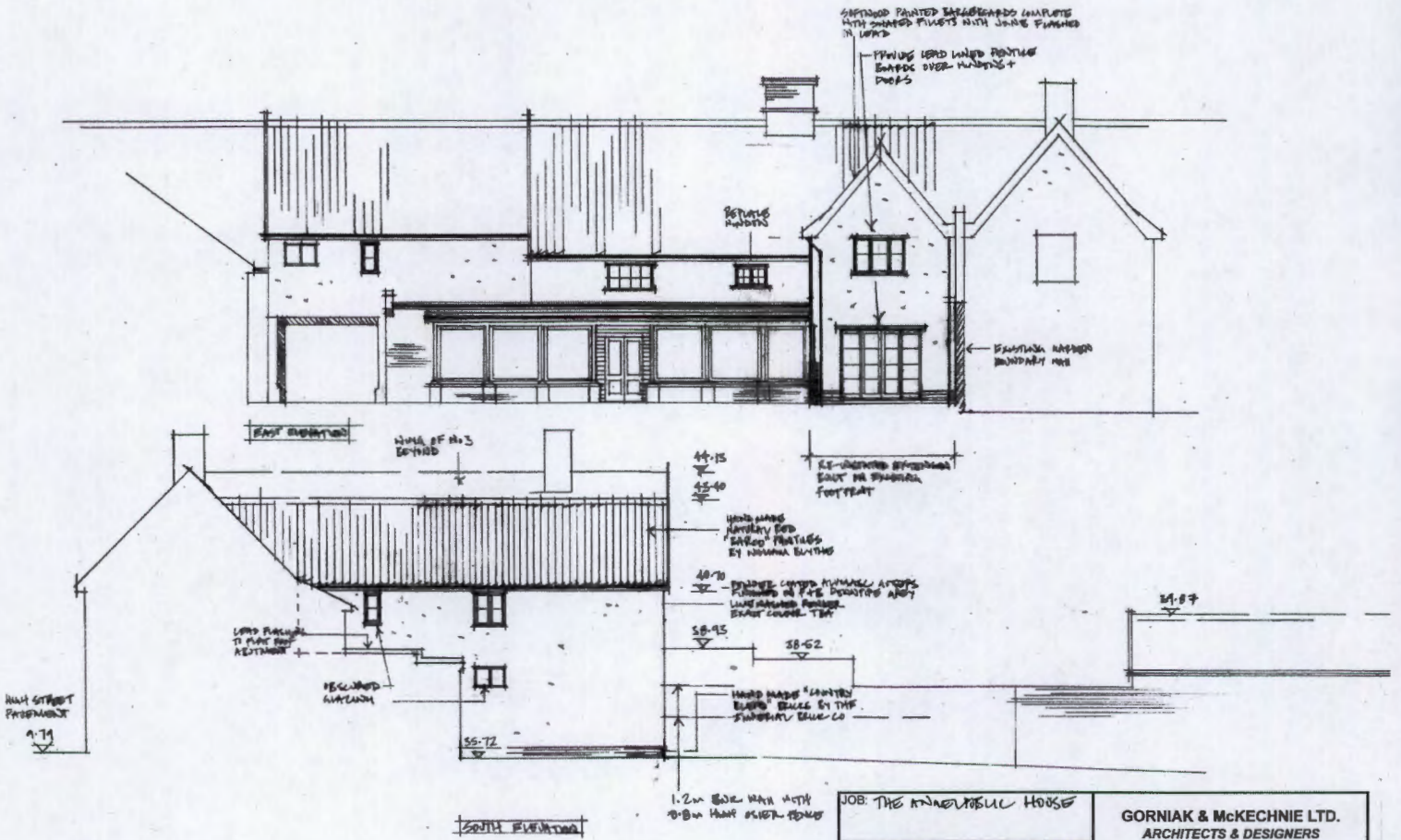








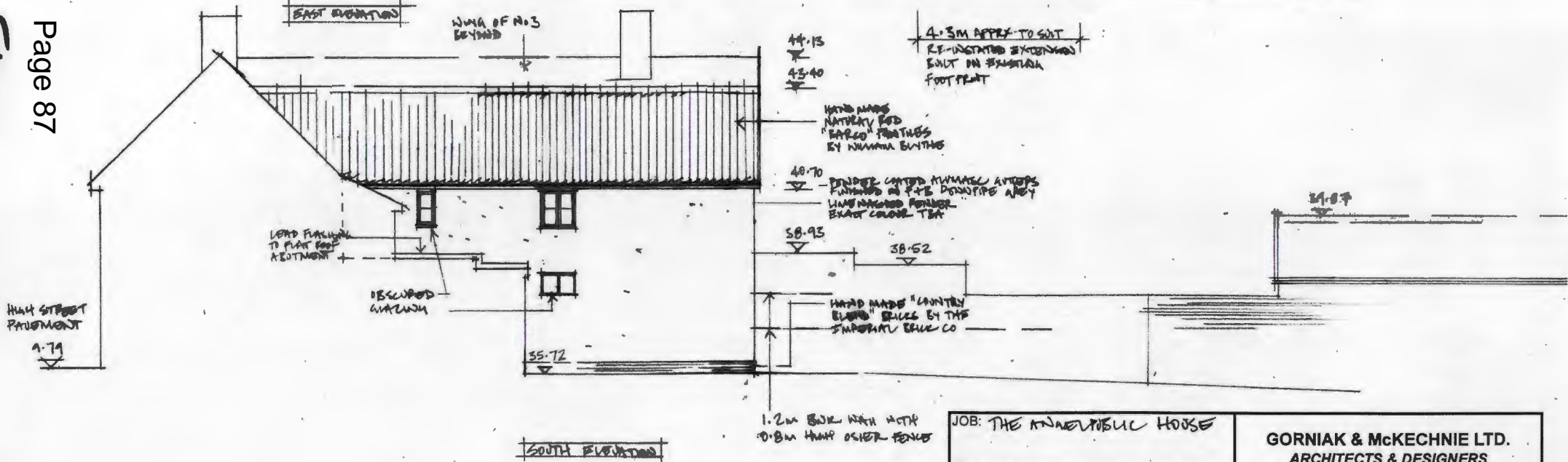
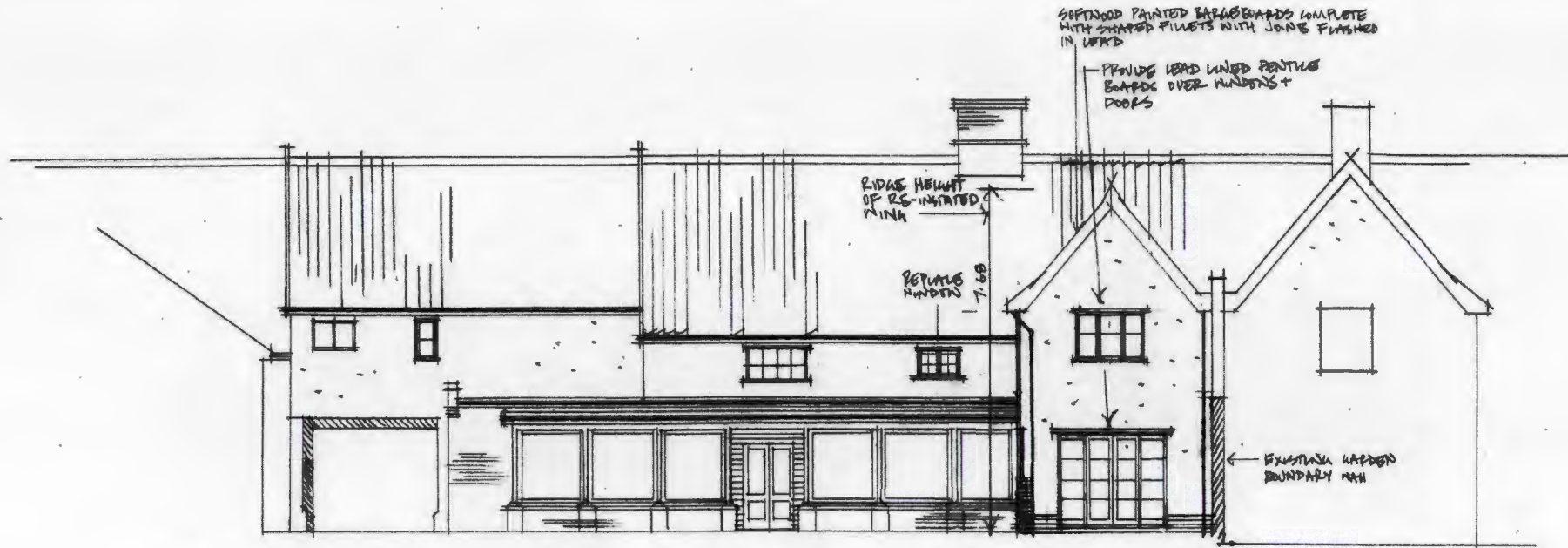
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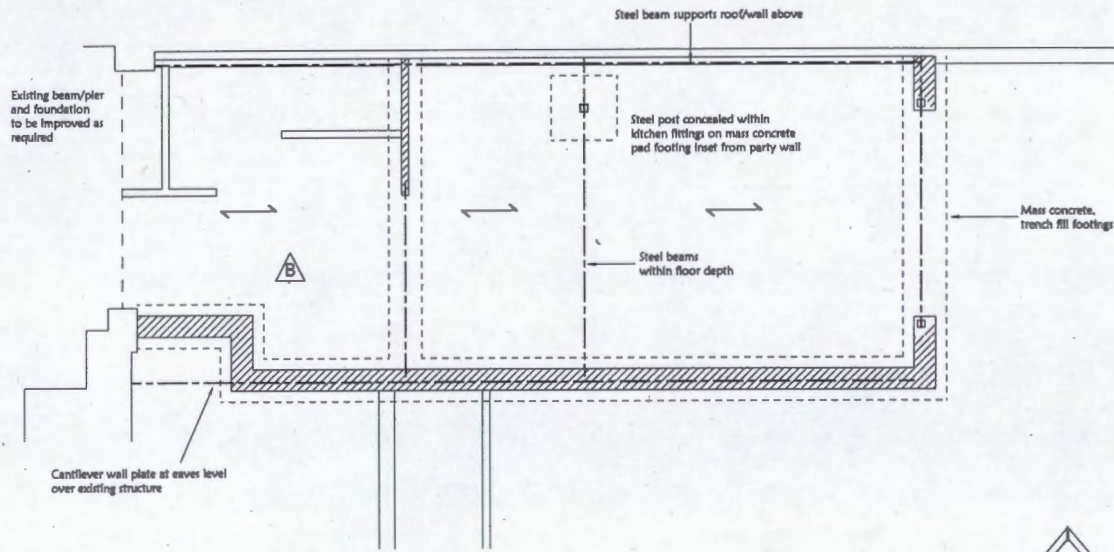
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JOB No: 1682	DRWG No: 305D	



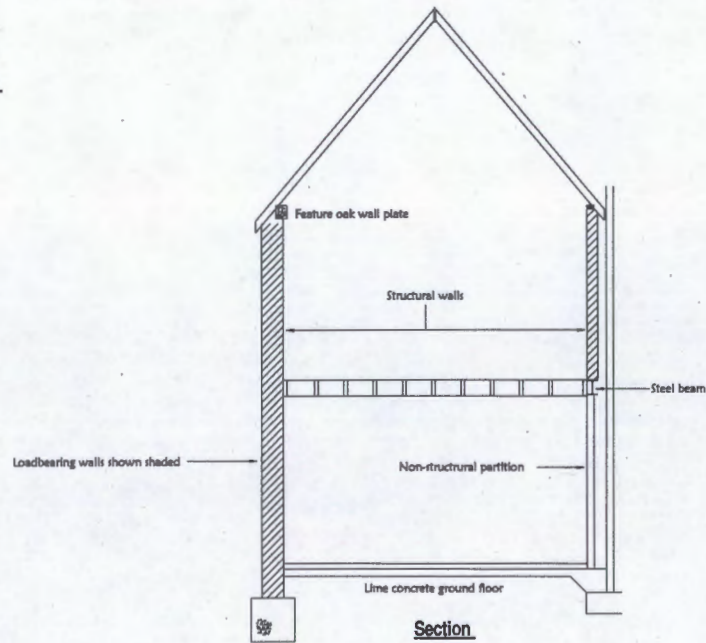
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JOB: THE ANNAPUBLIC HOUSE		<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 880 830 Fax: 01728 881 130 E-mail: gmltd@gorniakandmckechnie.co.uk <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>
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JOB No: 1682	DRWG No: 305E	



**Plan at Ground Floor Level Showing Foundations & 1st Floor Structure Over**



**Section**

**CONSTRUCTION NOTES**

B	23.11.15	Post moved Ground floor layout updated
A	18.11.15	Oak wall plate added

Rev	Date	Details
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*In the event of any queries please contact:  
Richard Brown BSc CEng MICE MStructE*

**ADAM POWER ASSOCIATES**  
Consulting Civil/Structural Engineers

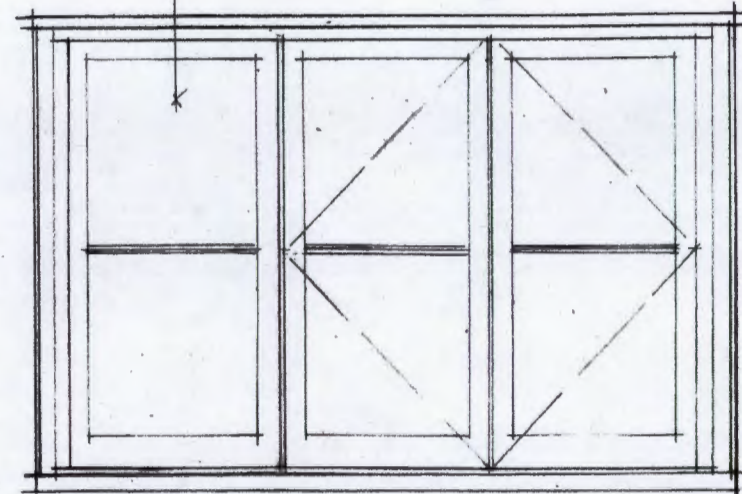
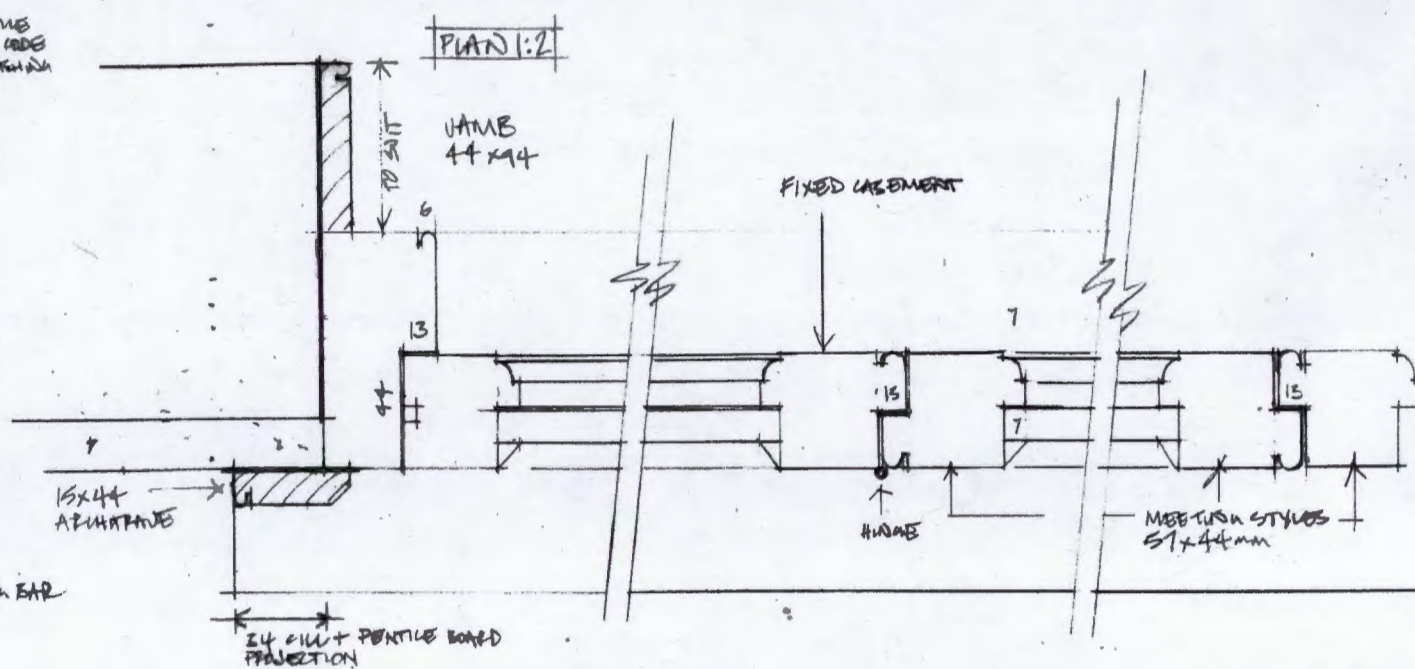
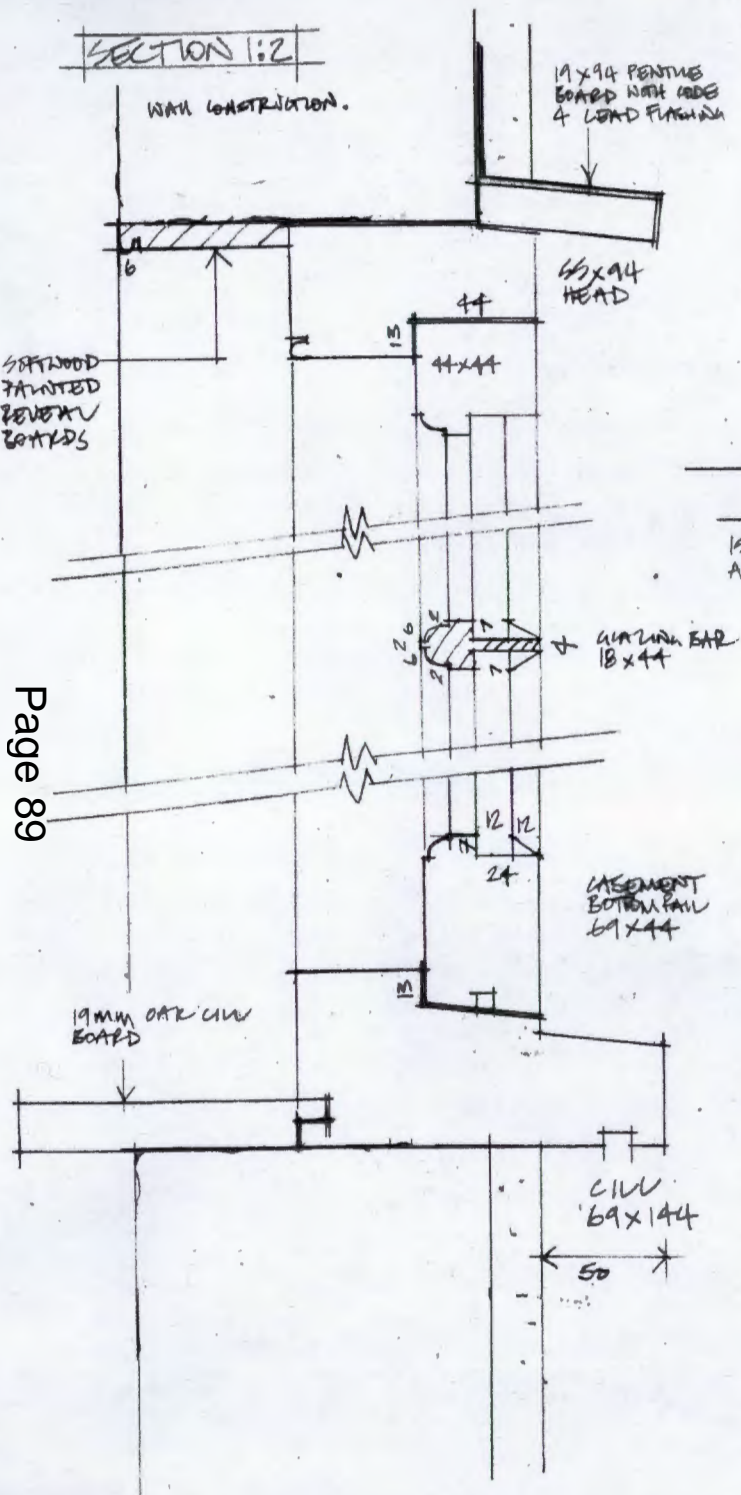
The Old Chapel, The Street, Rickingham, Suffolk IP22 1BN  
Tel 01953 887530 Fax 01379 660708  
email: richard@adampower.co.uk

Title Proposed Extension  
The Angel Public House  
Debenham  
Preliminary Sketch Scheme

For The Angel PH		Date
		15.9.15
Job No.	Dwg No.	CAD Plot Scale
R/15/203	SK1	1:50 @ A2
Rev		B

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TYPICAL ELEVATION 1:10

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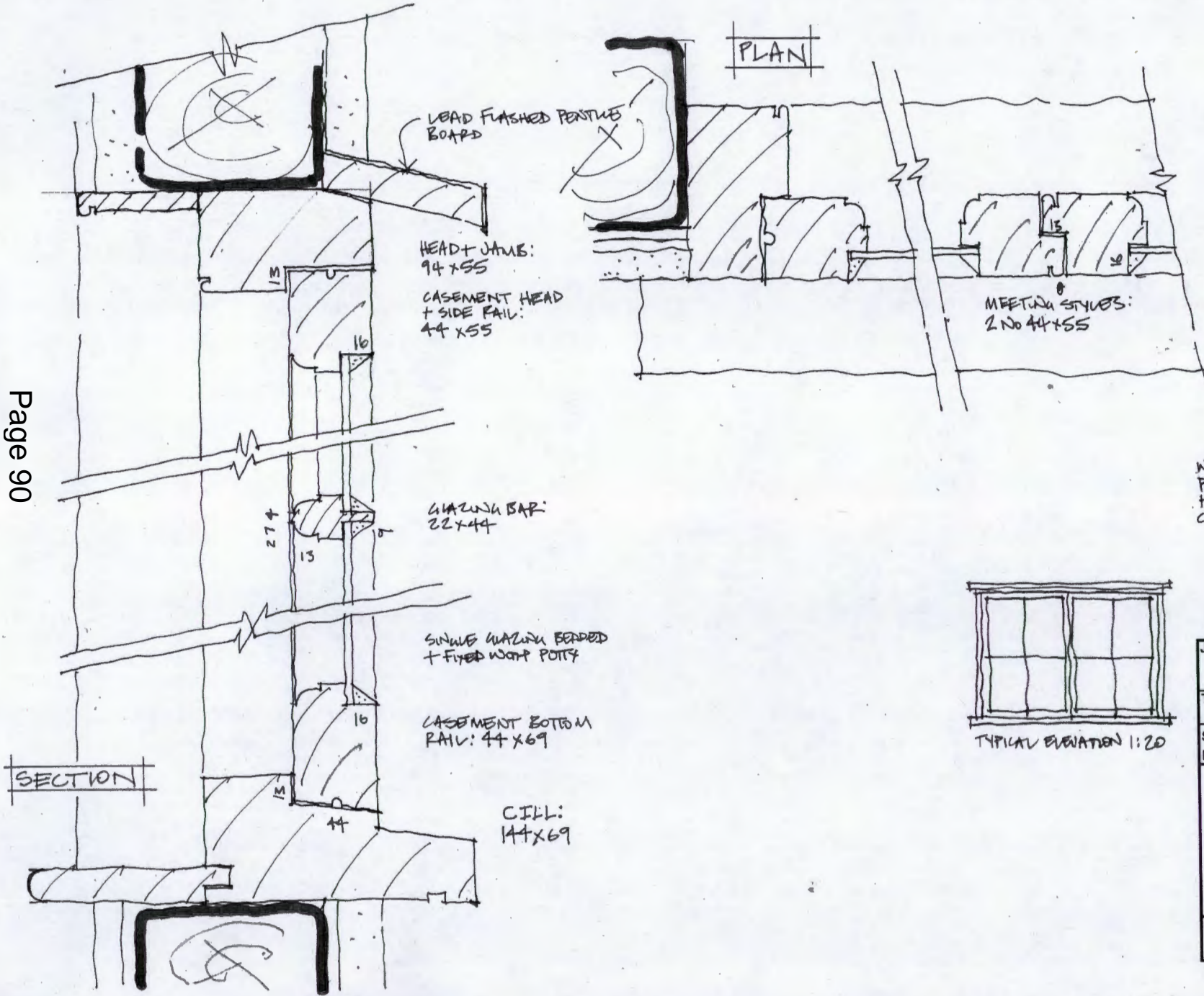
FUTURE MADE SOFTWOOD WINDOWS WITH HARDWOOD CILLS. COMPLETE WITH CHECK LEADS + WEATHER SEALS, AND FOR CLEANANCE

GLAZING TO BE 12mm SLATE DOUBLE GLAZING UNITS U-VALUE 1.6 W/M<sup>2</sup>K. FIXED IN PLACE WITH APPROPRIATE POTTY

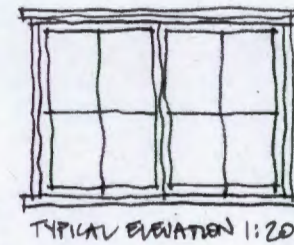
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DATE: DEC 2015	
<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 880 630 Fax: 01728 881 130 E-mail: gmltd@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 1682	DRWG No. 1000



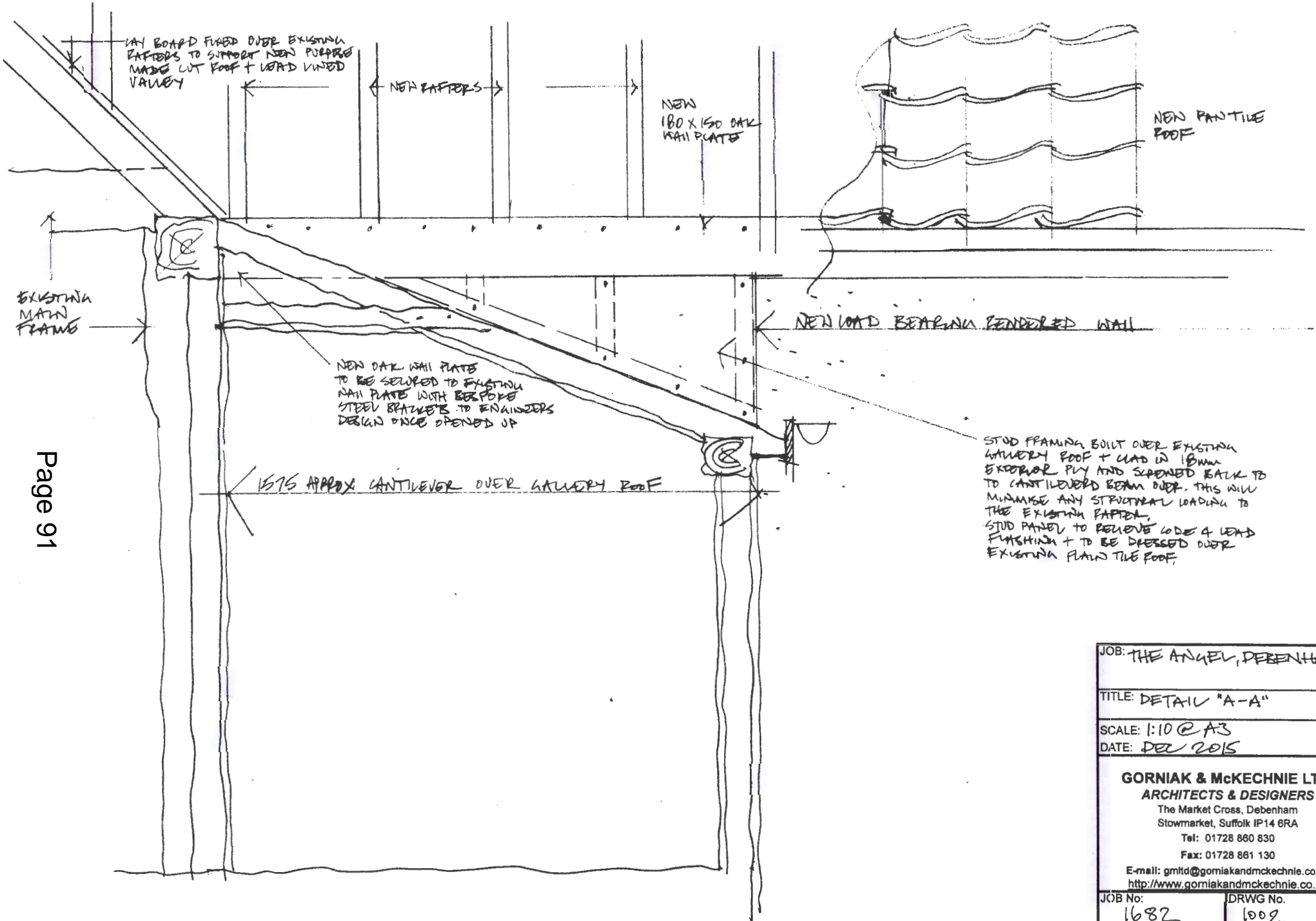


WINDOWS:  
 PUTTY MADE IN SOFTWOOD WITH  
 HARDWOOD GLASS. ALLOW FOR CLEARANCES,  
 CHECK WOOD JOES + WEATHER STRAPPING



JOB: THE ANGEL PUBLIC HOUSE	
TITLE: REPLACEMENT WINDOW DETAIL	
SCALE: 1:2 + 1:20	
DATE: DEC 2015	
<b>GORNIAK &amp; McKECHNIE LTD.</b> ARCHITECTS & DESIGNERS The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 860 830 Fax: 01728 861 130 E-mail: gmtld@gorniakandmckechnie.co.uk http://www.gorniakandmckechnie.co.uk	
JOB No: 1682	DRWG No. 1001

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SCALE: 1:10 @ A3	
DATE: DEC 2015	
<b>GORNIAK &amp; McKECHNIE LTD.</b> <b>ARCHITECTS &amp; DESIGNERS</b> The Market Cross, Debenham Stowmarket, Suffolk IP14 6RA Tel: 01728 880 830 Fax: 01728 881 130 E-mail: gmtd@gorniakandmckechnie.co.uk <a href="http://www.gorniakandmckechnie.co.uk">http://www.gorniakandmckechnie.co.uk</a>	
JOB No: 1682	DRWG No. 1002

C/o: Planning Officer, Lisa Evans, Mid Suffolk District Council Planning.

**Applications 4374/15 and 4375/15, The Angel Inn, 5 High Street, Debenham**

**Debenham Parish Council Comments:**

The Parish Council would like to strongly recommend the refusal of the above planning applications. This decision has taken into account the following policies:

**4374/15:** hb8, hb9, gp1, cor4-cs4, hb1, cor 5, hb4, h18, sb2, t9, cor 1, csfr-fc1, and csfr-fc1.1.,

**4375/15:** gp1, cor5, hb9, hb8, hb1, hb4, cor1, csfr1-fc1, csfr1.1, and sb2.

Detailed comments are as follows:

1. There are no material differences between these plans and the plans previously submitted and considered, which were strongly recommended for refusal by the Parish Council previously;
2. The Parish Council believes that the wording used in the application is misleading and does not reflect accurate facts; The pub was successful in the past in its larger format, all 3 front of house rooms have been used (including by the applicants), when the applicants closed the pub in 2013 they had no intention of re-opening it quickly as they sold off all the fixtures and fittings and there is no evidence supplied to back up the claim that the "proposal is essential to secure it's future as a community facility" quite the reverse in fact.
3. The unit referred to as a former dwelling should actually make reference to it being a former single storey cart shed;
4. The provision of the proposed four car parking spaces would be inappropriate for the site; One of those spaces could well be lost as the oil tank which has to be re-sited is not shown on the new plans and at least one space will be needed for staff. Additionally it is highly likely that the residents of the new build not always park at the rear but also add to the High Street parking problem.
5. The applications are clearly against Mid Suffolk District Councils' Tourist Policy, particularly when considering the following elements:
  - It does not encourage the retention of local services
  - It does not encourage the retention of an existing facility
  - It does not resist alterations to existing businesses
  - It most probably will result in the loss of local employment potential
  - The creation of a temporary partition wall meant that the gallery is no longer accessible to the public, who have a right to request to view it.
6. With regards to the temporary wall, the area currently blocked off from the public is rapidly deteriorating and is filled with waste materials/excess furniture and other types of unused items, which in itself is a fire and vermin risk. As guardians of the premises, the current owners have a duty of care to maintain the building and this is not being observed in the areas not being used. This is a listed building in the heart of a conservation area and must be protected as a main facility in this Key Service Centre that is Debenham.
7. Due to the erection of the temporary wall, the entrance point to the public house is now a very narrow door, which is also a possible health and safety hazard. It is very congested at



busy times and encourages patrons to either overspill to the eating area or simply to the pavement, which is certainly not ideal and can cause other problems.

8. The Angel was used by families, young people, local residents, residents of nearby villages and tourists. The public house is the only one in the village accessible for People with Disabilities and for families with young children in pushchairs. Having such a local, centralised amenity for all ages ensured that not only were the social/community aspects addressed, but also encouraged patrons to either walk or cycle to the venue, which make parking on the High Street much easier and reduced the carbon footprint of those now having to driving outside of the village, as well as add to further congestion of access routes.
9. The current owners are also responsible for the loss of the only "purposely built" Bed and Breakfast facility in the village, which was used by many tourists and visiting relatives. This automatically resulted in loss of employment and loss of amenity, thus reducing the village's tourism industry intake.

Furthermore, the Parish Council would like to refer to the following points, some also for your consideration when considering the application please.

#### **Supplementary Planning Guidance (SPG)**

In order for the planning guidance to work effectively it must state its objectives clearly, present robust information and monitor the effects of its policy implementation. This **SPG** has three objectives;

- To encourage the retention of rural services.
- To ensure that proposals for changes of use are properly justified
- To enable the reopening of a service or facility at a future stage by resisting specific building alterations that would prevent reopening.

The Planning system has policies and stated guidance that can and should play an important role in facilitating social interaction and help to sustain inclusive communities by ensuring the provision and integration of community facilities such as pubs to enhance the sustainability of communities.

The **NPPF** states: "The Governments objective is to create strong, vibrant and healthy communities, by creating a good quality built environment, with accessible local services that reflect community needs" ..... "Planning policies and decisions should safeguard against the unnecessary loss of valued facilities and services".

Planning for people-a social role, planning for prosperity and an economic role.

The **CSFR** comments about: *"enabling communities to be balanced, inclusive and prosperous" and "Achieving a stable economy for a sustainable community"*.

The Mid Suffolk Core Strategy (CS) identifies Debenham as a Key Service Centre within its settlement hierarchy and a main focus for development. **CS policy CS5** requires all development to maintain and enhance the environment and retain the local distinctiveness of the area

"NPPF regarding Listed buildings in Conservation areas" ***Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.***"

As stated in the SPG -we would also like to ask if as part of the process the following evidence has been supplied by the applicants?

• **Evidence on the viability of the facility:**

All of the following points need to be addressed by the applicant:

- *The property is required to have been advertised for sale for a minimum of 12 months. Information should include selling agent's literature, valuations and offers that have been received on the property.*
- *Information on the annual accounts/turnover of the premises for the most recent trading year should be submitted to the Local Planning Authority. These should take the form as if submitted to HM Inland Revenue and not just a single line 'the losses were...£\*\*\*'*
- *Evidence needs to be submitted on the opening hours of the premises, and attempts at diversification to sell/provide a wider product range/let rooms during the applicant's tenure as Landlords as well as owners.*
- *Whether an application for financial assistance by an application to the Local Authority for rate relief was made to stave off the 2013 closure by the applicants on the grounds of non-viability.*
- *Whether an application to the Local Authority to accommodate multiple use of the premises has been made.*

We believe The Angel Public House to be essential to the vitality and sustainability of this growing Key Service centre and policy and guidance appear to support this.

**Policy FC1** states that the planning authority takes into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF

**Policy SC5**

"maintain and enhance"

Grade II - buildings that are part of the local heritage and warrant every effort being made to preserve them.

**POLICY HB3** *Proposals for the conversion of, or alteration to Listed buildings or other buildings of architectural or historic interest will only be permitted in exceptional circumstances.*

**POLICY HB1**

*The District Planning Authority places a HIGH PRIORITY on protecting the character and appearance of all buildings of architectural or historic interest. Particular attention will be given to protecting the settings of Listed Buildings. Although there are more details in this application than previous*

*applications as to the foundations for the new extension they have still failed to convince Historic England that no damage to the neighbouring Grade II\* property will result because they have failed to provide the requested Statement of Methodology on how the works will be undertaken. Both demolition of the existing building and erection of the new building pose considerable risks to the adjacent fragile property that has no foundations of its own.*

#### **5.4 Policy statement for village pubs**

*The Change of use of a village Public House to an alternative use will not be permitted **UNLESS**:*

- *At least one other public house exists within the settlement boundary or within easy walking distance to it;*

**AND**

- *It can be demonstrated by the applicant that ALL reasonable efforts have been made to sell or let (without restrictive covenant) the property as a Public House AND that it is not economically viable;*

**AND**

- *There is **no** evidence of significant support from the community for the retention of the Public House.*

The Debenham Parish Council would like to further recommend that the temporary wall is removed (there does not appear to be a deadline for this to take place by in previous planning permissions) and the public house is returned to its original (full) size. This proposal also carries the weight of significant community support, who have also registered this site as an Asset Of Community Value.

The Parish Council would also like to re-iterate all the concerns raised previously and would like to ask the Planning Officer to go through those in detail so that they are fully aware of the background of planning applications for this site and the general community consensus, which has been in line with the Parish Council comments.

Dina Bedwell

Clerk to the Council





## HERITAGE COMMENTS

**Application No.:** 4375/15

**Proposal:** Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility

**Address:** The Angel Inn, 5 High Street, Debenham IP14 6QL

**Date:** 28<sup>th</sup> January 2015

## SUMMARY

1. The Heritage Team considers that, although the addition of a two-storey rear extension as proposed will cause no harm to the physical fabric of the "host" building, nor to the character, appearance, setting or significance of the conservation area or any adjacent heritage asset, the principle of sub-division to create a separate dwelling will in itself to cause harm to significance. The level of harm is assessed as less than substantial.
2. The case officer should now weigh this less than substantial harm against the public benefits of the scheme, as set out in NPPF paragraph 134.

## DISCUSSION

The Angel Inn was listed on 9<sup>th</sup> December 1955. It lies on the High Street in Debenham, within the historic core of the village, at the heart of the Debenham conservation area and within the settings of a number of other listed buildings, not least of which is the building next door, 1-3 High Street, which is an unusual and complex multi-period house incorporating some remarkable surviving medieval and Early Modern features which well justifies its listing at grade II\*. The heritage issues are the effect of the proposals on the character of the Angel Inn itself and its setting, on the character and appearance of the conservation area, and on the setting and significance of all the other designated heritage assets affected.

A previous application for a similar scheme of sub-division and extension was the subject of an appeal against non-determination by the LPA in 2014/15. This appeal was dismissed in a decision by the planning inspectorate issued on 6<sup>th</sup> February 2015, and the scheme then presented was held to have had a harmful effect on the historic character and setting of the Angel Inn as a listed building. The extent to which the present scheme has

overcome, or failed to overcome, the reasons for dismissal of that appeal are also a material consideration in this case.

In commenting on the previous (2014) scheme, I identified that it was harmful to the setting of the neighbouring grade II\* building, 1-3 High Street. This assessment was based on the inclusion in that scheme of a two-storey element, attached to the main two-storey rear extension to the pub by a single-storey link. The overall height and bulk of this attached two-storey element effectively dominated the outbuilding in the garden of no 3 and because of this, caused harm to the setting and significance of 1-3 High Street. The present scheme now has only the rear two-storey extension attached to the pub itself and omits the harmful element entirely. The rear extension is now of more modest proportions, its design has been revised and it does not extend any further back than the rear wing of the neighbouring property. Concerns were raised by various parties (though not by me, as I considered these properly to be a matter for consideration under party wall arrangements governed by the Party Wall Act) about the possible effect of constructing a new extension very close to it on the foundations and structure of the neighbouring property. These appear to have been addressed in the present scheme by a revised engineering approach. My conclusion is that the present scheme now offers no harm to the setting or significance of the neighbouring listed building.

In terms of the effect on the host building itself, I commented on the previous scheme that it had no effect on a number of the building's most important features. The clear evidence of a former two-storey range on the site of the proposed extension and the absence of historic fabric in the rear wall of the pub where access was to be made at the first and ground floor suggested that adding a two-storey extension here was unlikely to be harmful. In addition, removing the present rear extension, which is a single-storey flat-roofed modern range containing the pub toilets, was seen as an improvement. These positive elements also appear in the present scheme, which if anything seeks to replicate the former rear range more exactly.

In her comments on the previous scheme, the appeal inspector raised specific concerns about internal subdivision of a first-floor room by insertion of a modern partition wall to subdivide an existing window, which she considered would result in an insensitive alteration to the building. She further considered that, due to its overall scale, the development then proposed would have resulted in an unsympathetic addition to the building. In my view, these two specific issues raised by the inspector have been addressed in the present application, which includes a revised first-floor layout and a two-storey rear extension of more modest proportions than that previously proposed.

Nevertheless, there remains the principle of sub-division of the building to create a separate dwelling. In her comments, the appeal inspector held that the proposal then before her would have had a detrimental effect on the layout and plan-form of the building, including on the visual, physical and functional relationship of the first floor rear gallery with the remainder of the building. This seems to be a fundamental criticism of the concept of subdivision itself, irrespective of the details of how this is achieved. In commenting on the previous scheme I pointed out that the principle of permanent subdivision could be held in



itself to cause harm to significance, because the best situation for buildings like this was to continue in one unified ownership, allowing for coherent future management of the asset as whole. I still hold to this view, but in addition, in the light of the appeal inspector's comments, I have to take account of the harmful effect on the significance of the building arising from the act of subdivision itself. In particular, the detrimental effects on the relationship of the first-floor rear gallery with the remainder of the building is still integral to this revised scheme. This must be considered harmful to the building's significance as a designated heritage asset.

In commenting on the previous scheme, I stated that the subdivision then proposed seemed to be the least harmful way of creating a separate property, *if that was deemed absolutely necessary*. Many of the harmful elements identified in the previous scheme have been addressed in the present one, and the physical harm to the application building, and to neighbouring heritage assets, seems to be considerably less in this scheme than with the last one. Nevertheless, the fundamentally harmful concept of subdivision of the property remains at the heart of the present scheme and it is still harmful. The level of harm is assessed as less than substantial.

The case officer should now weigh this harm against the public benefits of the scheme, in particular the likelihood of its securing the pub's optimum viable use. The applicants maintain that the changes proposed are necessary to ensure the continued provision of The Angel as a community facility. Assessment of this claim, however, seems to me to involve an appraisal of the economic viability of the business in various formats, which is well beyond the scope of any heritage assessment.

**Name:** William Wall  
**Position:** Enabling Officer - Heritage





Ms Lisa Evans  
Mid Suffolk District Council  
131 High Street  
Needham Market  
Suffolk  
IP6 8DL

Direct Dial: 01223 582738

Our ref: L00492914  
P00492915

12 January 2016

Dear Ms Evans

**Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015**

**THE ANGEL INN, 5 HIGH STREET, DEBENHAM, IP14 6QL  
Application No 4375/15 & 4374/15**

Thank you for your letter of 23 December 2015 notifying Historic England of the above applications.

**Summary**

The Angel Inn is a timber framed building which dates from the 15<sup>th</sup> century and which lies adjacent to the grade II\* listed Swiss Farm Butchers. The application proposes a partial change of use and first floor extension, in addition to internal alterations to the public house. We previously advised that the proposals would not harm the grade II building or the setting of the grade II\* listed Swiss Farm Butchers, however had concerns with potential impact on the structure of the grade II\* listed building. The revised scheme has reduced the potential impact and we would not object, subject to clarification of details and method.

**Historic England Advice**

Historic England have previously commented on similar proposals. We previously advised that the proposals would not harm the grade II building or the setting of the grade II\* listed Swiss Farm Butchers, however had concerns with potential impact on the structure of the grade II\* listed building. We have previously highlighted the significance of the application site and the adjacent grade II\* listed building within our letter of 24<sup>th</sup> August 2015 (applications 2423/15 and 2424/15, withdrawn). We shall not repeat it here, but would refer to it.

The design has been simplified and now seeks to reinstate the form of a previously removed extension. This includes a continuous ridge, removes a lantern and removes a rooflight from the south elevation. We would note that this simpler form would be more appropriate than the previous schemes and we would not make any comment on



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its design. As before, we do not wish to offer detailed comments on the subdivision of the grade II listed property, as it is not in line with our remit.

The boundary wall has been revised to be independent of the existing wall, constructed of steel to a structural engineers design. Any excavations and foundations would impact the existing wall and therefore a sensitive structural design and carefully thought-out method statement is essential to avoid impact on the fabric of the grade II\* listed building. We previously recommended that the prevention of harm to the building in terms of the NPPF should be confirmed by inclusion of a Method Statement and details from a structural engineer. Whilst the proposed arrangement is improved, this is still the case and we suggest that the Council should seek this information prior to determination.

The National Planning Policy Framework states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (NPPF; paragraph 128). The Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (NPPF; paragraph 131). The Framework goes on to state that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting (NPPF; paragraph 132). The Framework states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF; paragraph 132). There is therefore a requirement to rigorously test the necessity of any harmful works. Paragraph 134 of the Framework states that where a proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF; paragraph 134).

We have considered the current proposals in light of this government policy and relevant Historic England guidance.

The proposed extensions to the Angel Inn would be appropriate in siting and scale to the grade II listed host building and surrounding grade II\* listed buildings. The proposed scheme has been improved from previous designs, however its success relies on appropriate detailing and use of traditional vernacular materials, and we suggest that the Council secures this by way of condition, if minded to approve. We are concerned that the construction process could lead to damage or affect the structural stability of the grade II\* listed Swiss Farm Butchers and recommend that your authority seek a structural design and Method Statement from a structural



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engineer, prior to determination to prevent harm to the listed building in terms of paragraph 132 and 134 of the National Planning Policy Framework (NPPF; paragraph 134).

### Recommendation

The Angel Inn lies directly adjacent to a grade II\* listed building with associated garden and ancillary buildings which reflect the status of the property. Historic England consider that the proposed two storey wing would not result in harm to the grade II listed building nor the setting of the grade II\* listed Swiss Farm Butchers. However, we do have concerns regarding the potential impact that construction could have on the structure of the grade II\* listed building. We would not object to the proposals subject to clarification of the boundary wall treatment. To prevent harm to the listed building in terms of paragraph 132 and 134 of the National Planning Policy Framework we recommend that your authority seeks a structural design and Method Statement be secured prior to determination, in order to satisfy paragraph 128 of the NPPF.

Yours sincerely

**Matthew Kennington**

Inspector of Historic Buildings and Areas

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## Appeal Decision

Site visit made on 6 January 2015

**by Anne Napier-Derere BA(Hons) MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 6 February 2015**

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### **Appeal A Ref: APP/W3520/A/14/2227486**

#### **The Angel, 5 High Street, Debenham, Stowmarket IP14 6QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr & Mrs Paine against Mid Suffolk District Council.
  - The application Ref 2494/14, is dated 2 August 2014.
  - The development proposed is described as 'partial change of use, re-instatement of former 2-storey rear wing and further extensions to the rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in its current format as a community facility'.
- 

### **Appeal B Ref: APP/W3520/E/14/2227489**

#### **The Angel, 5 High Street, Debenham, Stowmarket IP14 6QL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Mr & Mrs Paine against Mid Suffolk District Council.
  - The application Ref 2475/14 is dated 2 August 2014.
  - The works proposed are described as 're-instatement of former 2-storey rear wing and further extensions to the rear to re-instate former separate dwelling adjacent to The Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility'.
- 

### **Decisions**

1. Appeal A is dismissed and planning permission for the 'partial change of use, re-instatement of former 2-storey rear wing and further extensions to the rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in its current format as a community facility' is refused.
2. Appeal B is dismissed and listed building consent is refused for the 're-instatement of former 2-storey rear wing and further extensions to the rear to re-instate former separate dwelling adjacent to The Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility'.

### **Preliminary Matters**

3. The appeals were made against the failure of the Council to give notice of its decision on the applications within the appropriate period. Subsequent to the submission of the appeal, the Council has confirmed that it would have refused

both applications, had it been in a position to do so, and has provided details of its putative reasons for refusal. These are listed below and I intend to consider the appeals on this basis.

*Appeal A:*

1. The proposal would lead to the diminution of an established village facility, which may prejudice its longer term future as a community and tourism asset and contributor to the rural economy. As such, it conflicts with the aims and requirements of paragraphs 17, 28, 69 and 70 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and the Council's supplementary planning guidance 'Retention of Shops, Post Offices and Public Houses in Villages' (adopted February 2004), which are consistent with those aims.
2. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its historic character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset, is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core strategy Focused Review (2012) and saved Policies SB2 and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims.
3. The proposed easterly section of the two storey rear extension would, by reason of its scale and proximity to the common boundary, adversely affect the setting of the adjacent Grade 2\* listed building. The harm to the designated Heritage Asset is not outweighed by public benefit. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 58, 64, 131, 132 and 134 of the National Planning Policy Framework and Policies CS5 of the adopted Mid Suffolk Core Strategy and saved Policies SB2, GP1, HB1 of the Mid Suffolk Local Plan (1998), which are consistent with those aims.
4. The proposed easterly section of the two storey rear extension would, by reason of its scale and proximity to the common boundary, have an oppressive and overbearing effect, detrimental to the level of amenity enjoyed by the residential property adjacent to the north of the application site. The proposal would therefore conflict with the aims and requirements of paragraphs 17 and 58 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, GP1 and H16 of the adopted Mid Suffolk Local Plan, which are consistent with those aims.

*Appeal B:*

1. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the



designated Heritage Asset is not regarded as substantial, however the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, HB1 and HB3 of the adopted Mid Suffolk Local Plan (1998) which are consistent with those aims.

4. Amended drawings in respect of the proposal, Ref 102A and 202A, formed part of the appeal submissions. Having regard to the nature of the proposed revisions, I am satisfied that they would not materially change the details proposed. As such, I consider that no material interests will be prejudiced by my consideration of the appeal on the basis of these amended plans.
5. A further revised drawing, Ref 306B, was also submitted, which indicated a lower height for the garden room element of the extension than originally proposed. Although I understand that this revision was sent to English Heritage by the appellants, it appears that it did not form part of the scheme as consulted on or considered by the Council. As such, whilst I have taken note of this drawing, I do not intend to consider it formally as part of these appeals. Nonetheless, had I done so, it would not have altered my decisions in respect of the proposal.

### **Main Issues**

6. The appeal property is a grade II listed building, located within the Debenham Conservation Area and situated adjacent to a grade II\* listed building, referred to as No's 1 and 3, High Street, in the listing description. These are designated heritage assets and I am mindful of my statutory duties in these respects.
7. The main issues in these appeals are the effect of the proposal on:
  - The character and appearance of the area, with particular regard to whether or not it would: preserve the listed appeal building, any features of special architectural or historic interest that it possesses, its setting, or the setting of other listed buildings nearby; and preserve or enhance the character or appearance of the Conservation Area;
  - The living conditions of neighbouring occupiers of No 3, High Street, with particular regard to outlook and privacy; and
  - The long term future of the public house.

### **Reasons**

#### *Character and appearance*

8. The appeal building is situated within the heart of Debenham and, as one of a number of historic and prominent buildings within the Conservation Area, it makes a strong positive contribution to the streetscene. Although Debenham is largely residential in character, the Conservation Area contains a variety of commercial and retail uses. The use of the appeal building as a public house,



with living accommodation above, reflects its historic use as an inn and adds to the mixed character of this part of the Conservation Area.

9. From the evidence before me, including the listing descriptions, I consider that the significance of the appeal building and its listed neighbour largely derives from their age, use, historic fabric, form and features of special interest. These include the apotropaic symbols on the fireplace and the rare 16<sup>th</sup> century first floor rear gallery within The Angel, and the richly carved timber framing within No 1-3, High Street. In addition, the setting of these buildings, within the main street and in close proximity to other buildings, with gardens, land and, in the case of No 3, ancillary buildings, stretching back to the rear of the sites, reflects the status of these buildings and makes an important contribution to their significance.
10. Before the submission of the appeal applications, I understand that the appeal building was altered, with temporary partitions installed to the ground floor and the bar and cellar relocated, to reconfigure the public house element of the building. These alterations were in place at the time of my visit. The evidence suggests that, apart from these more recent changes, the configuration and use of the appeal building is likely to have altered over time. The submitted Heritage Asset Assessment and photographic evidence indicates that a rear projecting element and cart shed previously existed, broadly in the location of the proposed extensions, which appears to have been demolished in the 1960's. Evidence also indicates that the northern part of the building was in separate use, linked to the neighbouring shop, in the past.
11. The appeal proposal seeks to permanently subdivide the current building, in part retaining its use as a public house with living accommodation above, but also extending the building to the rear, to enable the provision of a sizeable separate dwelling. Notwithstanding the previous changes undertaken over time, the extent and scale of extensions and alterations as currently proposed would be significant. It is not disputed that the removal of part of the existing modern flat-roof extension to the rear of the building would be a benefit of the scheme. Furthermore, the layout and form of the proposed development would reflect that existing elsewhere within the local area.
12. Nonetheless, notwithstanding the previous development and on the balance of the evidence before me, I consider that extent of alterations proposed would have a detrimental effect on the current layout and plan form of the building, including on the visual, physical and functional relationship of the important first floor rear gallery with the remainder of the building. In addition, the subdivision of a room to create a further bedroom, by the insertion of a modern partition wall to subdivide an existing window, would result in an insensitive alteration to the building. Furthermore, due to its overall scale, the extent of development proposed would result in an unsympathetic addition to the appeal building. As a result, overall, I find that the proposal would have a harmful effect on the historic character and setting of the listed appeal building.
13. In addition, the garden room part of the appeal scheme would result in the development of a sizeable structure in close proximity to No 3, High Street. From within that site, this element would markedly increase the amount of built development along the shared boundary, which would significantly alter the relationship of the high status historic rear projecting wing of the adjoining grade II\* listed building with the land and buildings around it. As a result, it



would reduce the visual and physical dominance of that important part of the building, which would detrimentally affect how the building would be experienced from within its own garden and in views from Water Lane. Accordingly, I consider that the scale, design and siting of the garden room element of the scheme would be harmful to the setting of the adjacent property.

14. As such, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, as it would not preserve the listed appeal building, its features of special interest, its setting or the setting of the adjacent listed building. Furthermore, the adverse effect of the proposal on these buildings would also have a harmful impact on their relationship with their wider surroundings and would diminish their contribution to the quality of the area. Accordingly, for these reasons, I also conclude that the proposal would not preserve the character or appearance of the Conservation Area. Therefore, it would result in material harm to the significance of these heritage assets. It would not accord with the *Mid Suffolk Core Strategy 2008 (CS)* Policy CS5, the *Mid Suffolk Core Strategy Focused Review 2012 (CSFR)* Policies FC1 and FC1.1, and the *Mid Suffolk Local Plan 1998 (LP)* Policies GP1, HB1, HB3, HB8 and SB2, where they seek to protect local character and appearance, including in relation to the historic environment.

#### *Living conditions*

15. Due to the overall scale of the garden room element of the proposed extension, its position adjoining the shared boundary and the respective orientation of the two properties, this aspect of the proposed extension would result in a material loss of outlook and light for the neighbouring occupiers at No 3, High Street. Given the current conditions within the garden, which has a high degree of enclosure and a relatively limited outlook, I consider that the effect of this would be unacceptably harmful. Furthermore, having regard to the ground floor windows of the rear projecting wing of No 3, I also consider it very likely that the proposal would materially reduce the light and outlook available within this part of the dwelling, which would add further weight to the harm identified.
16. Amongst a range of other windows, a first floor window is proposed in the east elevation of the main part of the proposed extension. Although it would be possible to overlook part of the neighbouring garden from this window, other windows currently exist at first floor level of No 1, adjoining the site to the north, one of which is clear glazed. Taking this into account, together with the position of the proposed window within the elevation and the distances involved, I consider that the extent of additional overlooking likely to occur from the proposed window would be relatively limited. The submitted details also confirm that it is intended that another window, which could potentially overlook a more sensitive part of the garden closer to the dwelling, would be obscure glazed. This could be secured by an appropriate condition. Accordingly, I find that the impact of these windows would not be materially harmful. Nonetheless, this does not address the other harm identified above.
17. As a result, I conclude that, although the proposal would not lead to an unacceptable loss of privacy for the neighbouring occupiers of No 3, it would have an unacceptably harmful effect on their living conditions, due to loss of outlook and light. As such, it would be contrary to LP Policies H16 and SB2, where they seek to protect the amenity of local residents.



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*Future of public house*

18. It is not a matter of contention that The Angel has experienced numerous changes in management or ownership over recent years. Furthermore, the evidence provided by the appellants indicates that, during this time, a variety of different business models were used but that none has proved viable in the long-term. Strong local concerns have been expressed at the potential impact of the proposal on the successful operation of the public house. However, it is not disputed that the public house has been in operation, with its reconfigured layout, since April 2013. Furthermore, I am advised that the current tenant of the premises is trading successfully and there is nothing before me that would lead me to consider otherwise.
19. At the time of my visit, the bar and cellar were well stocked and the rooms of the public house available for use contained a number of tables and chairs, providing potential customers with a range of options for eating or drinking, with the kitchen apparently fully fitted to a catering standard. Whilst the cellar arrangements appear somewhat unconventional, the brewery has confirmed that they are acceptable. I recognise that my observations took place on one day and the situation may be different at other times. However, there is nothing substantive before me to indicate that this is likely to be the case.
20. As such, whilst recognising that there is strong local support for the retention of a larger licensed premises, I am not satisfied that the evidence demonstrates that the proposal would unacceptably diminish the facility or undermine its contribution to the community or the wider local economy. Moreover, having regard to the comments of the Council's Economic Development Officer, I consider that the changes proposed could potentially enhance its viability. A reduction in the operational floorspace of the public house, to reduce the overheads and outgoings of the business, could contribute to securing its long-term viability and the continued use of the building as a community facility.
21. The Council has expressed concerns that the proposal would not meet the tests within its *Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public Houses in Villages 2004* (SPG). However, these tests relate primarily to proposals that seek to change the use of an entire building, rather than those that seek to retain the use, albeit in a modified form, as part of a mixed use development. As such, in this particular case, I do not regard these tests as directly relevant to the current appeal proposal.
22. Accordingly, for these reasons, I conclude that the reconfiguration of the public house as proposed would not be likely to harm its long-term viability. As such, it would accord with the aims of CSFR Policy FC1 and FC1.1 and would not conflict with the aims of the SPG, where it seeks to encourage the retention of rural services. It would also meet the aims of paragraphs 28, 69 and 70 of the National Planning Policy Framework (the Framework), to promote the retention and development of local services and community facilities and facilitate social interaction.

*Overall Balance*

23. For the reasons given above, I have found that the proposal would cause harm to the significance of the listed appeal building, the listed neighbouring building and the Conservation Area. I give this considerable importance and weight.



However, the proposal would not lead to the destruction of either building or loss of any particular special features that they possess and the proposal concerns one site within a much larger Conservation Area. As such, whilst material, I consider that the resulting harm would be less than substantial. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

24. One of the main public benefits resulting from the scheme would be the provision of an additional dwelling in a location that is within easy reach of a range of local services and facilities. This would make some contribution, albeit limited, towards the local housing stock and would be likely to result in some additional support for local services and facilities. It would also support the continued use and retention of the building, in part, as a public house and local community facility, and would therefore have local economic and social benefits in this regard. The proposal would also have some heritage benefits, from its contribution to securing the long-term use of the listed building. However, it has not been demonstrated that this would be the only way to achieve these benefits, nor that another, potentially less harmful, proposal would not be feasible. Having regard to this and the general encouragement within the Framework to such development, I give these benefits moderate weight.
25. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance and, as heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it would not represent its optimum use. For the reasons given, I conclude that, overall, the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets. The harm identified to neighbouring living conditions adds further weight against the scheme.
26. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built and historic environment as well as in people's quality of life'. I have found that the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas, conserve heritage assets in a manner appropriate to their significance and achieve a good standard of amenity for all future and existing occupants of land and buildings. The appeal scheme would not, therefore, meet the overarching aims of the Framework to achieve sustainable development.
27. The appellants have suggested, within their appeal submissions, that the garden room element of the proposed extension could be removed from the proposal, or reduced in height. However, I am not satisfied that a limited reduction in height would be sufficient to overcome the concerns identified above. Furthermore, from the details provided and having regard to the proposed incorporation of a new boundary wall within the scheme, it is not

clear to me how this element could be easily removed from the remainder of the appeal proposal, without necessitating further changes to the scheme. As such, whilst I have taken note of these suggested possible amendments, they do not lead me to alter my findings above.

#### *Other Matters*

28. The appellants have expressed concerns regarding the content of some of the representations made on the proposal and about the Council's processing of the applications, including the nature and extent of pre-application advice received in light of concerns raised as part of the application processes, and the Council's unwillingness to accept amendments to the formal application proposals. However, whilst I recognise that the outcome of the appeal will be disappointing to the appellants, none of these matters, either individually or cumulatively, leads me to alter my findings above.
29. A completed planning obligation has been submitted, which would make provision for a financial contribution towards open space and social infrastructure, in the event that the appeal is allowed. The national Planning Practice Guidance has recently been revised in respect of such contributions. However, given my findings above, it is not necessary for me to examine this matter or the details of the obligation further.
30. A number of local concerns were raised about various other matters, including a restrictive covenant, the quality of the submitted application details, the structural effect the proposal on the boundary wall and the adjoining property, the removal of a tree, pollution, drainage, landscaping and access for emergency services. However, given my conclusions above, it is not necessary for me to consider these matters further in this case.

#### **Conclusions**

31. For the above reasons, and having regard to all other matters raised, I conclude that these appeals should be dismissed and planning permission and listed building consent refused.

*Anne Napier-Derere*

INSPECTOR

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MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE - 02 March 2016

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<b>AGENDA ITEM NO</b>	3
<b>APPLICATION NO</b>	3975/15
<b>PROPOSAL</b>	Use of land for the creation of a memorial garden to include war memorial, information board, 2no. benches, 2no. flag poles.
<b>SITE LOCATION</b>	Land on, Progress Way, Eye IP23 7HL
<b>SITE AREA (Ha)</b>	0.02
<b>APPLICANT</b>	Mrs J Aling
<b>RECEIVED</b>	November 6, 2015
<b>EXPIRY DATE</b>	March 10, 2016

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**REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason :

The application site is in Mid Suffolk District Council ownership.

**PRE-APPLICATION ADVICE**

1. Extensive pre-application has taken place with many departments of the Council include Planning.

**SITE AND SURROUNDINGS**

2. The application site is located off Progress Way in Eye. The area forms a corner with the B1077 and Progress Way and has been landscaped in accordance with conditions (2 and 3) of planning permission 212/95 (Layout of roads and sewers using existing vehicular access with off-site infrastructure for future industrial development). The site is at the entrance to Eye Airfield Industrial Estate. The area is fenced in with post and rail fencing and six bar farm gate. The area has many trees and shrubs that screen the industrial units.

**HISTORY**

3. The planning history relevant to the application site is:
  - 212/95 Layout of roads and sewers using existing vehicular access with off-site infrastructure for future industrial development

**PROPOSAL**

4. The proposal seeks planning permission for use of land for the creation of a memorial garden to include a war memorial, information board, two benches and two flagpoles. The application site is be 5m wide by 10m deep, rectangular in shape and accessed from the footpath on Progress Way. The memorial

garden is to commemorate the 490th Bombardment Group (Heavy), United States Eighth Army Air Force that was based at Eye Airfield during the WWII.

The site would make a break in the existing post and rail fence with three sides of the area hedged. Two flag poles are proposed in the rear corners of the plot. It is proposed to fly the Union flag on one and the Stars and Stripes on the other.

1.5m from the flag poles, centrally located, would be the war memorial. This would be of black granite mounted on a plinth with text and logos. The total height of the stone would be 1.3m with a width of 1.3m and a depth of 0.2m.

Two benches are proposed, one each side of the garden, 3.5m from the front of the site. These would be of European Oak and would have the 490th BG official logo carved on the back of the seat.

An information board is proposed at the entrance to the site to explain the history of the airfield and details of the 490th BG. The board would be constructed of European Oak and would be of A2 size.

## POLICY

5. **Planning Policy Guidance** - See Appendix below.

## CONSULTATIONS

6. **SCC Highways** - SCC perception is that the current proposal would not see a severe increase in vehicle movements from the proposed vehicular access onto the public highway. therefore, SCC would not consider this to be detrimental to highway safety. For this reason, SCC does not wish to restrict the grant of permission.

**SCC Archaeological Service** - No comments received.

**Eye Town Council** - Councillors raised concern about the parking for visitors to the memorial as there are some large vehicles using Progress Way. On balance however the Council decided to support the planning application for this site as the best of the limited options.

**MSDC Land Officer** - No comments to make.

**MSDC Tree Officer** - The trees potentially affected by this proposal are either of insufficient amenity value and/or poor quality to warrant being a constraint.

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.
- 7 Langton Green, Eye - concerns raised over parking.

## ASSESSMENT

8. The proposal is considered to raise the following core planning issues:

**Principle of development** - As an application for the creation of a memorial garden the proposal is assessed under Local Plan policies GP1 and HB13 and Core Strategy policies CS5, FC1 and FC1.1. and the NPPF.

**Impact on the character and appearance of the area** - The application site is within an area which has been the subject of a landscaping condition for Eye Airfield Industrial Estate. The area is fenced with trees and shrubs. The site is not a very attractive area but does screen the industrial units. The area proposed for the memorial garden is a relatively small part of this landscaped area. The memorial is considered to be a welcome addition to the area which is relevant to the airfield and would be of interest to both local residents and tourists.

**Highways** - Concerns have been raised over the lack of parking provided for visitors to the memorial. Progress Way is a wide road with no parking restrictions. SCC Highways are content that the proposal will not cause a highway safety problem.

**Landscaping** - There will be some loss of trees/shrubs when the site is cleared to construct the memorial garden. The Tree Officer has confirmed that the loss of these trees is not a constraint to the proposal. It is proposed to hedge three sides of the site which would bring formality to the memorial whilst also providing a green barrier.

**Summary** - The proposal is recommended for approval because the garden will provide a lasting memorial to, and information on, the important part that Eye Airfield played during WWII. The garden will provide an attractive corner in this industrial area where people are able to site and reflect on the airfield's past.

## **RECOMMENDATION**

**That Full Planning Permission be granted subject to the following conditions:**

- **Implementation - Standard Time Condition**
- **Approved Plans**

**Hard and Soft Landscaping**

Philip Isbell  
Corporate Manager - Development Management

Samantha Summers  
Planning Officer

## **APPENDIX A - PLANNING POLICIES**

### **1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

**Cor5** - CS5 Mid Suffolks Environment

**CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

**CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT



2. **Mid Suffolk Local Plan**

**GP1** - DESIGN AND LAYOUT OF DEVELOPMENT  
**HB13** - PROTECTING ANCIENT MONUMENTS

3. **Planning Policy Statements, Circulars & Other policy**

**NPPF** - National Planning Policy Framework

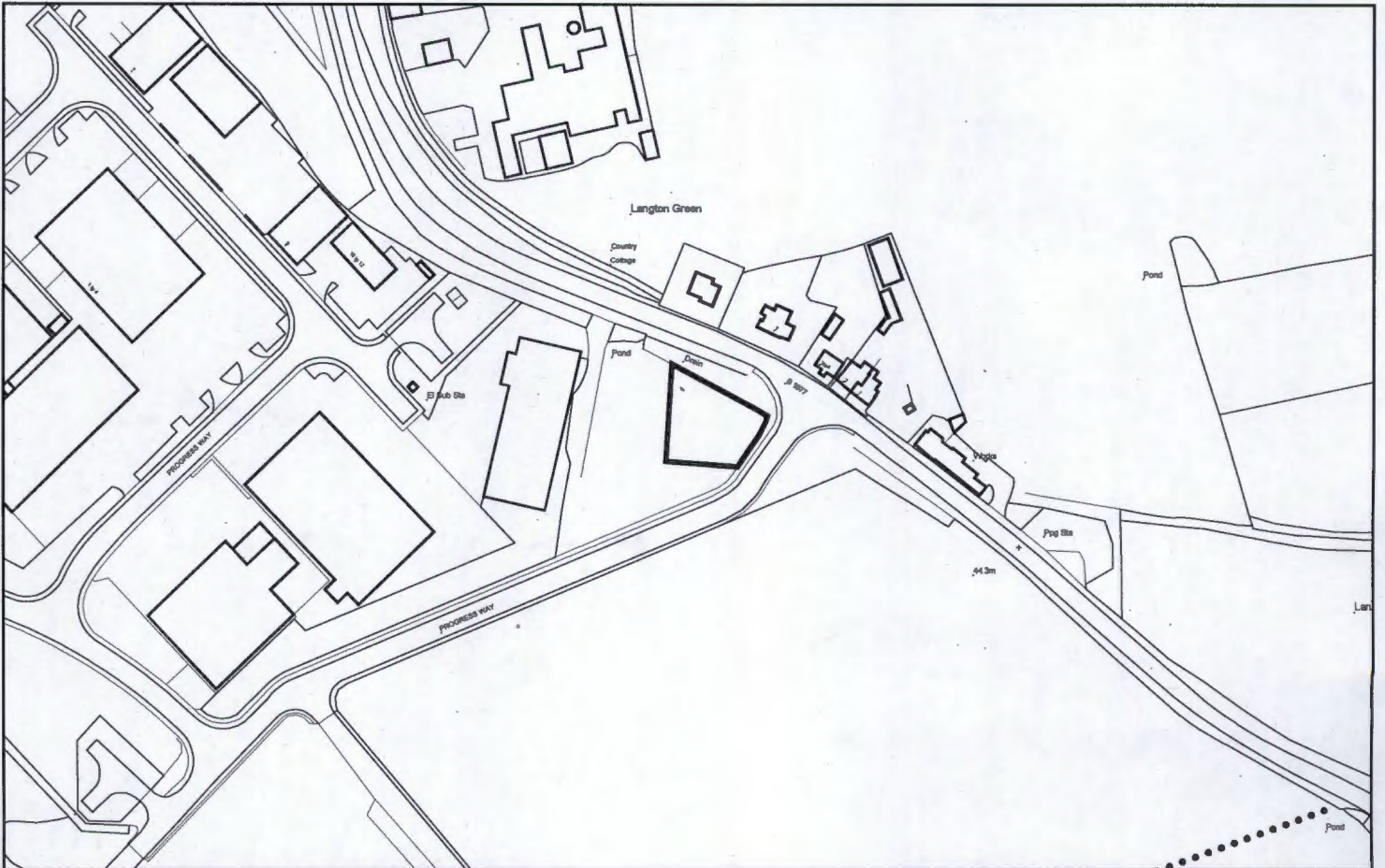
**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

Letter(s) of representation(s) have been received from a total of **0** interested party(ies).

The following people **objected** to the application


The following people **supported** the application:

The following people **commented** on the application:

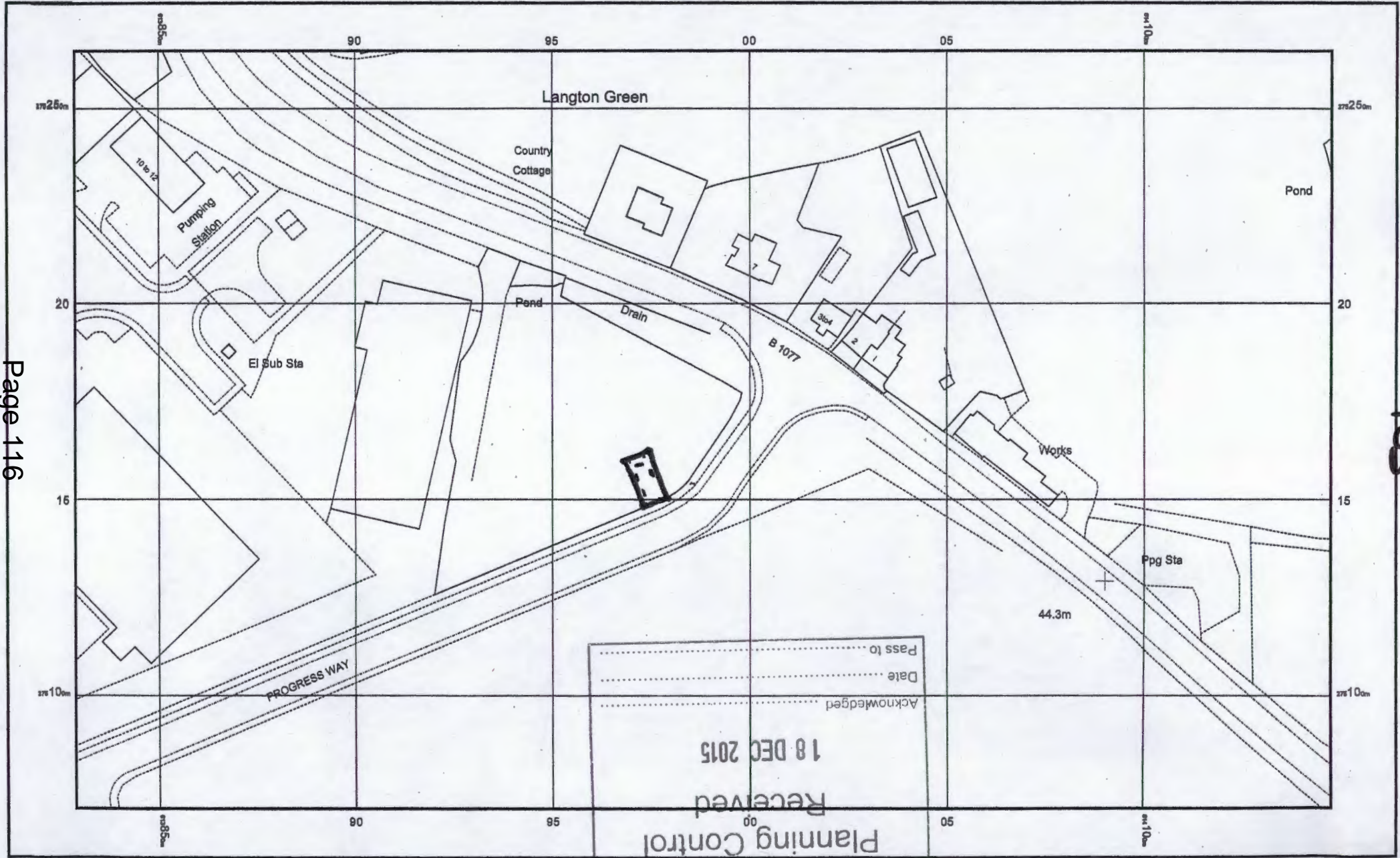


 **MID SUFFOLK DISTRICT COUNCIL**  
131, High Street, Needham Market, IP6 8DL  
Telephone : 01449 724500  
email: customerservice@csduk.com  
www.midsuffolk.gov.uk

Reference: 3975/15  
Site: Land on Progress Way, Eye

 SCALE 1:1250  
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Date Printed : 17/02/2016





Page 116

103

Received  
18 DEC 2015  
Acknowledged  
Date  
Pass to

Planning Control

© Crown copyright and database rights 2015 Ordnance Survey 100048967. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

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Serial No: 82442  
Centre Coordinates: 613988, 275168  
Production Date: 01/12/2015 10:48:19

74



45th Bz Memorial

Area 10mtr x 5mtr all fenced

1 memorial & foundation 2 x 0.9mtr x 100mm

memorial - 1000mm x 100mm

plinth - 5 metres

1 path reinforced with grass, non slip mesh

2 galvanised fence posts 1 metre high 2 metres apart

3 pedestrian access wheelchair access 2 metres

4 Benches foundation 1.5 metres x 0.9 metres x 100mm. Benches set out in with bolts

5 information board 400mm x 600mm

6 flag pole x 2 details on original online application attachments

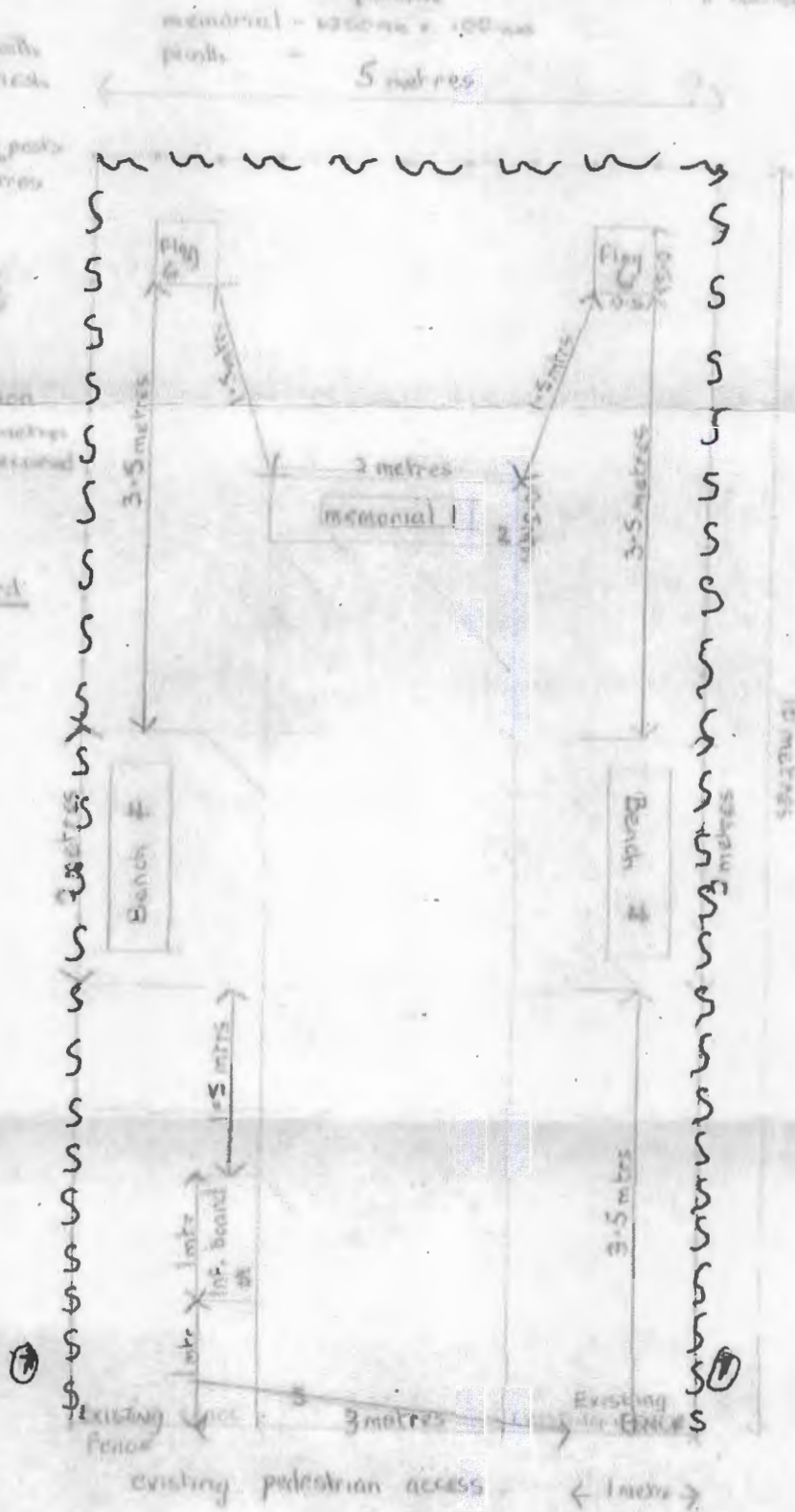
⊙ us flag

⊙ uk flag

7. Boundary

~ low

Box hedge



105

3975/15



**USAAF Station 134  
Eye Aerodrome, Suffolk  
1942 - 1945**



To honour and forever remember the American Serviceman of the 490th Bombardment Group (Heavy), United States Eighth Army Air Force who stood and fought alongside the British Nation in its darkest hour.

From this WWII Aerodrome built upon requisitioned farmland and constructed by the US 827th & 859th Aviation Engineering Battalions B-24 Liberator and B-17 Flying Fortress Bombers flew 156 daylight combat missions until 'Victory in Europe' was declared in May 1945.

Countless life-long friendships were forged between the young Americans far from home and the local community, who welcomed the Servicemen into the Parish.

This memorial is dedicated as a lasting tribute to the 490th Bomb Group and its many ancillary units, who once knew this rural corner of England as their home.

***'Never Forgotten ~ Forever honoured'***



4' x 4' Black Granite Memorial, mounted on a plinth. Similar to the 93rd BG Memorial at Hardwick, pictured below. Colour logos with black background.



MID SUFFOLK DISTRICT COUNCIL  
PLANNING CONTROL  
**RECEIVED**  
06 NOV 2015  
ACKNOWLEDGED .....  
DATE .....  
PASS TO .....

Please quote for this memorial to be dedicated in May 2016.

Richard Flagg  
Chairman, 490th BGMP  
07896 573704  
reflagg@gmail.com



106  
3975115

Two benches are requested to be placed each side slightly forward of the memorial.

Made of European Oak and designed as above with the addition of the 490<sup>th</sup> BG official logo carved central on the back of the seat



MID SUFFOLK DISTRICT COUNCIL  
PLANNING CONTROL  
**RECEIVED**

06 NOV 2015

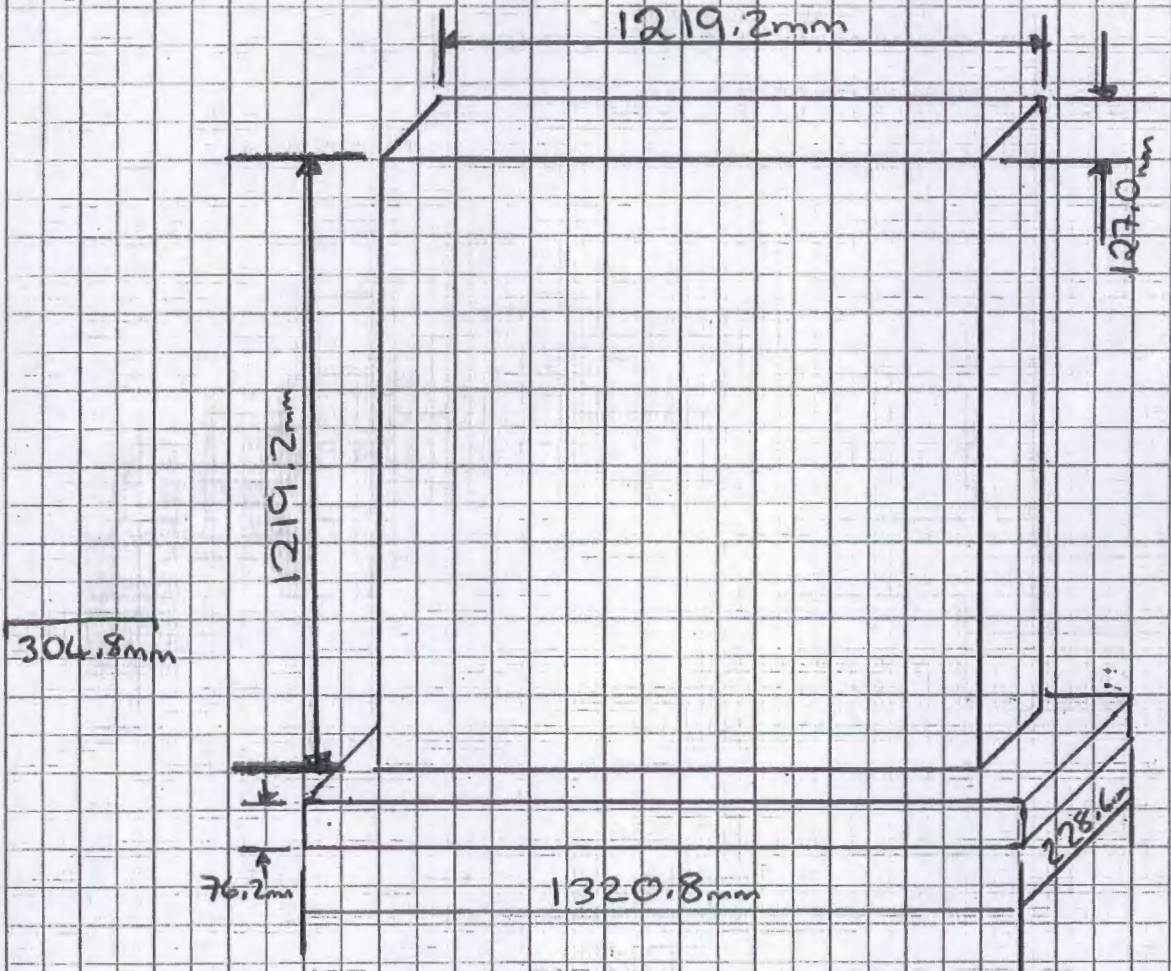
KNOWLEDGED .....







490<sup>th</sup> BG Memorial Project  
Scale drawing of Stone



12"

## Consultee Comments for application 3975/15

### Application Summary

Application Number: 3975/15

Address: Land on, Progress Way, Eye IP23 7HL

Proposal: Use of land for the creation of a memorial garden to include war memorial, information board, 2no. benches, 2no. flag poles.

Case Officer: Samantha Summers

### Consultee Details

Name: Ms Roz Barnett Eye Town Council

Address: 5 Field House Gardens, Diss IP22 4PH

Email: townclerk@eyesuffolk.org

On Behalf Of: Eye Parish Clerk

### Comments

Eye Town Council Discussed this application on the 20th of January 2016. Councillors raised concern about the parking for visitors to the memorial as there are some large vehicles using Progress Way. On balance however the Council decided to support the planning application for this site as the best of the limited options.

**From:** David Pizzezy  
**Sent:** 26 January 2016 09:24  
**To:** Samantha Summers; Planning Admin  
**Subject:** 3975/15 War Memorial, Eye.

Sam

The trees potentially affected by this proposal are either of insufficient amenity value and/or poor quality to warrant being a constraint.

David

**David Pizzezy**  
Arboricultural Officer  
Hadleigh office: 01473 826662  
Needham Market office: 01449 724555  
[david.pizzezy@baberghmidsuffolk.gov.uk](mailto:david.pizzezy@baberghmidsuffolk.gov.uk)  
[www.babergh.gov.uk](http://www.babergh.gov.uk) and [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)  
Babergh and Mid Suffolk District Councils - Working Together

**From:** [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk) [<mailto:planningadmin@midsuffolk.gov.uk>]  
**Sent:** 20 January 2016 15:10  
**To:** David Pizzezy  
**Subject:** Consultation on Planning Application 3975/15

Correspondence from MSDC Planning Services.

Location: Land on, Progress Way, Eye IP23 7HL

Proposal: Use of land for the creation of a memorial garden to include war memorial, information board, 2no. benches, 2no. flag poles.

We have received an application on which we would like you to comment. A consultation letter is attached. To view details of the planning application online please click [here](#)

We request your comments regarding this application and these should reach us within 21 days. Please make these online when viewing the application.

The planning policies that appear to be relevant to this case are GP1, NPPF, H1313, Cor5, CSFR-FC1, CSFR-FC1.1, which can



Your Ref: MS/3975/15  
 Our Ref: 570\CON\0167\16  
 Date: 01/02/2016  
 Highways Enquiries to: [kyle.porter@suffolk.gov.uk](mailto:kyle.porter@suffolk.gov.uk)

**All planning enquiries should be sent to the Local Planning Authority.**  
 Email: [Planning.Control@babberghmidsuffolk.gov.uk](mailto:Planning.Control@babberghmidsuffolk.gov.uk)

The Planning Officer  
 Mid Suffolk District Council  
 Council Offices  
 131 High Street  
 Needham Market  
 Ipswich  
 Suffolk  
 IP6 8DL

**For the Attention of:** Samantha Summers

**TOWN AND COUNTRY PLANNING ACT 1990**  
**CONSULTATION RETURN MS/3975/15**

**PROPOSAL:** Use of land for the creation of a memorial garden to include war memorial, information board, 2no. benches, 2no. flag poles.

**LOCATION:** Land on, Progress Way, Mid Suffolk Business Park, Eye, Suffolk, IP23 7HU

Notice is hereby given that the County Council as Highway Authority make the following comments:

SCCs perception is that the current proposal would not see a severe increase in vehicle movements from the proposed vehicular access onto the public highway. Therefore, SCC would not consider this to be detrimental to highway safety. For this reason, SCC does not wish to restrict the grant of permission for the above application.

Yours sincerely,

**Mr Kyle Porter**  
**Development Management Technician**  
 Strategic Development – Resource Management

|||

**From:** Lynn Morris  
**Sent:** 15 January 2016 12:29  
**To:** Peter Garrett  
**Cc:** Planning Admin; Daniel Charman  
**Subject:** FW: Consultation on Planning Application 3975/15

Hi Peter

I understand that you have been dealing with this matter and may therefore wish to comment on this application.

I have no comments to make.

Regards  
Lynn

Senior Asset Utilisation Officer  
Babergh and Mid Suffolk District Councils – Working Together

Needham: 01449 724585

Email: [Lynn.morris@baberghmidsuffolk.gov.uk](mailto:Lynn.morris@baberghmidsuffolk.gov.uk)  
Websites: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

**From:** [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk) [<mailto:planningadmin@midsuffolk.gov.uk>]  
**Sent:** 15 January 2016 12:00  
**To:** Lynn Morris  
**Subject:** Consultation on Planning Application 3975/15

Correspondence from MSDC Planning Services.

Location: Land on, Progress Way, Eye IP23 7HL

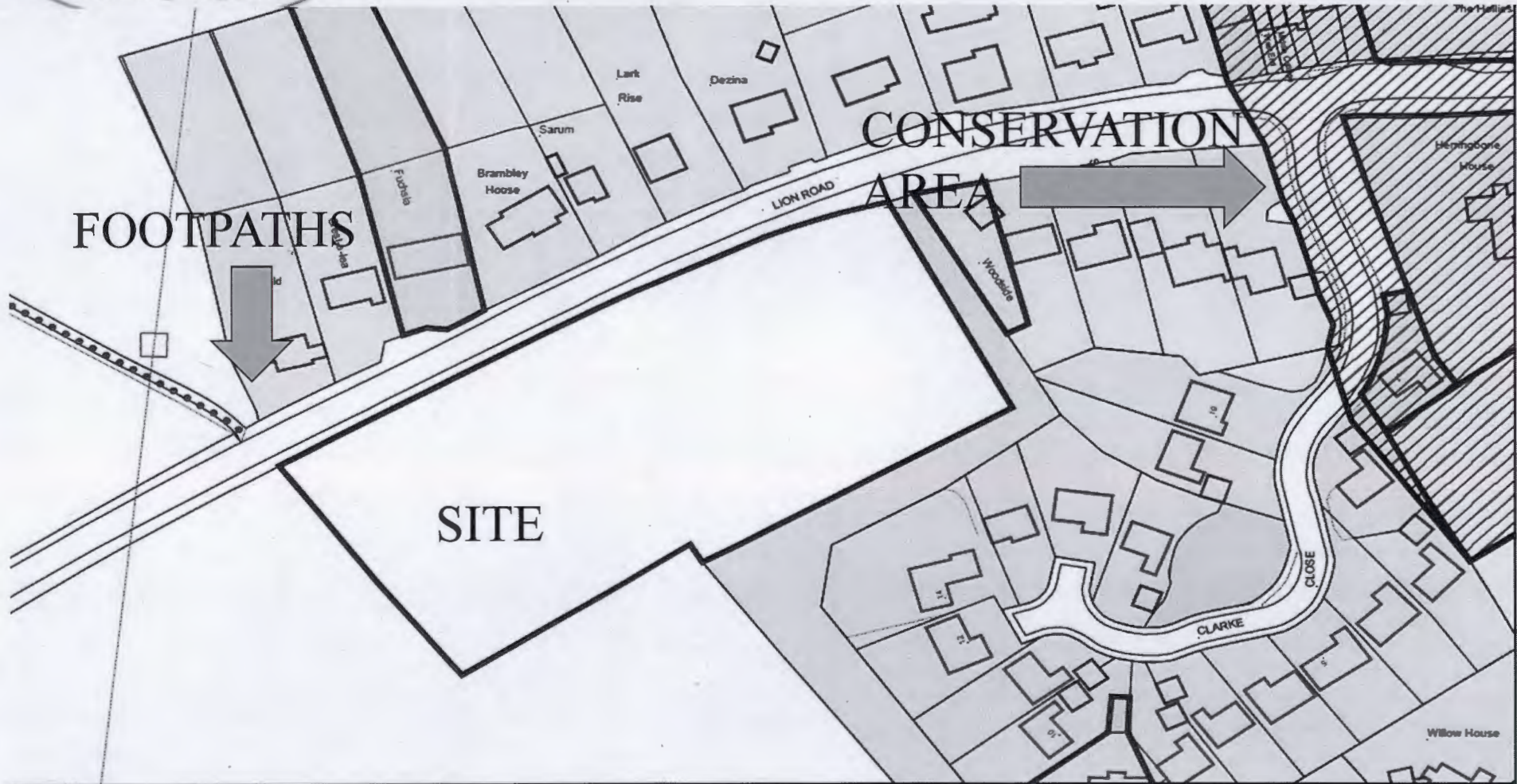
Proposal: Use of land for the creation of a memorial garden to include war memorial, information board, 2no. benches, 2no. flag poles.

We have received an application on which we would like you to comment. A consultation letter is attached. To view details of the planning application online please click [here](#)



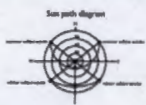
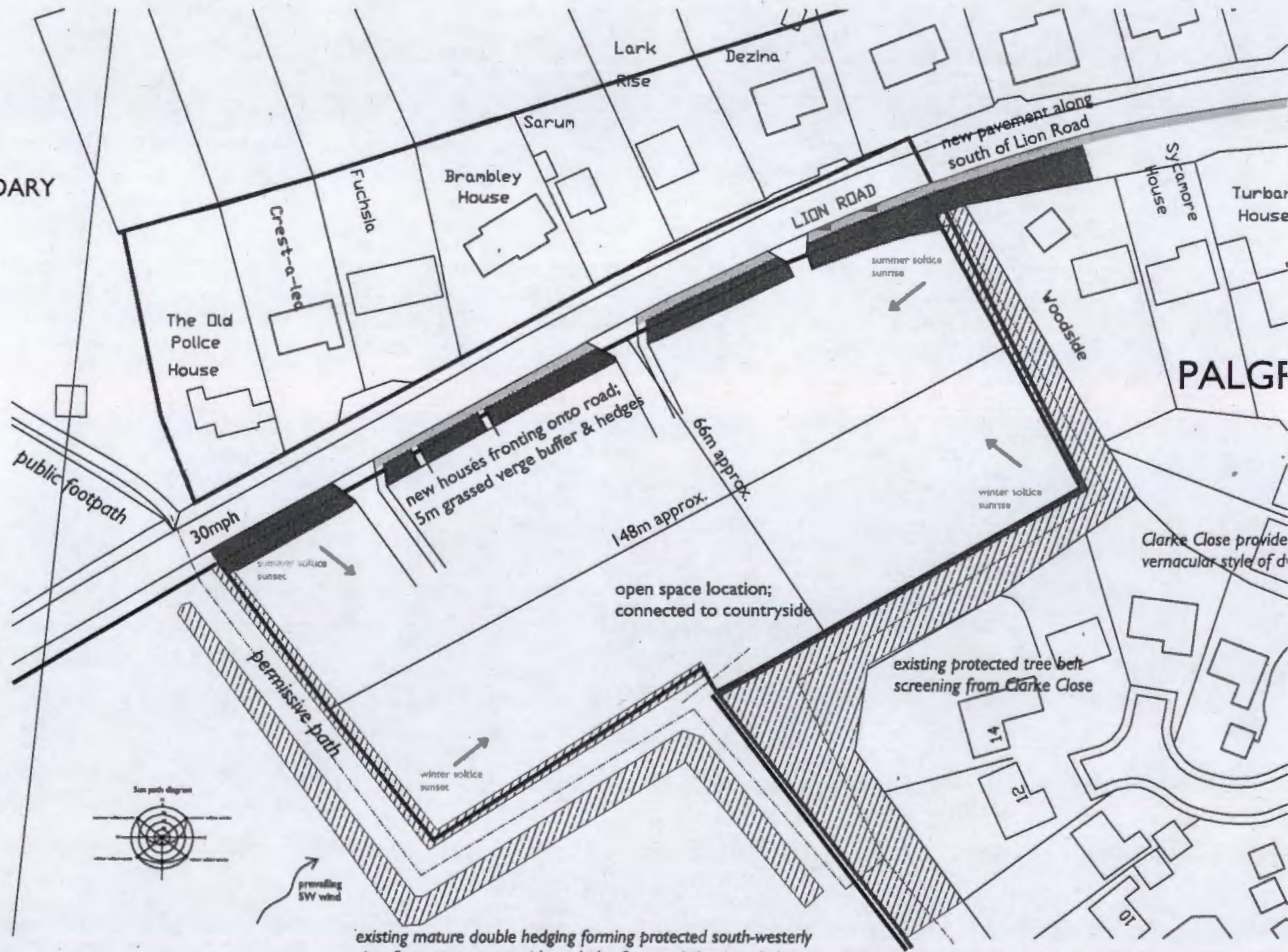
# Constraints Map

Slide 4





SETTLEMENT BOUNDARY



existing mature double hedging forming protected south-westerly view from open countryside and also forms existing permissive footpath, used by locals and connecting public footpath to the north with the tree belt behind Clarke Close.

CONTEXT PLAN & EXISTING  
0 25 50 metres  
1:500



LOCATION PLAN

0 50 100 metres  
1:1250

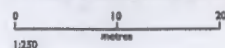
Ref.	Date	Revision
<p>Ensure all dimensions are checked on site prior to ordering of architectural elements. Ensure minimum headroom requirements are met for all entrances. Do not scale from this or any other drawing. Any discrepancies, contact the issuer. This drawing or any of its contents cannot be used except with the express written permission of the issuer. Without such permission no responsibility is taken for its content.</p>		
<p><b>ROBERTS.MOLLOY ASSOCIATES</b> architects and consultants</p>		
3 Church Lane Birmingham B15 IP22 2AE	<p>ROBERTS MOLLOY ASSOCIATES © Tel: 01379 687708 E-mail: info@robertsmolloy.co.uk</p>	
<p>CLIENT: <b>DANNY WARD BUILDERS</b></p>		
<p>PROJECT: <b>NEW HOUSING LION ROAD, PALGRAVE</b></p>		
<p>TITLE: <b>LOCATION &amp; CONTEXT PLAN</b></p>		
Scale: 1:1250; 1:500@A1	Date:	04/15
JOB No. PLR	DRG No.	23

131

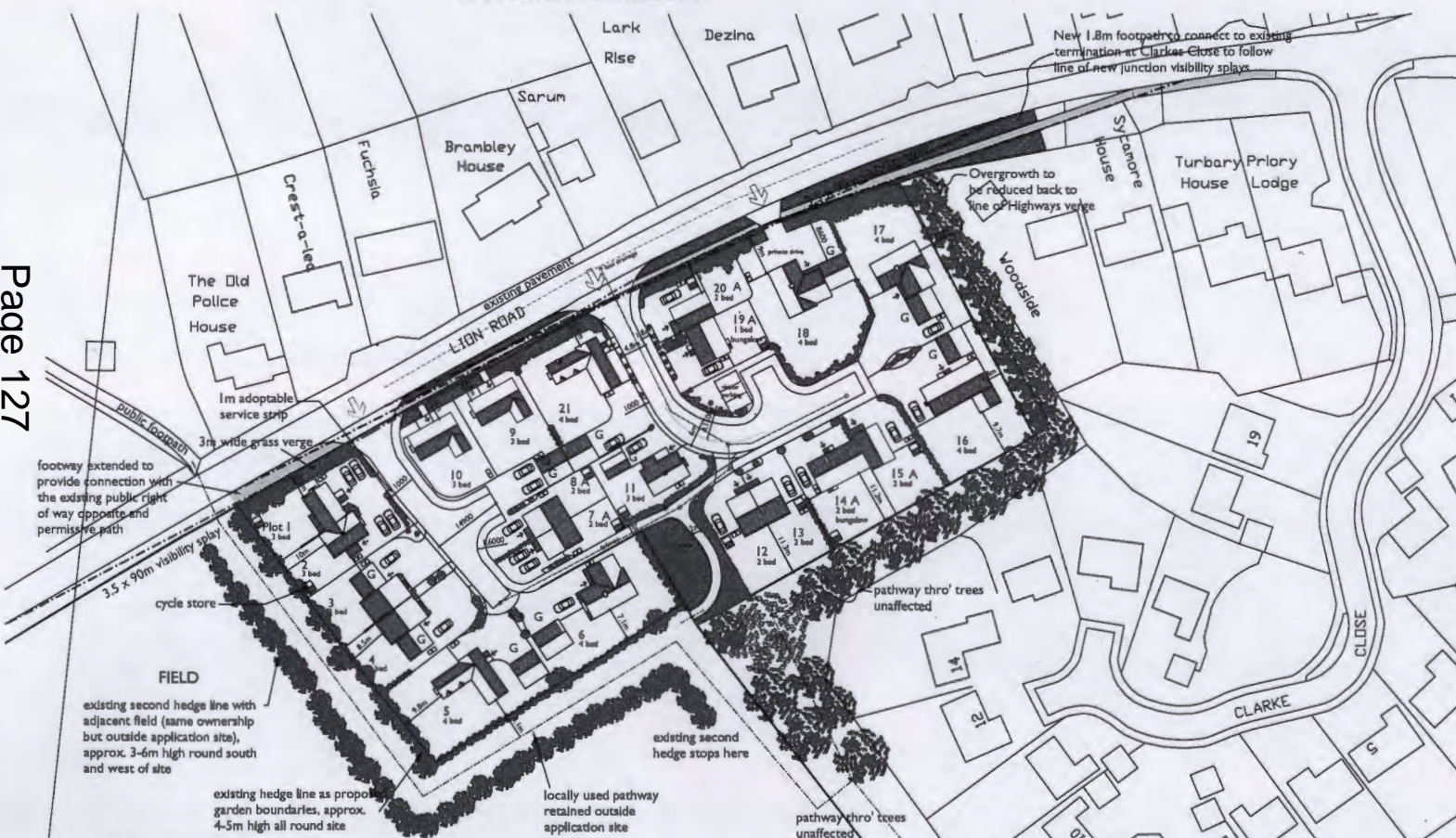




STREET SCENE ALONG LION ROAD



SITE SECTION NORTH-SOUTH



Page 127

132

PROPOSED NUMBERS:

- No garage - Affordable (A)
    - 19A, - 1 no. 1 bed bungalow
    - 7A, 8A, 15A; 20A, - 4 no. 2 bed
    - 14A - 1 no. 2 bed bungalow
  - No garage - Market
    - 12, 13, - 2 no. 2 bed
    - 1, 2, - 2 no. 3 bed
  - With garage - Market (G)
    - 3, 4, 9, 10, 11, 5 no. 3 Bed
    - 5, 6, 16, 17, 18, 21, - 6 no. 4 bed
- 21 Total Houses  
inc. 4 no. Shared equity  
& 2 no. Affordable rental

- L 20.01.14 Highways Revisions
- K 14.12.15 Plans 12-15 Rear Gardens Increased
- J 04.12.15 Cycle Streets Added
- H 20.11.15 Cross sections added
- G 11.11.15 Plans 14 & 15 amended
- F 27.10.15 Open spaces reserved
- E 12.10.15 Minor amendments
- D 23.09.15 Layout Proposed
- C 21.07.15 Plot Sites Added
- B 18.04.15 General revisions
- A 17.04.15 Access points amended

Rad. Date Revision  
 Ensure all dimensions are checked on the prior to ordering of prefabricated elements. Ensure minimum bedroom requirements are met for all addresses.  
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architects and consultants

3 church lane  
 BOSTONHAM GLE  
 NORFOLK  
 IP22 2AE  
 Tel: 01378 857708  
 E-mail: info@robertsmolloy.co.uk

CLIENT:  
**DANNY WARD BUILDERS**

PROJECT:  
**NEW HOUSING  
 LION ROAD, PALGRAVE**

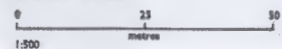
TITLE:  
**BLOCK PLAN & STREET SCENES  
 PROPOSED**

Scale: 1:1250; 1:500@A1 Date: 04/15

JOB No: PLR DRG No: 01L



BLOCK PLAN



bat and bird nesting boxes to boundary trees - quantity and placement in accordance with Eco-Check report for wildlife mitigation.

Density Total 21 houses  
 (29% Affordable)  
 0.97 Hectares total,  
 = 21 houses / Ha





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133

SKETCH PERSPECTIVE

New Housing Development at  
Lion Road, Palgrave

PLR/21A

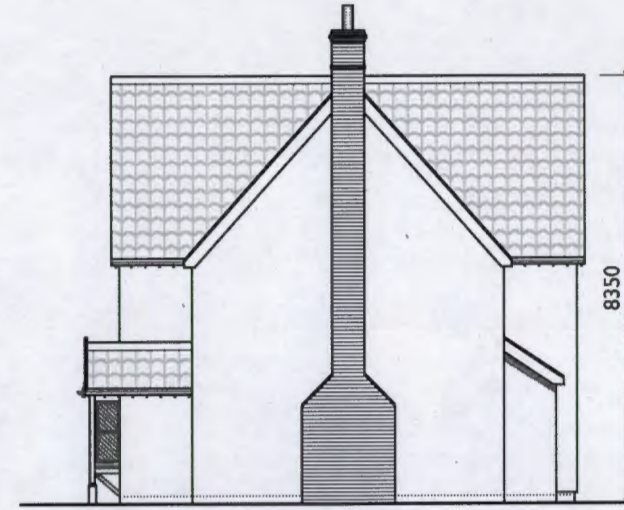
3 church lane bressingham  
diss norfolk IP22 2AE  
t: 01379 687705  
e: info@robertsmolloy.co.uk  
www.robertsmolloy.co.uk

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architects & consultants





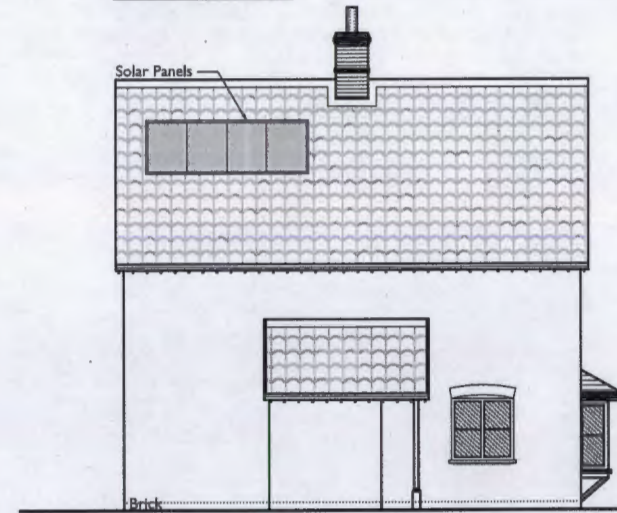
Front Elevation - East



Side Elevation - North



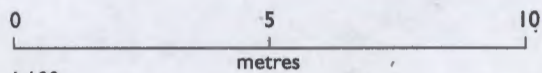
Rear Elevation - West



Side Elevation - South

Page 129

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Ref. Date Revision

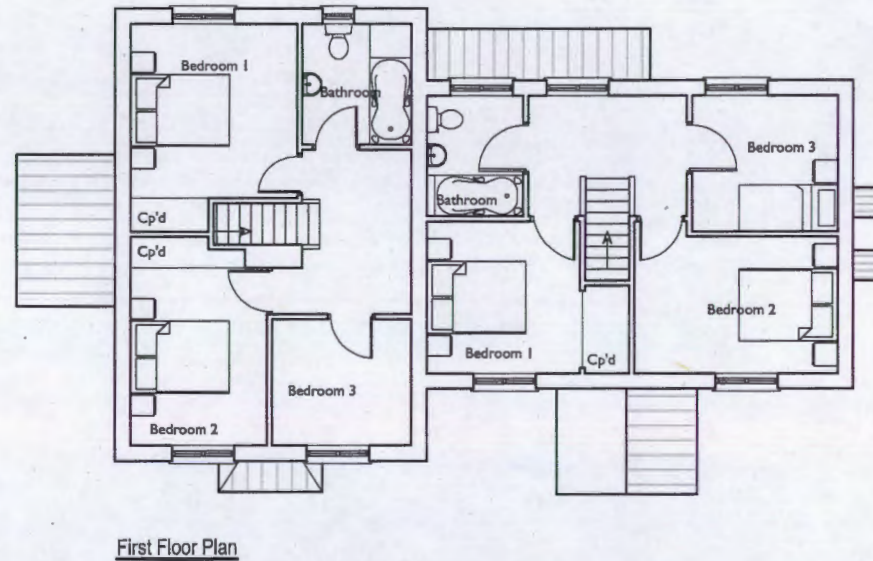
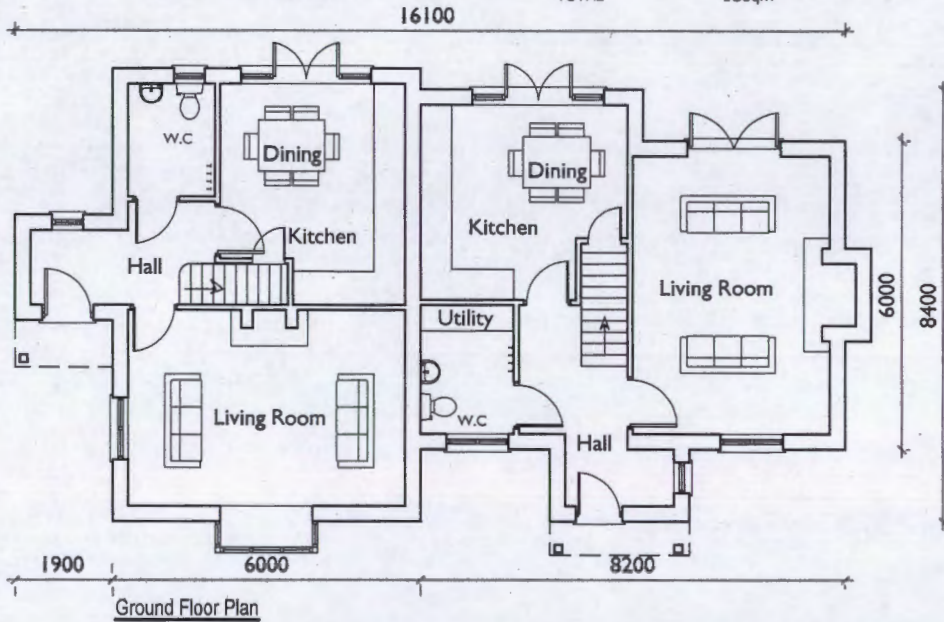
Ensure all dimensions are checked on site prior to ordering of prefabricated elements. Ensure minimum headroom requirements are met for all staircases. Do not scale from this or any other drawing. Any discrepancies, contact the issuer. This drawing or any of its contents cannot be used except with the express written permission of the issuer. Without such permission no responsibility is taken for its content.

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DETAIL: PLOTS 1 & 2 - ELEVATIONS 3 BED SEMI-DETACHED		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD PALGRAVE	
Scale: 1:100@A3	Date: 09.'15	JOB No. PLR	DRG No. 06

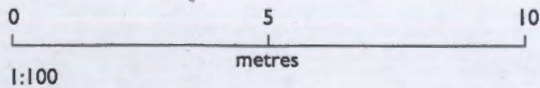


FLOOR AREAS	
GD FL	47sm
1ST FL	44sm
TOTAL	91sm

FLOOR AREAS	
GD FL	50sqm
1ST FL	43sqm
TOTAL	93sqm



135



Ref.    Date    Revision

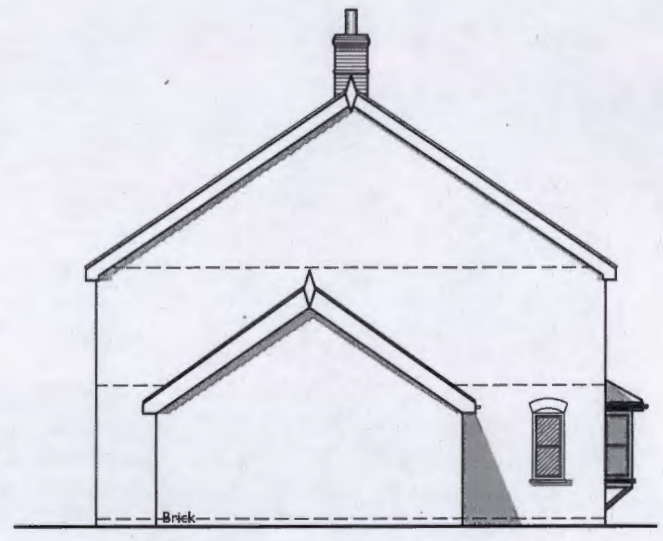
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DETAIL: PLOTS 1 & 2 - FLOOR PLANS 3 BED SEMI-DETACHED		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 05





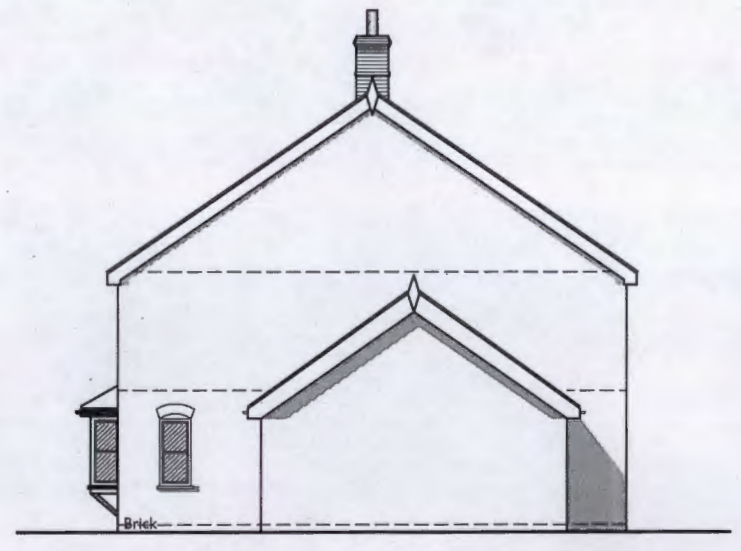
Front Elevation - East



Side Elevation - South



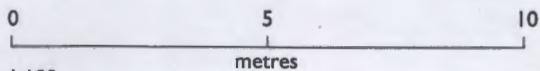
Rear Elevation - West



Side Elevation - North

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136



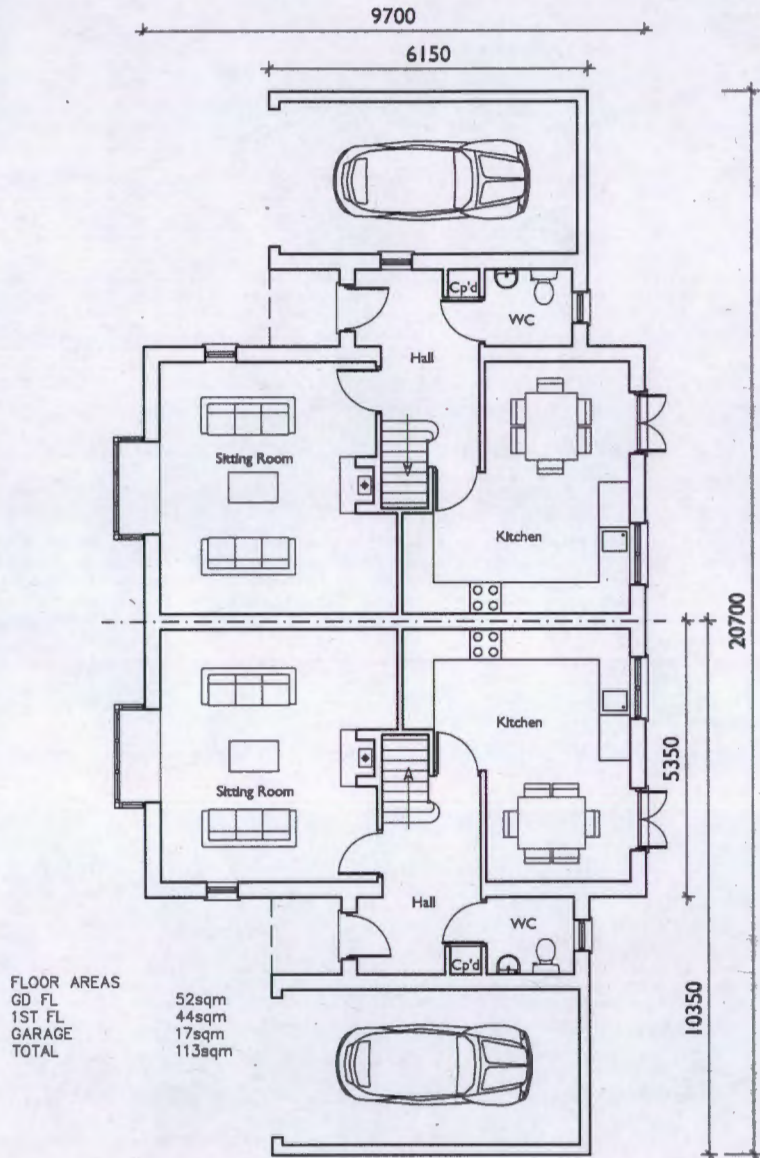
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Ref. Date Revision

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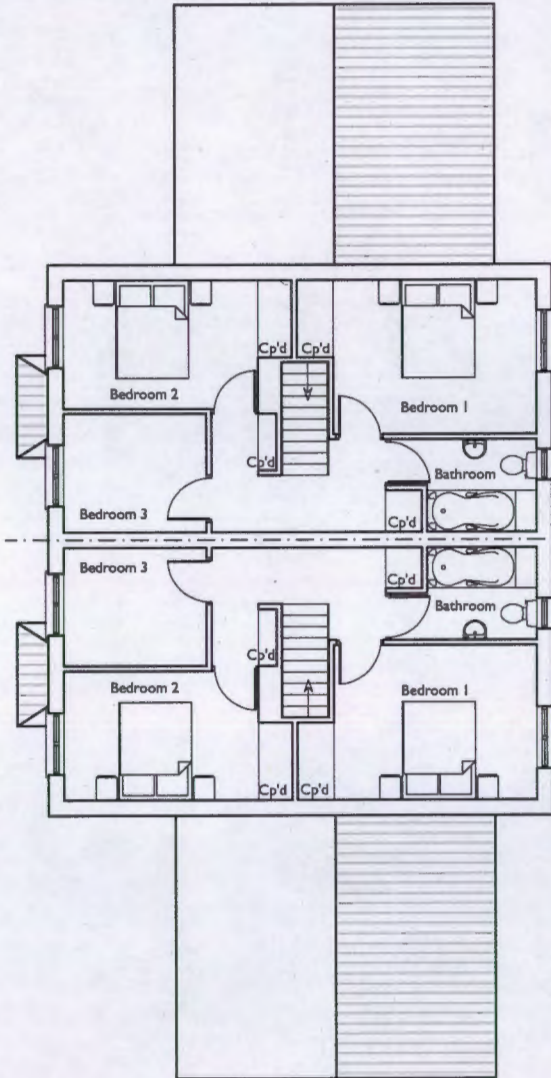
<b>ROBERTS.MOLLOY ASSOCIATES</b> architects and consultants		3 church lane bressingham diss norfolk IP22 2AE	<b>ROBERTS MOLLOY ASSOCIATES ©</b> Tel: 01379 687705 E-mail: info@robertsmolloy.co.uk
DETAIL: PLOTS 3 & 4 - ELEVATIONS 3 BED SEMI DETACHED ATT. GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 08





FLOOR AREAS	
GD FL	52sqm
1ST FL	44sqm
GARAGE	17sqm
TOTAL	113sqm

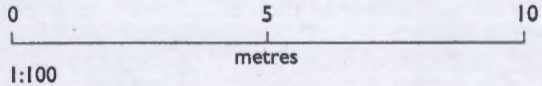
Ground Floor Plan



First Floor Plan

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DETAIL: PLOTS 3 & 4 - FLOOR PLANS 3 BED SEMI-DETACHED ATT GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 07



Ref. Date Revision

137

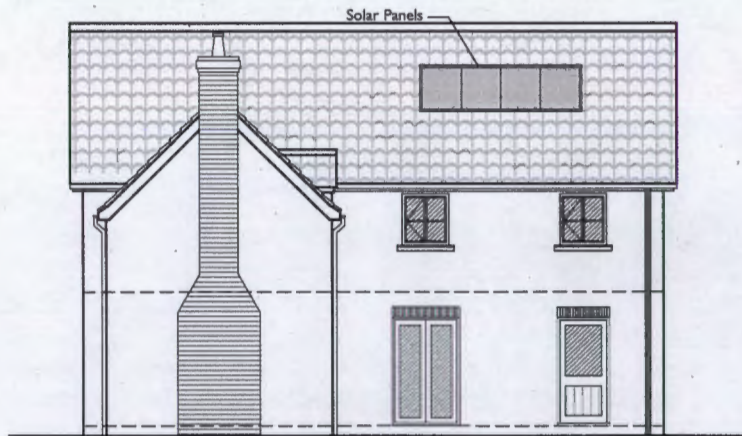




Front Elevation - East



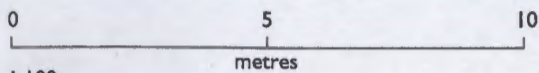
Side Elevation - North



Rear Elevation - West



Side Elevation - South



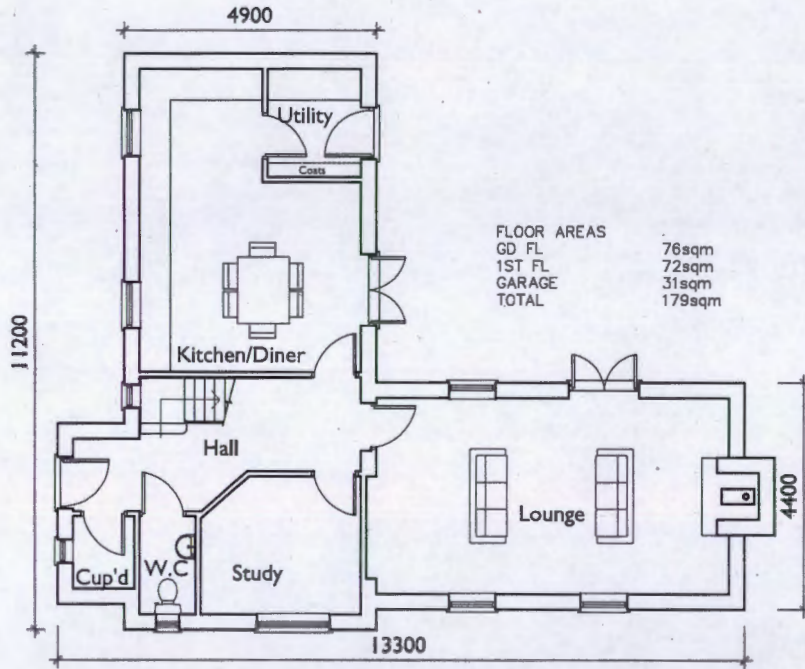
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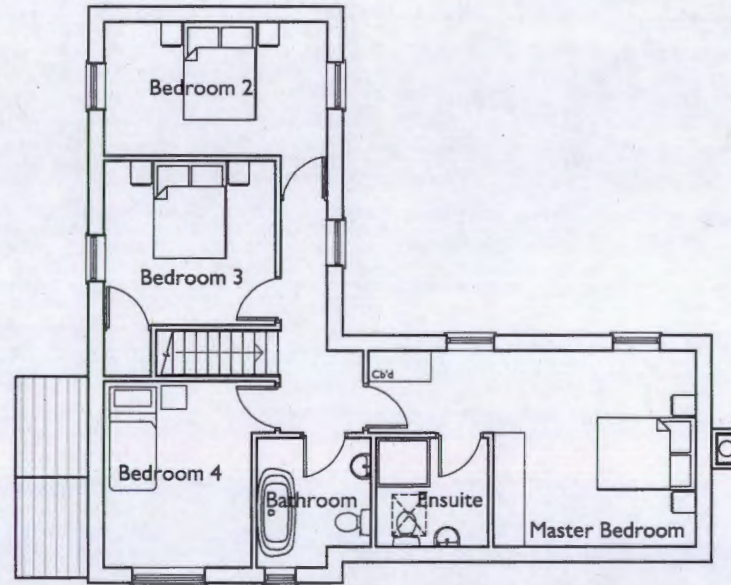
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DETAIL: PLOT 5 - ELEVATIONS 4 BED WITH DETACHED GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 20



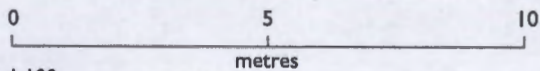


Ground Floor Plan



First Floor Plan

139



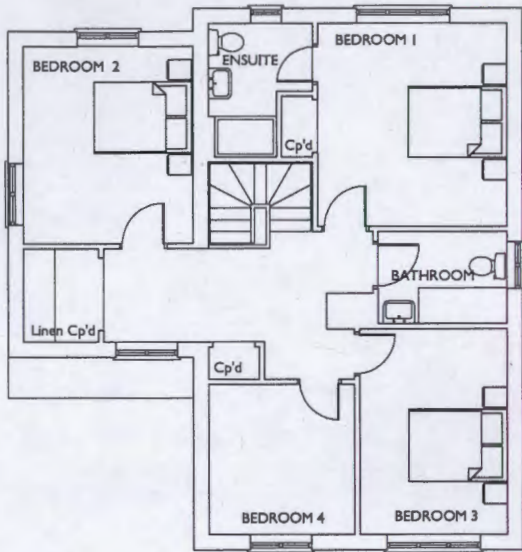
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Ref. Date Revision

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DETAIL: PLOT 5 - FLOOR PLAN 4 BED WITH DETACHED GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 19



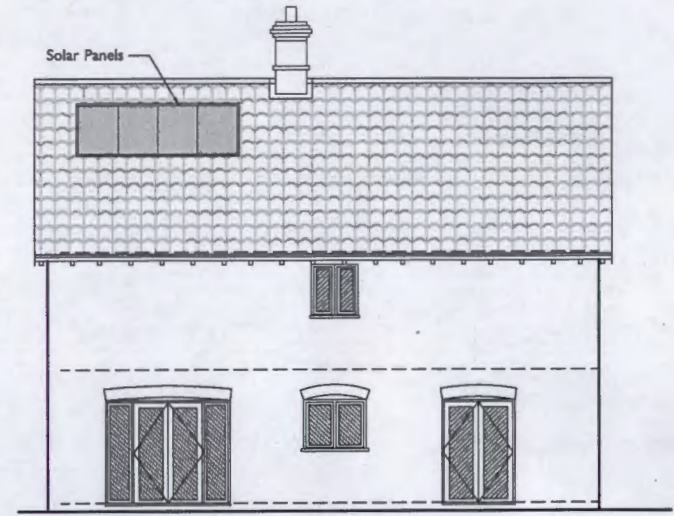


First Floor Plan

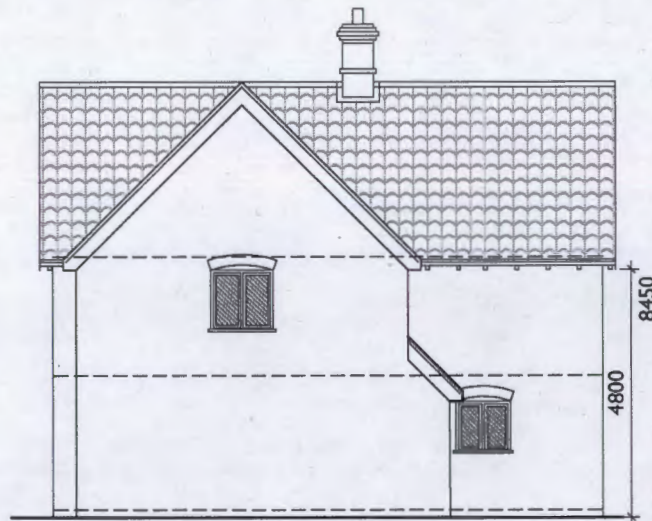
FLOOR AREAS	
GD FL	80sqm
1ST FL	79sqm
GARAGE	31sqm
TOTAL	190sqm



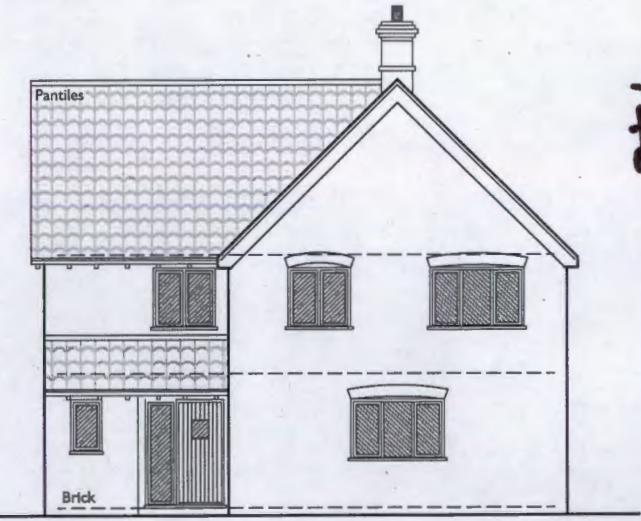
Side Elevation - East



Rear Elevation - South

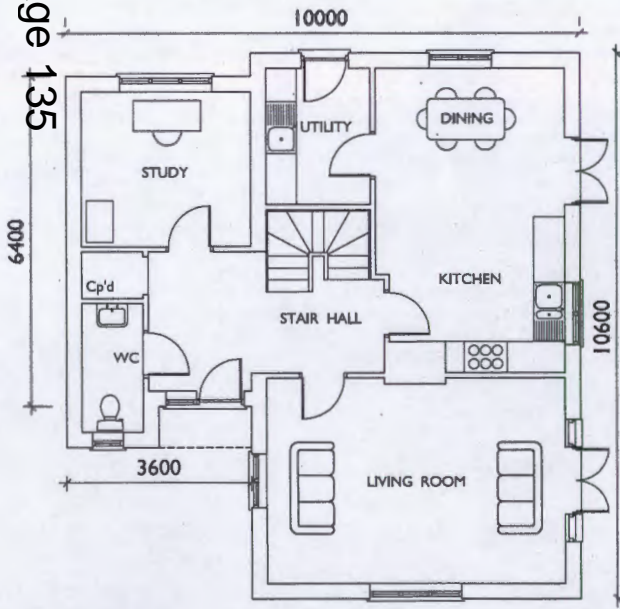


Side Elevation - North

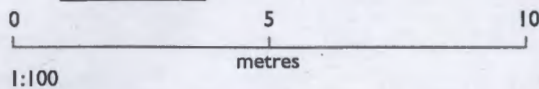


Front Elevation - West

Page 135



Ground Floor Plan



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DETAIL: PLOT 6 4 BED WITH DET. GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 14

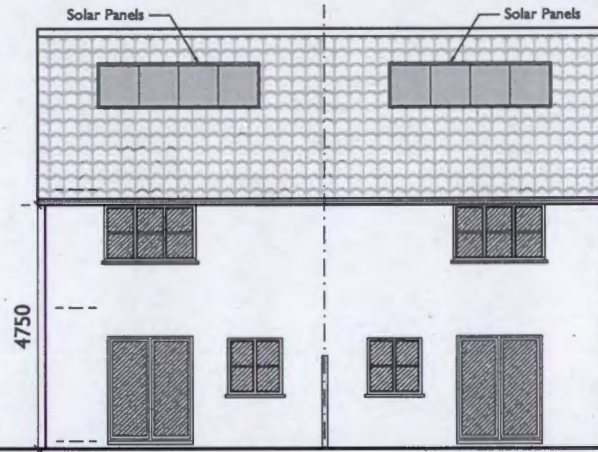
Ref. Date Revision

140

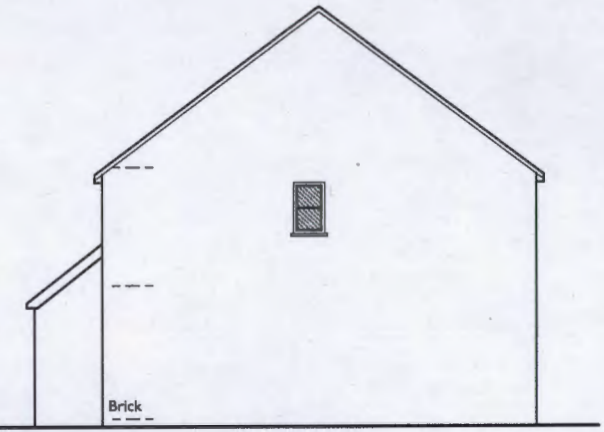




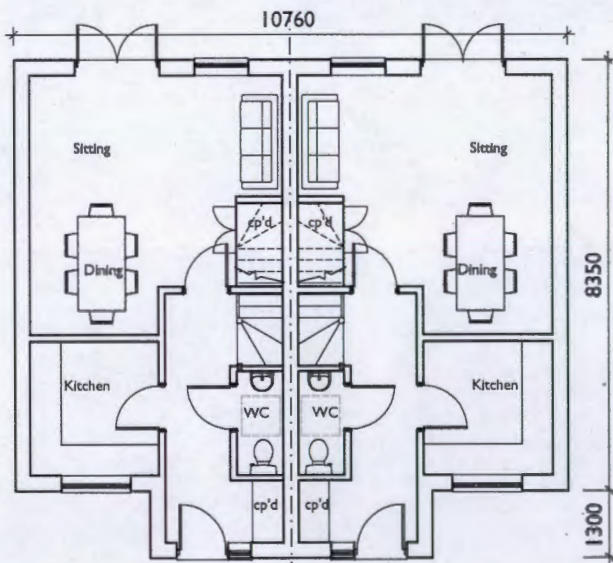
Front Elevation - West



Rear Elevation - East

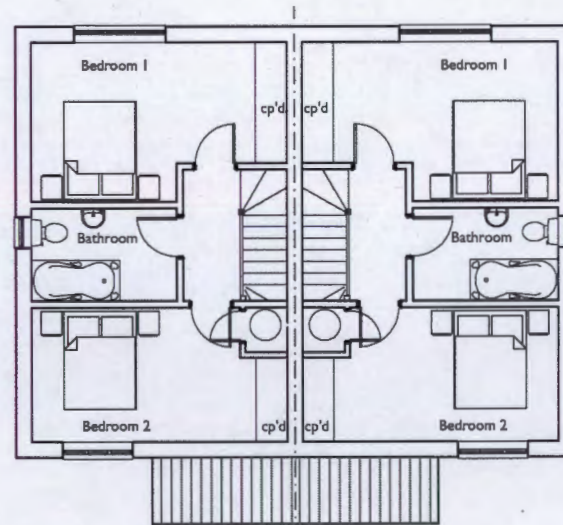


Side Elevation - South

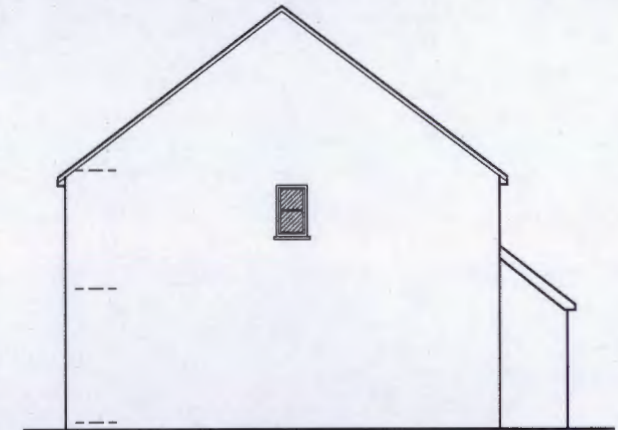


Ground Floor Plan

FLOOR AREAS	
GD FL	41sqm
1ST FL	38sqm
TOTAL	79sqm



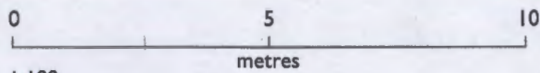
First Floor Plan



Side Elevation - North

Page 136

171



1:100

Ref. Date Revision

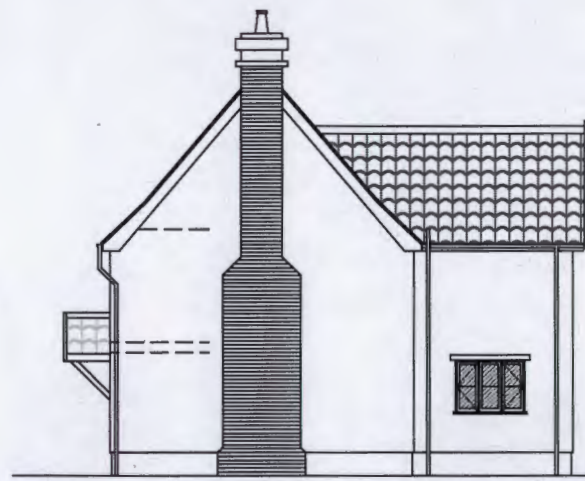
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DETAIL: PLOT 7 & 8 - AFFORDABLE UNITS 2 BED		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.'15	JOB No. PLR	DRG No. 03

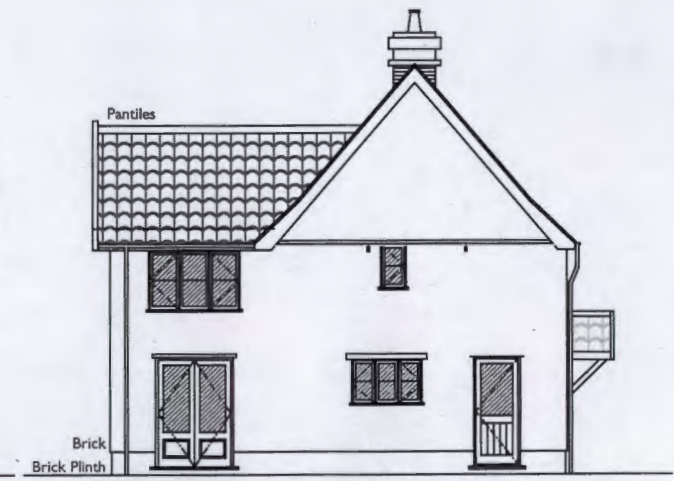




Front Elevation - North

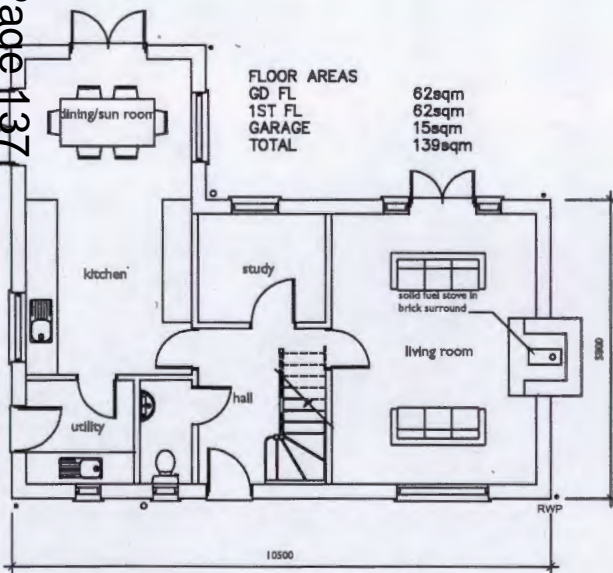


Side Elevation - West



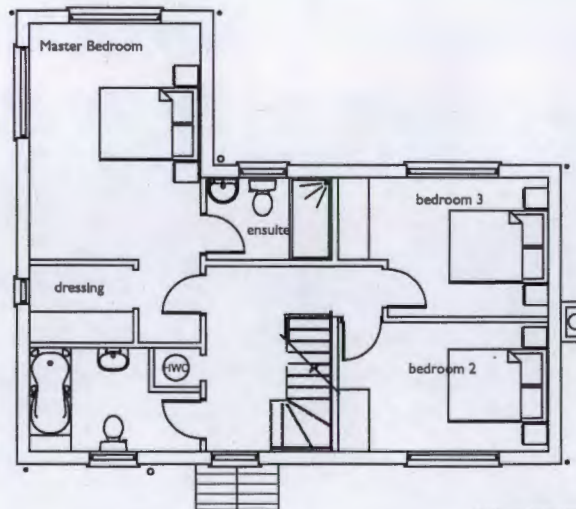
Side Elevation - East

Page 137



FLOOR AREAS  
 GD FL 62sqm  
 1ST FL 62sqm  
 GARAGE 15sqm  
 TOTAL 139sqm

Ground Floor Plan  
 1:100

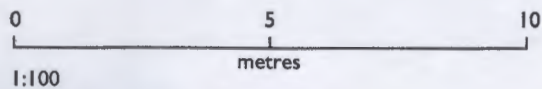


First Floor Plan



Rear Elevation - South

142



Ref. Date Revision

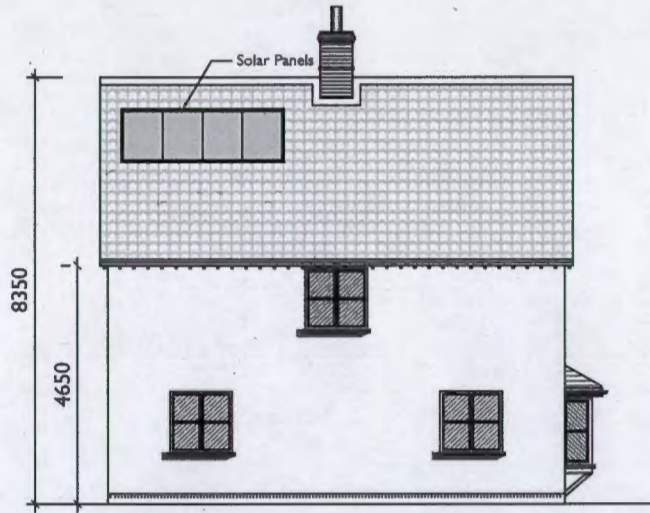
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DETAIL: PLOT 9 & 10 3 BED DETACHED WITH GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. THP	DRG No. 13

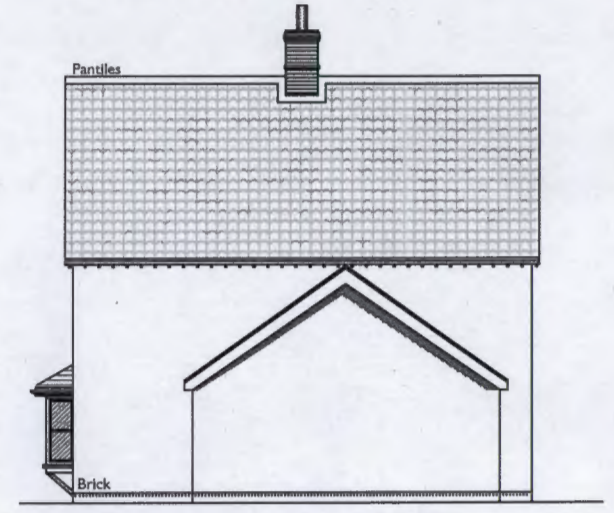




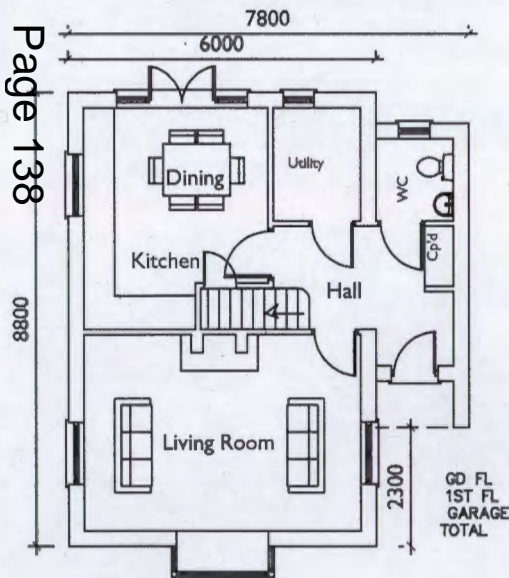
Front Elevation - East



Side Elevation - South



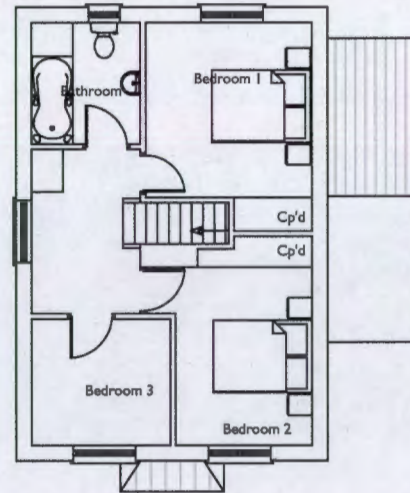
Side Elevation - North



Ground Floor Plan

FLOOR AREAS  
 52sqm  
 44sqm  
 17sqm  
 113sqm

GD FL  
 1ST FL  
 GARAGE  
 TOTAL

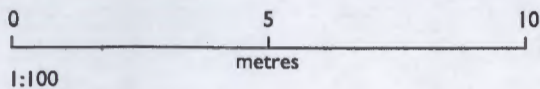


First Floor Plan



Rear Elevation - West

143



A. 20.01.16 Garage Rem'vd; Orientation Amended  
 Ref. Date Revision

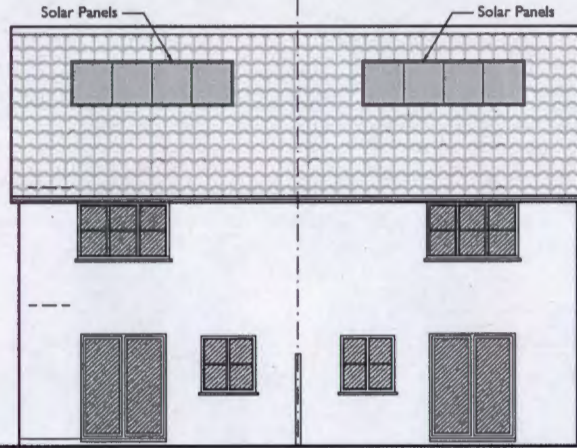
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DETAIL: PLOT 11 3 BED DETACHED WITH GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 10.'15	JOB No. PLR	DRG No. 22A

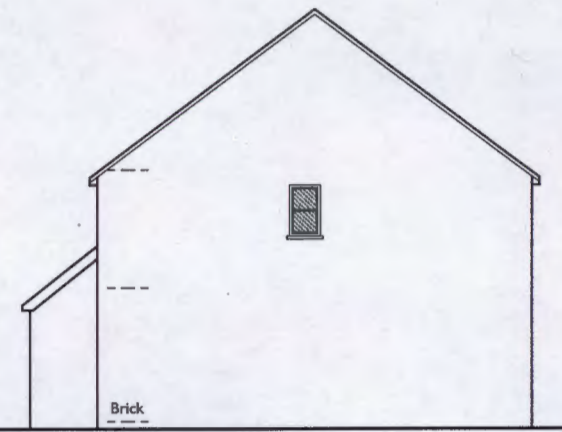




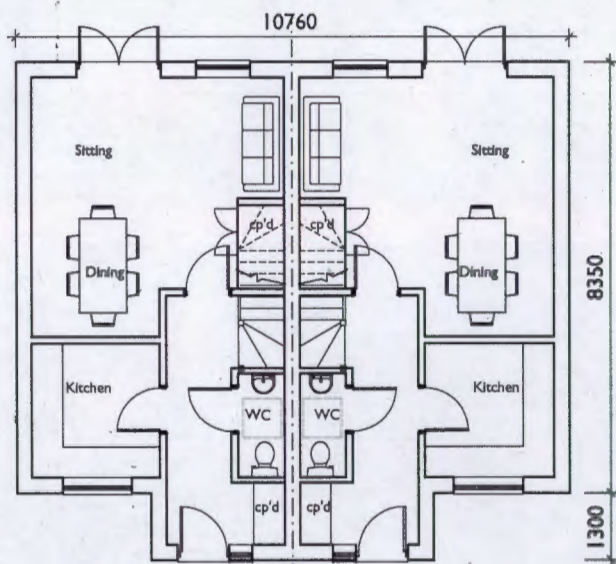
Front Elevation - North



Rear Elevation - South

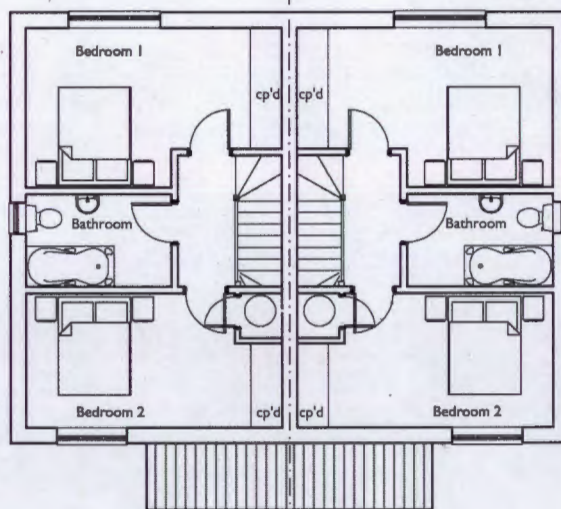


Side Elevation - West



Ground Floor Plan

FLOOR AREAS	
GD FL	41sqm
1ST FL	38sqm
TOTAL	79sqm

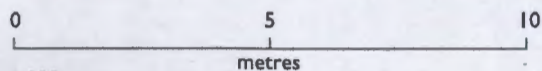


First Floor Plan



Side Elevation - East

Page 139



1:100

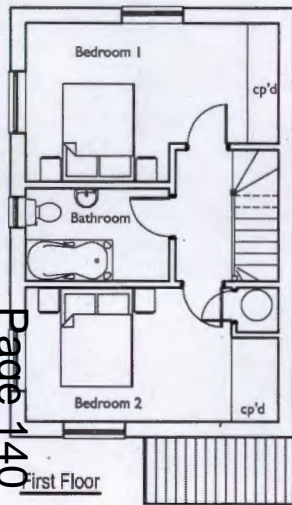
Ref. Date Revision

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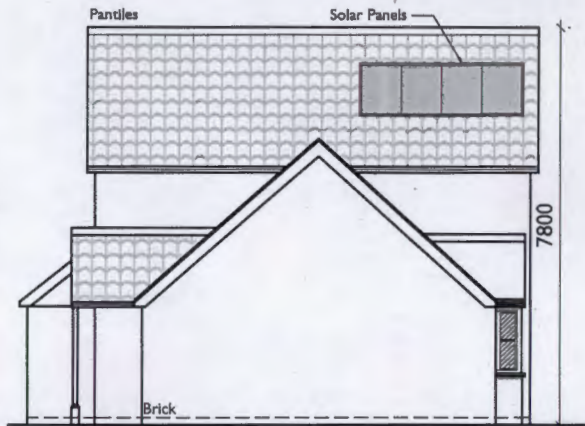
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DETAIL: PLOT 12 & 13 2 BED SEMI-DETACHED		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 09

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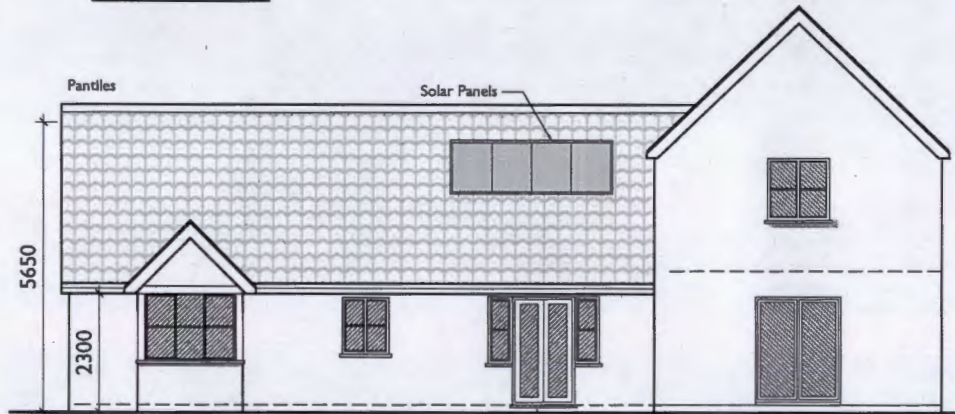




Front Elevation - West



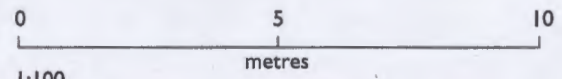
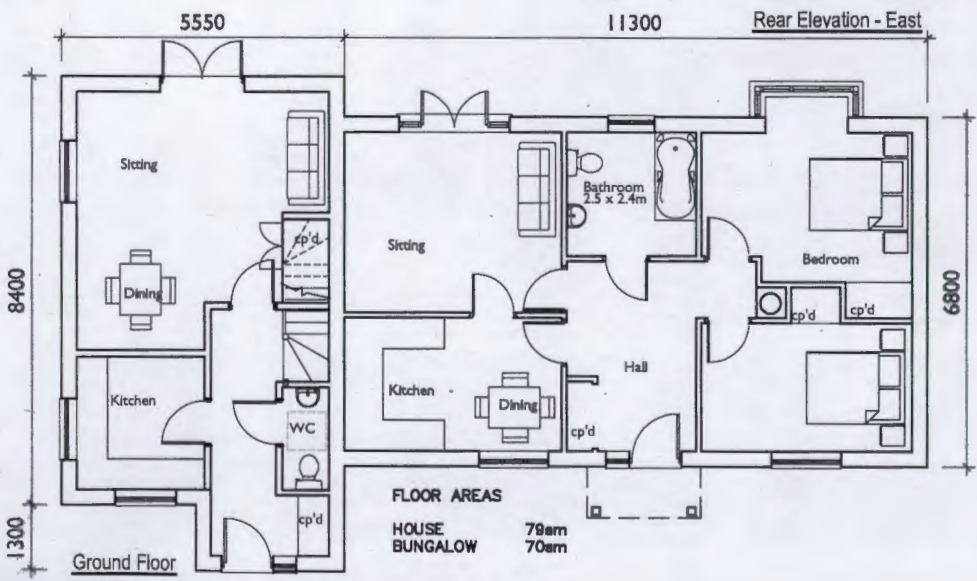
Side Elevation - South



Rear Elevation - East



Side Elevation - North



A 11.11.15 Bungalow & House  
Ref. Date Revision

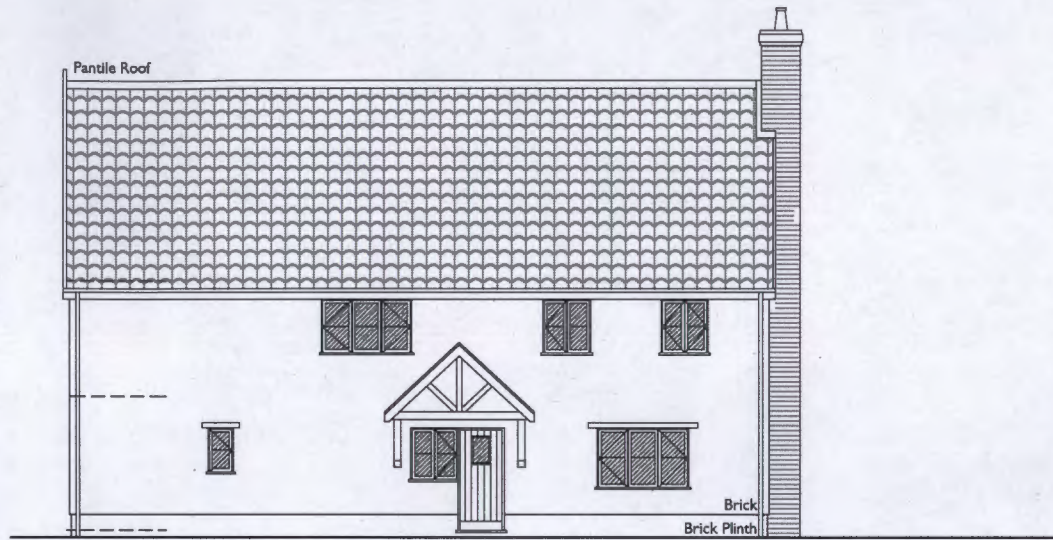
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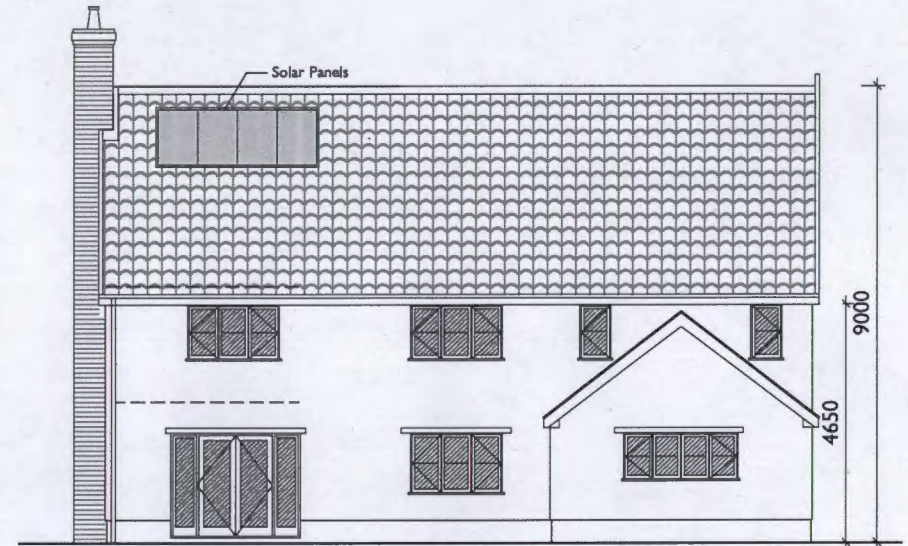
<b>ROBERTS.MOLLOY ASSOCIATES</b> architects and consultants		3 church lane bressingham diss norfolk IP22 2AE	<b>ROBERTS MOLLOY ASSOCIATES ©</b> Tel: 01379 887705 E-mail: info@robertsmolloy.co.uk
DETAIL: PLOT 14 & 15 - AFFORDABLE UNITS 2 BED & 1 BED ATTACHED		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 04A

15

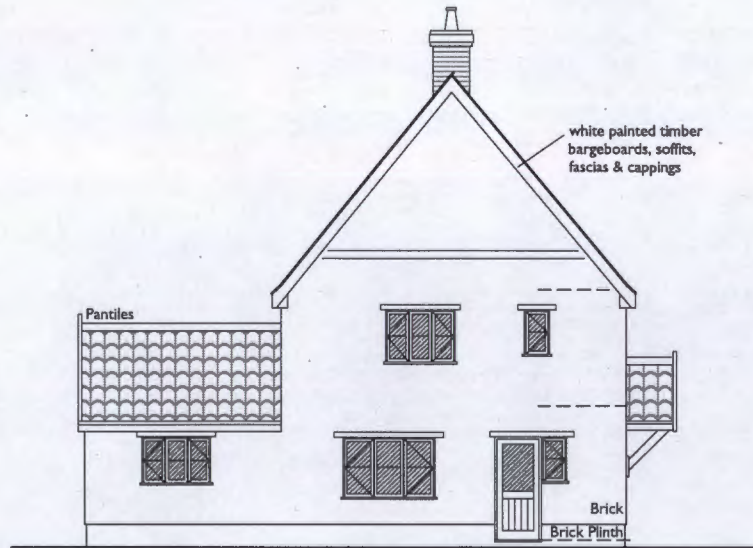




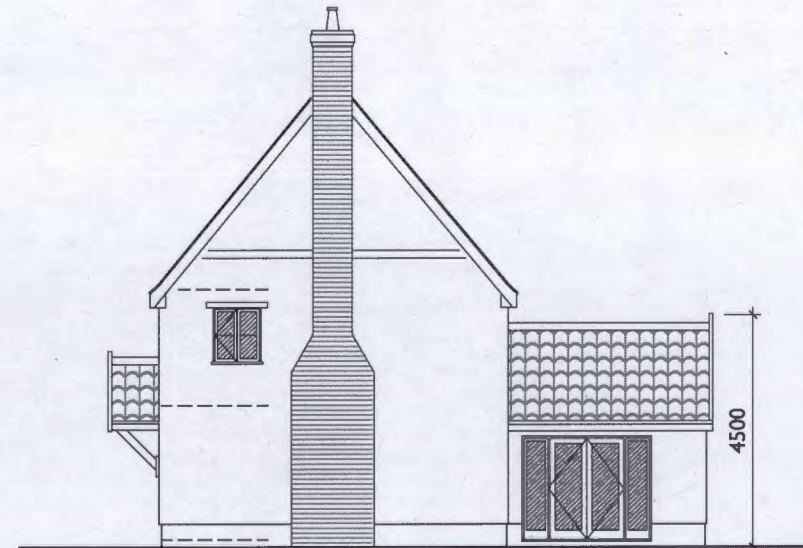
Front Elevation - North



Rear Elevation - South



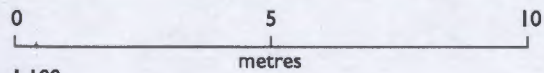
Side Elevation - East



Side Elevation - West

Page 141

146



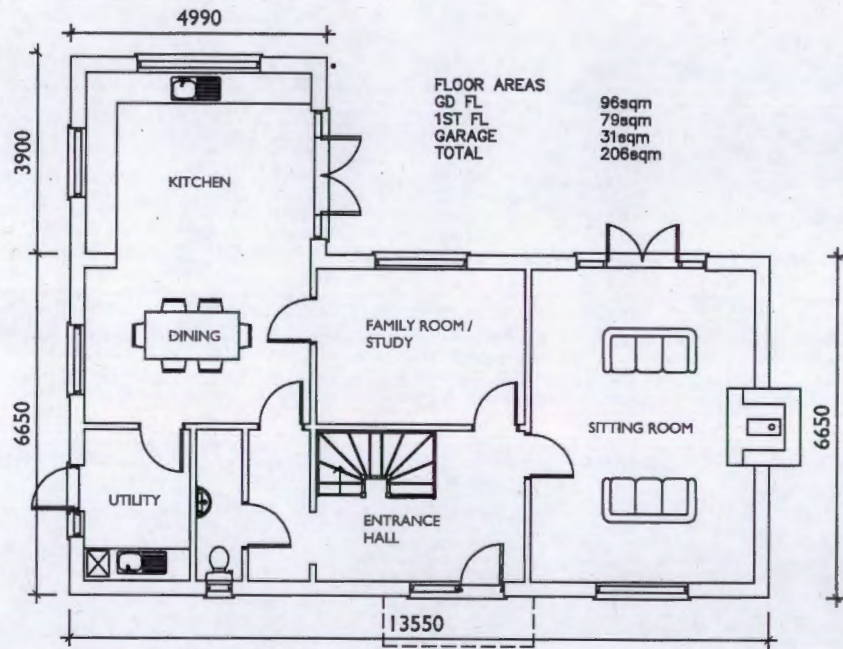
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Ref. Date Revision

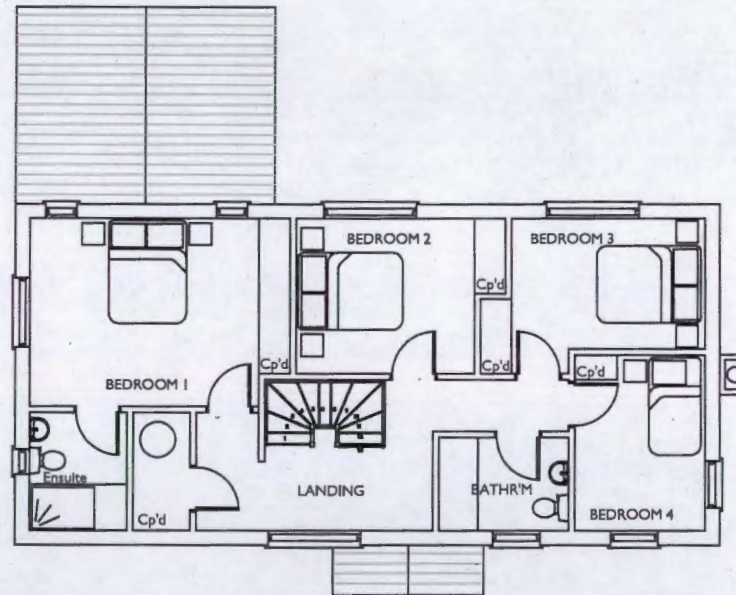
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DETAIL: PLOT 16 - ELEVATIONS 4 BED WITH DETACHED GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.'15	JOB No. PLR	DRG No. 16



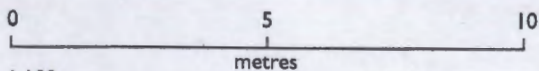


Ground Floor Plan  
1:100



First Floor Plan

147



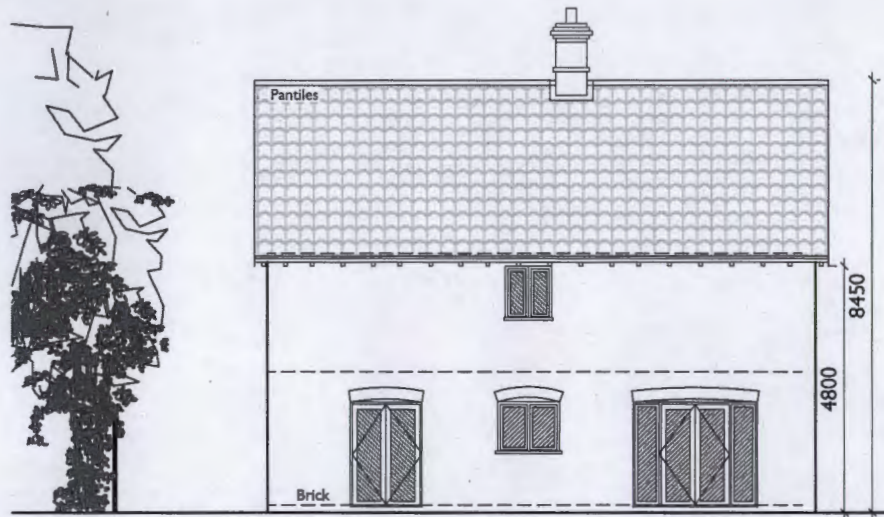
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Ref. Date Revision

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DETAIL: PLOT 16 - FLOOR PLAN 4 BED WITH DETACHED GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.'15	JOB No. PLR	DRG No. 15





Side Elevation - North

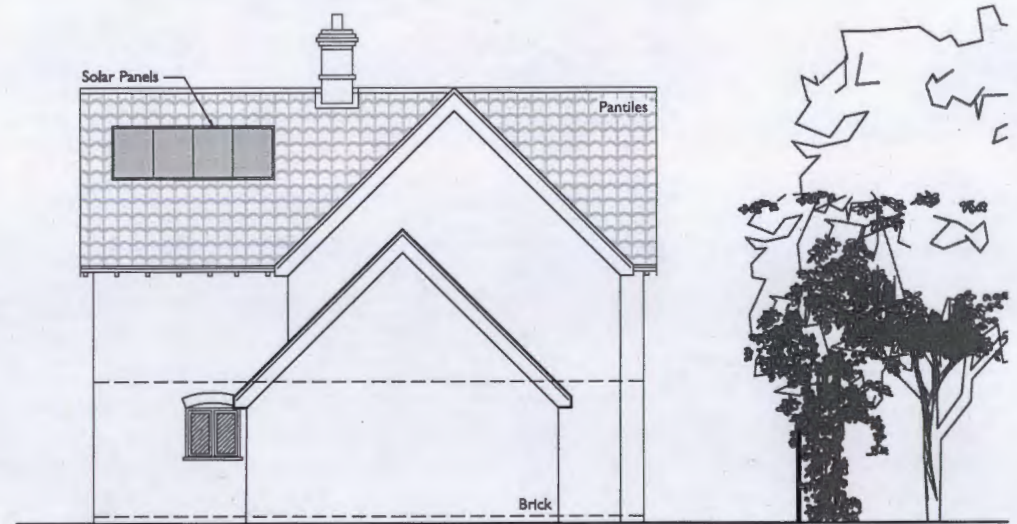


Rear Elevation - East

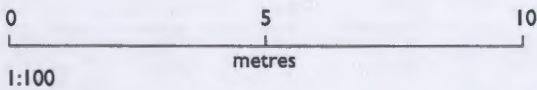
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Front Elevation - West



Side Elevation - South

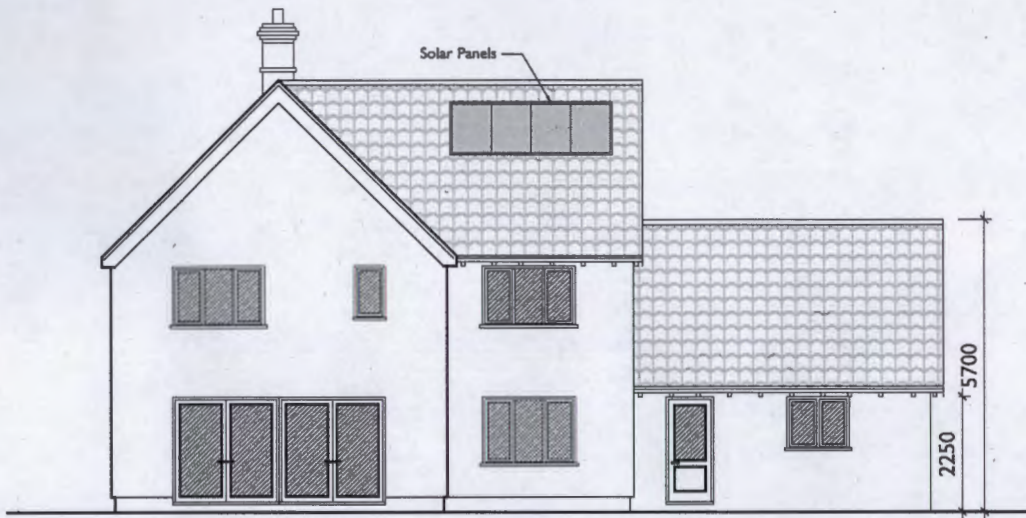


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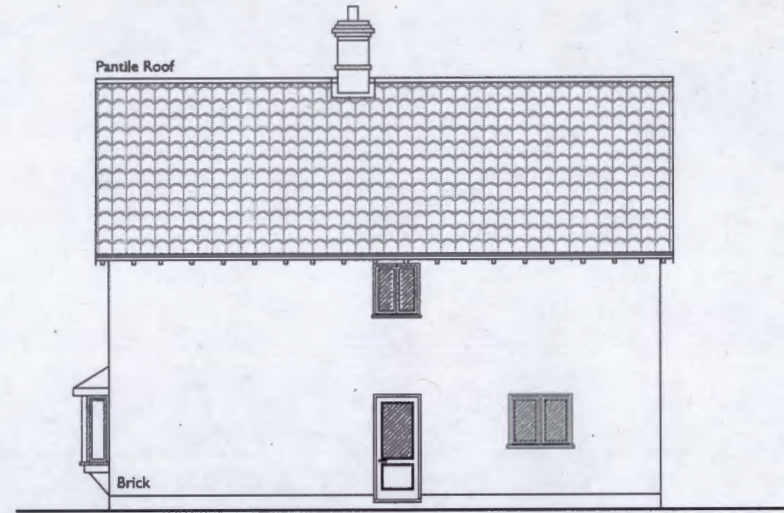
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DETAIL: PLOT 17 - ELEVATIONS 4 BED WITH ATT. GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.'15	JOB No. PLR	DRG No. 11

Ref. Date Revision





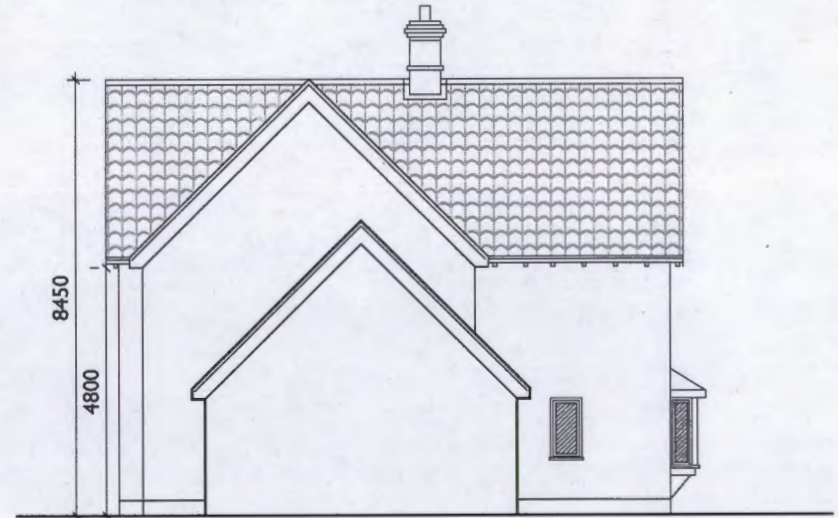
Rear Elevation - South



Side Elevation - West



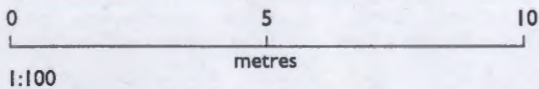
Front Elevation - North



Side Elevation - East

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144

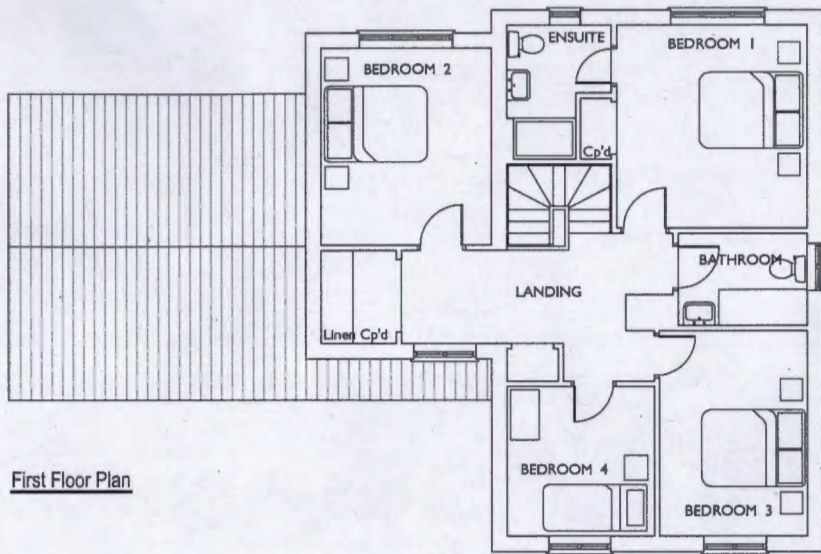


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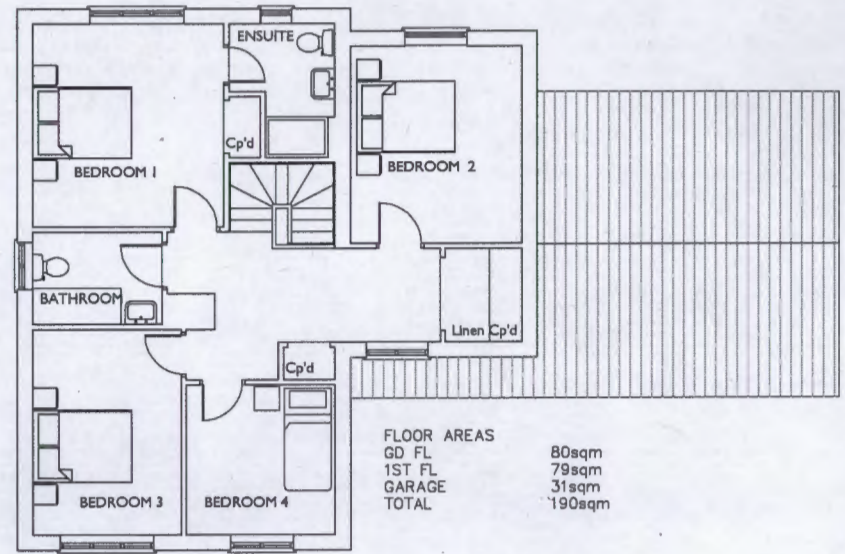
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DETAIL: PLOT 18 - ELEVATIONS 4 BED WITH ATT. GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09:15	JOB No. PLR	DRG No. 12



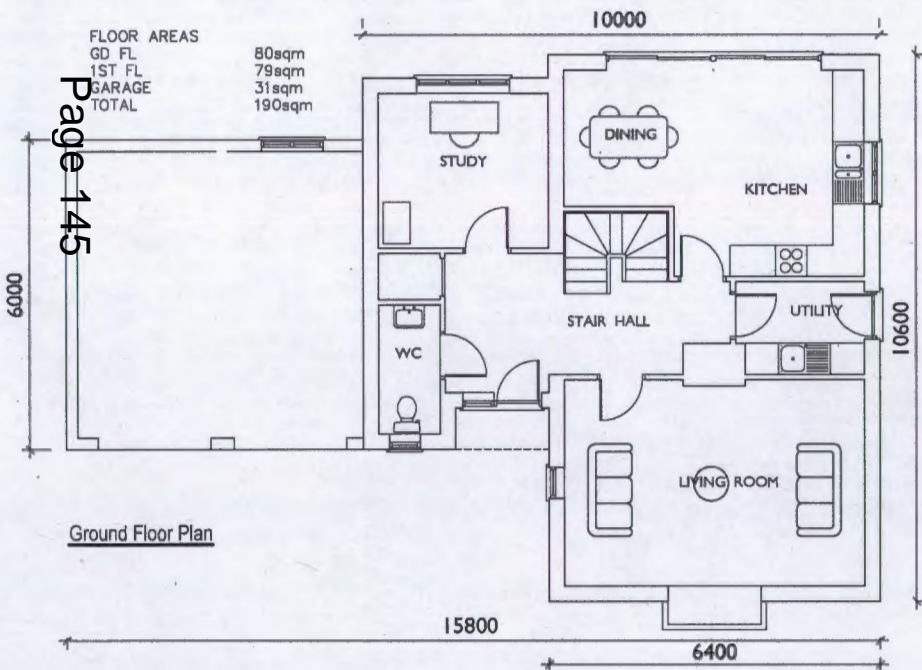


First Floor Plan



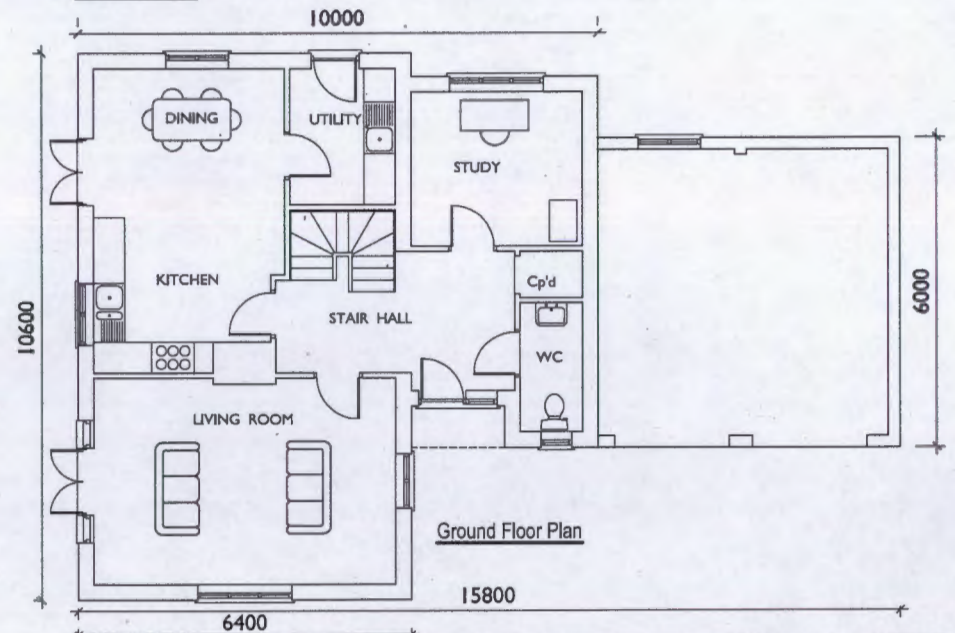
First Floor Plan

FLOOR AREAS	
GD FL	80sqm
1ST FL	79sqm
GARAGE	31sqm
TOTAL	190sqm



Ground Floor Plan

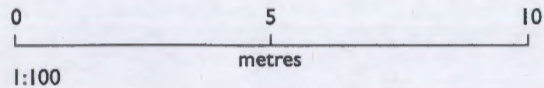
FLOOR AREAS	
GD FL	80sqm
1ST FL	79sqm
GARAGE	31sqm
TOTAL	190sqm



Ground Floor Plan

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		DETAIL: PLOT 17 & 18 - PLANS 4 BED WITH ATT. GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09'15	JOB No. PLR	DRG No. 10		

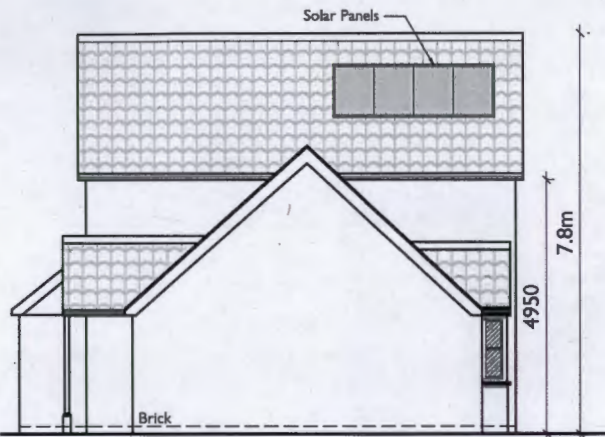


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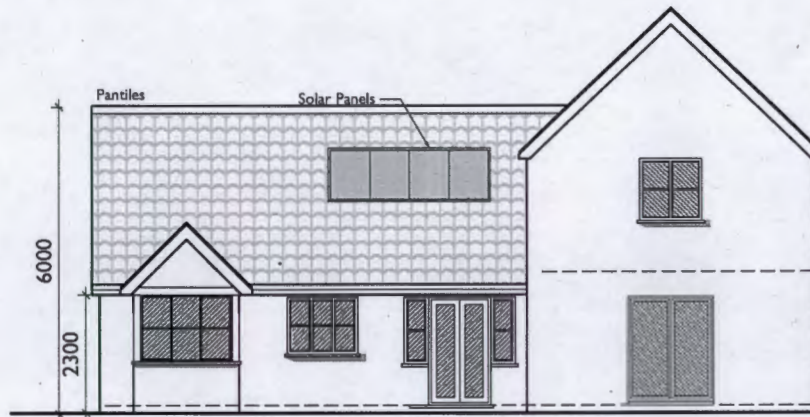
Page 145

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Side Elevation - South



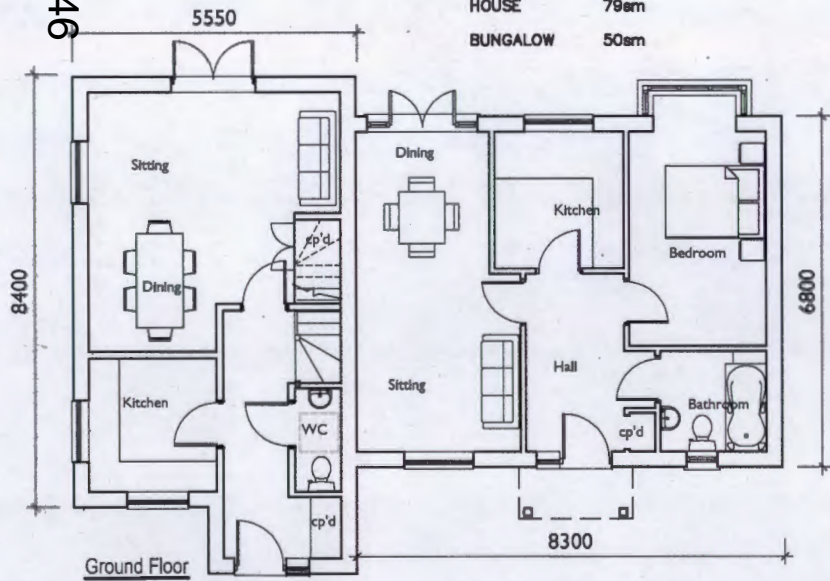
Rear Elevation - East



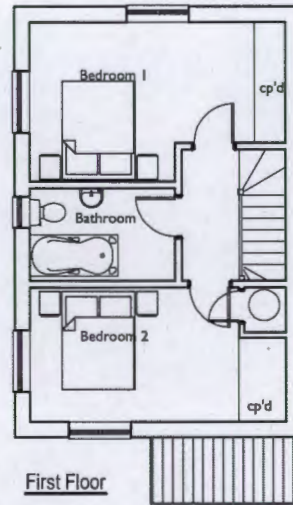
Side Elevation - North

**FLOOR AREAS**

HOUSE	79sqm
BUNGALOW	50sqm



Ground Floor

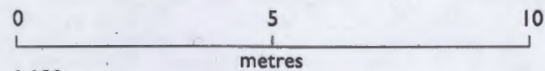


First Floor



Front Elevation - West

Page 146



1:100

Ref. Date Revision

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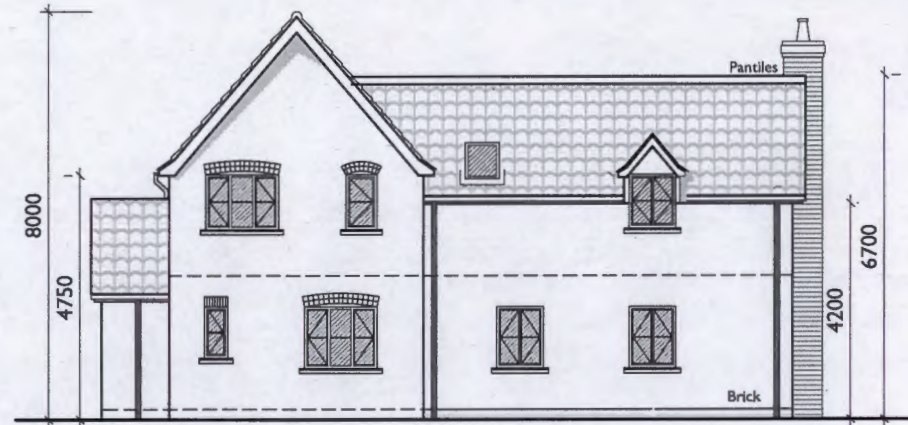
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DETAIL: PLOTS 19 & 20 - AFFORDABLE UNITS 2 BED & 1 BED		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09:15	JOB No. PLR	DRG No. 02

151

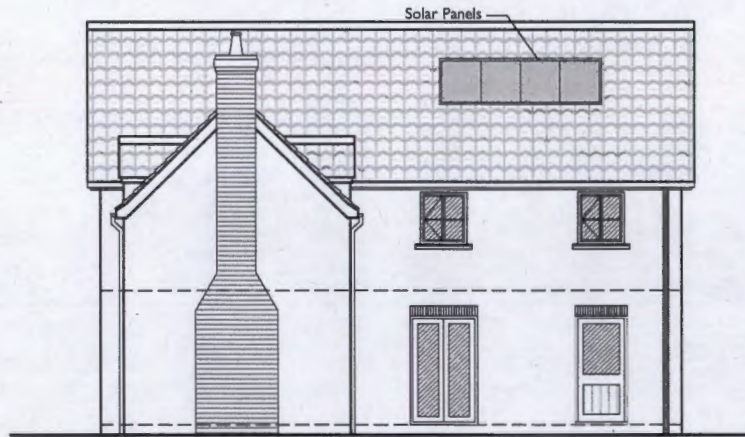




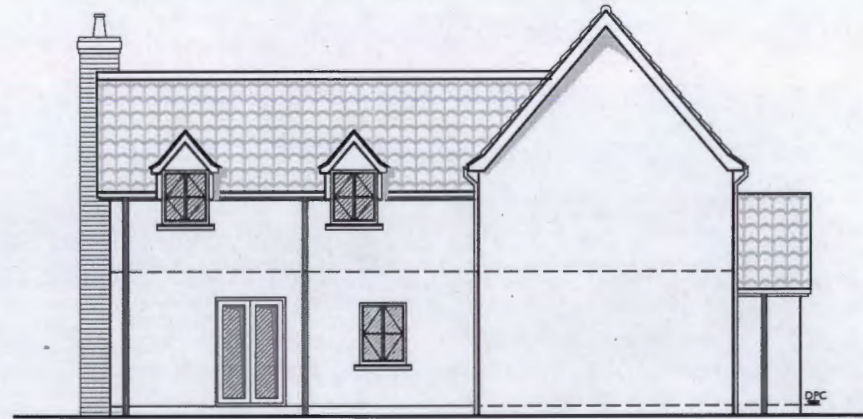
Front Elevation - East



Side Elevation - North

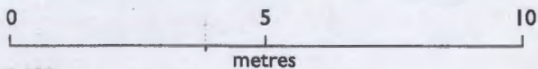


Rear Elevation - West



Side Elevation - South

152



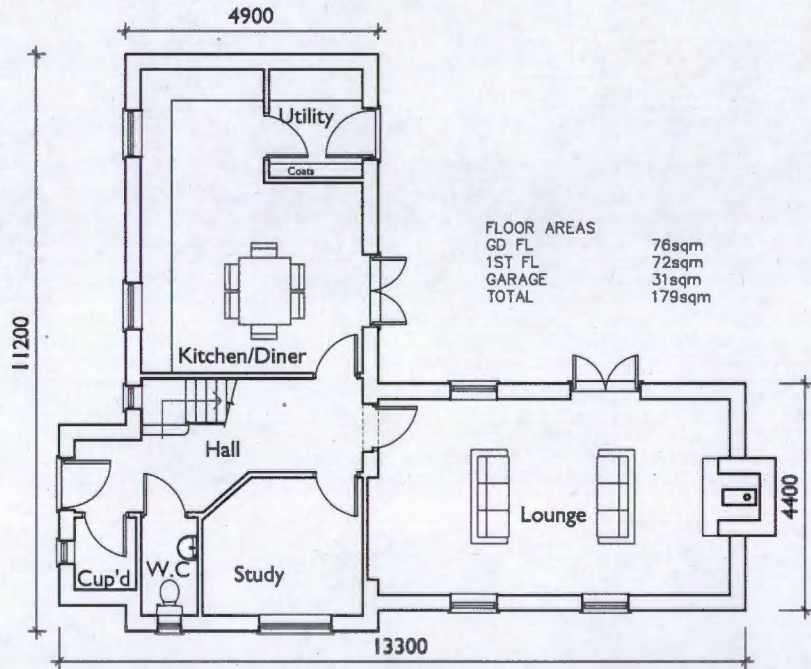
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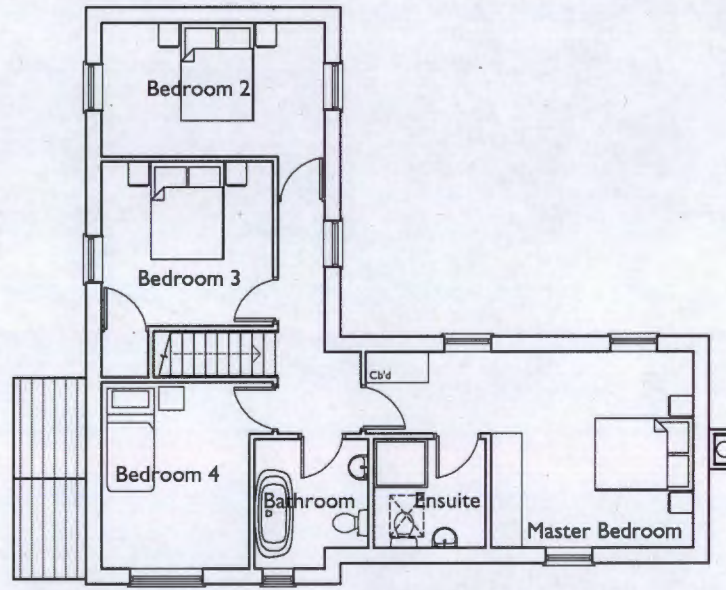
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DETAIL: PLOT 21 - ELEVATIONS 4 BED WITH DETACHED GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.15	JOB No. PLR	DRG No. 18

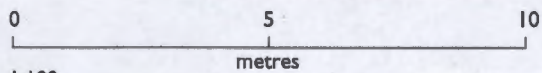




Ground Floor Plan



First Floor Plan



1:100

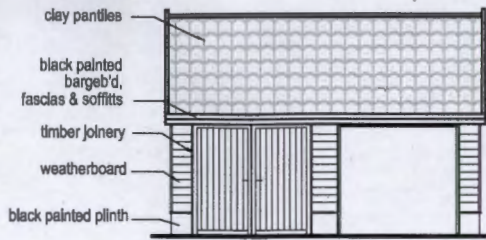
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153

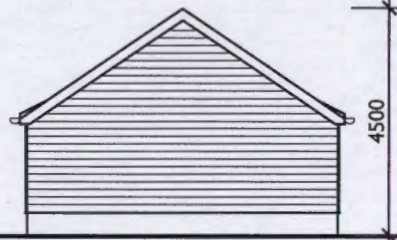
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DETAIL: PLOT 21 - FLOOR PLAN 4 BED WITH DETACHED GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: 09.'15	JOB No. PLR	DRG No. 17

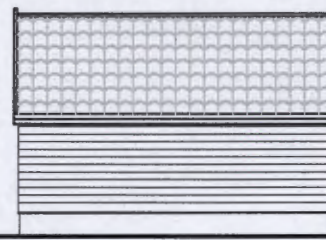




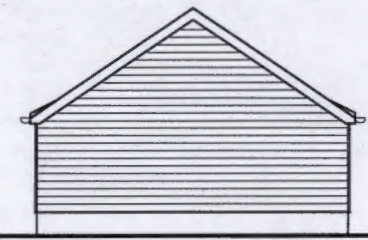
Front Elevation



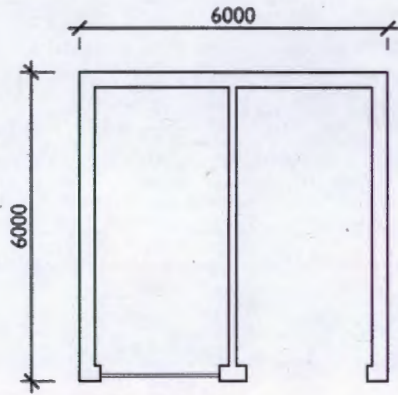
Side Elevation



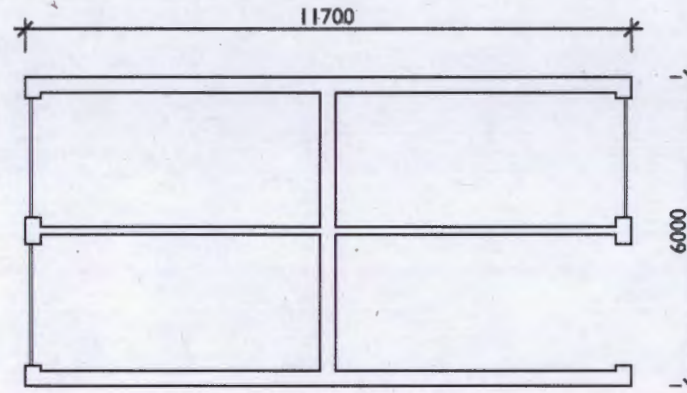
Rear Elevation



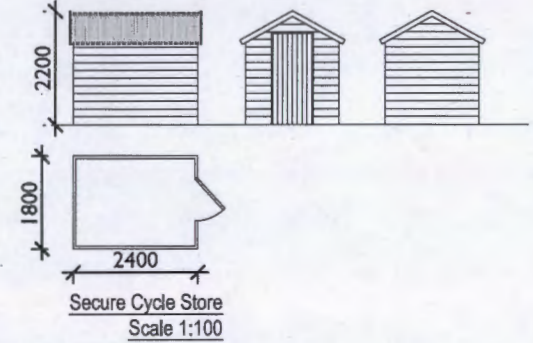
Side Elevation



Floor Plan  
Detached Carport  
Scale 1:100



Floor Plan  
Shared Garage



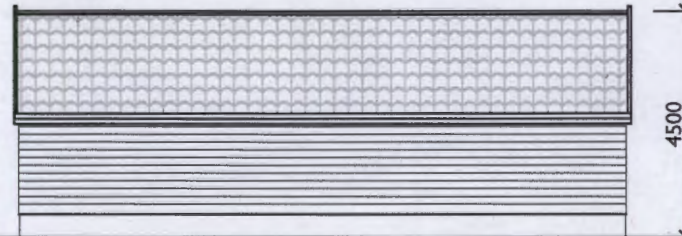
Secure Cycle Store  
Scale 1:100

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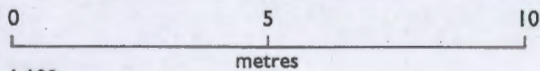
Front Elevation (Plot 9 & 10)



Side Elevations



Front Elevation (Plot 21)



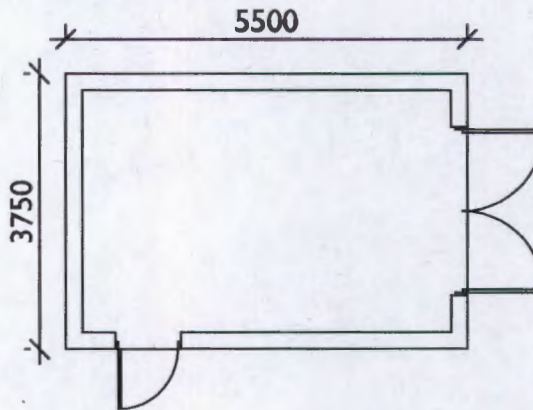
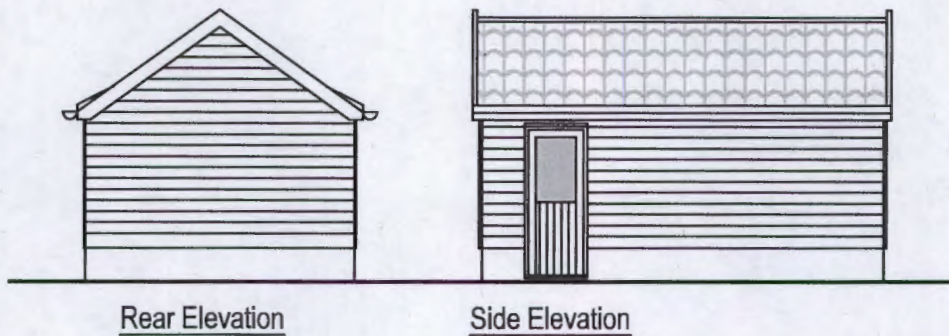
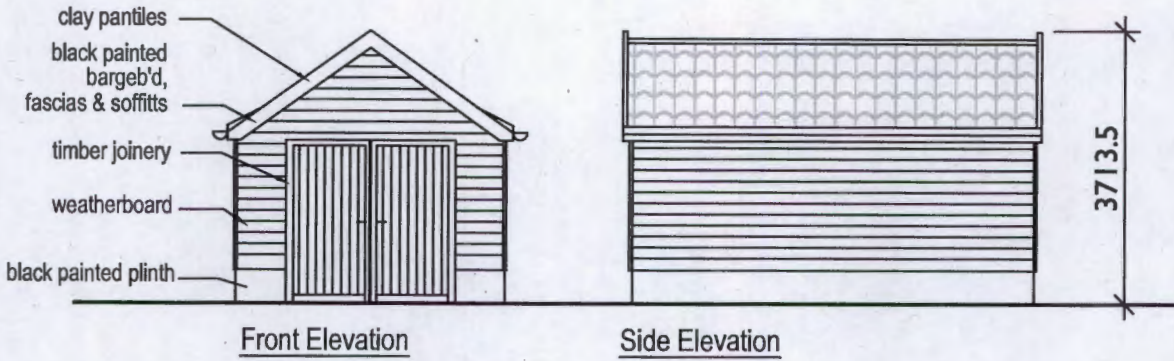
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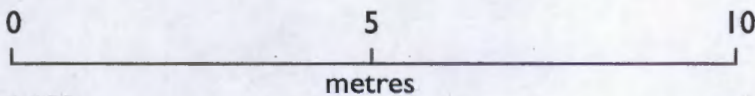
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DETAIL: PLANS & ELEVATIONS - CARPORT & CYCLE STORE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE	
Scale: 1:100@A3	Date: October 2015	JOB No. PLR	DRG No. 24





Floor Plan  
Plot 11 - Garage  
Scale 1:100



1:100

Ref.	Date	Revision
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DETAIL: PLOT 11 - DETACHED GARAGE		PROJECT: NEW HOUSING DEVELOPMENT LION ROAD, PALGRAVE
Scale: 1:100@A4	Date: February 2016	JOB No. PLR
		DRG No. 25

## PALGRAVE PARISH COUNCIL

### **Preliminary Response to Planning Application 4195/15:**

#### **Erection of 21 dwellings, 3 no. new highways accesses, associated parking, turning & on-site open space provision. Land at Lion Road, Palgrave.**

At an additional meeting on 17<sup>th</sup> December, Palgrave Parish Council RESOLVED to submit a preliminary response to the Planning Authority, drawing attention to a number of issues relation to the lack of proper consideration of certain matters under the National Planning Policy Framework (NPPF) and Mid Suffolk's Core Strategy (2008) and Focused Review thereof (2012), failure to consult with relevant bodies, and the content of the Draft Contributions Agreement prepared by a consultant on behalf of Suffolk County Council.

#### **National Planning Policy Framework/Mid Suffolk Local Plan, Core Strategy and Focused Review**

NPPF paragraphs 70 (delivery of facilities to meet community needs) and 72 (provision of school places) are inherent factors in assessing the sustainability element of any application. These are reinforced in Mid Suffolk by, inter alia, CS-FR policy SO6 (delivery of infrastructure to support new development). Palgrave PC's considered opinion is that the Planning Authority has not yet properly assessed, and hence satisfied, the objective pre-conditions that the proposed development is presumed to be sustainable.

Core Strategy policy CS1 directs new residential development to sustainable locations with good access to services. Palgrave is classified under the current settlement hierarchy as a Secondary Village, having limited services and facilities - in fact it has very limited facilities - and being appropriate for small-scale development to meet local needs.

#### Relationship to and Reliance on Services and Infrastructure in Diss, Norfolk

At a recent meeting of a Development Control committee (18<sup>th</sup> November 2015) the case officer, in reference to outline application 2659/15, declared to members of that committee that 'Palgrave is in the Diss cluster'. This is surely not yet the case and will not be policy for some time? The Local Plan Review process commenced a year ago with a questionnaire intended to review and revise as appropriate the established settlement hierarchy and the composition of clusters. The outcome of this was that the Parishes of Palgrave, Stuston and Thrandeston could be considered to be reliant on Diss (rather than Eye) for services. However the Draft Local Plan is not due to be published until mid-2016 and then the process leading to its adoption will take many more months, whilst the required cross-boundary discussions with South Norfolk, as the planning authority for Diss, are only at an early stage.

Based on that statement, one or more members of that committee dismissed the Parish Council's concerns regarding the loss of employment by (i) establishing how far away Diss is (Palgrave shares a common northern boundary - the R Waveney - with Norfolk County, South Norfolk District and Diss Town Councils) and (ii) by then asserting, without evidence, that Diss has plenty of employment. A comment from a member of the public also asserted, again without evidence, there is plenty of affordable housing in Diss with the regrettable consequence that members ignored the Strategic Housing Officer's report recommending a different mix of types, much more appropriate to assessed local needs, on that site.

None of the above presumptions substantiate beyond any reasonable doubt that Diss can be relied on to provide the necessary services and infrastructure to sustain development in the adjoining county. Diss Town has expanded substantially in recent years by extensive housing developments and has more housing planned in the immediate future.



However the availability of community health services, including general practices and dentistry, has not necessarily kept pace. Nearby health practices in High Suffolk are also under similar pressures. The availability of school places in the Diss area is not quantified, which may imply there might not be alternate available places to accommodate an increase in pupils either as overspill from Palgrave or more specifically those 19 from Norfolk presently attending Palgrave (see below). The same observation can be applied to data supporting employment opportunities, retail provision, utility infrastructure and so on.

Core Strategy policy CS6 (Services and Infrastructure) states at para. 3.30 that 'The Council will cooperate in cross-border discussions that resolve the infrastructure needs of adjoining authorities whose services may be affected by future development in Mid Suffolk.'

Requirement for Cross-Boundary Consultations

*It is the Parish Council's view that it is not possible to assume that development in Palgrave can be substantiated as being sustainable without considering the availability of the requisite services and infrastructure in Diss and South Norfolk. So to establish the above it is clearly necessary to consult on this application with (i) South Norfolk DC as planning authority, which can engage with Norfolk County as education authority and with the various primary healthcare trusts, and also with (ii) Diss Town Council. Diss TC has previously expressed its regret at not being formally consulted by MSDC over the large-scale housing development on Eye Airfield, which would also rely on Diss for retail provision, access to public transport, & C.*

Schooling Provision

At the above-mentioned Development Control committee, the Parish Council's concerns regarding the capacity of the primary school were dismissed merely by the explanation that MSDC only requests a review of local schooling provision where an application is for 10 or more dwellings. Since many infill developments are for fewer than that threshold, and no allowance is apparently made for cumulative new builds exceeding it, there must be many parishes within MSDC (and possibly Babergh) that have not had local schooling provision re-assessed for a number of years. Surely this fails to comply with paragraph 72 of the NPPF and should be subject to immediate review, as schooling is clearly a material consideration?

In considering the current schooling provision at primary level in Palgrave, Suffolk CC's consultant - Boyer of Colchester in Essex - noted the extreme physical constraints of the existing site, the present pupil roll and the increase by 5 pupils at primary age likely to result from the development. Accordingly the initial report of 1<sup>st</sup> December stated:

'Please note, however, that, although the aforementioned financial contributions for education have been calculated, the primary school is regularly over capacity. As a result, another 5 pupils will cause severe problems for the school as it is on a small site which cannot be expanded due to its location between two roads and church grounds to the south, currently used as outdoor space. As a consequence, the County Council will be recommending that permission is not granted for this development if an application emerges.'

Following a challenge by the case officer, a revised version of this report was issued dated 17<sup>th</sup> December, with the above paragraph replaced by:

'The local catchment schools are Palgrave CEVCP School and Eye Hartismere High School. There are currently insufficient places available at the primary and secondary school to accommodate primary, secondary and sixth-form pupils that will arise from this development. There is also no capacity for physical expansion on the site of the Primary school at Palgrave. Contributions are therefore required for all 9 school places, at a total cost of £135,877. There may be the possibility for the County Council to discuss further options with relevant head teachers.'



It seems that the County Council wants s106 developer contributions for school places in the locality that it clearly cannot provide. It is known that the County Council is struggling to address a significant shortfall in places in the Ipswich area. Would the local contributions thus be levied to address a problem that is far away from Palgrave and also far away from the potential alternative, which is Diss? How does that improve the sustainability argument?

It is now known from information provided by the County Council School Admissions Office 'that... of the 67 children at Palgrave Primary School, 24 come from outside the catchment (19 of these come from Norfolk)'.

*Need for Consultation with Local Schools and a Clear Plan for the Future of Palgrave School*

*It is also the Parish Council's view that, as suggested by the consultant on behalf of the County Council, the respective heads and governors of Palgrave CEVC School (a school within the Tilian Partnership and associated with Bury St Edmunds Diocese) and Hartismere High School also be duly consulted on this application. In particular it may be possible to resolve the lack of capacity at Palgrave over time by agreeing changes to admission policies intended to guarantee places for pupils from within the Parish.*

School Location

The initial version of the consultant's report included a brief description of the constrained nature of the present site. The road to the west passing the school is also the main 'rat-run' between Diss and the A143 whilst at school start and end times there is extensive parking which conflicts with that through movement. Suffolk County Highways is presently engaged in preparing a scheme intended to prevent the use by through traffic of the road to the east, the Traffic Regulation Order and signage having minimal effect; this is expected to cost some £30,000 to £40,000. At the same time the School's use of the common land as a playground is having an adverse effect on the condition of the turf, to the extent that School governors are intending to apply for an Order in Council to permit them to lay an artificial surface; this would also incur costs of several thousand pounds. The pupils walk to the Community Centre for PE and any field sports, but Child Protection measures mean that no other groups can make use of the Community Centre at the same time as school pupils.

Senior officers at MSDC in Community Services, Planning policy and development control are fully aware of the locational problems with the School, as is the County Cllr for Hartismere, but there has been no concerted action to consider ways to address them. The site reserved in the Local Plan 1998 for a new school at the east side of the village was later given up by the County Council and part of it is now occupied by Housing Association properties.

A potential site had been identified, being the former 'Pat Lewis' garage which backs onto the Community Playing Field. However the meeting of the Development Control committee referred to dismissed the Parish Council's concerns as above but also did not consider that the argument put forward by the Ward Member, Cllr David Burn, that it's responsibility to take into consideration NPPF paragraphs 70 (delivery of facilities to meet community needs) and 72 (provision of school places), was relevant.

*Consideration of this situation and delivering an action plan for addressing at are germane to this application. The Landowner is Mr E Ling, who was for many years a Parish Councillor and still serves on the Community Council's executive committee. His long-held and publicly-stated ambition has been to see built a new school for the village. Mr Ling has confirmed he would be pleased to contribute through provision of a piece of land for a replacement school and the Developer has spoken to County Cllr Jessica Fleming about this. The issue of capacity at and siting of the School will not go away and needs to be resolved in the very near future.*



### **Core Strategy Policies CS3 and CS4 - Climate Change**

At an informal presentation to the Parish Council on 10<sup>th</sup> December, the Architect noted that the dwellings would be fitted with air source heat pumps. It is appropriate to mention that the experience of a number of individuals locally who have fitted such systems to their own properties suggests that the real-life efficiencies do not approach theoretical design values and that on-going maintenance costs can be significantly greater than anticipated, more than offsetting anticipated reductions in non-renewable energy input costs. Conversely, and as adopted by MSDC for its social housing, the provision of roof-mounted PV solar panels under Suffolk's wide and often sunny skies can make a substantial contribution to renewable energy generation. Furthermore, generation at the point of consumption can avoid the need for costly upgrades to the electrical transmission grid.

The drawings do not include information regarding the extent by which permeable surfaces are intended for footways, driveways and patios, intended to reduce the quantities of piped rainwater run-off. Similarly the absence of roadway cross-sections does not allow an assessment of the kerbing. Local experience on recent developments with the low (40mm) upstand kerb, under the present rainfall pattern of cloudbursts and prolonged heavy downpours, proves that it is totally inadequate in directing the volumes of run-off along the face of the kerb to the gullies and results in flooding of garages etc. on adjoining properties.

A Sustainable Drainage System (SUDS) is proposed. With predominately clay soil the capacity for absorption is low, especially so with the short periods of heavy rainfall which leave the ground saturated, whilst Palgrave also has a number of natural springs.

*As Palgrave regularly experiences areas of flooding and severe run-off from adjoining saturated land, the Parish Council trusts that the design parameters for roadway drainage and for SUDS will be based on current and projected rainfall frequencies and intensities; clearly historic tables are no longer relevant today.*

### **Core Strategy Policy CS5 - Environment**

#### **Constraints C16 - TPOs/C18 - Wildlife Habitats/RT12 - Footpaths and Bridleways**

Local knowledge reports that the 'permissive' footpaths bounding the site are also a corridor used by various species of deer and probably other wildlife. Deer are adaptable to humans but rather partial to causing damage in domestic gardens.

*Accordingly, it is suggested that boundary treatments to properties adjoining these paths be designed to be 'deer-proof'.*

The intention to retain the surrounding pathways is noted. They are well-used and the Parish Council considers that these paths should be duly adopted as 'rights of way' within a wider network of more designated footpaths surrounding the village, further encouraging their use. The tree line and pathway forming the western boundary of the existing development is understood to be owned by MSDC, dating back to the development of Clarke Close. It was intended to either maintain the settlement boundary, act as a 'ransom strip', or both and was for a number of years definitely maintained by MSDC's countryside service. It is now neglected and the pathway not adequately maintained; recently a set of wooden steps became unsafe and, because MSDC officers denied any knowledge of it or its ownership, the Parish Council paid for emergency repairs to render them safe.

*Internal consultation over the ownership and future use of that strip of land is necessary.*



The overall design and style of the proposed dwellings may best be described as 'Suffolk Neo Vernacular'. Whilst quite attractive and relating in style to genuinely vernacular buildings, it could be considered to be rather too commonplace and hence lacking in diversity.

*The Parish Council recommends that guidance be sought from Suffolk Preservation Society.*

### **Core Strategy CS6 - Services and Infrastructure**

Second only to the road and traffic, this was the most mentioned topic by the public during the informal presentation of the scheme at the Parish Council meeting on 10<sup>th</sup> December.

Reference has already been made for the need to seek information regarding the capacity of the services infrastructure in Diss. Palgrave itself has the School, the Community Centre and adjoining Community Playing Field managed by a charitable trust, and the open space of The Green, a registered common but bisected by the well-used traffic 'rat-run' into Diss. That part of The Green used by the school as a playground has some timber exercise equipment on it that used up the last of the s106 monies available for play areas.

The Parish Council is about to exercise the option to acquire the BT 'phone box, referred to in the Conservation Report, and convert the interior to an information point/book exchange. *The Community Council has recently invested in substantial repairs and renovations to the fabric and furnishings of the Community Centre but has more work to do, in particular to renew the catering equipment which is used for the Lunch Club that serves older residents.*

The Parish and Community Councils are working together to renovate, improve and enhance the old and rather limited play space in the south-west corner of the Community Playing Field. Three comparable quotes have been obtained for equipment and surfaces, a design drawn up that provides facilities for toddlers and parents through to teenagers, and fund-raising is about to commence. *A major block to progressing this is the failure of the planning authority to date to respond to queries regarding the need for planning permission or whether it might fall under Community Right to Build.* The estimated cost is approximately £38,000 - £40,000 (before VAT) and it is hoped to complete the work by April 2017.

The mobile library visits Palgrave (once a week for 15 minutes) but most residents use the Norfolk County Library in Diss as it is larger, better equipped and stocked and accessible. Suffolk County Council has transferred its libraries to an independent operator. *There is an opportunity to create a community library in the Community Centre - recent refurbishment of the lounge/bar area included two bookshelves with a donated stock of paperbacks.*

It is believed Norfolk Fire and Rescue at Diss Fire Station respond to incidents in Palgrave.

Faster Broadband has been provided from the Diss exchange to a cabinet located at the north-west corner of The Green, by Millway Lane. *Despite that the general availability of the baseline speed supposed to result from that investment has yet to be realised. It would be taken by many to be most inequitable if the provision of a direct fibre-optic connection to each dwelling on the proposed development at one extremity were not accompanied by the same level of provision to the rest of the dwellings with the village. Furthermore much of Palgrave cannot yet receive 3G mobile services, whilst 4G mobile services are non-existent.*

As to utilities, the other area of public concern regarding infrastructure, it is understood that gas and electricity services have to be provided to meet demands. However the principal concern is the capacity of the foul sewer serving Lion Road, especially so as historic incidents relating to it have been mentioned. *The Parish Council on behalf of residents seeks prior assurances from Anglian Water and the developer that connection of the proposed development to the sewerage system leading to the treatment works by the R Waveney will not have any adverse consequences at any point within Palgrave in that network.*



### Other Constraints not listed by the Case Officer - Roads and Traffic:

Just over three years ago the Parish Council was requested to take up with County Highways the difficulties that pedestrians had crossing roads in the vicinity of the Lion Road/Priory Road crossroads. At the same time residents' concerns about speeding, HGVs (including ignoring the 7.5T restriction across The Green and Denmark Hill), drivers ignoring the 'Access Only' restriction on the road east of the Church and School were put to Highways officers. The outcome to date is that very little has been done on the ground to address any of these, although some progress has been made towards providing Vehicle Activated Signs (VAS).

The principal east-west route through Palgrave used to be the A143 until construction of the Scole bypass. Traffic between Diss (west and east) and places south and west of Palgrave still use this route as being shorter, faster and less congested. Crossing Road provides a fast route to and from the A143, the hinterland south of the A143 and off the A140 corridor.

Lion Road and Upper Rose Lane were widened and realigned with improvements to certain junctions at the time as it was the A143 principal route towards Bury St Edmunds. Typical carriageway widths are given below:

In de-restricted section west of 30 mile/hr speed limit	= 8.3 to 8.5 metres
At the choke point, at start/end of 30 mile/hr speed limit	= 6.0 metres (minimum)
Opposite 'Fuschia', near centre of the development	= 7.2 metres
Opposite 'Woodside', at east boundary of development	= 7.4 metres
Opposite 'Herringbone House', east of Clarke Close	= 7.35 metres

In connection with the request for VAS a number of traffic count and speed measurements were made during early 2014. One such site was on Lion Road, east of Clarke Close and near to the crossroads with Priory Road. This is the point at which speeds would be lowest along Lion Road, whilst traffic volumes did not include seasonal tourist traffic or leisure trips.

A copy of the results as supplied by Suffolk County Council is provided separately but a summary of the data is included here for reference:

Traffic Flows - weekday average (10% greater eastbound/5% greater westbound on Fridays)

	M/Cycle	Car	Van	Lt Goods	HGV/Bus	TOTAL
Eastbound	8	1691	163	98	48	2008
Westbound	10	1757	117	66	36	1986
Combined	18	3448	280	164	84	3994

Traffic Speeds - weekday average key statistics

	No. of Vehicles	Mean Speed mph	85%ile Speed mph	Number @ 31-40 mph	Number @ 41-50 mph	Max Speed mph
Eastbound	2008	30	35	763	44	Over 56 (1)
Westbound	1986	31	36	855	63	Over 56 (2)

Mean speed - speed at which same number of vehicles go slower as go faster

85%ile - speed considered as a safe maximum for the conditions by 85% of the drivers

It is worth noting that the site on Upper Rose Lane, outside the Pat Lewis garage, produced mean and 85%ile speeds some 5 mph higher, proving the slowing effect of the crossroads.

### Constraint T3 - Traffic Management

States that 'The district planning authority will work with the county highways authority towards the introduction of traffic management measures, such as speed limits in villages or weight restrictions on minor roads, where this will help to maintain and improve traffic and pedestrian safety and to improve environmental conditions, including residential amenity.'



Highway's comments are prepared by a Technician whose task is to respond using standard measures. There does not appear to be an internal process by which the Technician is made aware of ongoing investigations with district, town or parish councils or of any agreements that might have already been arrived at. The Areas, or Central Area at least, do not have any specific expertise in traffic management or in traffic engineering, which is actually at the core of most of the issues that concern town and parish councils; be it speed limits and speed reduction measures, traffic calming, pedestrian safety, HGV restrictions and so on.

The local engineer has previously turned down the provision of refuges along roads such as Lion Road and within the wide junctions such as Lion Road, Priory Road south and Crossing Road. A recent review of the lack of proper footways at the Lion Road/Priory Road junction [photograph 6] resulted in a decision that any solution would be costly. Only now is there some discussion about the possibility of extending the speed limit on Upper Rose Lane to aid the better siting of a VAS, but those discussions are as yet inconclusive. Countdown markers, a preceding 40 mile/hr stretch and other speed reduction measures are all included in the Suffolk County Council Policy approved on 9<sup>th</sup> December 2014. This Policy states:

20. In respect of village 30 mph limits in some circumstances it might be appropriate to consider an intermediate speed limit of 40 mph prior to the 30 mph terminal speed limit signs at the entrance, in particular where there are outlying houses beyond the village boundary or roads with high approach speeds. For the latter, consideration needs to be given to other speed management measures to support the message of the speed limit and help encourage compliance. Where appropriate, such measures might include signing, centre hatching or other measures that would have the effect of narrowing or changing the nature and appearance of the road.

In this instance such measures could include the provision of two or three Chicanes to constrict the fast flow of traffic. By reducing the width of the carriageway by building out from the kerbs, a waiting area with good visibility is created for pedestrians to cross a much narrower carriageway. The outward projection from the kerb similarly increases the forward visibility of drivers to see pedestrians waiting to cross or in the act of crossing. Different surface treatments can enhance the efficacy of the arrangements. Rather than extend for a distance a footway along the south side that ends up terminating short of any safe crossing point, any Developer contribution could be put towards one or more of these measures. A further advantage of Chicanes is that they can be laid on the existing carriageway surface and the dimensions, offsets and approach angles adjusted for maximum effect before making them permanent.

#### **Housing Constraints:**

##### **H17 Keeping Residential Development away from Pollution**

The large field immediately to the west of the proposed development has from time to time been used for rearing large quantities of pigs. The question has arisen regarding smells or any other emanations that might affect the proposed development, although the Parish Council is not aware of any complaints to date. *It would be appropriate to seek reassurance that this will not become a matter for concern in the future.*

One resident has drawn attention to the potential presence of pollution resulting from the disposal of construction or similar waste some years ago. This was advised directly by e-mail but the Parish Council has also drawn it to the attention of the Ward Councillor, David Burn, who is also the holder of the Environment portfolio. *It is noted that a more comprehensive environmental survey is required and the Parish Council trusts that it will encompass this alleged operation.*



### **Housing Constraints GP1, H4, H5, H14 & H15**

The Parish Council has been granted an extension to 15<sup>th</sup> January. It's final response will be made on that date and having regard to the outcome of the various matters raised above.

### **Draft Contributions Agreement**

The consultant Boyer has produced on behalf of the County Council a draft set of proposals for inclusion in a Contributions Agreement. The Parish Council was informed by the Architect that it is the Developer's intention to obtain a decision on the application no later than the end of March 2016, before the date at which CIL comes into effect and so it is intended to be an s106 Agreement.

Several references have already been made to these but it may be considered helpful to summarise the Parish Council's comments in one place and in the order in which they appear:

1. Education - any proposed contribution towards primary places should be directed solely to the expansion or relocation of Palgrave CEVC School;
  2. Pre-school provision - no comment at this time;
  3. Play space provision - as no proper provision at present and being the only communal location, should include a contribution towards the play area on the Community Playing Field, assessed at £38,000 to £40,000 (excluding VAT);
  4. Transport - rather than extending the footway alongside Lion Road on the south side to a point where it now terminates, a proposed contribution should be made towards various measures to reduce speed of traffic and provide safer crossing points for pedestrians;
  5. Rights of Way - a contribution may be requested but the main burden should fall on the respective authorities responsible for creating and maintaining rights of way due to their failure to date to consult on or act to provide a proper footpath network in the Parish;
  6. Libraries - the proposed contribution to Eye library provides no tangible benefit. It is inconsistent to rely on Diss to provide services or infrastructure without any contribution towards them. An alternative may be a community library in the Community Centre;
  7. Waste - High Suffolk does not have any County-run waste disposal sites but relies on the one at Brome which is privately operated. The nearest site in Norfolk is north of Long Stratton. Any contribution would be better directed to supporting the site at Brome;
  8. Supported Housing - no comment at this time;
  9. Sustainable Drainage Systems - a SUDS is proposed;
  10. Fire Service - it is believed that Norfolk Fire & Rescue Service provides the local response;
  11. Superfast broadband - should be available to all and under the current second stage programme. The developer should not be required to pay for a direct connection to the exchange in Diss. BT is already contracted by Suffolk County Council to further improve on 'Faster Broadband', which also includes improvements to mobile services.
-



## APPENDIX - PHOTOGRAPHS

1

Approach to Village boundary and start of 30 mile/hour restriction.

Carriageway width 8.3 to 8.5 metres, measured between raised verges.

It can be seen why this is viewed as a high speed section of road.



2

Choke Point on nearside at start of restriction, view eastbound.

Carriageway width 6.0 m.

Application Site is on the right; field access and footpath behind '30' sign.

Layby outside Old Police House.



3

Choke Point on offside, view westbound giving fast, unimpeded exit.

Layby outside Old Police House. Commencement of footway on north side.

Footpaths leading south and north cross the carriageway by the Choke Point.

Possible site for Chicane.





4

View east showing drop in level and also the bend outside 'Woodside'.

Note the difference in road and field levels that might compromise the footpath construction.

Proposed eastbound VAS location is just west of here.

Possible site for Chicane.



5

Lion Road approaching Priory Road crossroads.

Eastbound traffic during late morning peak period.

Note the absence of any footway on this side.

[Opposite view to 9]



6

Lion Road/Priory Road Crossroads.

The north side footway ends at the place where the pedestrians trying to cross to the School are standing. No refuges to assist safe crossing!

Drivers cut the corners and do not give way to pedestrians. This is a relatively quiet scene!





7

Footway ends just past entry to Clarke Close.

An alternative to constructing a footway into the rising ground this side would be to build Chicanes, to reduce road speeds and carriageway width to aid pedestrians.

[Opposite view to 4]



8

Footway between driveway to Herringbone House and entry to Clarke Close.

The extent of the moss towards Clarke Close indicates lack of use.

Proposed westbound VAS location.

Possible site for Chicane.



9

Footway terminates just east of driveway to Herringbone House, so pedestrians are forced to cross to opposite side.


The moss all across the far end of the footway indicates lack of use.

Opposite view to 8 and possible site for Chicane.







 <p><b>Suffolk</b> County Council</p> <p><small>Lucy Robinson, Director of Economy, Skills and Environment, Endeavour House, 8 Russell Road, Ipswich, Suffolk. IP1 2BX.</small></p>	<p>Scale 1:3000</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100023395</p>	<p>Palgrave ATC Surveys</p>	<p>PRODUCED BY David Scarfe</p> <p>CHECKED BY Julia Elliott</p> <p>Job Number ET06121</p> <p>DATE 17th February 2014</p>
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**Palgrave ATC Surveys**  
**Survey Dates (1st - 14th February 2014)**

**Site No. A3267 - Lion Road, Palgrave**

<b>Eastbound Flows</b>	<b>Motorcycles</b>	<b>Cars</b>	<b>Vans</b>	<b>LGV</b>	<b>HGV/PSV</b>	<b>Total</b>
Saturday 1 February	6	1501	107	58	25	1697
Sunday 2 February	13	939	56	29	9	1046
Monday 3 February	7	1619	167	94	38	1925
Tuesday 4 February	7	1636	145	88	49	1925
Wednesday 5 February	7	1626	167	97	46	1943
Thursday 6 February	10	1694	163	101	57	2024
Friday 7 February	7	1880	175	108	53	2223
Saturday 8 February	6	1501	107	58	25	1697
Sunday 9 February	13	939	56	29	9	1046
Monday 10 February	7	1619	167	94	38	1925
Tuesday 11 February	7	1636	145	88	49	1925
Wednesday 12 February	7	1626	167	97	46	1943
Thursday 13 February	10	1694	163	101	57	2024
Friday 14 February	7	1880	175	108	53	2223
5-day average	8	1691	163	98	48	2008
7-day average	8	1556	140	82	39	1826

<b>Westbound Flows</b>	<b>Motorcycles</b>	<b>Cars</b>	<b>Vans</b>	<b>LGV</b>	<b>HGV/PSV</b>	<b>Total</b>
Saturday 1 February	8	1514	62	35	18	1638
Sunday 2 February	8	999	32	19	6	1064
Monday 3 February	12	1705	107	60	32	1916
Tuesday 4 February	8	1687	112	65	38	1910
Wednesday 5 February	7	1649	115	64	28	1863
Thursday 6 February	12	1743	107	62	35	1959
Friday 7 February	8	1949	113	62	26	2158
Saturday 8 February	9	1514	78	43	27	1671
Sunday 9 February	6	1026	31	17	9	1090
Monday 10 February	13	1693	118	70	44	1937
Tuesday 11 February	14	1688	121	70	43	1937
Wednesday 12 February	8	1677	123	71	40	1919
Thursday 13 February	13	1961	119	67	35	2195
Friday 14 February	7	1816	131	74	39	2067
5-day average	10	1757	117	66	36	1986
7-day average	10	1616	98	56	30	1809

**Notes:**

1. Figures are based on 24-hour flows.
2. Classification accuracy will be no better than  $\pm 10\%$ .
3. Cars will contain all cars, car based vans, sports utility vehicles (SUV's) and multi purpose vehicles (MPV's).
4. Vans will contain all vehicles up to a gross weight of 3.5 tonnes, including panel vans, larger SUV's, pickup trucks and minibuses.
5. LGV will contain all vehicles with a gross weight between 3.5 and 7.5 tonnes, including short wheel base (swb) 2-axle rigid trucks, larger panel vans and swb buses and coaches.
6. HGV/PSV will contain all vehicles with a gross weight in excess of 7.5 tonnes, including long wheel base (lwb) rigid trucks, articulated multi-axle trucks, buses and coaches.

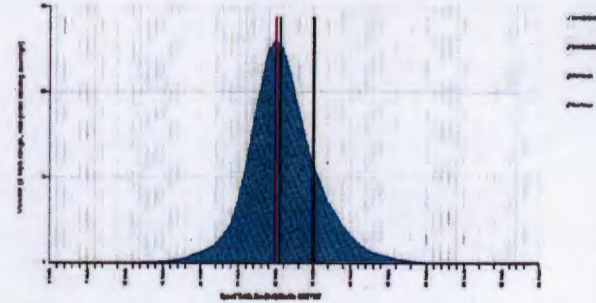


**Palgrave ATC Speed Data**  
**Summary Dates (1st - 7th February 2014)**

Site No. A3267 - Lion Road, Palgrave

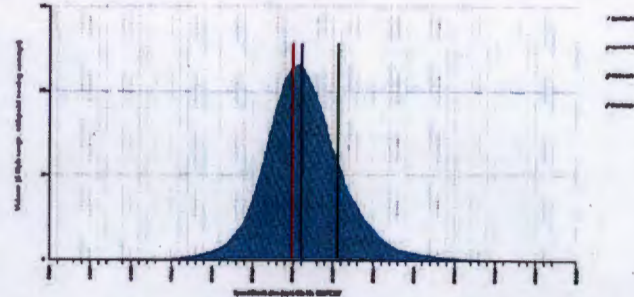
**Eastbound Flows**

	Total Vol.	Bin 1 <6Mph	Bin 2 6-<11	Bin 3 11-<16	Bin 4 16-<21	Bin 5 21-<26	Bin 6 26-<31	Bin 7 31-<36	Bin 8 36-<41	Bin 9 41-<46	Bin 10 46-<51	Bin 11 51-<56	Bin 12 =>56	Mean Speed	85th%ile Speed	% Exceeding Speed Limit by 5mph
Saturday 1 Feb	1697	0	3	7	20	147	722	566	166	55	9	2	0	31	36	13.7
Sunday 2 Feb	1046	0	0	1	17	93	432	329	133	32	7	1	1	31	36	16.6
Monday 3 Feb	1925	0	2	2	38	163	930	592	159	32	5	2	0	30	35	10.3
Tuesday 4 Feb	1925	0	0	9	26	190	897	566	189	39	7	2	0	31	35	12.3
Wednesday 5 Feb	1943	0	4	5	43	197	914	555	181	34	8	1	1	31	35	11.6
Thursday 6 Feb	2024	0	0	4	43	201	1052	539	143	35	7	0	0	30	34	9.1
Friday 7 Feb	2223	0	5	6	46	234	986	701	188	42	13	2	0	31	35	11.0
5 Day Average	2008	0	2	5	39	197	956	591	172	36	8	1	0	30	35	10.9
7 Day Average	1826	0	2	5	33	175	848	550	166	38	8	1	0	31	35	12.1



**Westbound Flows**

	Total Vol.	Bin 1 <6Mph	Bin 2 6-<11	Bin 3 11-<16	Bin 4 16-<21	Bin 5 21-<26	Bin 6 26-<31	Bin 7 31-<36	Bin 8 36-<41	Bin 9 41-<46	Bin 10 46-<51	Bin 11 51-<56	Bin 12 =>56	Mean Speed	85th%ile Speed	% Exceeding Speed Limit by 5mph
Saturday 1 Feb	1636	0	2	3	28	137	664	576	167	43	14	4	0	31	36	13.9
Sunday 2 Feb	1064	0	0	1	19	89	404	378	124	33	14	2	0	32	36	16.3
Monday 3 Feb	1916	0	4	2	28	176	813	648	177	49	17	1	1	31	35	12.8
Tuesday 4 Feb	1910	0	0	2	29	179	782	627	224	45	18	2	2	31	36	15.2
Wednesday 5 Feb	1863	0	1	5	31	174	773	636	175	49	19	0	0	31	36	13.0
Thursday 6 Feb	1959	0	2	4	27	211	800	667	183	50	8	7	0	31	35	12.7
Friday 7 Feb	2158	0	4	5	35	222	891	705	232	42	19	2	1	31	36	13.7
5 Day Average	1961	0	2	4	30	192	812	657	198	47	16	2	1	31	36	13.5
7 Day Average	1787	0	2	3	28	170	732	605	183	44	16	3	1	31	36	13.9



**Notes:**

1. All speed values in mph.
2. Speed Limit = 30mph
3. Average values based on 24-hour flows.
4. 35mph corresponds to the ACPO Guidelines prosecution threshold.



**Palgrave ATC Surveys - ATC Survey**  
**Survey Dates (1st - 14th February 2014)**

**Site No. A1318 - Rose Lane, Palgrave**

<b>Eastbound Flows</b>	Motorcycles	Cars	Vans	LGV	HGV/PSV	Total
Saturday 1 February	5	779	114	62	17	977
Sunday 2 February	5	536	76	37	3	657
Monday 3 February	5	879	173	98	29	1184
Tuesday 4 February	4	916	170	100	42	1233
Wednesday 5 February	5	861	194	109	37	1206
Thursday 6 February	4	914	193	115	43	1269
Friday 7 February	5	1051	190	113	43	1402
Saturday 8 February	0	853	133	71	16	1074
Sunday 9 February	6	564	95	47	7	719
Monday 10 February	0	954	168	97	32	1251
Tuesday 11 February	10	926	192	108	34	1269
Wednesday 12 February	6	857	176	105	37	1181
Thursday 13 February	3	1002	208	122	45	1380
Friday 14 February	6	999	192	109	30	1336
5-day average	5	936	186	107	37	1271
7-day average	5	864	162	92	30	1153

<b>Westbound Flows</b>	Motorcycles	Cars	Vans	LGV	HGV/PSV	Total
Saturday 1 February	4	760	82	47	16	909
Sunday 2 February	3	510	44	22	5	584
Monday 3 February	8	908	136	75	25	1152
Tuesday 4 February	6	953	126	75	34	1194
Wednesday 5 February	5	850	133	80	32	1100
Thursday 6 February	7	894	141	81	32	1155
Friday 7 February	3	1116	137	79	27	1362
Saturday 8 February	3	856	116	64	17	1056
Sunday 9 February	1	543	52	26	5	627
Monday 10 February	4	908	125	76	37	1150
Tuesday 11 February	9	902	146	86	34	1177
Wednesday 12 February	7	915	131	76	35	1164
Thursday 13 February	7	1068	157	88	29	1350
Friday 14 February	3	1015	138	75	27	1258
5-day average	6	953	137	79	31	1206
7-day average	5	871	119	68	25	1088

**Notes:**

1. Figures are based on 24-hour flows.
2. Classification accuracy will be no better than  $\pm 10\%$ .
3. Cars will contain all cars, car based vans, sports utility vehicles (SUV's) and multi purpose vehicles (MPV's).
4. Vans will contain all vehicles up to a gross weight of 3.5 tonnes, including panel vans, larger SUV's, pickup trucks and minibuses.
5. LGV will contain all vehicles with a gross weight between 3.5 and 7.5 tonnes, including short wheel base (swb) 2-axle rigid trucks, larger panel vans and swb buses and coaches.
6. HGV/PSV will contain all vehicles with a gross weight in excess of 7.5 tonnes, including long wheel base (lwb) rigid trucks, articulated multi-axle trucks, buses and coaches.

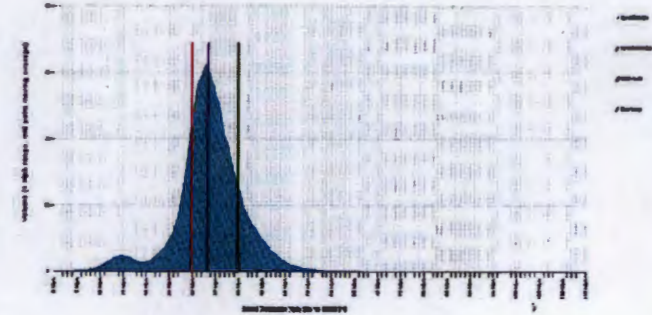


**Palgrave ATC Speed Survey**  
**Summary Dates (1st - 7th February 2014)**

Site No. A1318 - Rose Lane, Palgrave

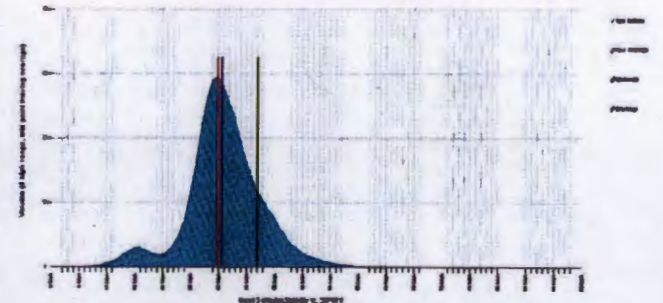
**Eastbound Flows**

	Total Vol.	Bin 1 <6Mph	Bin 2 6-<11	Bin 3 11-<16	Bin 4 16-<21	Bin 5 21-<26	Bin 6 26-<31	Bin 7 31-<36	Bin 8 36-<41	Bin 9 41-<46	Bin 10 46-<51	Bin 11 51-<56	Bin 12 =>56	Mean Speed	85th%ile Speed	% Exceeding Speed Limit by 5mph
Saturday 1 Feb	977	1	4	29	13	35	161	364	219	100	36	10	5	34	41	37.9
Sunday 2 Feb	657	1	4	24	18	27	108	221	142	73	27	6	6	34	42	36.7
Monday 3 Feb	1184	0	7	25	19	70	271	448	234	78	26	5	1	33	39	29.1
Tuesday 4 Feb	1233	1	9	39	27	52	277	461	220	93	44	5	5	33	39	29.8
Wednesday 5 Feb	1206	1	5	42	20	58	275	448	232	79	31	12	4	33	39	29.8
Thursday 6 Feb	1269	0	4	33	26	42	281	505	235	105	25	7	6	34	39	29.8
Friday 7 Feb	1402	0	8	26	27	68	341	527	247	99	41	13	5	33	39	26.9
5 Day Average	1259	0	7	33	24	58	289	478	234	91	33	8	4	33	39	29.4
7 Day Average	1133	1	6	31	21	50	245	425	218	89	33	8	5	34	40	32.0



**Westbound Flows**

	Total Vol.	Bin 1 <6Mph	Bin 2 6-<11	Bin 3 11-<16	Bin 4 16-<21	Bin 5 21-<26	Bin 6 26-<31	Bin 7 31-<36	Bin 8 36-<41	Bin 9 41-<46	Bin 10 46-<51	Bin 11 51-<56	Bin 12 =>56	Mean Speed	85th%ile Speed	% Exceeding Speed Limit by 5mph
Saturday 1 Feb	909	1	3	39	31	75	263	267	139	47	18	5	1	31	36	23.1
Sunday 2 Feb	584	0	4	31	18	41	180	171	89	28	14	3	5	32	36	23.6
Monday 3 Feb	1152	0	5	31	23	116	468	305	125	54	20	5	0	31	37	17.7
Tuesday 4 Feb	1194	1	8	40	31	122	459	326	144	43	16	1	3	31	36	17.3
Wednesday 5 Feb	1100	0	8	35	33	103	431	286	139	45	13	6	1	31	37	16.5
Thursday 6 Feb	1155	1	6	46	38	114	436	306	146	46	11	3	2	30	37	16.0
Friday 7 Feb	1362	0	5	32	35	189	551	350	129	51	18	2	0	30	36	14.7
5 Day Average	1193	0	6	37	32	129	469	315	137	46	16	3	1	30	37	17.2
7 Day Average	1065	0	6	36	30	109	401	287	130	45	16	4	2	31	37	19.0



**Notes:**

1. All speed values in mph.
2. Speed Limit = 30mph
3. Average values based on 24-hour flows.
4. 35mph corresponds to the ACPO Guidelines prosecution threshold.



**PALGRAVE PARISH COUNCIL**

**Final Response to Planning Application 4195/15:**

**Erection of 21 dwellings, 3 no. new highways accesses, associated parking, turning & on-site open space provision. Land at Lion Road, Palgrave.**

At the meeting on 14<sup>th</sup> January, Palgrave Parish Council RESOLVED to OBJECT to this application on the grounds that:

- (i) It is NOT SUSTAINABLE for a number of reasons amplified below and consequently fails to satisfy the requirements of the National Planning Policy Framework;
- (ii) The assessment of the development does not appear to be consistent with the planning authority's own Local Plan, Core Strategy and subsequent reviews thereof;
- (iii) The design, layout and associated infrastructure requirements are not met;
- (iv) The nature of the development is entirely inconsistent with its surroundings;
- (v) Matters of road and pedestrian safety and traffic management are not addressed;
- (vi) The consequences of the proposed development may result in adverse impact to the Conservation Area and heritage assets, contrary to prior and superior legislation;
- (vii) The planning authority places reliance on adjoining authorities to provide necessary services and infrastructure but has failed (a) to consult with such authorities and (b) establish that those necessary services and infrastructure have sufficient future capacity in excess of the needs of those authorities to support additional demands;
- (viii) There is no meaningful gain being sought jointly and simultaneously through the planning system to the clear benefit of the Parish and residents of Palgrave.

**Preliminary Response dated 21<sup>st</sup> December 2015**

The comments submitted therein still stand and should be read in conjunction with this final response, with the following amplifications or clarifications:

Trees - The response by the planning authority's own officer does not appear to take full cognisance of the extent of existing Tree Preservation Orders and consequently the impact of the proposed development on them;

Drainage (Surface Water) - SCC Floods Officer provides a professional opinion supporting the need for proper assessment and design of any proposed SUDS;

Sewerage - No response yet available from Anglian Water. Note that the sewage treatment works on the south bank of the R Waveney, within the Parish of Palgrave, also serves Diss;

Fire & Rescue - It was thought that any response would be provided by Norfolk F&R rather than Suffolk. The Response Policy Officer for Suffolk F&R clarifies as follows:

'I have been asked to respond to your enquiry regarding attendances at incidents in Palgrave, the fire and rescue service are using a dynamic mobilising system in our control room. On receipt of a fire call the nearest and most suitable resource available is assigned to an incident, the mobilising system takes into account the travel distance and availability of the crews on station. We no longer used fixed station grounds to mobilise appliances, for an incident in Palgrave the two most likely stations to attend would be Diss or Eye however I cannot say which one would attend on any given occasion as this would depend on a number of different factors at the time.'

On that basis, statistically the most likely response will be from Diss in Norfolk, it being considerably closer than Eye and having more resources.



Highways - No response yet available on highway and traffic management matters. The response from Suffolk Police Roads Policing Officer confirms this as a site where speeding is regularly enforced and that an extension to the existing speed limit may be appropriate;

Adjoining Land - The land known as Priory Wood east and south-east of the development was gifted to MSDC by the developer of Clarke Close. Officers at MSDC now deny any knowledge of this ownership. No consideration is given to any conditions that may have attached to the gift nor any internal consultation with the service responsible for it, while no provision is made for protecting, preserving and enhancing this natural local asset;

Footpaths and Rights of Way - The response from the Rambler's Association confirms the lack of an adequate footpath network in and around the Parish. This is relevant given the lack of safe pedestrian routes alongside the majority of the through roads in Palgrave.

Gift of Land for a School Site - The Parish Council notes the offer and accepts that it is made generously and with sincerity on the part of the landowner. However the school is a Church of England school and makes use of its proximity to St Peter's Parish Church for elements of Religious Education. It is difficult to see how this arrangement might work to the benefit of the children if the school were to be located at a distance from the Church with which it is associated, nor how it will meet the requirement for being within walking distance.

#### **National Planning Policy Framework/Mid Suffolk Local Plan, Core Strategy and Focused Review...and the Lack of Sustainability**

The points submitted in the Preliminary Response remain and should be read in conjunction with the following.

#### Service and Infrastructure - Overview

The 1998 Local Plan concentrated all growth in south of the District to the general neglect of the impact on the remainder of the District, particularly the north ('High Suffolk'). Growth attracts investment in services and infrastructure with other authorities, e.g. Suffolk CC, and agencies similarly under-investing. The inevitable consequence is a pre-existing lack of the necessary services and infrastructure in and for secondary villages such as Palgrave.

Designated secondary villages rely on service centres and the nearest to Palgrave in MSDC is Eye, even though the natural attractor is Diss. Whilst the Local Plan notes the existence of Diss there is no readily available evidence to demonstrate that the planning authority has quantified the extent to which services and infrastructure might be provided out of District. Consequently the planning authority cannot presume 'sustainability' out of thin air.

#### Schooling Provision

The planning case officer refers in an e-mail to the Directory of Schools in Suffolk and the 2015-16 intake at Palgrave. What that conveniently ignores is the potential size of the next intake, as the reception class currently comprises 14 children. Nor does it assess how many places may be made available by any children leaving at the end of the present school year.

It is fact that OFSTED assesses the overall provision of education in Suffolk and Norfolk to be below required norms. Whilst both County Councils are addressing this measurable progress is slow. Palgrave school, together with its peers in the Tilian Partnership, has a much higher standard and it is natural that parents will hope for a better education for their children, consequently demand for places at Palgrave is likely to be greater than assessed. Further it is a demonstrable fact of new housing developments that they result in a statistically higher number of children than the average for the area.



Given the present numbers in the reception class there now appears to be a need to assess the level of pre-schooling provision in Palgrave too.

The present school site has already been described. The submission by Suffolk Preservation Society makes it very clear that the site of the school in a registered Common at the core of the Conservation Area by a Grade 1 listed Church provides substantial legal protection.

Further the site is surrounded by roads carrying through traffic (despite that to the east being 'Access Only') with inadequate footways and no safe crossing places. Conflict between school runs by car and 'rat-running' by south-north through traffic is evident daily.

There are not any safe walking routes and road crossing points to and from the school.

It must be an essential pre-requisite that a clear plan and timetable for addressing schooling provision in Palgrave is urgently required. Only today a critical report has been issued:

'The system for creating new school places in England is fragmented and confusing, risking harm to children's education, head teachers have warned.

'Lack of cohesive local planning means new schools are not always opened where there is most need, says the National Association of Head Teachers (NAHT).'

<http://www.bbc.co.uk/news/education-35313804>

The planning authority has no information as to the availability or otherwise of school places in Diss. The Chair of Governors at Hartismere has stated that school is full; a resolution to that lack of capacity is dependent on the outcome of the proposed large-scale housing development at Eye Airfield which, incidentally, will almost certainly generate more traffic through Palgrave centre past the present school site.

From April, CIL brings nothing by way of infrastructure for secondary villages. Critically within MSDC it does not provide for construction of a replacement school where one is necessary due to site constraints. This was pointed out by Palgrave Parish Council in the submission on the Draft Charging Schedules and in regard to the '123 List':

'There are places - Palgrave is one - where the existing school site is so constrained that it cannot expand but needs to be re-sited; this situation is not yet provided for.'

#### Healthcare Provision

There are two GP practices - Parish Fields and The Lawns - in Diss, co-located at a medium size centre with local Community Health services; Parish Fields is the larger of the two GP practices. The centre is not equipped to a reasonable standard in that it has no facilities for x-rays, local surgery and suchlike, all patients being referred normally to the Norfolk and Norwich University Hospital.

GP practices exist at Eye and Botesdale, with the latter being the preferred alternative to Diss for some residents in Palgrave. The Botesdale practice is currently short of nursing staff and although patients living in Palgrave may be registered it is only for a diminished service, e.g. no home visits. The same restrictions may apply in Eye.

Demands on the Diss GP practices have increased due to the housing growth in Diss and Tottington, whilst the recent opening of a new care home is placing specific additional calls on GP services. Parish Fields Practice is understood to be submitting to the planning authority a statement that it does not have capacity for additional patients at this time.

In short, healthcare provision based on Diss cannot be argued to be at or even near a sustainable level.



### Community Facilities

Apart from qualities as an historic Suffolk village with a substantial number of listed buildings around the core, centred on ancient manorial lands, community facilities are minimal. The Community Centre and the adjoining community playing field comprise the total provision.

The Community Centre is undergoing an active programme of refurbishment but needs adequate financial support to complete them. The sports facilities are run-down and little used, whilst as previously noted the Community Council and Parish Council are actively working together to deliver recreation and play facilities for pre-school to teenage children of the village, provided that funds can be raised.

### Economy, Employment and Communications

Palgrave is conveniently situated for the A140, A143 and A1066 primary routes and within a mile of the direct fast rail connection to Norwich and London, making it ideal as a commuter dormitory having all of the attractions and benefits of an historic rural village but convenient connections to types of employment not available locally. This was evidenced in responses to the Local Plan Review survey undertaken by the planning policy team a year ago.

Connectivity to the highway network and proximity to the above communications routes attracts substantial traffic of all types - including HGVs - seeking faster routes to and through Diss avoiding the congested A1066. Only the north side of the east-west through route (Upper Rose Lane/Lion Road) has a continuous footway; all other through routes are sub-standard in width, alignment and capacity and constricted between property boundaries, banks or high verges without safe routes for pedestrians (or cyclists).

Reference was previously made to the lack of mobile coverage for 3G services and absence of any 4G services. These, coupled with the still lower-end broadband coverage, fail to meet the government's stated levels of service required for rural sustainability.

The only employment within Palgrave, save for those working from home, at the school, self-employed or in agriculture, is at the Forge Business Centre. There is no relation between residence and employment and the Business Centre could be located elsewhere. The long-established car sales and servicing business closed a year ago. Those in employment must travel to work in Diss or further afield; some commute to London and even abroad.

### **Housing Needs**

The Parish Council recognises the need for housing that is less expensive and provides fewer habitable rooms for those seeking entry to the housing market and especially those from families within the Parish. It also recognises that blanket allocations applied to the next development that comes up may not be appropriate in all circumstances.

The Parish Council also recognises that a mix of housing types is required. It would be preferable that the planning authority recognised this too. In recent years planning applications for conversions and extensions have been commented on and one comment has been that to increase the size of an existing dwelling takes away a lower cost smaller dwelling from the housing mix and housing market. The planning authority does not recognise that as a reason for refusal so is responsible for failing to maintain the right mix.

Furthermore a planning case officer may entirely ignore recommendations of the Strategic Housing team and put a different housing mix before planning committee, comprising mainly housing of larger types of which there is an excess of provision (see: 2659/15).

Careful thought must be given to identifying appropriate locations, considering sites having better access to the school and other services and to safe walking routes to Diss.



### **Housing Constraints GP1, H4, H5, H14 & H15**

Whilst it is acknowledged that each application is decided on its merits, it is relevant to record the decision of the planning officer, upheld on Appeal, regarding application 3091/14 at Woodside, the property immediately to the east of the application site.

'Development plan policies (sic) seek, inter alia, to secure sustainable development that maintains and enhances the character and appearance of the area and is in keeping with its surroundings. Similarly paragraphs 60 and 64 of the NPPF makes clear that high quality design is a core planning principle and that local planning authorities should seek to promote or reinforce local distinctiveness.

'The proposed dwelling, including the provision of three parking areas in front of the principal elevation, is considered to be a cramped and incongruous form of development which, if permitted, would be detrimental to the character and appearance of the area and uncharacteristic of the locality. The siting of the dwelling and the provision of parking areas forward of the principle (sic) elevation appears contrived to overcome the physical constraints of the site and as a result the new dwelling would appear overly dominant, being significantly closer to the highway than the adjacent dwellings and on higher ground than Lion Road and the properties to the north. The proposal is therefore contrary to policies GP1, SB2, H13 and H15 of the Mid Suffolk Local Plan 1998, to policy CS5 of the Mid Suffolk Core Strategy 2008, to policies FC1 and FC1.1 of the Core Strategy Focused Review (adopted December 2012) and to the objectives of the NPPF, specifically at paragraphs 17, 56,57,60, 61 and 64.'

Save for details specific to elements of that application, all of the above can clearly be seen to apply to the proposed development and does so expressed in proper planning terms. The Parish Council therefore submits that a similar evaluation be applied to this application.

The development is too dense and poorly arranged with respect to the juxtaposition of one set of dwellings to another and also to dwellings that adjoin the application site.

It ignores pre-application advice from Highways regarding a single access, setting back frontage, clear sight lines and the response from Highways to the detailed layout is critical in a number of areas to the extent that, should they not be corrected, recommends refusal.

The size of garages and parking spaces conforms to out-of-date standards; Suffolk Parking Guidelines 2015 now apply. If a single garage is to be of the former internal dimensions of 6x3 metres then an additional 3 sq. metres of storage space must also be provided. To increase the size of the garage and parking spaces to meet standards will increase the density and compactness of the overall design and layout. If they are not increased then they cannot count towards the provision.

### **COMMUNITY-LED VILLAGE PLAN**

Palgrave Parish Council believes that a more appropriate approach would be to engage with the local community with the ambition to develop a Community-Led Village Plan. This has the potential to result in positive outcomes for all parties.





## Consultation Response Pro forma

<b>1</b>	<b>Application Number</b>	4195/15 Land at Lion Road, Palgrave	
<b>2</b>	<b>Date of Response</b>	8.12.15	
<b>3</b>	<b>Responding Officer</b>	Name:	Paul Harrison
		Job Title:	Enabling Officer
		Responding on behalf of...	Heritage
<b>4</b>	<b>Summary and Recommendation</b> (please delete those N/A)  Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	<p>1. The Heritage Team considers that the proposal would cause</p> <ul style="list-style-type: none"> <li>• no harm to a designated heritage asset because it would have no material impact on the setting of listed buildings, or on the setting of, or views into or out of, the Palgrave Conservation Area.</li> </ul> <p><b>No objection.</b></p>	
<b>5</b>	<b>Discussion</b> Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<p>The Palgrave Conservation Area lies a short distance to the east, and the site is surrounded by modern residential development on 2 ½ sides with open fields to the south and west. In view of the existing dwellings to the north of Lion Road, and to the south east of the site, the change in the approach to the historic core of the village will have neutral effect.</p> <p>The nearest listed buildings stand within the Conservation Area, but not at the boundary. In view of the existing modern development in the area, the site cannot be considered to make an appreciable contribution to the setting and significance of these buildings. The tower of Palgrave Church does not seem to feature in views around the site, and the proposal is unlikely to have impact on appreciation of the tower.</p>	
<b>6</b>	<b>Amendments, Clarification or Additional Information Required</b> (if holding objection)  If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate		
<b>7</b>	<b>Recommended conditions</b>		

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.

**Rebecca Biggs**

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**From:** David Pizzey  
**Sent:** 18 December 2015 10:13  
**To:** Alex Bloss  
**Subject:** RE: 4195/15 Land at Lion Road, Palgrave.

Dear Mr Bloss

Thank you for your email. An additional 1.5m of separation between these plots and the boundary trees is certainly an improvement but I will need to look at this in conjunction with the case officer before providing any further comments. This will now be in the new year when I am next working at Mid Suffolk.

Regards

**David Pizzey**  
Arboricultural Officer  
Hadleigh office: 01473 826662  
Needham Market office: 01449 724555  
[david.pizzey@babberghmidsuffolk.gov.uk](mailto:david.pizzey@babberghmidsuffolk.gov.uk)  
[www.babergh.gov.uk](http://www.babergh.gov.uk) and [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)  
Babergh and Mid Suffolk District Councils - Working Together

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**From:** Alex Bloss [<mailto:alex@robertsmolloy.co.uk>]  
**Sent:** 17 December 2015 14:47  
**To:** David Pizzey  
**Subject:** 4195/15 Land at Lion Road, Palgrave.

Dear Mr Pizzey

Following your comments published on MSDC Website for the above development, I now attach a revised block plan showing plots 12-15 having been moved away from the site boundary by a further 1.5m. This provides separation between the dwellings and the site boundary of min. 10.5m. Any impact would be on the garden only, predominately in the depth of winter around midday, but the gardens also benefit from facing East & West. It should also be clarified that the trees are on land outside of this developments control, the other side of a proposed boundary fence and therefore it would not be possible for any significant pruning or post development removal of trees to occur.

Are you able to confirm if this would be sufficient to alleviate your prior concerns regarding post development pruning?

Yours sincerely

**Alex Bloss**

**Roberts Molloy Associates**  
3 Church Lane  
Bressingham  
Diss  
Norfolk, IP22 2AE

**01379 687705**

[www.robertsmolloy.co.uk](http://www.robertsmolloy.co.uk)



179

**From:** David Pizzey  
**Sent:** 15 December 2015 09:44  
**To:** Rebecca Biggs  
**Cc:** Planning Admin  
**Subject:** 4195/15 Land at Lion Road, Palgrave.

Rebecca

Whilst construction of this development seems possible without causing any direct physical damage to the boundary trees I am concerned that the proximity and orientation of the proposal in some areas is likely to result in post-development pressure for pruning as a result of shading. Plots 13-15 are those primarily affected and consideration should be given to reducing the level of this impact.

David

**David Pizzey**  
Arboricultural Officer  
Hadleigh office: 01473 826662  
Needham Market office: 01449 724555  
[david.pizzey@baberghmidsuffolk.gov.uk](mailto:david.pizzey@baberghmidsuffolk.gov.uk)  
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Babergh and Mid Suffolk District Councils - Working Together



**Michelle Windsor**

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**From:** Nathan Pittam  
**Sent:** 10 February 2016 11:54  
**To:** Planning Admin  
**Subject:** 4195/15/FUL. EH - Land Contamination.  
**Categories:** Green Category

<b>Planning Control Received</b>	
<b>10 FEB 2016</b>	
Acknowledged	MW
Date	11/02/16
Pics To	RB

**M3 : 172691**

**4195/15/FUL. EH - Land Contamination.**

**Land at, Lion Road, Palgrave, DISS.**

**Erection of 21 dwellings, 3no. new highways accesses, associated parking, turning & on-site open space provision.**

Many thanks for your request for comments in relation to the above application. I have reviewed the Phase I study undertaken in support of the application (Geosphere Environmental Ref. 1581,DS/JG. JD/12.01.12/V1) and am generally happy with the risk levels at the development site. The report highlights potential issues around an infilled pond adjacent to the site but I believe that this was not an adhoc infilling but a geotechnical engineering operation associated with the development of the adjacent site to residential. The report also states that it would be prudent to assess near surface ground conditions but I feel that this is merely a precautionary measure which we could not justify using a condition to make happen I am happy to raise no objection to this development but would only request that the developer remains alert to the potential for contamination (as outlined in the Geosphere Report) and that we are contacted in the event of unexpected ground conditions being encountered during construction. I would also recommend that the developer is made aware that the responsibility for the safe development of the site lies with them.

Regards

Nathan

Nathan Pittam BSc. (Hons.) PhD  
 Senior Environmental Management Officer  
 Babergh and Mid Suffolk District Councils – Working Together  
 t: 01449 724715 or 01473 826637  
 w: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



Your Ref: MS/4195/15  
 Our Ref: 570\CON\0291\16  
 Date: 28<sup>th</sup> January 2016.  
 Highways Enquiries to: martin.egan@suffolk.gov.uk

**All planning enquiries should be sent to the Local Planning Authority.**

Email: [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk)

The Planning Officer  
 Mid Suffolk District Council  
 131 High Street  
 Ipswich  
 Suffolk  
 IP6 8DL

**For the Attention of:** Rebecca Biggs.

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN MS/4195/15**

**PROPOSAL:**            **Erection of 21 dwellings, 3no. new highways accesses, associated parking, turning & on-site open space provision**

**LOCATION:**            **Land At, Lion Road, Palgrave**

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

**1 AL 1**

Condition: The accesses shall be completed in all respects in accordance with Drawing No. PLR/01 Revision L as submitted and be available for use before any new dwelling is first occupied. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

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

**2 ER 1**

Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

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

**3 ER 2**

Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.



## 4 P 1

Condition: The use shall not commence until the area(s) within the site shown on Drawing Number PLR/01 Revision L as submitted for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

## 5 V 1

Condition: Before the access is first used visibility splays shall be provided as shown on Drawing No. PLR/01 Revision L as submitted and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure 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.

## 6 New Footway.

Condition: Before any of the hereby approved new dwellings are first occupied the new footway along Lion Road linking the new development with the existing footway at Clarke Close shall be completed in all respects and open for use in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is a safe footway connection between the application site and the existing adjacent footway for the benefit of new residents reaching the village amenities.

## 7 NOTE 02

Note 2: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's Central Area Manager must be contacted on Telephone: 01473 341414. Further information go to: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

## 8 NOTE 07

Note: The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

## 9 NOTE 12

Note: The existing street lighting system may be affected by this proposal. The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.

Yours faithfully

**Mr Martin Egan**  
**Highways Development Management Engineer**  
 Strategic Development – Resource Management



9-10 The Churchyard, Shire Hall  
Bury St Edmunds  
Suffolk  
IP33 1RX

Philip Isbell  
Corporate Manager – Development Management  
Planning Services  
Mid Suffolk District Council  
131 High Street  
Needham Market  
Ipswich IP6 8DL

Enquiries to: Rachael Abraham  
Direct Line: 01284 741232  
Email: Rachael.abraham@suffolk.gov.uk  
Web: <http://www.suffolk.gov.uk>

Our Ref: 2015\_4195  
Date: 21 December 2015

For the Attention of Rebecca Biggs

Dear Mr Isbell

**PLANNING APPLICATION 4195/15 – LAND AT LION ROAD, PALGRAVE:  
ARCHAEOLOGY**

This application lies in an area of high archaeological interest recorded in the County Historic Environment Record. The development site is located on the edge of the historic settlement core of Palgrave and scatters of Roman, Saxon and medieval date (PAL 041 and 046) have been found in its vicinity. As a result, there is a strong possibility that heritage assets of archaeological interest will be encountered at his location. Any groundworks causing significant ground disturbance have potential to damage any archaeological deposit that exists.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. In accordance with paragraph 141 of the National Planning Policy Framework, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of the heritage asset before it is damaged or destroyed.

The following two conditions, used together, would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.



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

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

**REASON:**

*To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2012).*

**INFORMATIVE:**

*The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.*

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological investigation. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Please let me know if you require any clarification or further advice.

Yours sincerely

Rachael Abraham

Senior Archaeological Officer  
Conservation Team



**From:** RM Floods Planning  
**Sent:** 24 December 2015 10:24  
**To:** Planning Admin  
**Subject:** RE: Consultation on Planning Application 4195/15

Rebecca Biggs

**Erection of 21 dwellings, 3no. new highways accesses, associated parking, turning & on-site open space provision - Land at, Lion Road, Palgrave**

### SCC's Position

Because the proposed development is located on a greenfield site and is greater than 1ha or 10 dwellings, there needs to be a suitable scheme implemented for the disposal of surface water. This is to prevent increased risk of flooding, both on and off the site due to the increase in impermeable areas post development

Currently no drainage strategy has been submitted outlining specific details of a proposed surface water drainage system on site. This is not satisfactory at the full planning stage and SCC will require more information, therefore SCC recommend a holding objection until such time a detailed drainage strategy is submitted along with a ground investigation report outlining soakage rates at the site in accordance with BRE 365.

The applicant should consult SCC's local SuDS guidance and protocol when developing the drainage strategy and should adhere to national best practice (Ciria SuDS Manual C753). SCC will be more than happy to discuss options with the applicant and provide advice if necessary.

The drainage strategy should include:-

1. Dimensioned drawings showing all aspects of the surface water drainage system.
2. If infiltration type SuDS are viable, they shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality or any Source Protection Zones. SuDS features should demonstrate betterment to water quality, especially if discharging to a watercourse, thus treatment stages should be designed into the scheme.
3. If the use of infiltration is not possible then modelling or similar assessment shall be submitted to demonstrate that the surface water discharge to the receiving watercourse, up to the 1 in 100yr +CC rainfall event, will be restricted to  $Q_{bar}$  or 2l/s/ha, whichever is higher.
4. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100yr rainfall event including climate change.
5. Modelling of the pipe network in the 1 in 30yr rainfall event to show no above ground flooding at all.
6. Modelling of the volumes of any above ground flooding from the pipe network in a 100yr + climate change rainfall event, along with topographic plans showing where water will flow and be stored to ensure there is no flooding to buildings on the site and there is no flooding in the immediate area due to offsite flows.
7. If exceedance is being designed into the surface water system, then topographic plans shall be submitted depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite. If exceedance routes are to be directed to SuDS features

then the potential additional volume of surface water must be included within the design of the surface water system.

8. Details of adoption and maintenance on all SuDS features for the lifetime of the development. Submission of an operation and maintenance schedule.

Kind Regards

***Steven Halls***

Flood and Water Engineer  
Flood and Water Management  
Resource Management  
Suffolk County Council  
Endeavour House, 8 Russell Road, Ipswich, Suffolk. IP1 2BX

Tel: 01473 264430

Mobile: 07713093642

Email: [steven.halls@suffolk.gov.uk](mailto:steven.halls@suffolk.gov.uk)



Phil Watson Landscape Development Officer  
Natural Environment Team

Endeavour House ( B2 F5 47)  
Russell Road  
IPSWICH

IP1 2BX  
Suffolk  
Tel: 01473 264777  
Fax: 01473 216889  
Email: phil.watson@suffolk.gov.uk  
Web: <http://www.suffolk.gov.uk>

Your Ref: 4195\_15  
Our Ref:  
Date: 17/12/2015

**DISCLAIMER:** This information has been produced by Suffolk County Council's Natural Environment Team on behalf of Mid Suffolk District Council, at their request. However, the views and conclusions contained within this report are those of the officers providing the advice and are not to be taken as those of Suffolk County Council.

Ms Rebecca Biggs  
Planning Dept  
Mid Suffolk District Council  
131 High St  
Needham Market  
Suffolk  
IP6 8DL

Dear Rebecca,

**Proposal: Erection of 21 dwellings, 3no. New highways accesses, associated parking, turning & on-site open space provision**

**Location: Land at, Lion Road, Palgrave**

Based on the information provided by the applicant and a site visit carried out, on the 11<sup>th</sup> December, I offer the following comments.

**The site and landscape**

The site is at the edge of the Ancient Plateau Clayland Landscape type, on the western edge of Palgrave to the north of a small tributary of the River Waveney, *Thrandeston Marsh*. The site is bounded on three sides by a mix of mature and maturing vegetation ranging from hedgerows to young woodland to mature trees and hedgerow. To the south the site is open to the road. On the opposite side of Lion Road the village housing extends to a point in line with western boundary of the site.

**Likely landscape effects**

The development site is reasonably well integrated with the existing built up area and is partially integrated in to the wider landscape, by existing vegetation. There will however be a change of land cover on the site, with the loss of locally characteristic arable land.

**Likely visual effects**

The site is partially screened on three sides by existing vegetation; however there will be a significant change in outlook for the houses to the north of Lion Road, and adjacent rights

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of way. The proposed design of the new street frontage appears to be reasonably appropriate. Given its contribution to local character and to the screening of the site it is important that boundary vegetation is adequately protected during construction.

### **Other Issues**

The LPA should be satisfied that a suitable scheme for the long term management of the proposed greenspace can be secured and appropriate sums provided.

Whilst it may be possible to accommodate the development without adverse effects on boundary vegetation. The layout should also provide sufficient space for "livability" in relation to adjacent trees and ensure that there is no future pressure to fell from future occupiers.

It is notable that the ecological report states that; *"There should be no direct lighting of the woodland trees or the hedgerows as bats may be using these as foraging and commuting routes."*

### **Recommendation**

This proposal is acceptable in landscape terms subject to the following conditions;

#### **PRIOR TO COMMENCEMENT: SOFT LANDSCAPING**

No development shall commence, until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for that development area/phase, drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities, weed control protection and maintenance and any tree works to be undertaken during the course of the development. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

#### **PRIOR TO COMMENCEMENT: HARD LANDSCAPING**

No development shall commence, until full details of a hard landscaping scheme for that area/phase has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features).



In addition to having consideration for the landscape and visual impacts of external lighting, in consultation with the SCC Senior ecologist Mrs Sue Hooton this condition also seeks to minimise the risk of disturbance to bats using the boundary hedgerows and trees. This condition is based on BS42020:2013 *Biodiversity Code of practice for planning and development*. (appendixD3.5)

#### **PRIOR TO COMMENCEMENT: EXTERNAL LIGHTING**

No external lighting shall be provided within a development area unless details thereof have first been submitted to and approved in writing by the Local Planning Authority. Prior to commencement a detailed lighting scheme for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be;

- a) Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.
- b) Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

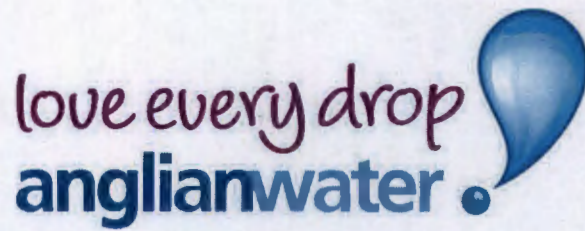
All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

#### **Reasons**

I have made these recommendations in order to reasonably minimise the adverse impacts of the development on the character of the landscape and local visual amenity having particular regard for Policy CS5.

Yours sincerely

**Phil Watson**  
Landscape Development Officer



**Planning Applications – Suggested Informative  
Statements and Conditions Report**

AW Reference:	00010911
Local Planning Authority:	Mid Suffolk District
Site:	Land at Lion Road, Palgrave, Palgrave
Proposal:	Creation of 21 x C3 Dwellings
Planning Application:	4195/15

**Prepared by Mark Rhodes**

**Date 28 January 2016**

If you would like to discuss any of the points in this document please contact me on 01733 414690 or email [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk)



## **ASSETS**

### **Section 1 – Assets Affected**

- 1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

## **WASTEWATER SERVICES**

### **Section 2 – Wastewater Treatment**

- 2.1 The foul drainage from this development is in the catchment of Diss Water Recycling Centre that will have available capacity for these flows.

### **Section 3 – Foul Sewerage Network**

- 3.1 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.

### **Section 4 – Surface Water Disposal**

- 4.1 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.

- 4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. 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.

### **Section 5 – Trade Effluent**

- 5.1 Not applicable



**Section 6 – 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.*



ENQ/2016/0097 consultation comment for Mid-Suffolk

Dear Rebecca Biggs,

Thank you for your letter consulting South Norfolk District Council on Mid Suffolk planning application reference 4195/15.

The application in question (Land at Lion Road, Plagrove) is outside the South Norfolk District Boundary, but within close proximity to settlements within South Norfolk District, in particular the market town of Diss, which is one of the main settlements within South Norfolk District.

I cannot see any specific reason for the development in question to cause significant impact to the South Norfolk District. However, I can inform of the follow context in accordance with the duty-to-cooperate.

It should be noted although Diss is a Main Town in South Norfolk it is not a designated strategic growth location in accordance with the South Norfolk Joint Core Strategy (JCS) (2011). Policy 13 of the JCS states Diss only has a 300 dwelling allocation and that strategic major growth is north/west of the South Norfolk District.

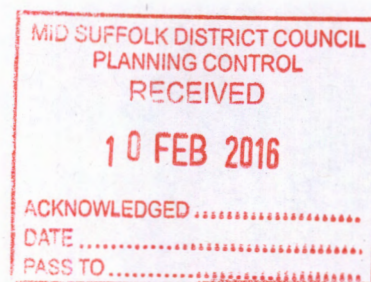
Also I am sure you are aware, but I believe it is worth mentioning the Waveney River Valley is a sensitive designation, which is situated south of Diss and north of the application site. I am sure you will take all relevant designations into account in concluding a final decision.

Please note this consultation comment is provided at officer level only and has not been through any committee of the council.

I hope you find this information useful in your decision-taking.

Yours sincerely,

Elizabeth Thomas (on behalf of South Norfolk District Council)



194

**From:** Consultations (NE) [mailto:consultations@naturalengland.org.uk]  
**Sent:** 11 December 2015 09:22  
**To:** Planning Admin  
**Subject:** 173792 4195/15 - Erection of 21 dwellings, 3no. new highways accesses, associated parking, turning & on-site open space provision

Dear Sir / Madam

Application ref: 4195/15  
Our Ref: 173792

**Natural England has no comments to make on this application.**

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

Yours faithfully

Richard Sykes  
Natural England  
Consultation Service  
Hornbeam House  
Crewe Business Park  
Electra Way,  
Crewe  
Cheshire, CW1 6GJ

Tel: 0300 060 0090

Email: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England is accredited to the Cabinet Office Customer Service Excellence Standard**

**Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental**



considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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196

**From:** RM PROW Planning  
**Sent:** 16 December 2015 14:40  
**To:** Planning Admin  
**Subject:** RE: Consultation on Planning Application 4195/15

**For The Attention Of: Rebecca Biggs**

### **Rights of Way Response**

Thank you for your consultation regarding the above planning application.




Please accept this email as confirmation that we have no comments or observations to make in respect of this application directly affecting Public Footpath 4, which is on the opposite side of the road to the area of development.

Please note, there may also be public rights of way that exist over this land that have not been registered on the Definitive Map. These paths are either historical paths that were never claimed under the National Parks and Access to the Countryside Act 1949, or paths that have been created by public use giving the presumption of dedication by the land owner whether under the Highways Act 1980 or by Common Law. This office is not aware of any such claims.

Regards

**Jackie Gillis**  
**Rights of Way Support Officer**  
**Countryside Access Development Team**

Rights of Way and Access  
Resource Management, Suffolk County Council  
Endeavour House (Floor 5, Block 1), 8 Russell Road, Ipswich, IP1 2BX

 (01473) 260811 |  [PROWPlanning@suffolk.gov.uk](mailto:PROWPlanning@suffolk.gov.uk) |   
<http://publicrightsofway.onesuffolk.net/> | **Report A Public Right of Way Problem Here**





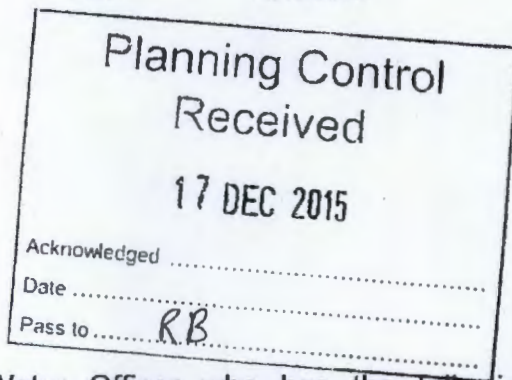
**Suffolk Fire and Rescue Service**

Fire Business Support Team  
Floor 3, Block 2  
Endeavour House  
8 Russell Road  
Ipswich, Suffolk  
IP1 2BX

Mid Suffolk District Council  
Planning Department  
131 High Street  
Needham Market  
Ipswich  
IP6 8DL

Your Ref: 4195/15  
Our Ref: FS/F190950  
Enquiries to: Angela Kempen  
Direct Line: 01473 260588  
E-mail: Fire.BusinessSupport@suffolk.gov.uk  
Web Address: http://www.suffolk.gov.uk

Date: 14/12/2015



Dear Sirs

**Land at Lion Road, Palgrave**  
**Planning Application No: 4195/15**

I refer to the above application.

The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

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

Water Supplies

No additional water supply for fire fighting purposes is required in respect of this planning application.

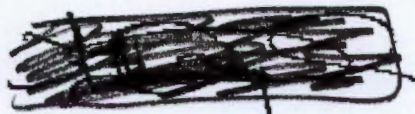
Continued

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

Yours faithfully



Mrs A Kempen  
Water Officer

Copy; Roberts Molloy Associates, Mrs Sarah Roberts, 3 Church Lane, Bressingham,  
Diss, IP22 2AE

Enc; Sprinkler letter





## Consultation Response Proforma

1	<b>Application Number</b>	4195/15 – Land at Lion Road, Palgrave	
2	<b>Date of Response</b>	4/1/16	
3	<b>Responding Officer</b>	Name:	Louise Barker
		Job Title:	Housing Development Officer
		Responding on behalf of...	Strategic Housing
4	<b>Recommendation</b> (please delete those N/A)  Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	No objection  Note: This application triggers an affordable housing requirement under policy altered H4 of the Mid Suffolk Local Plan.	
5	<b>Discussion</b> Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<u>Reasoning/Rationale:</u> <ul style="list-style-type: none"> <li>• Under altered policy H4 of the MSDC Local Plan the requirement is for up to 35% affordable provision on development proposals of 5 units and over outside of Stowmarket and Needham Market.</li> <li>• A development of 21 dwellings is proposed for this site in Palgrave.</li> <li>• 35% of 21 units equates to seven affordable units with preference to onsite delivery in the first instance.</li> <li>• This application proposal offers 6 shared equity units and two affordable rental units.</li> <li>• This scheme proposal satisfies two of the Councils strategic priorities which are for growth and affordable housing.</li> </ul> <p>The Ipswich Housing Market Area Strategic Housing Market Assessment confirms a continuing and growing need for housing across all tenures. The most recent update of the Strategic Housing Market Assessment, completed in 2012 confirms <u>a minimum need of 229 affordable homes per annum</u> for the MSDC area.</p>	

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.



The Choice Based Lettings register currently has circa 890 applicants with an active status for the Mid Suffolk area.

Affordable Housing Needs Assessment:

The Choice Based Housing Register Need for Palgrave currently shows 14 applicants. Of these 4 have a local connection.

Of these applicants the property size required is:

1 bed property = 5 applicant

2 bed property = 5 applicants

3 bed property = 4 applicants

- The proposed scheme offers 29% affordable units which is less than the recommended 35%. The proposed tenure for the affordable units is:

3 x 2 bed houses – shared equity

1 x 1 bed bungalow – affordable rental

1 x 2 bed bungalow – affordable rental

- Discussions have taken place with the Registered Provider on the tenure and whilst we would recommend a mix of affordable rental and shared ownership the affordable housing offered in this application is acceptable for this scheme.

Preferred Mix for Market Homes:

- The Council's 2014 Suffolk-wide Housing Needs Survey shows that there is a need for smaller homes both for younger people, who may be newly formed households, but also for older people who are already in the property owning market and require appropriate housing to downsize.
- With an aging population, both nationally and locally new homes should, wherever possible, be built to Lifetime-Homes standards and this can include houses, apartments and bungalows. Developers should be considering apartments with a good specification and good size rooms to encourage downsizing amongst older people but

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		<p>with the space to live well and enable home working. This may include sheltered or Extra Care housing where appropriate. Broadband and satellite facilities as part of the design should be standard.</p> <ul style="list-style-type: none"> <li>• It would also be appropriate for any open market apartments and smaller houses on the site to be designed and developed to Lifetime-Homes standards, making these attractive and appropriate for older people.</li> <li>• The proposed open market element of this development consists of: <ul style="list-style-type: none"> <li>2 x 2bed house</li> <li>7 x 3bed house</li> <li>6 x 4bed house</li> </ul> </li> </ul> <p>For the above reasons and with the need for smaller homes across all tenures it is recommended that consideration be given to a broader mix of open market housing to include 1 and 2 bedrooms.</p>
6	<p><b>Amendments, Clarification or Additional Information Required</b> (if holding objection)</p> <p>If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate</p>	
7	<p><b>Recommended conditions</b></p>	

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.



**From:** Griss, Steve [mailto:Steve.Griss@suffolk.pnn.police.uk]  
**Sent:** 24 December 2015 12:16  
**To:** Planning Admin  
**Cc:** Claire Austin; Pepper, Tristan; Leigh Jenkins; Mason, Andrew; Mike Bacon; Victoria Fisk; Taylor, Catherine; Osborne, Alan (Suffolk Police)  
**Subject:** Land at, Lion Road, Palgrave - Your ref 4195/15

Philip

Thank you for the opportunity to comment on the attached planning application.

I am the Traffic Management Officer for Suffolk Constabulary and only comment in relation to this aspect of the application.

I have no objection to the proposed development but it is worth pointing out that our Safety Camera Van carries out speed enforcement in Lion Road, as a result of complaints from residents. I notice that the entrance to the development will be approximately 90m from the derestricted terminal signs.

Whilst this should be sufficient, I think it would be worth considering moving the terminals out a bit further (increasing the length of the 30 mph speed limit). It would give drivers a little more time to slow down before reaching both the new development and the houses that are currently very close to the terminals. This could aid road safety.

For your consideration.

Regards,  
Steve Griss

---

**Steve Griss**  
Traffic Management Officer

**Specialist Operations**  
Suffolk Constabulary  
Portal Avenue  
Martlesham Heath, Suffolk, IP5 3QS  
Tel: 01473 613713  
[www.suffolk.police.uk](http://www.suffolk.police.uk)

This e-mail carries a disclaimer

Go here to view [Suffolk Constabulary Disclaimer](#)

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**Secured by Design**



# **SUFFOLK CONSTABULARY**

**Heather Highton  
Architectural Liaison Officer  
Crime Reduction Office  
Mildenhall Police Station  
Kingsway  
Mildenhall  
Suffolk  
IP28 7HS**

**Tel: 01284774276**



## For the Attention of Rebecca Biggs

### Land at Lion Road, Palgrave - 4195/15

Thank you for this consultation and the opportunity to comment.

I would like to register my approval of many facets of the plan – it is apparent that all concerned are mindful of the requirements to provide a safe and secure development.

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour.

#### Information.

National legislation that directly relates to this application

**Section 17 of the 'Crime and Disorder Act 1998'** places a duty on each local authority: "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment".

Despite other legislative considerations within the planning process, there is no exemption from the requirement of Section 17 as above. Reasonable in this context should be seen as a requirement to listen to advice from the Police Service (as experts) in respect of criminal activity. They constantly deal with crime, disorder, anti-social acts and see on a daily basis, the potential for 'designing out crime'.

This rationale is further endorsed by the content of PINS 953.

#### National Planning Policy Framework.

**Paragraph 58** states:-

"Planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

**Paragraph 69.**

This paragraph looks towards healthy and inclusive communities. The paragraph includes:-

"Planning policies and decisions, in turn, should aim to achieve places which promote:

Safe and accessible developments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion".



### Generic recommendations.

1. The physical security element of the application should not be overlooked. There are British Standards (PAS 24) for doors and windows that ensure that the installed items are fit for purpose.
2. Fencing – Divisional fencing at the 'bottom of the garden' should be of an 1800mm close boarded style.  
Sub divisional fencing, (plot division) the 'side of garden' boundary should be a 1500mm close board topped with a 300mm trellis. This minor change to the fencing detail should be negotiated in as it allows for a better level of neighbour surveillance without adversely affecting privacy.  
Privacy panels can be included (a full 1800 close boarded across paths and patios etc.) where necessary.
3. Trees should allow, when mature, crown lift with clear stem to a 2 metre height. Similarly, shrubbery should be selected so that, when mature, the height does not exceed 1 metre, thereby ensuring a 1 metre window of surveillance upon approach whether on foot or using a vehicle.
4. Street lighting should conform to the requirements of BS 5489:2013. A luminaire that produces a white light source ( $Ra > 59$  on the colour rendering index) should be specified but luminaires that exceed 80 on the colour rendering index are preferred.
5. Individual properties should have rear aspect lighting installed. An electrically photocell operated wall mounted fitting, (a dusk to dawn light) complete with a compact fluorescent lamp and wired through a switched spur allows the choice to the resident whether to illuminate or not. If the choice is to illuminate, then control is achieved by the photocell which only switches on when required.

All the above should be required in order to comply with paragraph 58 of the NPPF.

Secured by Design aims to achieve a good overall standard of Security for buildings and the immediate environment. It attempts to deter criminal and anti-social behaviour within developments by introducing appropriate design features that enable Natural Surveillance and create a sense of ownership and responsibility for every part of the development.

These features include secure vehicle parking adequate lighting of common areas, control of access to individual and common areas, defensible space and a landscaping and lighting scheme which when combined, enhances Natural Surveillance and safety.

Cul-de-sacs that are short in length and not linked by footpaths can be very safe environments in which residents benefit from lower crime. Research shows that



features that generate crime within cul-de-sacs invariably incorporate one or more of the following undesirable features:

- backing onto open land, railway lines, canal towpaths etc, and/or
- are very deep (long)
- linked to one another by footpaths.

If any of the above features are present in a development additional security measures may be required.

It is important to avoid the creation of windowless elevations and blank walls adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games. The provision of at least one window above ground floor level, where possible, will offer additional surveillance over the public area.

Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of the active rooms within these homes. It may be necessary to provide additional windows to provide the opportunity for overlooking of the parking facility.

Experience shows that incorporating security measures during a New Build or Refurbishment reduces crime, fear of crime and disorder. The aim of the Police Service is to assist in the Design process to achieve a safe and secure environment for Residents and Visitors without creating a 'Fortress environment'.

New Homes 2014 guide is available from [www.securedbydesign.com](http://www.securedbydesign.com) which explains all the crime reduction elements of the scheme.

I would be please to work with the agent and/or the developer to ensure the proposed development incorporates the required elements. This is the most efficient way to proceed with residential developments and is a partnership approach to reduce the opportunity for crime and the fear of crime.

If you wish to discuss this further or need help with the SBD application please contact me on 01284 774276.

Yours sincerely

Heather Highton  
22/12/15



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# Boyer

Date: 17/12/2015

Ref: 14.618

Rebecca Biggs,  
Planning Department,  
Mid Suffolk District Council,  
131 High Street,  
Needham Market,  
Ipswich,  
IP6 8DL

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De Grey Road  
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T: 01206 769 018  
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[colchester@boyerplanning.co.uk](mailto:colchester@boyerplanning.co.uk)  
[boyerplanning.co.uk](http://boyerplanning.co.uk)

Dear Rebecca,

### **Developer Contributions Requirements – 4195/15 – Red Lion, Palgrave.**

I am writing on behalf of Suffolk County Council in relation to the above planning application for 21 dwellings in Palgrave. Boyer has been instructed to assist in providing an assessment of the infrastructure requirements for this application on behalf of Suffolk County Council.

The requirements set out in this letter will need to be considered by Mid Suffolk Council if residential development is successfully promoted on the site. The County Council will also need to be party to any sealed Section 106 legal agreement if there are any obligations secured which is its responsibility as service provider. Without the following contributions being agreed between the applicant and the Local Authority, the development cannot be considered to accord with policies to provide the necessary infrastructure requirements.

The contribution requirements set out in this letter are intended to be a starting point for discussion between Suffolk County Council and the Local Authority. These requirements should be used as the basis to establish the priorities that are going to be related to this specific site and proposal.

### **Relevant Policy**

The National Planning Policy Framework (NPPF), at paragraph 203 - 206, sets out the requirements of planning obligations, and requires that they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The County Council have adopted the 'Section 106 Developers Guide to Infrastructure Contributions in Suffolk' (2012), which sets out the agreed approach to planning applications with further





information on education and other infrastructure matters provided within the supporting topic papers. This can be viewed at [www.suffolk.gov.uk/business/planning-and-design-advice/planning-obligations/](http://www.suffolk.gov.uk/business/planning-and-design-advice/planning-obligations/)

Mid Suffolk adopted its Core Strategy in 2008 and more recently undertook a Core Strategy Focused Review which was adopted in December 2012 and includes the following objectives and policies relevant to providing infrastructure:

- Strategic Objective S06 seeks to ensure that delivery of necessary infrastructure takes place to accommodate new development.
- Policy FC1 sets out the presumption in favour of sustainable development in Mid Suffolk.

Policy FC 1.1 highlights the Council will facilitate the delivery of sustainable development through a variety of means including the appropriate use of planning conditions and obligations.

### **Community Infrastructure Levy**

In March 2015, Mid Suffolk District Council formally submitted documents to the Planning Inspectorate for examination under Regulation 19 of the Community Infrastructure Levy Regulation 2010 (as amended). Mid Suffolk District Council are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.

The current Mid Suffolk 123 List, dated November 2014, includes the following as being capable of being funded by CIL rather than through planning obligations:

- Provision of passenger transport
- Provision of library facilities
- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure

As of 6<sup>th</sup> April 2015, the 123 Regulations restrict the use of pooled contributions towards items that may be funded through the levy. The requirements being sought here would be requested through CIL, once adopted by Mid Suffolk District Council, and therefore would meet the new legal test. It is anticipated that the District Council is responsible for monitoring infrastructure contributions being sought.

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

#### **1. Education**

Paragraph 72 of the NPPF states that *'The Government attaches great importance to ensuring 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.'*

The NPPF at paragraph 38 states *'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'*



We would anticipate the following minimum pupil yields from a development of 21 dwellings (taking into account dwelling type and mix):

- Primary school age range, 5-11: 5 pupils. Cost per place is £12,181 (2015/16 costs)
- Secondary school age range, 11-16: 3 pupils. Cost per place is £18,355 (2015/16 costs)
- Secondary school age range, 16+: 1 pupil. Cost per place is £19,907 (2015/16 costs)

The local catchment schools are Palgrave CEVCP School and Eye Hartismere High School. There are currently insufficient places available at the primary and secondary school to accommodate primary, secondary and sixth-form pupils that will arise from this development. There is also no capacity for physical expansion on the site of the Primary school at Palgrave. Contributions are therefore required for all 9 school places, at a total cost of **£135,877**. There may be the possibility for the County Council to discuss further options with relevant head teachers.

The scale of contributions is based on cost multipliers for the capital cost of providing a school place, which are reviewed annually to reflect changes in construction costs. The figures quoted will apply during the financial year 2015/16 only and have been provided to give a general indication of the scale of contributions required should residential development go ahead. The sum will be reviewed at key stages of the application process to reflect the projected forecasts of pupil numbers and the capacity of the schools concerned at these times. Once a Section 106 legal agreement has been signed, the agreed sum will be index linked using the BCIS Index from the date of the Section 106 agreement until such time as the education contribution is due. SCC has a 10 year period from date of completion of the development to spend the contribution on local education provision.

Clearly, local circumstances may change over time and I would draw your attention to section 13 of this letter which sets out this information is time-limited to 6 months from the date of this letter.

## 2. Pre-school provision

It is the responsibility of SCC to ensure that there is sufficient provision under the Childcare Act 2006 and that this relates to section 8 of the NPPF. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4 year olds. The Government have also recently signalled the introduction of 30 hours free entitlement a week from September 2017. The Education Act (2011) introduced the statutory requirement for 15 hours free early years education for all disadvantaged 2 year olds.

In this area there are 3 providers offering 68 places with 8 places currently available. As this development would result in approximately 2 children arising, no contribution is sought in this matter.

## 3. Play space provision



Consideration will need to be given to adequate play space provision. A key document is the 'Play Matters: A Strategy for Suffolk', which sets out the vision for providing more open space where children and young people can play. Some important issues to consider include:

- In every residential area there are a variety of supervised and unsupervised places for play, free of charge;
- Play spaces are attractive, welcoming, engaging and accessible for all local children and young people, including disabled children, and children from minority groups in the community;
- Local neighbourhoods are, and feel like, safe, interesting places to play;
- Routes to children's play spaces are safe and accessible for all children and young people.

#### **4. Transport**

The NPPF at Section 4 promotes sustainable transport. A comprehensive assessment of highways and transport issues is required as part of any 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. This will be co-ordinated by Andrew Pearce of Suffolk County Highway Network Management.

In its role as Highway Authority, Suffolk County Council has worked with the local planning authorities to develop county-wide technical guidance on parking in light of new national policy and local research. This was adopted by the County Council in November 2014 and replaces the Suffolk Advisory Parking Standards (2002). The guidance can be viewed at <http://www.suffolk.gov.uk/assets/suffolk.gov.uk/Environment%20and%20Transport/Planning/2014-11-27%20Suffolk%20Guidance%20for%20Parking.pdf>

#### **5. Rights of Way**

Section 8 of the NPPF promotes the need to protect and enhance public rights of way and access.

As a result of the anticipated use of the public rights of way network and as part of developing the health agenda to encourage people to walk and cycle more, the Rights of Way service are reviewing their requirements and will advise at a later date if any contributions are required.

#### **6. Libraries**

Section 8 of the NPPF promotes healthy communities and highlights the importance of delivering the social, recreational and cultural facilities and services a community needs.

Suffolk County Council requires a minimum standard of 30sqm of new library space per 1,000 population. Construction and initial fit-out cost of £3,000 per sqm 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. Assuming an average of 2.4 persons per dwelling the requirement is  $2.4 \times 90 = £216$  per dwelling.

On the basis of an average of 2.4 persons per dwelling, the capital contribution towards the development of library services arising from this scheme is  $216 \times 21 = £4,536$ . This would be spent at the local catchment library in Eye (Buckshorn Lane) and allows for improvements and enhancements to be made to library services and facilities.

## **7. Waste**

Site waste management plans have helped to implement the waste hierarchy and exceed target recovery rates and should still be promoted. The NPPF (para. 162) requires local planning authorities to work with others in considering the capacity of waste infrastructure.

A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions. Design features for waste containers and the availability of recycling facilities should be considered in finalising the design of the development.

Strategic waste disposal is dealt with by the County Council, which includes disposal of household waste and recycling centres. A contribution of £51 per dwelling is sought for improvement, expansion or new provision of waste disposal facilities. For this development that would be a capital contribution of **£1,071**.

## **8. Supported Housing**

Section 6 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, may need to be considered as part of the overall affordable housing requirement. We would encourage all homes to be built to the 'Lifetime Homes' standard.

## **9. Sustainable Drainage Systems**

Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when considering major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

As of 6<sup>th</sup> April 2015, the sustainable drainage provisions within the Flood and Water Management Act 2010 have been implemented, and developers are required to seek drainage approval from the county council and/or its agent alongside planning consent. The cost of ongoing maintenance is to be part of the Section 106 negotiation.

## **10. Fire Service**

The Suffolk Fire and Rescue Service requests that early consideration is given to access for fire vehicles and provisions of water for fire-fighting. The provision of any necessary fire hydrants will need to be covered by appropriate planning conditions.



Suffolk Fire and Rescue Service (SFRS) seek higher standards of fire safety in dwelling houses and promote the installation of sprinkler systems and can provide support and advice on their installation.

#### 11. Superfast broadband

Section 5 of the NPPF supports high quality communications infrastructure and highlights at paragraph 42 that high speed broadband plays a vital role in enhancing the provision of local community facilities and services. SCC would recommend that all development is equipped with superfast broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest BT exchange is required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed.

#### 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. The information contained within this letter is time-limited for 6 months only from the date of this letter.

#### 14. Summary Table

Service Requirement	Contribution per dwelling	Capital Contribution
Education - Primary	£2,900	£60,095
Education – Secondary	£2,622	£55,065
Education – Sixth Form	£948	£19,907
Pre-School Provision	£0	£0
Transport	£0	£0
Rights of Way	£0	£0
Libraries	£216	£4,536
Waste	£51	£1,071
<b>Total</b>	<b>£6,737</b>	<b>£140,674</b>

Table 1.1: Summary of Infrastructure Requirements

I consider that the above contributions requested are justified, evidenced and satisfy the requirements of the NPPF and the CIL 122 Regulations. Please let me know if you require any further supporting information.

Yours sincerely

*Boyer Proloc*



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Bethan Roscoe  
**Boyer Planning Ltd**

Tel: 01206 769018

Email: [bethanroscoe@boyerplanning.co.uk](mailto:bethanroscoe@boyerplanning.co.uk)

cc. Neil McManus, Suffolk County Council



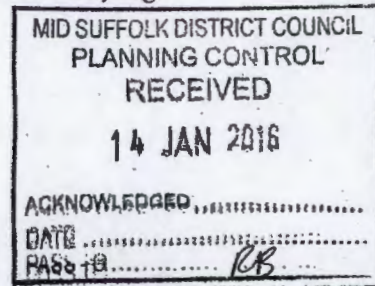
# Suffolk

**PRESERVATION SOCIETY**  
*Respecting the past, shaping the future*

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12 January 2016

Mr Philip Isbell  
Corporate Manager - Development Management  
Mid Suffolk District Council  
High Street  
Needham Market  
IP6 8DL



FAO Rebecca Biggs

Dear Mr. Isbell,

**Planning application reference: 4195/15**  
**Erection of 21 dwellings, 3no. new highways accesses, associated parking, turning & on-site open space provision, Land at Lion Road, Palgrave**

I am writing on behalf of the Suffolk Preservation Society ('the Society') to register concern about the above planning application for the erection of 21 dwellings on a greenfield site at Lion Road which is outside, but adjoining, the current physical limit of Palgrave, a Secondary Village.

The Society considers that the social impacts of an additional 21 dwellings in addition to the recently approved 4 dwellings at the Pat Lewis site will result in significant pressure for additional school places at the village primary school. The school is located at the heart of the conservation adjoining Palgrave Common which has a number of listed buildings encircling it and adjoining the grade I parish church. We understand that the school is currently operating at capacity and note that it has already encroached upon the common to provide additional outdoor play area and understand that the school is currently seeking permission to erect additional classrooms on the green adjoining the churchyard. We consider that this ongoing expansion represents a significant threat to the character of the conservation area and the setting of the church and would urge the local planning authority to give considerable weight to the pressures upon the existing school site when considering the application for 21 houses that is currently before them.

In the circumstances, we consider that the scheme cannot be considered to be sustainable pending resolution of the ongoing issues around school capacity. The NPPF states that "to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system". Para.8. The SPS is of the opinion that the inadequacy of the existing school site means that neither the social nor environmental dimensions, which together with economic dimension, make up the three threads of sustainable development can be satisfactorily achieved.




We acknowledge that the Council's 5 year housing land supply is currently not in place, and that the housing policies therefore are not considered up to date and the presumption in favour of sustainable development applies. However, we would remind the Lpa that para. 14 of the NPPF states that in cases where the development plan is not up to date that policies within the NPPF which indicate development should be restricted, as in cases which affect designated heritage assets, should still apply. The NPPF states that "*Lpa's should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of heritage assets) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*" para. 129

### Conclusion

The Society considers that the proposed development will result in additional demands on school places that will result in additional justification for permitting extensions of the school onto the common and churchyard. This will result in harm to the setting of the grade I church as well as the school and its grounds, which is located in a highly sensitive site adjoining the church, at the heart of the Palgrave Conservation Area.

The statutory duties set out in S.66(1) and S.72 of the planning (Listed Buildings and Conservation Areas) Act 1990, requires special regard to the conservation of listed buildings and their setting and that the character and appearance of a conservation area shall be preserved or enhanced. The SPS is of the opinion that these duties cannot be satisfactorily met by making a planning decision that will ultimately exacerbate harmful impacts upon these designated assets and their setting, contrary to policy CS5 of the Mid Suffolk Core Strategy which aims to protect and enhance the natural and built historic environment, HB1 of the MSDC Local Plan (1998) and draft Development Management Policy DM6 (January 2015). The issue of school capacity is a material consideration that should be given due weight in the assessment of this application. For these sound planning reasons we urge that the application is resisted pending a satisfactory outcome for the ongoing and future needs of Palgrave primary school.

Yours sincerely,

  
Fiona Cairns  
IHBC MRTPI  
Director

Cc: Mike Bootman – Chairman Palgrave Parish Council  
Phil Butler - SPS Mid Suffolk District  
David Burn – District Councillor

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE - 02 March 2016

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<b>AGENDA ITEM NO</b>	4
<b>APPLICATION NO</b>	4195/15
<b>PROPOSAL</b>	Erection of 21 dwellings, 3no. new highways accesses, associated parking, turning & on-site open space provision as amended by drawing no's 01L, 22A and 25, received 20 January 2016, re-positioning plot 11 and altering proposed access.
<b>SITE LOCATION</b>	Land at, Lion Road, Palgrave
<b>SITE AREA (Ha)</b>	0.97
<b>APPLICANT</b>	Danny Ward Builders
<b>RECEIVED</b>	November 26, 2015
<b>EXPIRY DATE</b>	March 5, 2016

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**REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason :

- (2) it is a "Major" application for:-
- a residential development for 15 or over dwellings

**PRE-APPLICATION ADVICE**

1. Pre application advice was sought prior to the submission of this application. This advice was generally supportive of the principle of development and provided guidance on the layout and affordable housing having regard to 5 year land supply issues.

**SITE AND SURROUNDINGS**

2. The application site is an area of land which extends to 0.97 hectares. This site is currently cultivated arable fields enclosed by a tree belt to the south-west, south east and north east boundaries. The south-east boundary trees are protected by Tree Preservation Order 06.

A permissive path runs through the existing tree border and connects to Priory Close and further public rights of way.

North of the site are a number of residential properties positioned in a linear pattern fronting Lion Road. The land is classified as Grade 3 agricultural land and is located outside of Palgrave Conservation Area.

The application site abuts the settlement boundary of Palgrave as defined by the Mid Suffolk Local Plan (1998). Palgrave has been designated as a 'Secondary Village' within the Mid Suffolk Core Strategy DPD (2008).



**HISTORY**

3. There is no planning history relevant to the application site.

**PROPOSAL**

4. Full planning permission is sought for the erection of 21 dwellings with the creation of three vehicular accesses off Lion Road. Two will form adoptable estate roads with one providing private access to plot 18. The scheme will include a new pavement to connect with the existing footway on Clark Close and to allow connection with the public right of way opposite the site.

Central open space is to be provided linking the development site with the permissive paths. A connecting footpath will connect the two estates.

The 21 houses will comprise mainly two storey detached or semi detached properties. There are two single storey units. The market housing will include, 2 two bedroom dwellings, 7 three bedroom properties and 6 four bedroom properties. A few of the plots have garages and the overall density is 21 dwellings per hectare.

The application proposes 6 affordable housing (representing 29%) comprising 1 one bedroom dwelling, 1 two bedroom bungalow and 4 two bedroom dwellings. The two bedroom dwellings will be shared equity whilst the one bedroom dwelling and two bedroom bungalow will be affordable rented.

**POLICY**

5. **Planning Policy Guidance**

See Appendix below.

**CONSULTATIONS**

6. This is a summary of the representations received. A copy of the full comments are provided within the agenda bundle.

**Parish Council:** The Parish Council object to the proposal.

- It is not sustainable for a number of reasons amplified below and consequently fails to satisfy the requirements of the National Planning Policy Framework;
- The assessment of the development does not appear to be consistent with the planning authority's own Local Plan, Core Strategy and subsequent reviews thereof;
- The design, layout and associated infrastructure requirements are not met;
- The nature of the development is entirely inconsistent with its surroundings;

- Matter of road and pedestrian safety and traffic management are not addressed;
- The consequences of the proposed development may result in adverse impact to the Conservation Area and heritage assets, contrary to prior and superior legislation;
- The planning authority places reliance on adjoining authorities to provide necessary services and infrastructure but has failed to (a) to consult such authorities and (b) establish that those necessary services and infrastructure have sufficient future capacity in excess of the needs of those authorities to support additional demands;

Diss has expanded substantially in recent years and further development is planned. Health care facilities have not kept paces with the expansion.

- There is no meaningful gain being sought jointly and simultaneously through the planning system to the clear benefit of the Parish and residents of Palgrave.
- County Council wants contributions for school places in the locality that it clearly cannot provide. It is known that the County Council is struggling to address a significant shortfall in places in the Ipswich area. Would the local contributions thus be levied to address a problem that is far away from Palgrave.
- MSDC community services, planning policy and development control are fully aware of the locational problems with the school but there has been no concerted action to consider ways to address them. A potential site had been identified but has received consent for housing (ref:2659/15) and concerns about delivering community needs (paragraphs 70 and 75 of the NPPF) were dismissed by committee.
- Palgrave experience areas of flooding and severe run-off from adjoining saturated land. Design parameters for drainage must be based on current and projected rainfall frequencies and intensities.
- Rather than extend for a distance the footway along the south side that ends up terminating short of any safe crossing point developer contributions could be put towards reducing the width of the carriageway and different surface treatments could improve speed of traffic and safe crossing.

**SCC Highways:** The initial concerns raised by the Highways Authority were addressed in the plan received on the 20 January 2016. Consequently Highways raise no objection to the proposal and recommend conditions detailed below.

**Heritage:** The Heritage team considers that the proposal would cause no harm to a designated heritage asset because it would have no material impact on the setting of listed buildings or on the setting of or views into or out of the Palgrave Conservation Area



**Natural England:** Natural England has no comments to make on this application.

**Public Rights of Way:** Public Rights of Way have no comments or observations to make in respect of the is application.

**SCC Archaeological Service:** This application lies in an area of high archaeological interest recorded in the County Historic Environment Record. The development site is located on the edge of the historic settlement core of Palgrave and scatters of Roman, Saxon and medieval date have been found in its vicinity. As a result, there is a strong possibility that heritage assets of archaeological interest will be encountered at this location. Any groundworks causing significant ground disturbance have potential to damage any archaeological deposit that exists. There are no grounds to consider refusal of the permission in order to achieve preservation in situ of any heritage assets. In accordance with paragraph 141 of the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of the heritage asset before it is damaged or destroyed.

**SCC Fire and Rescue:** No additional water supply for firefighting purposes is required. Advisory comments are included regarding building regulation requirements for access and firefighting facilities.

**SCC Landscaping:** The proposal is acceptable in landscape terms subject to conditions detailed below. The development site is reasonably well integrated with the existing built up area and is partially integrated into the wider landscape, by existing vegetation. There will however be change of land cover on the site with the loss of locally characteristic arable land.

The land is partially screened on three sides by existing vegetation; however there will be a significant change in outlook for the houses to the north of Lion Road and rights of way opposite. The proposed design of the new street frontage appears to be reasonably appropriate.

**Suffolk Constabulary:** The Secured by Design Team register approval of many facets of the plan stating it is apparent that all concerned are mindful of the requirements to provide a safe and secure development. They put forward generic recommendations regarding physical security, fencing, street lighting and rear lighting to properties.

**Traffic Management Officer Suffolk Police:** The Traffic Management Officer has no objection to the proposed development but points out that safety camera can carries out speed enforcement in Lion Road as a result of complaints from residents. The entrance to the development will be approximately 90m from the end of the 30mph speed limit. Whilst this is sufficient it is recommended extending the terminals (30mph speed limit) to give drivers more time to slow down. This could aid road safety.

**SCC Section 106 Contributions:** Recommend contributions towards education, libraries and waste totalling £140,674.

**SCC Floods:** The Floods Team have requested a drainage strategy to ensure a

suitable scheme for the disposal of surface water. A strategy has been submitted and subsequently a further response is outstanding from SCC Floods. This will be included as a late paper.

**MSDC Housing:** The housing team raise no objection to the proposal and agreed the housing mix. They recommend considering a greater range of open market housing to include 1 and 2 bedroom properties.

**Anglian Water:** Anglian Water advise that the catchment of Diss Water Recycling Centre will have available capacity for these flows. They recommend a condition requiring a drainage strategy to be agreed with the Lead Local Flood Authority. A drainage report has been submitted and further comments from Anglian Water are outstanding and will be reported at your meeting.

**MSDC Environmental Health:** The Environmental Health Officer raises no objection to the application and advise that they are contacted in the event of unexpected ground conditions.

**South Norfolk District Council:** South Norfolk District Council comment on the application. They advise that Diss is a Main Town in South Norfolk but is not a designated strategic growth location. Diss only has a 300 dwelling allocation with strategic major growth in the north/west of the South Norfolk District. They also point out the Waveney River Valley to the north of the site is a sensitive designation.

**NHS:** Whilst the site is below the threshold for consulting the NHS given concerns raised by the Parish, residents and GPs at the Diss doctors surgery, the NHS were consulted on the application. A verbal update will be given.

**Tree Officer:** Concerns raised regarding proximity of dwellings to trees. The layout was thus altered to provide a greater distance between the trees and dwellings. Informally advised this is sufficient and formal response will be submitted as a late paper.

**MSDC Policy, MSDC Waste Manager, EDF Energy, Ramblers Association and Essex and Suffolk Water were consulted but have not responded to date.**

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the issues raised in comments received.

### **Existing Infrastructure**

- Mains drainage does not exist along the top part of Lion Road and mains drainage should be provided for all residents either individually or collectively.



- Water pressure is low on Lion Road and will be worsened by the additional dwellings.

### **Drainage**

- There is documented record of poor and inadequate water drainage running off the road surface at the top of Lion Road running into nearby property known as Fuschia. How will this be dealt with?

### **Highway safety**

- There is a statutory 30mph speed limit along this road which is exceeded. This presents a danger to drive along and cross. How will this be dealt with?
- Due to the topography and road configuration visibility of the three new entrances will be very difficult and will also be difficult to see out of the new roads.
- The proposal will result in properties on either side of Lion Road and it is recommended that speed signs are required.
- Street lighting is very poor at this end of Palgrave and the proposal will result in greater footfall of this road. How will this be improved?
- Speeding traffic along Lion Road is a hazard and three more access roads is an accident waiting to happen. Will a pedestrian crossing be provided?
- A more suitable site would be where the garage was situated. The children would have safe routes to facilities.
- Traffic calming measures and highways improvements should be incorporated including reducing the speed to 20mph and/or a pedestrian crossing.
- Development will lead to parking problems at the school
- How will effuse or large chuckles access the properties.

### **Impact on schools**

- Insufficient capacity at the school. Fourteen children were turned away in September 2015 as the school is overstretched. There are limited spaces at neighbouring schools. The proposal will lead to a number of school age children and the demand cannot be met.
- The proposed development will not impact the school. There are a number of families who travel in from other locations to enable their children to come to this school. It I mean families from locations other than Palgrave would not get their children in. Also many children from Palgrave use either Wortham of Mellis.

### **Impact on Health care facilities**

- Health centres at both Diss and Botesdale are hard pressed.
- Diss Health Centre has been unsuccessful in gaining funding to extend the health centre as the NHS has its own financial limitations.
- The proposal will place significant strain on the adjacent health care centre

### **Impact on Palgrave**

- The proposal does not reflect the density and scale of existing residential areas.
- Palgrave is classified as a secondary village unsuitable for growth but capable of taking appropriate residential infill and development for local needs only. These large market housing will most probably be out of range financially for local people and will likely be sold to commuters not locals.
- Would not be accordance with Local Planning Policies relating to housing.
- The development is outside the village boundary and the proposal will expand the village at rate not in-keeping with the village.
- There are inadequate facilities to accommodate additional building in this area.
- There development would ruin a beautiful rural village and spoil this quiet area.
- Wildlife would be reduced and overtaken with more concrete.
- Is not sustainable development when considering the infrastructure of Palgrave

### **Impact on wildlife, trees and landscape**

- Concerned about the impact of this proposed development on the birdlife and other aspects of nature, impact on trees protected by tree preservation order, and nearby woodland walkway.
- Wildlife would be reduced and overtaken with more concrete.
- Plots 16 and 17 are too close to mature oak trees which will damage the properties and damage the trees.
- Trees must not be felled, pruned or reduced to reduce shading.

### **Impact on Conservation Area and Listed Buildings**

- The proposal will harm the conservation area.
- Will result in the need to expand which will harm the listed Church and conservation area.
- The footpath is too wide for this rural context and will not enhance the approach to the conservation area.

### **Contributions**

- Due to the school being oversubscribed and unable to expand the education contributions put forward will go to MSDC and have no direct positive impact on the village. Would like to see more tangible contribution to the village from the developer which will have a direct mitigation for the impact of the development on both nearby residents and the community as a whole.
- Direct contribution is required to community facilities and services. There is an active community centre and committee who are seeking funds for expansion and renovation.
- Direct contribution to Early Year and Childcare provision by supporting the planned play area near the community centre.

### **Footpath and Footway**



- It is encouraging to see the a permissive path is included and it would be great to the Palgrave path network if this path could be registered as a public footpath to ensure its retention.
- People will have to travel for work as there is no places for people to work locally.
- The footpath is to wide for this rural context.

### **Residential Amenity**

- Harm to neighbour amenity from noise, light, being over-looked and over-shadowed leading to a loss of privacy.

### **Flood**

- If the drainage strategy gets it wrong properties will flood from run-off and the risk is too great. Will cause flooding to adjacent properties.

### **Contamination**

- Concern raised over land contamination and pollution on site,

### **Poor Living Conditions**

- The proposed development will adjoin land which for a number of years (of and on) have been home to hundreds of pigs. The residential development would be affected by the adjacent noise and pollution of adjacent agricultural use,

### **Housing**

- Will provide more affordable
- The housing need is not supported by update and accurate evidence of housing need.
- 

## **ASSESSMENT**

### **8. The principle of development:**

#### *Policy background*

The application site is situated adjacent to the settlement boundary for Palgrave as defined by Inset Map No. 62 of the Mid Suffolk Local Plan (1998). The site is therefore considered within open countryside as identified by Policy CS1 "Settlement Hierarchy" of the Mid Suffolk Core Strategy DPD (2008). Policy CS2 "Development in the Countryside and Countryside Villages" of the Core Strategy details that countryside development will be restricted to defined categories. Palgrave is defined (Policy CS1 of the Core Strategy) as a Secondary Village. These are villages unsuitable for growth but capable of taking appropriate residential infill and development for local needs only.

The local authority does not have a five year land supply. Paragraph 49 of the

National Planning Policy Framework (NPPF) states;

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Consequently policies CS1 and CS2 should not be considered to be up-to-date. On this basis residential development on the site should be considered on its own merits.

Paragraph 14 of the NPPF reads,

*"where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*

The NPPF nevertheless requires that development be sustainable and that adverse impacts do not outweigh the benefits. The NPPF (paragraph 7) defines three dimensions to sustainable development- the economic role, social role and environmental role. These roles should not be considered in isolation. Paragraph 8 of the NPPF identifies that environmental, social and economic gains should be sought jointly. Therefore the Core Strategy Focus Review 2012 (post NPPF) policy FC1 and FC1.1 seeks to secure development that improves the economic, social and environmental conditions in the area and proposal must conserve and enhance local character.

Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements development in one village may support services in a village nearby.

The proposal therefore must be determined with regard to sustainable development as defined by the NPPF .

#### *Sustainable Development*

The application site abuts the settlement boundary of Palgrave and is connected to the village of Palgrave. The development will incorporate an additional footway on the south side of Lion Road connecting to the existing pavement at Clarke Close.

It is recognised that Palgrave has limited facilities and services with no shop, post office or pub. There are a small number of businesses on the nearby commercial site. There is a community centre, church and primary school. The residents of Palgrave are therefore reliant on surrounding villages and towns for daily services and needs.

Palgrave is located approximately one mile from the town of Diss which is designated by South Norfolk District Council as a Major Town capable of expansion of upto 300 houses. Diss is a market town with all facilities required by



residential use (including leisure). Diss also benefits from the railway station providing connections to Norwich and London. It is recognised that Diss serves the surrounding villages. Palgrave has good public rights of way and highway connections to Diss.

The application site is approximately 30 minutes walk, 8 minutes cycle ride and a 5 minute bus ride to Diss. Consequently the development would not only be well served by the major town of Diss but will also support these services. Paragraph 55 of the NPPF recognise that smaller villages can support services of nearby villages and towns. The proposal is therefore deemed to accord with paragraph 55 of the NPPF.

Considerable concern has been raised regarding the implications of the proposed development on Palgrave's primary school. It is understood that the school is oversubscribed and it is not possible to extend the school further. Suffolk County Council state that the development will lead a need for to an additional five places. Consequently, financial contribution has been sought towards Suffolk County Council Education provision.

Concern has also been raised in regards to the impact of the development on local health care facilities. The site is served by Doctors surgeries in Diss and Botesdale. The main concerns arise from the potential expansion of Diss and the implications of this development and proposed development in Diss on health care provision.

South Norfolk District Council have advised that this development is not considered to detrimentally impact on Diss. Consultation has been sent to the NHS in regards to the application and a response is outstanding.

The housing is designed to Lifetime Homes Standards and including some of the principles of passive house design. The proposal will include whole house heat recovery systems and solar panels for off-setting electricity, These measures are considered to provide some mitigation for the environmental impact of the new development and reduce co2 emissions.

The proposal includes the provision of small affordable units including shared equity tenure. The proposal will therefore provide social benefits and support the vitality of this rural community. It will also contribute towards the five year land supply of homes needed in Mid Suffolk and make a positive contribution to economic activity.

The proposal will provide a new footway link to the village of Palgrave promoting pedestrian activity. It is also noted the reasonable bus connection and proximity to the town of Diss. Your officers consider the site is located as to take advantage of more sustainable modes of transport and to be relatively sustainable location.

Overall the proposal is considered to adhere to the principles of sustainable development as to safeguard the local character of Palgrave and providing environmental, social and economic gains as required by policy FC1 and FC1.1 of the Focused Review and the overarching aims of the NPPF. Consequently the principle of this development is accepted subject to other material considerations.

### **Affordable Housing**

The most recent update on the Strategic Housing Market Assessment confirms a minimum need of 229 affordable homes per annum for the Mid Suffolk District. The Choice Based Lettings register currently has circa 890 applicants with an active status for Mid Suffolk Area.

The Choice Based Housing Register for Palgrave currently shows 14 applicants four of which have a local connection. The property size required is 1 bed properties (5 applicants), 2 bed properties (5 applicants) and 3 bed properties (4 applicants).

The proposed scheme offers 29% affordable units which is less than the maximum recommended 35% as set out in Policy H4 set out in Alteration to Mid Suffolk Local Plan 1998 (2006). 35% would represent seven affordable units. Nevertheless your officers consider this represents a balanced properties for this unallocated greenfield site.

The scheme includes shared equity tenure which allow local residents to buy their own first home at 75%. This will provide much need affordable units for the locality and accords with current government policy to promote home-ownership and construction of starter homes. The six affordable units are 1 or 2 bedroom properties supporting the housing mix of Palgrave.

The MSDC Housing team are satisfied with the recommend mix of tenure and amount of housing recommend. Therefore they raise no objection to the scheme. The units will therefore meet the needs for affordable units in Palgrave.

In order to safeguard dwellings for future affordable occupancy and for local people it is considered appropriate to secure a Section 106 obligation to that effect. That obligation will be required notwithstanding the commencement of CIL charging.

### **Impact on Landscape**

Core Strategy Policy CS5 requires development to enhance or maintain local distinctiveness. Policy GP1 of the Mid Suffolk Local Plan 1998 and Policy FC1.1 of the focused review Core Strategy also supports development that maintains and enhances the character and appearance of the surrounding area.

The site is bounded to three sides with a tree border with an open frontage on to Lion Road. Consequently the site is already well screened from wider views of the countryside but also permits a street frontage. It is visually separate from the open arable fields to the south-west and south-east.

To the north of the site are existing residential properties which form a linear development. The application site does not extend beyond the existing dwellings along Lion Road. Therefore the proposal will not adversely encroach into the countryside and will logically "round off" this part of the settlement against open the countryside.

Furthermore the proposal incorporates a wide front grass verge with soft landscaping to the front to maintain a sense of open space and rural appearance. It also includes dwellings that front Lion Road to relate with the



dwellings opposite. Subsequently the proposal is considered to comfortably relate to the existing built-environment of Palgrave and will not harm views of the landscape.

The development is therefore considered to safeguard in a sustainable manner the character and appearance of the settlement. The Landscape Officer has raised no objection to the development subject to conditions relating to details of hard and soft landscaping and external lighting.

### **Design Scale and Form**

The development has been designed to complement the scale, design, form, density and materials of the surrounding residential properties opposite and on Clarkes Close. There are a variety of building heights, styles and materials to provide a good mix of housing as required by Policy H14 of the Mid Suffolk Local Plan 1998.

The dwellings incorporate traditional scale, detailing, materials and form to reflect the rural character. The density of development (21 dwellings per hectare) is acknowledged to be greater than the adjacent built environment largely due to the inclusion of semi-detached properties rather than detached and private garaging. This however is not to the extent that it would harm the surrounding character and appearance of the area. Furthermore each plot is deemed to have reasonable amenity space (between 88-111 sqm) with private front driveways and rear gardens.

The dwellings have been positioned to provide good levels of privacy for all properties whilst still provide natural surveillance to the streets, linkway, amenity area and visitor parking spaces. Given the recommendations of "Secured By Design" any street lighting should be agreed via condition and should be mindful of the rural location and impact on wildlife.

The layout provides for active frontages along each street scene and a small amenity space connecting to the countryside which is overlooked by first floor rooms of the adjacent properties. Garages have been positioned as to appear subordinate to the housing and due to the variety in the built forms form will create visual interest. The dwellings also have sufficient daylight and sunlight with reasonable size gardens. The scheme has been designed to integrate the market and social housing to avoid noticeable segregation.

Therefore the proposal is deemed to accord with policy CS5 of the Core Strategy and FC1.1 of the Focused Review which provides that development should create visual interest in the street scene and where appropriate encourages active uses at ground level, creating uses of public spaces which encourage people to walk and cycle.

Concern has been raised about the impact on the surrounding agricultural use of the land. The adjacent field is open arable land and is not currently used for keeping pigs. Whilst keeping of livestock is expected in the rural community given the dense tree border it is not considered that this would pose unacceptable harm to residential amenity. Nor will the development impinge on the agricultural use.



### **Highway matters**

It is proposed to create three new accesses and two cul-de-sacs. The scheme was altered following Highways comments. Highways Officers have no objection to the amended proposal subject to conditions.

The Parish Council and neighbours raised concerns regarding highways safety. Due to the proposed large verge, appropriate visibility splays, and provision of the additional footway along the southern edge of Lion Road, the scheme is not considered to cause harm to the highway network or highway safety concerns,

The Traffic Officer for Suffolk Police has no objection with the proposal. The Officer suggests that whilst the new access is a good distance from 30mph zone it may be worthwhile re-positioning the zone to cause vehicles to slow down earlier. This has been put forward to SCC Highways for their comments and is a matter for separate regulation.

The proposal provides adequate parking for each dwelling and includes visitor spaces. Each dwelling is allocated to have at least two spaces per dwelling. The garages are not included as the designated spaces and the car ports accord with the parking standards (5.5m x 2.9m). These levels are appropriate to the latest parking standards adopted by Suffolk County Council in 2014. On this basis the local planning authority are satisfied that the parking standards has been met for the development.

### **Foul and Surface Water Drainage and Flood Issues**

Following comments from Suffolk County Council Floods Team and Anglian Water a drainage strategy has been submitted. It is proposed that surface water from the highway areas be collected using traditional road gullies and rainwater from the dwelling roofs drained via traditional rainwater downpipes, before connecting into

local carrier drains into the main surface water sewer system. The normal precautions regarding water quality will be observed by the provision of appropriate deep silt traps to all road gullies.

It is proposed as part of the strategy, that all private driveways be constructed with a pervious finish, such a permeable block paving with a permeable sub-base beneath. This underlying sub-base attenuates surface water, allowing it to slowly drain into the surrounding ground beneath. This provides source control, intercepts pollutants and ensures surface water from driveways does not runoff onto the highway. Positively drained surface water from gullies and rainwater pipes will be directed to infiltration tanks located beneath the road. The surface water drainage system has been divided into two systems to reflect the site layout. Infiltration tanks attenuate surface water run-off until it can soak into surrounding ground. The proposed infiltration tanks will be lined with specialist geotextile (such as Permafilter Biomat or similar) which captures residual hydrocarbons and other pollutants present within roadside spillages. These entrapped pollutants are then removed by biodegradation, by naturally occurring micro-organisms, thus providing a self-cleansing solution to combating potential contamination of the ground.

The scheme is pending comments from Anglian Water and SCC Floods and any unresolved aspects of detail can be secured through conditions/



**Impact on residential amenity**

The proposed development is well separated from neighbouring properties and would not be unacceptable to harm neighbour amenity in terms of loss of light, overlooking or overshadowing. The tree belt also provides significant screening to restrict overlooking and intervisibility.

**Arboricultural Implications**

The proposal will result in construction within the root protection area of two oak trees to the Eastern Boundary. These trees are of good quality but are not part of the Tree Preservation Order. An Arboricultural Report has been included with the application. This sets out precise measures to ensure protection of the root system. This is deemed acceptable.

Concern was raised by the Tree Officer regarding the proximity of the plots 13-15 to the protected tree belt on the south-eastern boundary. These dwellings were thus re-positioned further away. Consequently the proposal is not considered to cause future resentment of these trees and will not result in the need to restrain the growth of these trees.

**Biodiversity**

An Ecological Assessment was submitted with the application. The results of the survey indicated that certain protected species are considered as likely to be encountered in the wider area including nesting birds and foraging and commuting bats, with some possible roost spaces in the mature tree specimens. The adjacent woodland and rough grassland could provide badger habitat. The lack of core habitat and water bodies within the site itself suggests that the site is unlikely to be used by amphibians and reptiles.

In conclusion your officers do not consider that the development would give rise to the risk of an offence to protected species.

**Flood Risk**

The site is below 1ha in area and is within Flood Zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding). Housing development is appropriate within flood zone 1. Being below 1ha and within Flood Zone 1 a site specific flood risk assessment is not required.

**Contamination**

The application was accompanied by a contamination report. This identified that there would not be any harm to the occupiers of the proposed development. The Environmental Health team are satisfied that the development of this site is of low risk.

**Open Spaces and Infrastructure contributions**

Suffolk County Council has advised that the scheme would require contributions towards education, waste and the library in Eye. Furthermore in accordance with

CS6 Open Spaces and Social Infrastructure Contributions are also sought. These financial contributions are to be agreed under the S106 Agreement and detailed below.

Policy RT4 of the Local Plan details that in residential estate development comprising 10 or more dwellings, public open space should be provided in the form of play areas, formal recreation areas or amenity areas. The application includes an informal recreational area linking to the surrounding countryside.

It is however asked that Community Infrastructure Levy will be charged from 11 April and your officers recommendation accordingly provides for that eventuality.

### **Impact on Conservation Area and Listed Buildings**

The proposal is located outside the conservation area and the proposal will not affect views into and out of the conservation area. The footway is designed to adoptable standards for highways. Any extension of the school which is unlikely given the constraints of the school site, would require separate permission. The development will not harm any heritage assets.

### **Conclusion**

The proposed development is considered sustainable development being connected to Palgrave and being well served by the facilities and services of Diss. The layout and design of the development is considered consistent with the urban pattern and is sympathetic to the countryside location. It would not cause unacceptable in relation to material planning issues. The development is considered to be in accordance with the relevant development plan policies and the objectives of the NPPF.

## **RECOMMENDATION**

**(1) That the Corporate Manager- Development Management be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act 1990 to provide:**

- 29% Affordable Housing
- Provision of open space to be maintained in perpetuity and agreement of Estate Management Plan for the long term maintenance.
- Contribution of upto £148,635 is sought towards Open Spaces and Social Infrastructure (specific projects to be put forward by Communities)
- Primary School- £12,181
- Secondary School- £18355
- Sixth Form-£19907
- Contributions of £4536 shall be paid toward Eye library.
- Contribution of £1071 is sought for improvement, expansion or new provision of waste



disposal facilities.

**(2) In the event that the applicant fails to provide an executed Section 106 planning obligation on terms to the satisfaction of the Corporate Manager- Development Management by 10th April 2016 that the Corporate Manager be delegated authority to proceed to determine the application and secure appropriate developer contributions by a combination of Section 106 planning obligation (for on-site contributions and obligations) and the Council's CIL charging schedule. To prevent duplication of developer contributions this is achieved by:-**

[a] having regard to those matters which would have been planning obligations under Section 106 and which are details in the Council's CIL charging regulation 123 infrastructure list, to omit those from the requisite Section 106;

[b] To secure funding for those remaining infrastructure items removed from the Section 106 planning obligations under the CIL charging schedule, and;

[c] to secure those matters which are not infrastructure items by the requisite Section 106.

**(3) That, subject to the completion of the Planning Obligation in Resolution (1) or CIL in Resolution (2) above to the satisfaction of the Corporate Manager- Development Management, the Corporate Manager be authorised to grant full planning permission subject to the following conditions:-**

1. Time limit
2. Approved plans
3. Details of materials to be agreed
4. Highways condition regarding vehicular access
5. Highways condition regarding estate roads and footpaths
6. Highways condition regarding footways and carriageways
7. Highways condition regarding parking and manoeuvring
8. Highways condition regarding visibility splays
9. Highways condition regarding new footway
10. Surface Water Management details to be agreed
11. Archaeology condition regarding implementation of works and post investigation assessment
12. Details of soft landscaping to be agreed
13. Details of hard landscaping to be agreed
14. Details of external lighting to be agreed
15. Development to accord with arboricultural method statement
16. In accordance with recommendations and enhancements detailed in ecology report

**(4) That in the event of the Planning Obligation and/or CIL regulation referred to in Resolution (1) or (2) above not being secured the Corporate Manager- Development Management be authorised to refuse full planning permission for reason(s) including:-**

- Inadequate provision of open space and/or infrastructure contrary to policy CS6 or the Core Strategy 2008 without the requisite S106 obligation or CIL being in place.

Philip Isbell  
Corporate Manager - Development Management

Rebecca Biggs  
Planning Officer

## **APPENDIX A - PLANNING POLICIES**

### **1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

- Cor1** - CS1 Settlement Hierarchy
- Cor5** - CS5 Mid Suffolks Environment
- CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
- Cor2** - CS2 Development in the Countryside & Countryside Villages
- Cor3** - CS3 Reduce Contributions to Climate Change
- Cor4** - CS4 Adapting to Climate Change
- Cor6** - CS6 Services and Infrastructure

### **2. Mid Suffolk Local Plan**

- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- CL6** - TREE PRESERVATION ORDERS
- RT12** - FOOTPATHS AND BRIDLEWAYS
- CL8** - PROTECTING WILDLIFE HABITATS
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- H4** - PROPORTION OF AFFORDABLE HOUSING IN NEW HOUSING DEVELOPMENT
- H5** - AFFORDABLE HOUSING ON RURAL EXCEPTION SITES
- H13** - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
- H14** - A RANGE OF HOUSE TYPES TO MEET DIFFERENT ACCOMMODATION NEEDS
- H15** - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
- H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

### **3. Planning Policy Statements, Circulars & Other policy**

- NPPF** - National Planning Policy Framework

## **APPENDIX B - NEIGHBOUR REPRESENTATIONS**

Letter(s) of representation(s) have been received from a total of **29** interested party(ies).

The following people **objected** to the application

[REDACTED]



129 .

The following people **supported** the application:

The following people **commented** on the application:

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE - 02 March 2016

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<b>AGENDA ITEM NO</b>	<b>5</b>
<b>APPLICATION NO</b>	0846/15
<b>PROPOSAL</b>	Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units; as amended by drawings received 17 November 2015 altering the design of the chapel and drawing 18975/802 rev A received 11 January 2015 amending the road layout and agent's letter received 11 January 2015.
<b>SITE LOCATION</b>	Land South West of, School Lane, Fressingfield
<b>SITE AREA (Ha)</b>	1.09
<b>APPLICANT</b>	The Trustees Of Fressingfield Baptist Chapel
<b>RECEIVED</b>	March 6, 2015
<b>EXPIRY DATE</b>	November 4, 2015

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**REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason:

It is a "Major" application for:-

- a residential development for 15 or over dwellings

**PRE-APPLICATION ADVICE**

1. Pre application advice was sought from the Corporate Manager- Development Management and Officers prior to the submission of the application. This was generally favourable to the development subject to the resolution of relevant planning issues.

**SITE AND SURROUNDINGS**

2. The application site relates to a parcel of land extending to an area of 1.09 hectares of grassland covered with vegetation including mature trees. The site is bounded to the north by the playing fields associated with Fressingfield Church of England Voluntary Controlled Primary School. On the eastern boundary the site abuts the rear gardens of No's 1 to 6 Stradbroke Road and No's 1-5 The Laurels, a cul-de-sac served off Stradbroke Road. To the south is open countryside. To the west the site adjoins side and rear gardens of properties in Sancroft Way and Oatfields. There is a Public Footpath adjacent to the southern boundary of the site which runs between Priory Road and Stradbroke Road.

The site abuts the defined settlement boundary of Fressingfield on the west,



north and east boundaries as shown on Mid Suffolk Local Plan Inset Map 36. The site for planning purposes is deemed to be within the countryside.

## **HISTORY**

### 3. 1200/99- Outline Permission

Residential development (17 dwellings) and construction of new estate road (extending from New Road to North-West). Refused (31 January 2000) due to being located outside of the settlement boundary and the proposal would not accord with policies SB1, H3, H7, H14, H15 and CL1 of the Mid Suffolk Local Plan 1998.

## **PROPOSAL**

### 4. This is a "hybrid application" which comprises of:

- Full planning permission for the erection of a Baptist chapel, car parking and access.
- Outline planning permission for up to 18 residential units.

#### **Full element:**

The application seeks permission for a new access to be created off School Lane which would serve both the proposed Baptist chapel and the residential development.

The full application relates to the northern part of the site. The Baptist Chapel would be in the northwest corner of the site and would face eastwards over a new car park which provides 50 spaces (including 4 disabled) and a bike storage area. In the northeast part of the site, along the new access road is an area which is to be a play area open to the public.

The Baptist Chapel would have accommodation over two floors with a main meeting room and vestry, hall, kitchen, coffee shop, offices and common rooms on the ground floor. On the first floor which only covers part of the building are further common rooms. It is proposed to provide seating for a congregation of upto 200 people.

The building has an overall width of 36.24 metres and a depth of 27.28 metres. The overall height of the building would be at 8.29 metres. The building would be constructed with a buff brick plinth, light brown horizontal boarding above and profiled roof sheeting in dark grey for the roof material. This is an amended design following concerns raised by residents, the Parish Council and the case officer. The external materials were altered and the height of the building was reduced. The second floor has lost one classroom and resource cupboard. The form of the building was also amended to include a varied

The layout plan identifies the provision of a new block paved footpath which runs from the new access road, along the northern edge of the site within the car park and then links to an existing footpath within the Primary School Grounds which is outside of the application site. The school path runs along the southern edge of the school playingfield providing access to the school from Sancroft Way. This is controlled by a gate which is only available during the school day. The proposal will involve the repositioning of the gate and erection

of a fence and hedge to create a new boundary to the playingfield. A section of path would then provide an unrestricted right of way to the application site.

**Outline Element:**

Outline planning permission is sought for the erection of up to 18 dwellings. All matters are reserved for subsequent approval with the exception of the access. An indicative layout plan has been submitted within the application. This shows that the new access proposed to serve the chapel would also serve the dwellings. 35% (6) of the dwellings will be affordable units.

**POLICY**

5. **Planning Policy Guidance**

See Appendix below.

**CONSULTATIONS**

6. This is a summary of the representations received. A copy of the full consultation responses are enclosed within the agenda bundle.

**The Parish Council:** The parish council support the application following the amended design of the chapel. In summary:

- Preferred the redesigned barn appearance and smaller size of the chapel
- Safety of the primary school children is paramount. Signage promoting parents use the new car park. Double yellow lines or parking restriction outside the school should be considered. Construction traffic would also need to be managed to ensure no conflict with the school traffic.
- Welcome the changes to the width of the pavement and road visibility highlighted by SCC Highways.

**SCC Highways:** Highways recommended refusal in September 2015. The applicant has consequently been attempting to address the concerns raised. This has not been achieved and the final response was received 11 February 2016. In summary;

In highway terms there are still issues such that the officer is not able to recommend approval. In addition there are also issues regarding the proposed footpath link breaking through the school boundary and the proposed new fencing, gate and landscaping on the school land. In summary:

- The forward visibility splay shown light blue (top right corner of the drawing) still falls partially across land which the applicant does not appear to own or control. This may well be school land therefore the applicant is not able to provide or keep the splay clear in the future. The Headmaster is not able to approve use off or transfer of school land to the applicant and this cannot be conditioned.
- The footway alongside the new access road is not able to connect with



the existing footway (again in the top right of the drawing) without using land which appears to be outside the application boundary. This may also be school land. I would not wish to see pedestrians having to step into the road at this location close to the school access.

- The applicant is not able to provide the footpath link across the school boundary without approval from the Education Authority, SCC. If SCC Education land is to be transferred it has to be approved by the Secretary of State and this process is time consuming with no guarantee of success. Presumably this cannot be conditioned as it is third party land and there is no certainty of provision. In terms of future adoption we are not able to insist on adoption and we would be relying on agreement to dedicate by the various landowners involved.

**Section 106 Planning Obligations:** It would be anticipated that a development of 18 houses would yield the minimum pupil requirements:

- Primary school age range (5 - 11 years) - 5 pupil places required (£12,181 per pupil)
- Secondary school age range (11- 16) - 3 pupils places required (£18,355 per pupil)
- Secondary school age range (16+) - 1 pupil place required (£19,907 per pupil).

The local catchment schools are Fressingfield CEVCP School and Stradbroke High School. Currently and forecast to be sufficient school places available at each catchment school and therefore no contribution sought for this.

Pre school provision - In this area there are 7 providers with a surplus of 84 places. No contribution required.

Public transport infrastructure contributions are sought for £4,000 and £3,888 to be spent at the local catchment library in Stradbroke for improvements and enhancements to the library services and facilities. £918 for strategic waste disposal of household waste and recycling centres.

A total contribution of £8,806 is sought for the development.

**Environmental Health (Land Contamination):** A Phase I desk study and site walkover has been submitted. This report adequately assesses the former uses of the site and demonstrates that the risks posed at the site are minimal and probably reflect the use of the site for agricultural purposes. Would not object to the proposal. Advisory comments on unexpected ground conditions.

**Environment Agency:** This application falls outside our remit as a statutory planning consultee.

**Housing:** This is not a strategic housing site. Further advice regarding housing mix will be reported to Committee.

**Tree Officer:** The trees potentially affected by this proposal are either of limited amenity value and/or poor quality and should not be considered a constraint. However, it will be important to retain the boundary trees/hedges in order to help

soften and integrate any development within the local landscape. A standard protective fencing condition should be sufficient for this purpose.

**Suffolk Fire and Rescue:** If minded to approve this application adequate provision is made for fire hydrants and a suitable planning condition is imposed.

**SCC Archaeological Service:** This proposal lies in an area of archaeological interest, in a topographical location that is favourable for early occupation of all period. Although there are no recorded heritage assets on the Suffolk Historic Environment Record, this area has not been the subject of previous systematic investigation. The scale of the plot is such that there is a high potential for the discovery of hitherto unknown important features and deposits of archaeological interest at this location. Any groundworks associated with the proposed development has the potential to cause significant damage or destruction to any underlying heritage assets. Conditions recommended.

**Natural England:** Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

**Suffolk Wildlife Trust:** Suffolk Wildlife Trust objected to the application in August 2015.

*'As currently presented we consider that there is insufficient information available to determine whether or not the proposed development will result in a significant adverse impact on great crested newts. Further information is therefore required prior to the determination of this application. Based on the information currently available, the overall habitat loss which would occur from the proposed development appears likely to result in a net loss to local biodiversity. We consider that this is contrary to the requirements of the National Planning Policy Framework (NPPF) (paragraph 109), permission should not be granted for development which is contrary to the NPPF.'*

Subsequently a Construction and Environment Management Plan was submitted on the 15 February 2016. Advice from Suffolk Wildlife Trust upon this states;

*'There appears to be conflicts between the timings for site clearance work set out in the plan, particularly between avoiding impacts on nesting birds and impacts on any herpetofauna present on site we appreciate that the presence of multiple protected species on site can cause constraints with site clearance, however we'd suggest that the applicant explores a phased clearance approach to address this. Such an approach should be detailed in the CEMP.'*

*The CEMP makes a number of mitigation and enhancement recommendations (including hibernation piles and a new pond); however these do not appear to be included on the plans for the proposed development (Appendix 1 of the CEMP). Without inclusion on the appropriate plans we query how their provision can be demonstrated and secured.*

*Tables 2 and 3 in Appendix 2 "Monitoring to assess management in February", we query what form this monitoring is proposed to take?*



*The CEMP does not make any reference to hedgehogs (a UK and Suffolk Priority Species), there are a number of recent records of this species in the area and it is likely that they are present on the site for at least part of the year. We recommend that the site clearance methodology also ensures that works do not harm this species.*

*More than half of the site is identified as Broadleaved Woodland Priority Habitat by Natural England (available to view on [www.magic.gov.uk](http://www.magic.gov.uk)). Whilst the CEMP seeks to deal with the potential impacts on protected species, it does not address the loss of this habitat (either through the assessment of the impact of loss or through identification of suitable mitigation or compensation measures). As currently presented this loss does not appear to be adequately addressed.*

**County Ecologist:** The County Ecologist raised concerns regarding the impact of the development on Great Crested Newts.

*'After the data request was made to Suffolk Biological Records in early 2014 on behalf of the applicant, a new (and confirmed) record of Great Crested Newt on the site was submitted in September 2014 and verified and added to the database on 17/03/15. Therefore further survey and assessment is required for this European Protected Species, to be submitted to the LPA prior determination. Details should also be provided of any proposed mitigation and any licence requirements.*

*This information is required prior to determination in order for the LPA to discharge its duties under the Habitats and Species Regulations 2010, in respect of the protection of European Protected Species.*

*Finally despite the finding that there will be a loss of 1500 m<sup>2</sup> woodland (Priority Habitat) [Protected Habitats and Species Survey p22] no details of how this loss of will be adequately compensated for or offset have been provided. In order for the LPA to meet its NERC duty this information will need to be provided prior to determination"*

Subsequently a Construction and Environment Management Plan was submitted on the 15 February 2016. The Ecologist advises that there is still insufficient information within the submitted ecological reports, including the Construction and Environment Management Plan (CEMP), to allow the LPA to determine the application.

There is no assessment of likely impacts on Priority habitats and species, nor effective schemes for their mitigation, and whilst the CEMP would provide mitigation for disturbance & killing/injury, there is inadequate mitigation for the loss of terrestrial habitat for Protected species.

The majority of the site has been identified by Natural England as Broadleaved woodland, a Priority habitat (s41 NERC Act). Approx. 1500m<sup>2</sup> of woodland would be lost to the housing element of the development [Protected Habitats and Species Survey p22] but the LPA still have no details of how this loss will be adequately compensated or offset. In order for the LPA to meet its NERC duty, this information will need to be provided prior to determination.

**Environmental Health (Sustainability):** As the proposal is a major

development (over 10 dwellings) recommend any permission should include a condition requiring the submission of a report demonstrating the achievement of the energy performance requirement equivalent to Code for Sustainable Homes Level 4. As the chapel is over 1000m<sup>2</sup> it requires sourcing of energy from renewable sources. This will need to be secured by planning condition.

**Public Rights of Way:** Public Footpath is recorded adjacent to the proposed development area. Request provision is made to allow a pedestrian access from the development onto the Public Footpath.

**Anglian Water:** Condition recommended that no hard standing areas to be constructed until works in an agreed surface water strategy have been agreed with LPA and implemented.

**Environmental Health (Other matter):** No objections subject to conditions to mitigate impacts of noise and lighting. Conditions relating to details of air source heat pump, extraction and ventilation details. Working hours to be restriction to 07:30 to 18:00 Mon to Fri and 08:00 to 12:00 on Sat. No working outside of these hours. No external lighting shall be installed without details being submitted and approved by the LPA.

**Schools Infrastructure:** The county has had no contact with the developer to discuss these issues as there are statutory processes we have to follow should we agree to the footpath proposal. Consequently we cannot support this application.

**Heritage:** The Heritage Team has no comments to make on this application

**SCC Floods-** To carry out works to a watercourse, consent will be required. It is a criminal offence to carry out work on a watercourse without this consent. This can be secured via condition.

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

Letters of objection:

- It is understood that a previous application for 8 dwellings was refused in 2004 so why is a larger development now acceptable.
- The village already has 3 churches, one of which is a Baptist church so why is there a need for another one.
- There is an issue with drainage and flooding.
- The development would result in the loss of trees which would affect the view from my property.
- Given the scale of car ownership it is likely that the development could represent 36 extra vehicles travelling up and down a cul de sac road where there is a primary school.
- There is a threat to wildlife.
- The chapel building is an oversized building in a small housing development.
- The development would result in noise and light pollution would which affect



- all the existing properties that border the site.
- The additional traffic in front of the school will cause greater traffic flow problems and additional risk of accidents to the primary school pupils.
- There are times during the day when emergency vehicles will be unable to reach this development due to congestion as a result of school drop off/collection times and events being held.
- The highways have advised of a shortfall in parking provision.
- Concerned the improvements to achieve the required visibility cannot be provided as there is a pond at the junction.
- Is a new sewer to be provided for the additional development?
- Will the doctors be expanding to cater for the extra patients as I understand it has reached its capacity?
- The loss of vegetation and additional hard surfacing will affect the water table.
- The design of the chapel appears more industrial or retail rather than a place of worship.
- The size of the chapel building would be a dominant and overbearing feature and would impact upon local views.
- There has been no evidence to support the need for such a large building and the accommodation proposed would incur that a change of use might be sought at a later date.
- If the car park is lit at night this will generate more light pollution.
- The windows in the rear and side of the building will overlook neighbouring properties back gardens.
- What will happen to the existing chapel building?
- It is unclear why the provision of a footpath is partially outside of the application site and there is a gate that serves no purpose.
- The new fence and hedge proposed are outside of the development boundary of the chapel.
- The constant flow of construction vehicles could cause disruption and distraction for the pupils by noise and movement.
- The proposed residential development will increase the need for pupil places at the primary school.
- This development will take away from the other facilities within the village for meeting rooms.
- This is one of other sites for Fressingfield. There is a risk of this village being overdeveloped.
- There are other sites within the village which would be a more suitable site.
- Why can't the current play area be upgraded than provide an additional play area.
- It will result in the reduction of woodland.

**Letters of support:**

- The work fressingfield Baptist church do with young people is very positive.
- Fressingfield as a village has a good community spirit which is contributed by work that different organisations are doing.
- For the village to grow and prosper it needs housing for young people.
- I attend the current Baptist chapel and this has been out grown and is no longer meeting the needs of the congregation that prevents us from worshipping together.
- By providing a car park for parents dropping children at school will make it safer for children.
- The provision of a footpath from Sancroft Way to the other end of the village

will make it safer for people who would normally have to use New Street.

- The provision of new housing will allow young people/families to stay in the village.
- Affordable housing is welcomed.
- A new play area in the village is better than the current isolated play area.
- The new chapel will be for modern church life and allow groups such as mother and toddler groups, youth clubs, Sunday school etc. to be run better with improved facilities.
- The provision of the building with coffee shop, sports hall and play area could be a social hub for the whole community.
- The new premises can accommodate those with mobility issues.

### **Re-consultation 11<sup>th</sup> January regarding amended plans**

#### Letters of objection

- The size and look of the chapel is not in keeping with the village or the surrounding area. It still looks like a retail/industrial unit. The building will dominate the area of land and be a blot on the landscape.
- Would have expected to see a full transport assessment to illustrate the potential impacts of the development, including the conflict with the school.
- It is not clear if the parking proposed is sufficient for the chapel and if not vehicles will be displaced onto the highway.
- What site security is proposed when the building is not in use?
- The car park may not alleviate the traffic and parking problems in their entirety.
- Construction traffic will cause noise and pollution exacerbated if the housing is built later.
- Surface water drainage also causes concern as it appears to flow from the front of the site to Sancroft Way. What happens if the water gets polluted from the use of the car park? Who would be responsible for clearing the soakaway ditch should it become full?
- Who will be responsible for maintaining the visibility splays?
- Already sufficient community facilities and play area.
- Parish Council recognise the need for affordable units but have recommended refusal for planning application 2285/15 which offers more affordable units and a much needed scout hut.
- Concern about provision, safety and maintenance of drainage ditch.
- Poor visibility from School Lane onto Stradbroke Road.
- Issues of safety of school children still apply.
- Use of the chapel and car park will create disturbance, lighting and cars day and night to a quiet dark parcel of land harming wildlife.
- Block Light to adjacent properties.
- There are other potential sites in Fressingfield which are more appropriate.
- Chapel will be used day and night given the many uses proposed. Already have a busy noisy school all day and our only respite being evenings. Many of the congregation are not from Fressingfield and the chapel could be sited as well.
- What is to become of the Listed Baptist Chapel?
- Serious reduction in wildlife and will harm protected species.
- Concern over shortage of parking spaces.
- Will cause flooding to people's gardens because of the topology of the site.
- Concern over utilities and impact on doctor's surgery.



Letters of Support:

- A new chapel is desperately needed as we do not have enough room to support all the people who use out services.
- The car parking will aid the school as there is hardly any parking.
- Extra housing for local residents is desperately needed. No low rent units have been built in Fressingfield for years.
- The chapel serves nearly all the village in many ways and the new building will be used to its fullest capacity in serving the community.
- The profile of the building has been improved and does look more in keeping with the nearby school and the area as a whole.
- Improved safety for children and anyone travelling through to the medical centre that the proposed car park and pathway provide.

## ASSESSMENT

8. As this is a hybrid application there are matters which are relevant to the site as a whole and those which are relevant to each development:

The principle of development:

*Policy background*

The application site is situated adjacent to the settlement boundary for Fressingfield as defined by Inset Map No. 36 of the Mid Suffolk Local Plan (1998). The site is therefore considered within open countryside as identified by Policy CS1 "Settlement Hierarchy" of the Mid Suffolk Core Strategy DPD (2008). Policy CS2 "Development in the Countryside and Countryside Villages" of the Core Strategy details that countryside development will be restricted to defined categories. This includes affordable housing on rural exception sites.

Fressingfield is defined (Policy CS1 of the Core Strategy) as a 'Primary Village'. These are villages capable of limited growth for Local Area Market Housing in effect upto about so houses. That said the local authority does not have a five year land supply. Paragraph 49 of the National Planning Policy Framework (NPPF) states;

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Consequently policies CS1 and CS2 are not considered to be up-to- date and are not deemed to justify refusal in this respect. Paragraph 14 of the NPPF reads,

*"where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this*

*Framework indicate development should be restricted"*

The NPPF nevertheless requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. The NPPF (paragraph 7) defines three dimensions to sustainable development- the economic role, social role and environmental role. These roles however should not be considered in isolation. Paragraph 8 of the NPPF identifies that environmental, social and economic gains should be sought jointly. Therefore the Core Strategy Focus Review 2012 (post NPPF) policy FC1 seeks to secure development that improves the economic, social and environmental conditions in the area.

The proposal therefore must be determined in regards to sustainable development as defined by the NPPF.

#### *Sustainable Development*

The application site abuts the settlement boundary of Fressingfield and is connected by School Road to the services and facilities of this designated primary village. Consequently the proposed housing would support the local facilities and services required by the residential use. The residential use will provide affordable units which will improve the vitality and diversity of the village. Furthermore the inclusion of a Baptist chapel and play area will provide additional community facilities and benefits to the village.

The scheme is therefore considered to provide economic and social gains as required by policy FC1 of the Core Strategy Focus Review and the NPPF. However the NPPF paragraph 6 details that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. Consequently the proposal must accord with the NPPF as a whole to be considered sustainable development.

The proposal seeks to improve public access to the site by providing a connecting path to the existing school path (outside of the site). The existing school gate at Sancroft Road will be relocated to allow a segment of this school to become accessible to the public at all times. A fence and hedgerow would mark the new boundary of the school playingfield.

This link would provide considerable benefit to the community by providing greater connectivity and convenience for pedestrians accessing the chapel and proposed housing. Without this connection, access to the chapel and housing by existing residents to the North and West of the application site would need to walk along New Street with no footway for more than 300m, then turn southward down Stradbroke Road (B1116). Whilst this walk is approximately a 10 minute walk the path would reduce the time considerably and improve accessibility and convenience. It would ensure that there is safe and suitable access for all people. This is a critical requirement of paragraph 32 of the NPPF.

The footway alongside the new access road is also not connected with the existing footway along School Road without using land outside the applicant's



boundary. The new footway would extend into the school land to the north following the curve of the road. This has not been secured.

Suffolk County Council School Infrastructure team have not been contacted by the developer to discuss the transfer of Education land. The transfer requires a statutory process which can require the approval of the Secretary of State. This process is time consuming with no guarantee of success. The School Infrastructure Team therefore does not support the application. The provision of this path cannot be agreed by Section 106 or condition as it is uncertain whether this path can be included. This itself undermines the potential to deliver safe and suitable access for all people.

The Baptist Chapel is intended to allow a congregation of up to 200 people. The proposal only provides for 50 car parking spaces. The proposed 50 spaces were considered sufficient by the applicant as the numbers walking to premises would be increased from elsewhere in the village.

Without the complete footway connection it is questionable whether residents from the west will walk to the site given the lack of footway and amount of vehicular traffic along New Street. Additionally the connecting footway to the new road access may also not be achieved reducing convenience to access the site or exit the site by foot.

Paragraphs 31 and 34 of the NPPF details that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and secure the viable infrastructure necessary to support sustainable development.

Paragraph 72 of the NPPF also details that developments should promote accessible developments, containing clear and legible pedestrian routes. Plans should exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities (Paragraph 35 of the NPPF).

It is uncertain whether these footway connections can be achieved and therefore cannot be included within this scheme. Subsequently without this path and connecting footway the proposal is not considered to accord with the NPPF (paragraphs 31, 34, 35 and 72) in promoting sustainable transport modes, giving priority to pedestrian and cycle movement and promote accessibility. Therefore the development is not considered sustainable development as set out in the NPPF when taken as a whole.

### **Highways**

Paragraph 32 of the NPPF states that development should provide safe and suitable access to the site can be achieved for all people. Policy T10 of the Mid Suffolk Local Plan 1998 also provides that development will be considered in regards to the provision of safe access to and egress from the site.

The Highways Authority do not support the application. The forward visibility to

the new road falls across land outside of the applicant's ownership and control. As a result the applicant is not able to provide or keep the splay clear in the future. Therefore the proposal would not achieve safe vehicular access and would be contrary to policy T10 of the Mid Suffolk Local Plan and paragraph 32 of the NPPF.

Given the lack of secure and deliverable footway there is concern that foreseeable risks to children accessing the school will be increased.

The development therefore cannot ensure safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians as required by Policy T10 of the Mid Suffolk Local Plan and paragraph 32 of the NPPF.

### **Biodiversity:**

An extended Phase 1 Survey was produced by Anglian Ecology and formed part of the application submission. Suffolk Wildlife Trust and the County Ecologist (refer to Landscape Officer's comments) raised concern regarding the proposal.

A Construction and Environment Management Plan (CEMP) was submitted to the Local Planning Authority on 15 February 2016 to address the issues raised by County Ecologist and Suffolk Wildlife Trust. However both the County Ecologist and Suffolk Wildlife Trust advise that this information does not adequately address their concerns.

On this basis there is still insufficient information within the submitted ecological reports, including the Construction and Environment Management Plan (CEMP), to allow the planning authority to determine the application positively and grant planning permission. This aspect in itself is an issue of fundamental principle to the decision.

There is no assessment of likely impacts on Priority habitats and species, nor effective schemes for their mitigation, and whilst the CEMP would provide mitigation for disturbance & killing/injury, there is inadequate mitigation for the loss of terrestrial habitat for Protected species. The majority of the site has been identified by Natural England as Broadleaved woodland, a Priority habitat (s41 NERC Act). The Local Planning Authority still have no details of how this loss will be adequately compensated or offset. In order for the LPA to meet its NERC duty. Furthermore there are issues regarding the time of clearance, mitigation and enhancement measures are not included on the plans, further information regarding monitoring and no reference to hedgehogs.

The proposal does not accord with Policy CS5 of the Core Strategy, CL8 of the Mid Suffolk Local Plan 1998 and paragraphs 109, 117, 118 and 119 of the NPPF to protect, preserve, enhance and mitigate against loss and harm to biodiversity. The Local Planning Authority must also uphold its statutory duty under the Natural Environment and Rural Communities Act (NERC) 2006 section 40- duty to conserve biodiversity, as to ensure that such a decision will not give rise to the risk of commission of an offence to protected species. In the circumstances that risk cannot be excluded and it is not appropriate to grant permission on the information to hand.

### **Other Matters**



The proposed development has been considered in regards to the design and layout of the development, neighbour amenity, drainage, and impact on the countryside.

The site is well contained and screened from wider views from the countryside. Consequently the development is not considered to cause harm to the character and appearance of the locality. Whilst the Baptist Chapel is of considerable scale it has been reduced in size and altered in form to limit the visual mass of the building. It has been designed to relate to the nearby school and is positioned as a standalone building. Subsequently the design of the building is on-balance acceptable.

Due to the relationship of both the chapel and residential development with neighbouring properties (orientation and distance) the development is not unacceptably affect neighbour amenity in terms of noise, loss of light or overshadowing. Due to the alteration of the Chapels form the development is on-balance not considered over-bearing and of unacceptable harm.

Finally a Flood Risk Assessment was included with the application which details the measures to control surface water and will include attenuation crates behind the chapel building. SCC Flood has raised no concerns regarding this. It is noted that consent to pipe the ditch will need to be given by SCC.

The above matters are not considered unacceptable in terms of harm as to warrant additional reasons for refusal.

### **Conclusion**

The proposal cannot provide the new footway connection to school road and the new footway connection to the school path. The proposal does not therefore provide safe and secure access for all people. It does not prioritise the pedestrian, promote accessibility or maximise the use of sustainable modes of transport. Furthermore without these elements a safe and secure layout cannot be ensured to avoid conflict between pedestrians and traffic. The proposal is not deemed to accord policy T10 of the Mid Suffolk Local Plan and paragraphs 31, 32, 34, 35 and 72 of the NPPF.

The applicant has failed to demonstrate that the proposed development would not have an adverse impact upon protected species which have been identified on site. As such the proposal cannot be considered to constitute sustainable development and is contrary to the requirements of paragraphs 118 and 119 of the NPPF.

### **RECOMMENDATION**

#### **(A) That Full Planning Permission be Refused for the following reason:**

1. The proposal seeks to provide a footway link and new path on land outside the red line application site and outside the applicant's ownership or control. There is no agreement to secure the transfer of the land for the provision of the footpath. The provision of this footpath provides a direct link to local services and facilities, without which the proposal would be contrary to paragraphs 31, 34, 35 and 72 of the NPPF, not providing or promoting

viable infrastructure necessary for the development, or indeed prioritising pedestrian access and as such not contributing to the achievement of sustainable development required by paragraph 6 of the NPPF, contrary to Core Strategy Policies FC1 and FC1.1.

2. Part of the visibility splay required when entering the site from (as shown on Forward Visibility Plan 18975/802 Rev B, received 4/2/2016) are not within the red line application site and outside the applicant's ownership or control. Their provision and future retention cannot be secured and on that basis the development cannot deliver safe and secure access as required by Policy T10 of the Mid Suffolk Local Plan and paragraph 32 of the NPPF.

3. The lack of secured footpath link between the site and Sancroft Way and the subsequent link with School Road would increase pedestrian activity at School Road, resulting in increased conflict between pedestrians, cyclists and traffic, such that the development does not provide a safe and secure layout, risking harm to pedestrian safety, contrary to Policy T10 of the Mid Suffolk Local Plan and paragraphs 32 and 35 of the NPPF.

4. The application site forms part of a designated Priority Habitat Area of broadleaf woodland. The NPPF at paragraphs 117 and 118 aims to conserve and enhance biodiversity, including the preservation, restoration and re-creation of Priority Habitats, further requiring that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.

The proposal would result in the incursion of residential development and community facilities across the entire designated area resulting in the complete loss of this irreplaceable habitat contrary to Core Strategy Policy CS5, Local Plan Policy CL8, Core Strategy Focused Review Policies FC1 and FC1.1 and the National Planning Policy Framework paragraphs 7, 109, 117 and 118.

As such the proposal cannot be considered to improve biodiversity, and as such not achieve the environmental aims of sustainable development. As the different roles of sustainable development identified in paragraph 7 of the NPPF should not be undertaken in isolation the proposal cannot be considered sustainable development in this respect and as such is contrary to the requirements of paragraphs 7, 8, 109, 117, 118 and 119 of the NPPF.

**(B) At such time Committee determine the application without a Planning Obligation being secured the Corporate Manager- Development Management be authorised to refuse full planning permission for reason(s) in resolution (A) including the following reason for refusal:-**

5. Inadequate provision of open space and/or infrastructure contrary to policy CS6 or the Core Strategy 2008 without the requisite S106 obligation or CIL being in place.

Philip Isbell  
Corporate Manager - Development Management

Rebecca Biggs  
Planning Officer

## **APPENDIX A - PLANNING POLICIES**



1. **Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

**Cor1** - CS1 Settlement Hierarchy

**Cor2** - CS2 Development in the Countryside & Countryside Villages

**Cor5** - CS5 Mid Suffolks Environment

**CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

**CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. **Mid Suffolk Local Plan**

**GP1** - DESIGN AND LAYOUT OF DEVELOPMENT

**H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

**CL8** - PROTECTING WILDLIFE HABITATS

**RT12** - FOOTPATHS AND BRIDLEWAYS

**RT1** - SPORTS AND RECREATION FACILITIES FOR LOCAL COMMUNITIES

**T9** - PARKING STANDARDS

**T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

3. **Planning Policy Statements, Circulars & Other policy**

**NPPF** - National Planning Policy Framework

**C01/03** - Safeguarding aerodromes, technical sites and military explos

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

Letter(s) of representation(s) have been received from a total of **32** interested party(ies).

The following people **objected** to the application

The following people **supported** the application:

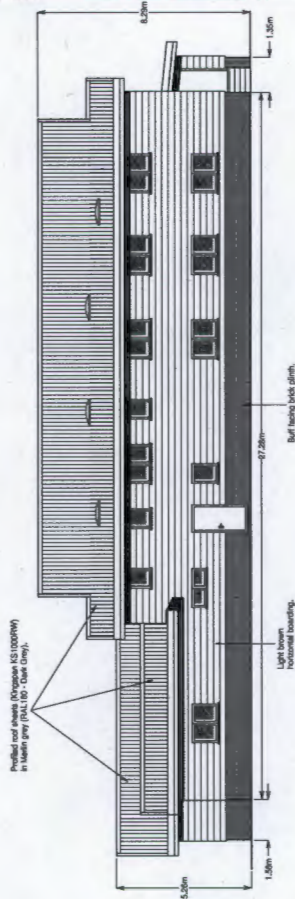
[Redacted list of names]

The following people **commented** on the application:

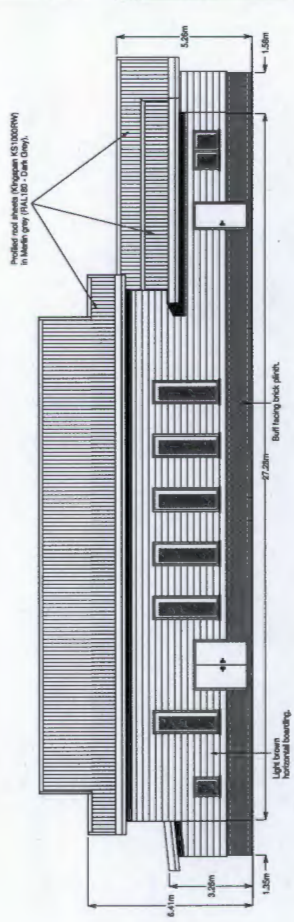
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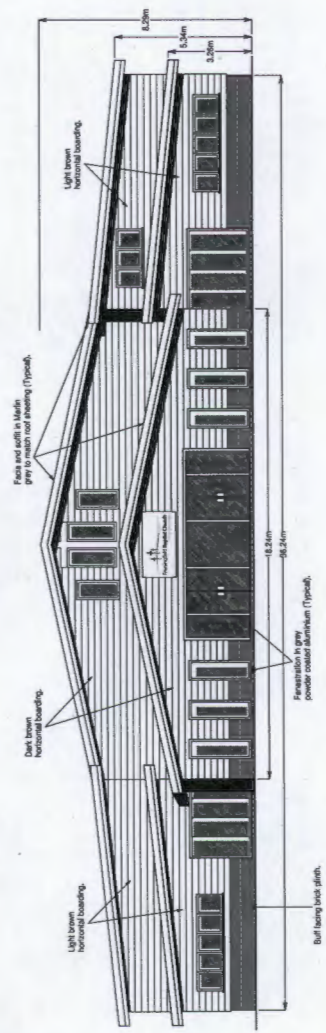
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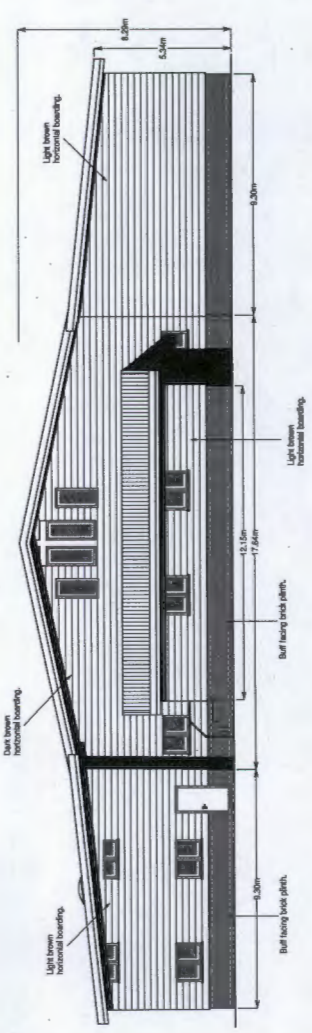
North Elevation



South Elevation



Front Elevation (East)



West Elevation



<p>This Land Off School Lane, Freesingfield Proposed Baptist Church Scheme B - Elevations.</p>	
<p>For: Trustees Of Freesingfield Baptist Church.</p>	
<p>Job No: 14230</p>	<p>Dwg No: P2 - B</p>
<p>Date: 14/01/2014</p>	<p>Scale: 1:100 @ A1</p>
<p>Rev: 0</p>	<p>0</p>

**ADAM POWER ASSOCIATES**

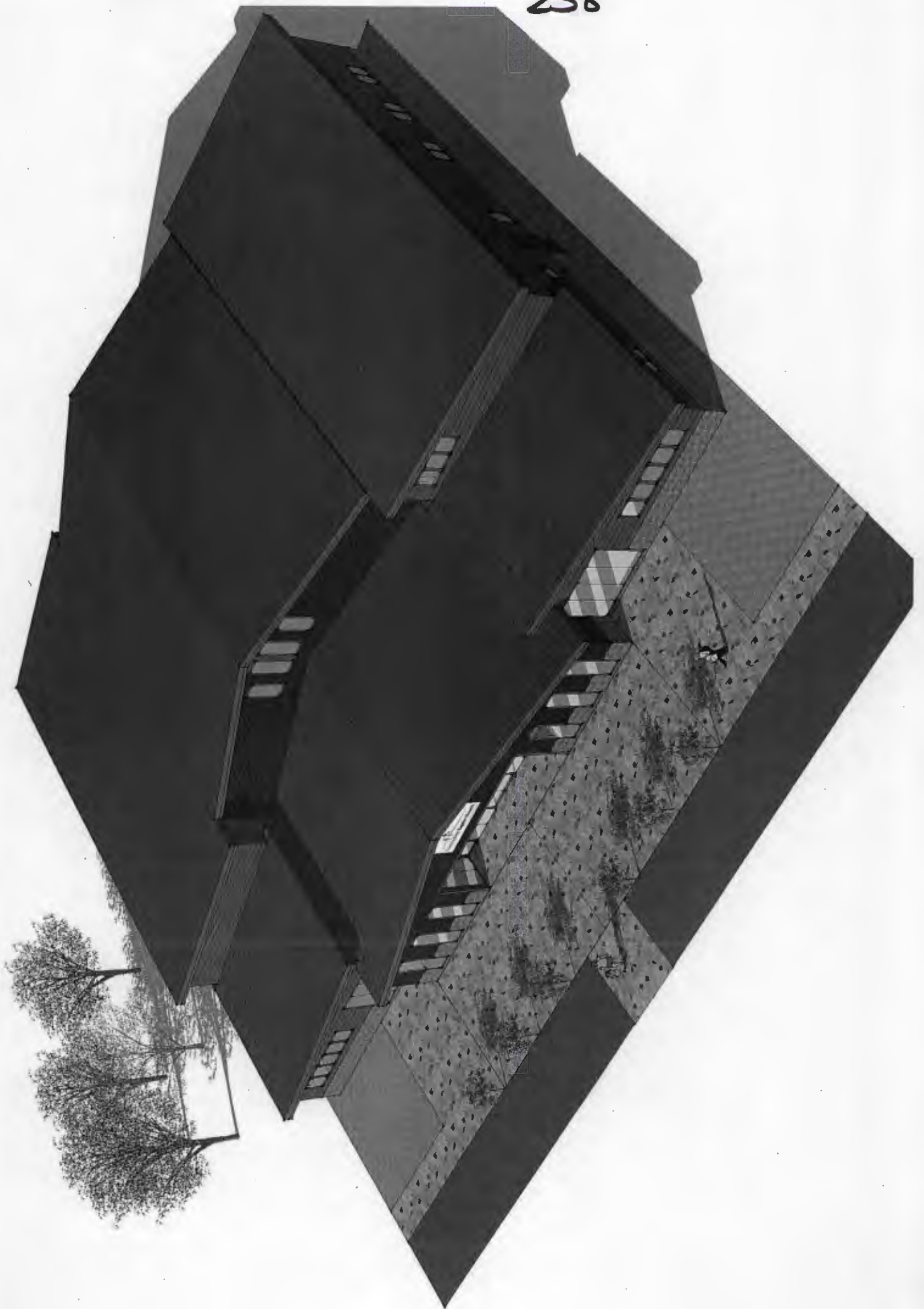
Consulting Civil/Structural Engineers  
 107/115 The Green, Berrimba, NSW 1471  
 Tel: 02 9333 1111 Fax: 02 9333 1112  
 Email: adam.power@adampower.com.au

No:	0	Date:	12/11/15
Rev:	0	Date:	12/11/15

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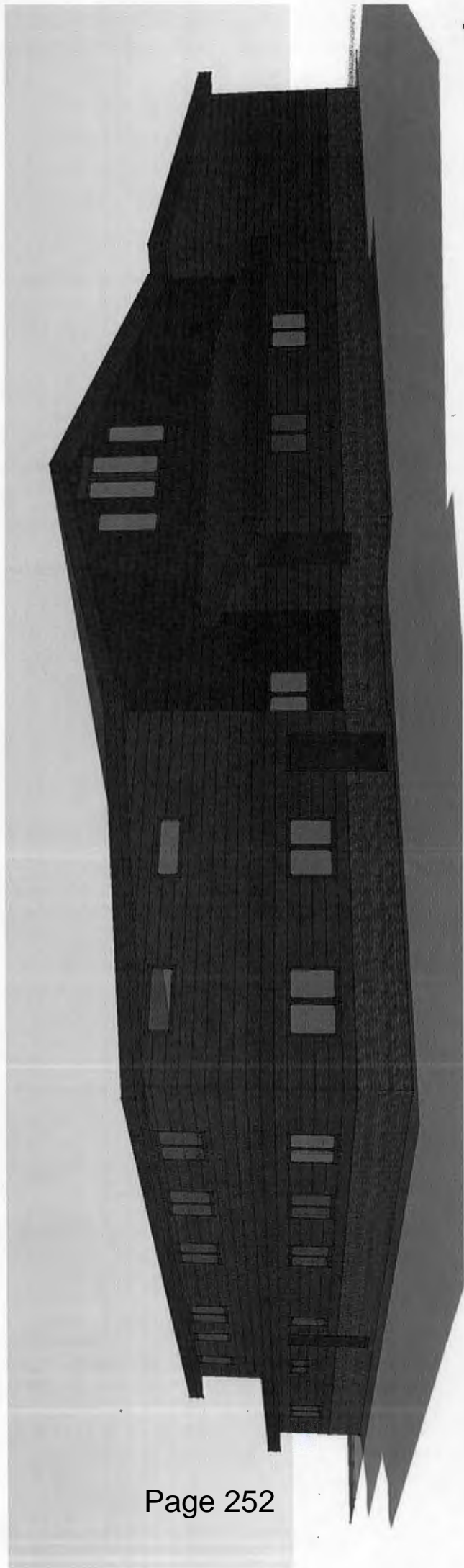


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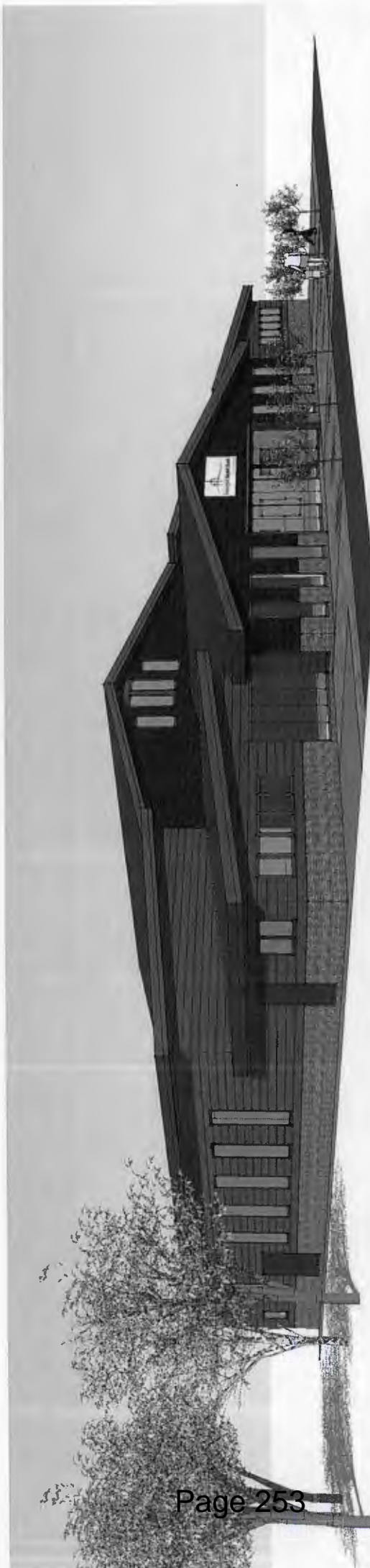




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## FRESSINGFIELD PARISH COUNCIL

### Comments from: Clerk to the Council

**Application Number:** 0846/15

**Proposal:** hybrid application comprising: application for full detailed planning permission for the erection of a new Baptist Chapel, car parking and access & an application for outline planning permission for up to 18 no residential units as amended by drawings received 17 November 2015 altering the design of the chapel and drawing 18975/802 rev A received 11 January 2016 amending the road layout and agent's letter received 11 January 2016

**Location:** Land to South West of School Lane, Fressingfield

The Parish Council met to discuss the application and noted the comments from members of the public present who reiterated points previously made concerning traffic and drainage. The requirement for a larger chapel was questioned but the Council stated this was not for its members to say.

It was noted that the photograph illustrating the exit onto Stradbroke Road from School Lane (towards the village) was taken from a vehicle whose bonnet was over the white line into Stradbroke Road rather than behind the lines, thus giving a possible clearer view.

Members preferred the redesigned 'barn' appearance and smaller size of the chapel. Members unanimously agreed that village must grow to survive.

Safety issues were paramount and the PC was keen to stress the need for all parties, including the school, to work together to ensure a safe environment for the children at Fressingfield Primary. To this end signage was likely to be required to encourage the use, by parents, of the new car park at drop-off and pick-up times. The possibility of double yellow lines or parking restrictions along School Lane should be considered. It was deemed most important that restrictions on the movements of construction traffic should be imposed so there would not be large vehicles posing a hazard at the start and end of the school day.

The PC valued the changes to the width of the footpath and road visibility highlighted by the Highways Department.

Following the discussion it was proposed, and seconded, to recommend approval of the application. Approval agreed by a majority vote (1 abstention; one person took no part in the discussion and did not vote [personal interest] 8 for the proposal).

**Please note: APPROVAL recommended**

SIGNED: Carol A Smy

Clerk to Fressingfield Parish Council

DATED: 25.01.16



## Consultation Response Pro forma

1	<b>Application Number</b>	0846/15 School Lane, Fressingfield	
2	<b>Date of Response</b>	15.9.15	
3	<b>Responding Officer</b>	Name:	Paul Harrison
		Job Title:	Enabling Officer
		Responding on behalf of...	Heritage
4	<b>Summary and Recommendation</b> (please delete those N/A)  Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	1. The Heritage Team has no comments to make on this proposal.	
5	<b>Discussion</b> Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.		
6	<b>Amendments, Clarification or Additional Information Required</b> (if holding objection)  If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate		
7	<b>Recommended conditions</b>		

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.



**Jane Cole**

---

**From:** David Pizzey  
**Sent:** 19 August 2015 10:14  
**To:** Rebecca Biggs  
**Cc:** Planning Admin  
**Subject:** 0846/15 Land south west of School Lane, Fressingfield.

**Categories:** Orange Category

Hi Rebecca

I had a look at this site yesterday and the trees potentially affected by this proposal are either of limited amenity value and/or poor quality and should not be considered a constraint. However, it will be important to retain the boundary trees/hedges in order to help soften and integrate any development within the local landscape. A standard protective fencing condition should be sufficient for this purpose.

David

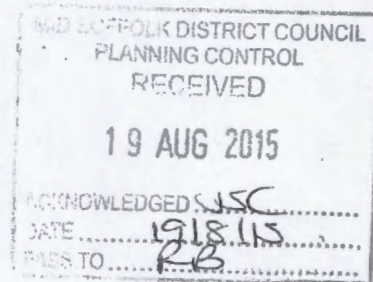
**David Pizzey**  
 Arboricultural Officer  
 Babergh and Mid Suffolk District Councils - Working Together  
 E: [david.pizzey@babergh.gov.uk](mailto:david.pizzey@babergh.gov.uk)  
 T: 01473 826662 & 01449 724555  
[www.babergh.gov.uk](http://www.babergh.gov.uk) and [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

---

**From:** [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk) [mailto:[planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk)]  
**Sent:** 12 August 2015 12:00  
**To:** David Pizzey  
**Subject:** Consultation on Planning Application 0846/15

Correspondence from MSDC Planning Services.

Location: Land South West of, School Lane, Fressingfield



Proposal: Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units.

We have received an application on which we would like you to comment. A consultation letter is attached. To view details of the planning application online please click [here](#)

We request your comments regarding this application and these should reach us

within 21 days. Please make these online when viewing the application.



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**From:** Nathan Pittam  
**Sent:** 27 August 2015 15:18  
**To:** Planning Admin  
**Subject:** 0846/15/FUL. EH - Land Contamination.

**0846/15/FUL. EH - Land Contamination.**

**Land south west of, School Lane, Fressingfield, EYE, Suffolk.**

**Hybrid application comprising: application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to ....**

Many thanks for your request for comments in relation to the above application. I note that the applicant has submitted a Phase I desk study and site walkover in support of the application. The report is written by AF Howland (ref : MSH/15.128/Phase1) and adequately assesses the former uses of the site and demonstrates that the risks posed at the site are minimal and probably reflect the use of the site for agricultural purposes and in light of this I would have no objections to raise with respect to this application. I would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

Nathan Pittam BSc. (Hons.) PhD  
Senior Environmental Management Officer  
Babergh and Mid Suffolk District Councils – Working Together  
t: 01449 742715 or 01473 826637  
w: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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DEVELOPMENT CONTROL

MID SUFFOLK DISTRICT  
COUNCIL  
ENVIRONMENTAL

Planning Consultation – Other Issues

<b>Application Reference:</b> 0846/15/FUL	<b>Officer Allocated to:</b> PJS
<b>Location of Proposed Development:</b> Land South West of, School Lane, Fressingfield	
<b>Details:</b> Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units.	
<b>Date Documents Received:</b> 02.08.2015	<b>Date Reply Required by Planning:</b> 11.09.2015
<b>Objections:</b>	
<b>Recommendations/Comments:</b>	
<p>Thank you for the opportunity to comment on the above application.</p> <p>I have no objections to the proposed development subject to appropriate conditions to mitigate against adverse impacts from noise and lighting. In this respect I would recommend conditions requiring the following:</p> <ol style="list-style-type: none"><li>1. No development shall commence until full details of any externally mounted air source heat pump and extraction and ventilation systems have been submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that the systems will not be likely to cause nuisance to occupiers of the proposed residential units and existing neighbouring premises; that any odour in the discharge (from kitchen) will be adequately abated so as not to cause nuisance; and that the systems shall be installed in accordance with the approved details prior to the new Baptist Chapel being first used and shall be thereafter retained in its approved form unless otherwise agreed in writing by the Local Planning Authority.</li><li>2. The working hours during construction shall be restricted to 0730 hrs – 1800 hrs Mondays to Fridays and 0800 hrs and 1300 hrs on Saturdays. There shall be no working hours on Sundays or Bank Holidays.</li><li>3. No floodlighting or other means of external lighting shall be installed at the site except in accordance with details to include position, height, aiming points, lighting levels and a polar luminance diagram (based on the vertical plane at the nearest existing or proposed residential receptors), which shall have previously been submitted to and agreed in writing by the Local Planning Authority.</li></ol> <p>Reason: To protect the occupiers of the neighbouring and proposed residential properties suffering loss of amenity or nuisance.</p>	
<b>Signed:</b> Philippa Stroud	<b>Date:</b> 11 September 2015



**From:** Ishaq Muhammad  
**Sent:** 01 September 2015 16:06  
**To:** Planning Admin  
**Subject:** 0846 / 15 / FUL

**OUR REF:** 0846 / 15 / FUL  
**TO:** Environmental Health Officer - Sustainability  
**PROPOSAL:** Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units.  
**LOCATION:** Land South West of, School Lane, Fressingfield

Hi Rebecca

I note that we have not been consulted on this application in respect of environmental sustainability issues. However, the proposal is a 'major' development (10 or more dwellings) and I would therefore recommend that any permission granted should be subject to a condition requiring the submission of a report demonstrating the achievement of the energy performance requirement equivalent to Code for Sustainable Homes Level 4. This should be submitted to and agreed in writing by the LPA prior to the commencement of the development.

I also note that we had not been consulted on sustainability issues on church with large floor area more than 1000m<sup>2</sup> so requires sourcing of energy from renewable sources. I would therefore also recommend that any permission granted should be subject to a condition requiring to integrate renewable energy technology(ies) in order to provide at least 10% of their predicted energy requirements. This should be submitted to and agreed in writing by the LPA prior to the commencement of the development.

Thank you.

Kind regards

**Is-haq Muhammad** (*MSc Env.*)  
Environmental Management Officer



Jane Cole

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**From:** Martin Egan  
**Sent:** 11 February 2016 12:59  
**To:** Rebecca Biggs  
**Cc:** Andrew Pearce; Neil McManus; Emma Bethell; Iain Maxwell; Planning Admin  
**Subject:** RE: Fressingfield - School Lane. 0846/15

Rebecca,

Thank you for the revised drawing. In highway terms there are still issues with my previous points 3 and 4 in the email below such that I am not able to issue an approval. In addition there are also issues regarding the proposed footpath link breaking through the school boundary and the proposed new fencing, gate and landscaping on the school land. In summary:

1. The forward visibility splay shown light blue (top right corner of the drawing) still falls partially across land which the applicant does not appear to own or control. This may well be school land therefore the applicant is not able to provide or keep the splay clear in the future. The Headmaster is not able to approve use off or transfer of school land to the applicant and this cannot be conditioned.
2. Similarly the footway alongside the new access road is not able to connect with the existing footway (again in the top right of the drawing) without using land which appears to be outside the application boundary. This may also be school land. I would not wish to see pedestrians having to step into the road at this location close to the school access.
3. The applicant is not able to provide the footpath link across the school boundary without approval from the Education Authority, SCC. This approval cannot be provided by the School or the Headmaster alone. If SCC Education land is to be transferred it has to be approved by the Secretary of State and this process is time consuming with no guarantee of success. Presumably this cannot be conditioned as it is third party land and there is no certainty of provision. In terms of future adoption we are not able to insist on adoption and we would be relying on agreement to dedicate by the various landowners involved.

My colleague Iain Maxwell, Senior Assistant Infrastructure Officer, Schools Infrastructure, is meeting with the school tomorrow to discuss in the main the footpath link issue. He will also provide further comments to you to clarify matters in respect of the school land.

I trust this is of assistance.

Regards  
Martin

Martin Egan,  
Highways Development Management Engineer,  
Strategic Development,  
Resource Management,  
Suffolk County Council,  
Endeavour House,  
8 Russell Road, Ipswich,  
IP1 2BX,  
Tel: 01473 264757  
Fax: 01473 216864  
[martin.egan@suffolk.gov.uk](mailto:martin.egan@suffolk.gov.uk)  
[www.suffolk.gov.uk](http://www.suffolk.gov.uk)

---

**From:** Rebecca Biggs  
**Sent:** 05 February 2016 11:09



Economy, Skills and Environment  
 9-10 The Churchyard, Shire Hall  
 Bury St Edmunds  
 Suffolk  
 IP33 1RX

Philip Isbell  
 Professional Lead Officer  
 Planning Services  
 Mid Suffolk District Council  
 131 High Street  
 Needham Market  
 Ipswich IP6 8DL

Enquiries to: Rachael Abraham  
 Direct Line: 01284 741232  
 Email: rachael.abraham@suffolk.gov.uk  
 Web: <http://www.suffolk.gov.uk>

Our Ref: 2015\_0846  
 Date: 26 August 2015

For the Attention of Rebecca Biggs

Dear Mr Isbell

**PLANNING APPLICATION 0846/15 – LAND WEST OF SCHOOL LANE,  
 FRESSINGFIELD: ARCHAEOLOGY**

This proposal lies in an area of archaeological interest, in a topographic location that is favourable for early occupation of all periods. Although there are no recorded heritage assets on the Suffolk Historic Environment Record, this area has not been the subject of previous systematic investigation. The scale of the plot is such that there is a high potential for the discovery of hitherto unknown important features and deposits of archaeological interest at this location. Any groundworks associated with the proposed development has the potential to cause significant damage or destruction to any underlying heritage assets.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The following two archaeological conditions, used together, are recommended:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.



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

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

**REASON:**

*To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2012).*

**INFORMATIVE:**

*The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.*

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological investigation. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Please let me know if you require any clarification or further advice.

Yours sincerely

*Rachael Abraham*

Senior Archaeological Officer  
Conservation Team



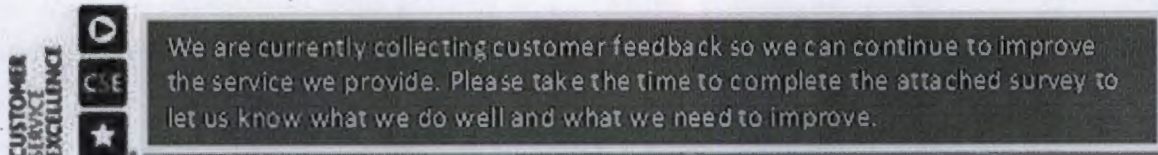
**From:** Hunter, Andrew [mailto:andrew.hunter@environment-agency.gov.uk]  
**Sent:** 21 August 2015 11:32  
**To:** Planning Admin  
**Subject:** 0846 / 15 - Land South West of, School Lane, Fressingfield

**Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units.**

This consultation falls outside those areas of our remit as a statutory planning consultee under the DMPO 2015. Accordingly we should not have been consulted.

Andrew Hunter  
Sustainable Places - Planning Advisor  
Environment Agency  
Iceni House  
Cobham Road  
Ipswich  
IP3 9JD

Direct dial 01473 706749  
email [andrew.hunter@environment-agency.gov.uk](mailto:andrew.hunter@environment-agency.gov.uk)



Awarded to Essex, Norfolk and Suffolk Area

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spam



Jane Cole

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**From:** Iain Maxwell  
**Sent:** 12 February 2016 12:54  
**To:** Martin Egan; Rebecca Biggs  
**Cc:** Andrew Pearce; Neil McManus; Emma Bethell; Planning Admin; Dee Chadney  
**Subject:** RE: Fressingfield - School Lane. 0846/15

Hello Rebecca

Myself and Dee Chadney, a Rights of Way Officer for SCC, visited the school this morning and met with the Headteacher, Mark Taylor.

Mr Taylor said he had met with the developer who had explained the proposal and issues about linking into the footpath that runs along the southern edge of the school site. Overall, Mr Taylor saw several benefits for the school should the project be approved, especially the large car park as part of the chapel which could be used by parents dropping off their children.

I explained the difficulty the county has with the developer cutting into the school site and linking with the school's footpath.

I fully endorse what Martin has written below on all three points but in particular point 3.

The county has had no contact with the developer to discuss these issues as there are statutory processes we have to follow should we agree to the footpath proposal.

Consequently we cannot support this application.

I suggested to Mr Taylor that we need to meet with the developer to discuss all issues and options; he agreed this was the best way forward. I will therefore the developer to arrange this meeting.

Regards

Iain Maxwell

Senior Assistant Infrastructure Officer  
Schools Infrastructure  
Suffolk County Council  
Endeavour House  
8 Russell Road  
Ipswich  
IP1 2BX

01473 264631



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0846/15

OFFICIAL



**Suffolk Fire and Rescue Service**

Fire Business Support Team  
Floor 3, Block 2  
Endeavour House  
8 Russell Road  
Ipswich, Suffolk  
IP1 2BX

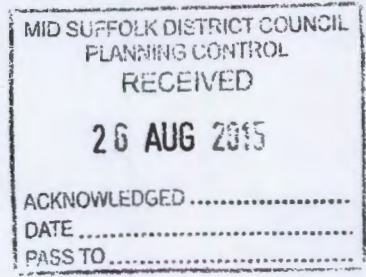
Mid Suffolk District Council  
Planning Department  
131 High Street  
Needham Market  
Ipswich  
IP6 8DL

Your Ref: 0846/15  
Our Ref: FS/F180869  
Enquiries to: Angela Kempen  
Direct Line: 01473 260588  
E-mail: Fire.BusinessSupport@suffolk.gov.uk  
Web Address: http://www.suffolk.gov.uk

Date: 24/08/2015

Dear Sirs

**Land South West of School Lane, Fressingfield IP21 5RU**  
**Planning Application No: 0846/15**



I refer to the above application.

The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

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

Water Supplies

Suffolk Fire and Rescue Authority recommends that fire hydrants be installed within this development. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.



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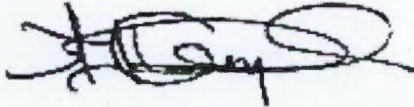
OFFICIAL

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

Yours faithfully



Mrs A Kempen  
Water Officer

Copy: Adam Power Associates, Church Farmhouse, 51 Crown Street, Banham,  
Attleborough, Norfolk NR16 2HW

Enc: Sprinkler Information

Copy: [adrian.buxton@suffolk.gov.uk](mailto:adrian.buxton@suffolk.gov.uk)



Suffolk Fire and Rescue Service

Fire Business Support Team
Floor 3, Block 2
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Mid Suffolk District Council
Planning Department
131 High Street
Needham Market
Ipswich
IP6 8DL

Your Ref:
Our Ref: ENG/AK
Enquiries to: Mrs A Kempen
Direct Line: 01473 260486
E-mail: Angela.Kempen@suffolk.gov.uk
Web Address: www.suffolk.gov.uk

Date:

Stamp: MID SUFFOLK DISTRICT COUNCIL
24/08/2015 PLANNING CONTROL
RECEIVED
26 AUG 2015
ACKNOWLEDGED
DATE
PASS TO

Planning Ref: 0846/15

Dear Sirs

RE: PROVISION OF WATER FOR FIRE FIGHTING

ADDRESS: Land South West of School Lane, Fressingfield IP21 5RU

DESCRIPTION: Erection of new Baptist Chapel, car parking and access and also outline permission for 18 Residential units.

NO: HYDRANTS POSSIBLY REQUIRED:

If the Planning Authority is minded to grant approval, the Fire Authority will request that adequate provision is made for fire hydrants, by the imposition of a suitable planning condition at the planning application stage.

If the Fire Authority is not consulted at the planning stage, the Fire Authority will request that fire hydrants be installed retrospectively on major developments if it can be proven that the Fire Authority was not consulted at the initial stage of planning.

The planning condition will carry a life term for the said development and the initiating agent/developer applying for planning approval and must be transferred to new ownership through land transfer or sale should this take place.

Fire hydrant provision will be agreed upon when the water authorities submit water plans to the Water Officer for Suffolk Fire and Rescue Service.

Where a planning condition has been imposed, the provision of fire hydrants will be fully funded by the developer and invoiced accordingly by Suffolk County Council.

Until Suffolk Fire and Rescue Service receive confirmation from the water authority that the installation of the fire hydrant has taken place, the planning condition will not be discharged.



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OFFICIAL

Should you require any further information or assistance I will be pleased to help.

Yours faithfully

A large black rectangular redaction covering the signature of the official.

Mrs A Kempen  
Water Officer

**From:** PROW Planning  
**Sent:** 01 September 2015 13:49  
**To:** Planning Admin  
**Cc:** james@adampower.co.uk; Andrew Pearce  
**Subject:** RE: Consultation on Planning Application 0846/15

**Our Ref:** E258/066/ROW405/15

**For The Attention of:** Rebecca Biggs

**Public Rights of Way Response**

Thank you for your consultation concerning the above application.

Public Footpath 66 is recorded adjacent to the proposed development area.

We would request provision is made to allow a pedestrian access from the development onto the Public Footpath.

Referring to policies set out under the NPPF, the following sections bear relevance to Public Rights of Way:

**Section 8 - Promoting healthy communities**

**Para 69** - Planning policies and decisions, in turn, should aim to achieve places which promote...safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

**Para 73** - Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

**Para 75** - Planning policies should protect and enhance public rights of way and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network.

We have **no objection** to the proposed works.

**Informative Notes:** "Public Rights of Way Planning Application Response - Applicant Responsibility" and a digital plot showing the definitive alignment of the route as near as can be ascertained; which is for information only and is not to be scaled from, is attached.

Regards

Jackie Gillis  
Rights of Way Support Officer  
Countryside Access Development Team



**Rebecca Biggs**

---

**From:** James Meyer <JamesM@suffolkwildlifetrust.org>  
**Sent:** 17 February 2016 17:23  
**To:** Rebecca Biggs  
**Cc:** Sue Hooton  
**Subject:** RE: 0846/15 School Lane, Fressingfield - CEMP

**Categories:** Red Category

Hi Rebecca,

Thank you for the copy of the CEMP report (Eco Check, Feb 2016). In principle we consider that such an approach is an appropriate way forward, however there are a couple of points which we think need addressing before it can be considered that the methodologies proposed are acceptable:

- There appears to be conflicts between the timings for site clearance work set out in the plan, particularly between avoiding impacts on nesting birds and impacts on any herpetofauna present on site. Page 8 states that vegetation clearance will be undertaken outside the bird nesting season (March to August), whilst page 12 states that work will be carried out avoiding the great crested newt (GCN) hibernation period (October to March inclusive) – following these timings would mean that site clearance could only be undertaken in September. Page 12 also suggests that work may be undertaken between mid-March and mid-June when GCN are more likely to be in their aquatic habitat, this would conflict with the bird breeding season avoidance recommendation made earlier in the plan. We appreciate that the presence of multiple protected species on site can cause constraints with site clearance, however we'd suggest that the applicant explores a phased clearance approach to address this. Such an approach should be detailed in the CEMP.
- The CEMP makes a number of mitigation and enhancement recommendations (including hibernation piles and a new pond), however these do not appear to be included on the plans for the proposed development (Appendix 1 of the CEMP). Without inclusion on the appropriate plans we query how their provision can be demonstrated and secured.
- Tables 2 and 3 in Appendix 2 "Monitoring to assess management in February", we query what form this monitoring is proposed to take?
- The CEMP does not make any reference to hedgehogs (a UK and Suffolk Priority Species), there are a number of recent records of this species in the area and it is likely that they are present on the site for at least part of the year. We recommend that the site clearance methodology also ensures that works do not harm this species.

We also note Sue Hooton's comments on the application with regard to Priority Habitat. More than half of the site is identified as Broadleaved Woodland Priority Habitat by Natural England (available to view on [www.magic.gov.uk](http://www.magic.gov.uk)). Whilst the CEMP seeks to deal with the potential impacts on protected species, it does not address the loss of this habitat (either through the assessment of the impact of loss or through identification of suitable mitigation or compensation measures). Having discussed this with Sue, I understand she is going to provide you with additional comments on this matter. However, as currently presented this loss does not appear to be adequately addressed.

I hope that the above is helpful, if you have any queries please do not hesitate to contact me.

Kind regards

James

**James Meyer**  
**Conservation Planner**





Rebecca Biggs  
 Planning Department  
 Mid Suffolk District Council  
 131 High Street  
 Needham Market  
 IP6 8DL

28/08/2015

Dear Rebecca,

**RE: 0846/15 Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units. Land South West of School Lane, Fressingfield**

Thank you for sending us details of this application, we have the following comments:

We have read the ecological survey reports (Extended Phase 1 Survey, Anglian Ecology, Jan 2015; Bat and Reptile Surveys, both Eco-Check, Jun 2015) and we note the findings of the consultants.

Suffolk Biological Records Centre (SBRC) holds a record of great crested newt for this site. We note that the HSI for the pond on site scored it as being of 'below average' potential for this species. However, given the presence of this record we recommend that further assessment for great crested newts is undertaken to inform the determination of this application. The terrestrial habitat present on the site is likely to provide suitable habitat for this species and unmitigated loss of this habitat could result in an adverse impact on any population present in the area, as well as a breach of the relevant legislation.

Great crested newts are fully protected under the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2010) (as amended). It is illegal to kill, injure, capture or disturb them or to obstruct access to areas where they live and breed. The terrestrial habitat used by the newts may extend up to 500 metres from their breeding pond and both of these habitats are also protected from damage and destruction.

The bat survey report (Eco-Check, Jun 2015) recorded at least three species of bat foraging at the site, although no roosts were recorded on site. Whilst the development proposes to retain the boundary vegetation at the site, the majority of the other vegetation is to be removed (drawing no. 18975/802). This will reduce the amount of foraging habitat available to bats in this area. As the residential element of the project is an outline application, there is limited detail available on the design and layout of this part of the site. There should therefore be suitable demonstration that the number of dwellings proposed can be accommodated without having a detrimental effect on the boundary vegetation which would result in an even greater impact on the available bat foraging resource.

It is also unclear whether any of the proposed development would involve the installation of external lighting. Such lighting has the potential to have a significant adverse impact on nocturnal wildlife such as bats. We recommend that a sensitive lighting strategy is produced in order to demonstrate that any external lighting will not have an adverse impact on such species.



Suffolk Wildlife Trust,  
 Brooke House, Ashbocking,  
 Ipswich, IP6 9JY  
 Tel: 01473 890089

[www.suffolkwildlifetrust.org](http://www.suffolkwildlifetrust.org)

[info@suffolkwildlifetrust.org](mailto:info@suffolkwildlifetrust.org)

Suffolk Wildlife Trust is a  
 registered charity  
 no. 262777



As identified in the Extended Phase 1 report (Anglian Ecology, Jan 2015), the development site currently contains habitat suitable for nesting birds. The proposed development would result in the loss of a significant proportion of this habitat which would in turn reduce the amount of resource available for breeding birds, some of which may be UK/Suffolk Priority Species (such as house sparrow which was recorded during the survey). The site is also likely to be suitable for other Priority Species such as hedgehogs; it should therefore be ensured that no vegetation clearance is undertaken without the implementation of measures to protect such species.

Notwithstanding the above, should permission be granted for some development at this site, we request that the recommendations made within the ecological survey reports are implemented in full, via a condition of planning consent.

#### Conclusion

As currently presented we consider that there is insufficient information available to determine whether or not the proposed development will result in a significant adverse impact on great crested newts. Further information is therefore required prior to the determination of this application.

Based on the information currently available, the overall habitat loss which would occur from the proposed development appears likely to result in a net loss to local biodiversity. We consider that this is contrary to the requirements of the National Planning Policy Framework (NPPF) (paragraph 109), permission should not be granted for development which is contrary to the NPPF.

If you require any further information please do not hesitate to contact us.

Yours sincerely

James Meyer  
Conservation Planner

**Rebecca Biggs**

---

**From:** Sue Hooton  
**Sent:** 17 February 2016 17:18  
**To:** Rebecca Biggs  
**Cc:** James Meyer  
**Subject:** RE: 0846/15 School Lane, Fressingfield  
**Attachments:** www.magic.gov.uk\_fressingfield.pdf

**Categories:** Red Category

Hi Rebecca

**Proposal: Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units.**

**Location: Land South West of, School Lane, Fressingfield**

Based on all the ecological information provided by the applicant, I offer the following comments:

There is still insufficient information within the submitted ecological reports, including the Construction and Environment Management Plan (CEMP), to allow the LPA to determine the application.

There is no assessment of likely impacts on Priority habitats and species, nor effective schemes for their mitigation, and whilst the CEMP would provide mitigation for disturbance & killing/injury, there is inadequate mitigation for the loss of terrestrial habitat for Protected species. I understand that James Meyer will provide detailed comments on the CEMP.

I attach a screenshot from Magic website for Priority habitats in Fressingfield which clearly shows the majority of the site has been identified by Natural England as Broadleaved woodland, a Priority habitat (s41 NERC Act). Approx 1500m<sup>2</sup> of woodland would be lost to the housing element of the development [*Protected Habitats and Species Survey p22*] but the LPA still have no details of how this loss will be adequately compensated or offset. In order for the LPA to meet its NERC duty, this information will need to be provided prior to determination.

I have made these recommendations in order to minimise the impact of the proposal on ecology and having due regard for the NPPF and Policy CS5, as well as the statutory obligations of the LPA.

Best wishes  
Sue

**DISCLAIMER:**

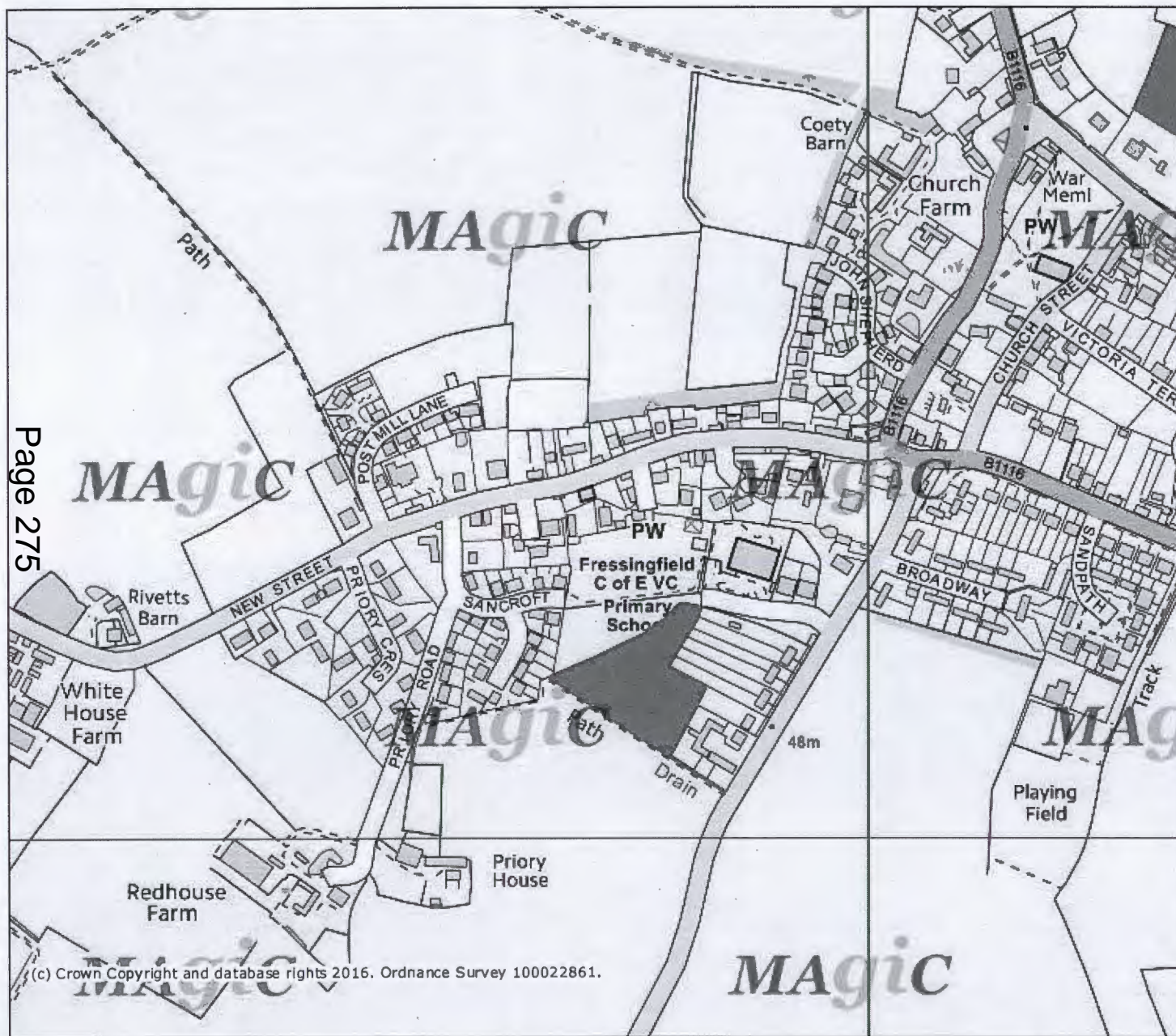
**This information has been produced by Suffolk County Council's Natural Environment Team on behalf of Babergh and Mid Suffolk District Councils, at their request. However, the views and conclusions contained within this report are those of the officers providing the advice and are not to be taken as those of Suffolk County Council.**

**Sue Hooton (Mrs) CEnv MCIEEM  
Senior Ecologist**

Natural Environment Team,



Strategic Development, Resource Management,  
Suffolk County Council,  
Endeavour House (B2-F5), 8 Russell Road, Ipswich, Suffolk IP1 2BX  
Tel: 01473 264784 Mb: 07834 676875  
[www.suffolk.gov.uk/suffolksnaturalenvironment](http://www.suffolk.gov.uk/suffolksnaturalenvironment)



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### Legend

- |  |   |
|--|---|
| ■ Priority Habitat Inventory - Coastal Saltmarsh (England)                                   | ■ Priority Habitat Inventory - Lowland Calcareous Grassland (England)       |
| ■ Priority Habitat Inventory - Coastal Sand Dunes (England)                                  | ■ Priority Habitat Inventory - Lowland Dry Acid Grassland (England)         |
| ■ Priority Habitat Inventory - Coastal Vegetated Shingle (England)                           | ■ Priority Habitat Inventory - Lowland Meadows (England)                    |
| ■ Priority Habitat Inventory - Maritime Cliffs and Slopes (England)                          | ■ Priority Habitat Inventory - Purple Moor Grass and Rush Pasture (England) |
| ■ Priority Habitat Inventory - Mudflats (England)  | ■ Priority Habitat Inventory - Upland Calcareous Grassland (England)        |
| ■ Priority Habitat Inventory - Saline Lagoons (England)                                      | ■ Priority Habitat Inventory - Upland Hay Meadows (England)                 |
| ■ Saline Lagoons (Wales)   | ■ Priority Habitat Inventory - Lowland Heathland (England)                  |
| ■ Saltmarsh (Wales)  | ■ Priority Habitat Inventory - Mountain Heaths and Willow Scrub (England)   |
| ■ Sand Dunes (Wales)   | ■ Priority Habitat Inventory - Upland Heathland (England)                   |
| ■ Priority Habitat Inventory - Calaminarian Grassland (England)                              | ■ Priority Habitat Inventory - Limestone Pavements (England)                |
| ■ Priority Habitat Inventory - Coastal and Floodplain Grazing Marsh (England)                |   |
| ■ Priority Habitat Inventory - Good quality semi-improved grassland (Non Priority) (England) |   |

Projection = OSGB36  
 xmin = 624900  
 ymin = 276700  
 xmax = 626600  
 ymax = 277800

Map produced by MAGIC on 17 February, 2016.  
 Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.



Phil Watson Landscape Development Officer  
Natural Environment Team

Endeavour House ( B2 F5 47)  
Russell Road  
IPSWICH

IP1 2BX  
Suffolk  
Tel: 01473 264777  
Fax: 01473 216889  
Email: phil.watson@suffolk.gov.uk  
Web: <http://www.suffolk.gov.uk>

Your Ref: 0846\_15  
Our Ref:  
Date: 09/09/2015

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Ms Rebecca Biggs  
Planning Dept  
Mid Suffolk District Council  
131 High St  
Needham Market  
Suffolk  
IP6 8DL

Cc Mr David Pizzey Arboricultural Officer MSDC/BDC

Dear Rebecca,

**Proposal: Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units.  
Location: Land South West of, School Lane, Fressingfield**

Based on the information provided by the applicant and a site visit carried out with the SCC Senior Ecologist Mrs Sue Hooton, on the 25<sup>th</sup> August, I offer the following comments.

#### **The information provided by the applicant**

The applicant has provided sufficient information in order that the landscape and visual effects of the proposal can be understood.

#### **The site and Landscape**

The site is of former meadowland that has developed into scrub and secondary woodland. It is enclosed by trees and hedgerows and is partially within the built up area of the village and partially on the edge of the open countryside

The wider landscape is typical of the Plateau Clayland Landscape Type (Suffolk LCA 2008/11). There are large arable fields surrounded by hedges with trees, a gently rolling landform, a dense pattern of roads and footpaths and a scattered settlement of hamlets and farmsteads outside the main village.

### Likely landscape effects

1. The proposal will be a permanent change to land use and land cover with the loss of scrub and woodland replaced by the built environment. This loss will not have a significant impact on the character of the landscape however the effects will be significant locally with a high level of change for adjacent residents and footpath users.

It is notable that an area of secondary woodland will be removed; I understand that deciduous woodland of this type is a Priority Habitat and as such may require compensation; however this is a matter for ecological consultees.

2. Much of the boundary hedging and trees around the site are significant landscape assets. I suggest that a scheme of tree protection and perhaps an Arboricultural Method Statement will be required in order to safeguard the trees and hedgerows to be retained. This is a matter for Mr David Pizzey the Arboricultural Officer.

### Likely visual effects

1. Open views of the site are available from the public right of way on the southern side of the site. Views of the site will also be available from public viewpoints in the wider countryside. There is a need to ensure that the site is integrated into the wider landscape through the use of appropriate and robust boundary planting.
2. The proposal will also extend the adverse impacts of lighting into the surrounding landscape.
3. Given the mass and in particular the height of the proposed chapel building it is essential that the boundary hedgerows and trees are appropriately retained and reinforced in order to reasonably mitigate the visual impacts and integrate the building into the wider landscape.
4. It is also notable that some residences of Sancroft Way, Oatfields and Ash Tree Close are likely to experience a significant change in their outlook because the visibility of the upper parts of the proposed chapel.

### Other Matters

Mrs Sue Hooton the Senior Ecologist has reviewed the proposal and she has offered the following comments.

*"The submitted ecological reports identify impacts on Protected, and Priority (NERC Act s41), species and habitats. These are hedgerows, woodland, bats, reptiles, hedgehogs and breeding birds.*

*Therefore, detailed conditions for both the full and outline proposals, based on BS42020:2013, will be necessary for any consent; to mitigate, compensate and control these impacts in order that the LPA can discharge its duties under s40 of the NERC Act 2006 and s17 of the Crime and Disorder Act (1998) where it is obliged in the exercise of all its various functions to do all that it can to prevent crime in its area.*

*Furthermore, after the data request was made to SBRC in early 2014 on behalf of the applicant, a new (and confirmed) record of Great Crested Newt on the site was submitted in September 2014 and verified and added to the database on 17/03/15. Therefore further survey and assessment is required for this European Protected Species, to be submitted*



to the LPA prior determination. Details should also be provided of any proposed mitigation and any licence requirements.

This information is required prior to determination in order for the LPA to discharge its duties under the Habitats and Species Regulations 2010, in respect of the protection of European Protected Species.

It appears that the proposed mitigation and enhancement measures for both reptiles and bats are greater than is reasonably necessary based on the impacts identified in the submitted reports. Therefore while some mitigation for bats and reptiles is required a reduced scheme appears likely to more in keeping with the findings.

Finally despite the finding that there will be a loss of 1500 m<sup>2</sup> woodland (Priority Habitat) [Protected Habitats and Species Survey p22] no details of how this loss of will be adequately compensated for or offset have been provided. In order for the LPA to meet its NERC duty this information will need to be provided prior to determination"

Please contact Mrs Hooton if you wish to discuss the details of this matter and the conditions required; [sue.hooton@suffolk.gov.uk](mailto:sue.hooton@suffolk.gov.uk).

It appears that part of the works involve significant modification to a ditch, (ordinary watercourse), this appears to require drainage consent, a matter for the SCC Floods Team, see <http://www.suffolk.gov.uk/roads-and-transport/roads-pavements-and-verges/flooding-and-drainage/working-on-a-watercourse-land-drainage-act-consent/> for more details.

### **The Full Application**

Erection of a New Baptist Chapel, car parking and access

### **Recommendations**

This proposal is acceptable in landscape terms subject to the following conditions.

### **PRIOR TO COMMENCEMENT: DETAILS OF DESIGN AND MATERIALS**

Details of the design and materials, of external walls, roofing, doors and windows shall be submitted to the Local Planning Authority, including colour, materials, finishes. Thereafter the development shall be carried out in accordance with the approved details.

### **PRIOR TO COMMENCEMENT: SOFT LANDSCAPING**

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of soft landscaping for that development area/phase, drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities, weed control protection and maintenance and any

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tree works to be undertaken during the course of the development. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

#### **PRIOR TO COMMENCEMENT: HARD LANDSCAPING**

No development shall commence until full details of a hard landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features).

In addition to having consideration for the landscape and visual impacts of external lighting, in consultation with the SCC Senior ecologist Mrs Sue Hooton this condition also seeks to minimise the risk of disturbance to bats using the boundary hedgerows and trees and including any new boundary planting. This condition is based on BS42020:2013 *Biodiversity Code of practice for planning and development*. (appendixD3.5)

#### **PRIOR TO COMMENCEMENT: EXTERNAL LIGHTING**

No external lighting shall be provided unless details thereof have first been submitted to and approved in writing by the Local Planning Authority. Prior to commencement a detailed lighting scheme for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be;

- a) Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.
- b) Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be 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.

#### **PRIOR TO COMMENCEMENT: TREE PROTECTION**

Any trees shrubs or hedgerows within, or at the boundary of the site, shall be protected in accordance with a scheme of tree protection, (BS5837:2012), to be agreed in writing with the Local Planning Authority prior to commencement. The Local Planning Authority shall be advised in writing that the protective measures/fencing within a development area/phase have been provided before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from that development area/phase.

Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

#### **Reasons**

I have made these recommendations in order to reasonably minimise the adverse impacts of the development on the character of the landscape and local visual amenity having particular regard for Policy CS5.

#### **The Outline Application**

Erection of up to 18 No residential units.

#### **Recommendation**

This proposal is acceptable in landscape terms subject to the following conditions;

#### **CONCURRENT WITH RESERVED MATTERS: DESIGN MATERIALS AND LAYOUT**

Concurrent with the submission of the Reserved Matters application(s), in any development area or phase details of design and materials shall be submitted to the Local Planning Authority, including colour, materials, finishes, signage, parking, boundary treatments (including the details of walls and fences for individual buildings), lighting, outdoor spaces, security principles and waste bin storage arrangements. Thereafter the development shall be carried out in accordance with the approved details.

#### **PRIOR TO COMMENCEMENT: SOFT LANDSCAPING**

No development shall commence within a development area or phase, until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for that development area/phase, drawn to a scale of not less than 1:200.

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The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities, weed control protection and maintenance and any tree works to be undertaken during the course of the development. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

#### **PRIOR TO COMMENCEMENT: HARD LANDSCAPING**

No development shall commence within a development area or phase, until full details of a hard landscaping scheme for that area/phase has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features).

In addition to having consideration for the landscape and visual impacts of external lighting, in consultation with the SCC Senior ecologist Mrs Sue Hooton this condition also seeks to minimise the risk of disturbance to bats using the boundary hedgerows and trees and including any new boundary planting. This condition is based on BS42020:2013 *Biodiversity Code of practice for planning and development*. (appendixD3.5)

#### **PRIOR TO COMMENCEMENT: EXTERNAL LIGHTING**

No external lighting shall be provided within a development area or phase unless details thereof have first been submitted to and approved in writing by the Local Planning Authority. Prior to commencement a detailed lighting scheme for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be;

- a) Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.







**KEY**

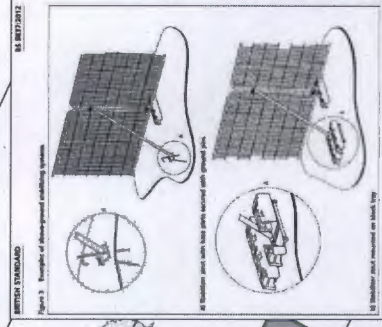
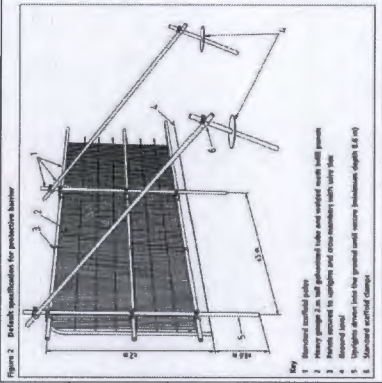
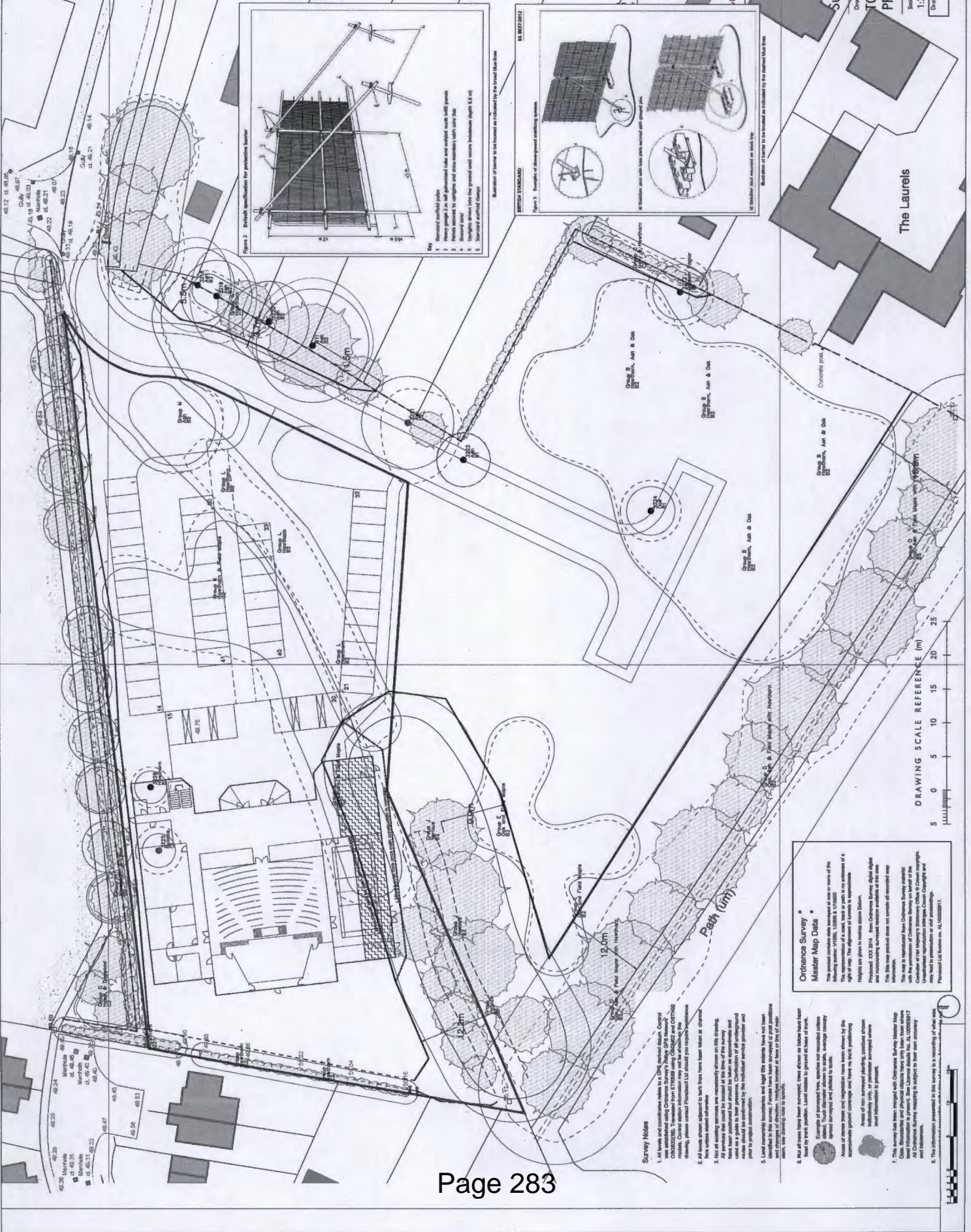
- Extent of Road Protection Area
- Extent of Cemetery - Groups
- Extent of Cemetery - Groups
- Trees to be Retained
- Items to be Protected

Refer to Fig 2 000007: 2012  
Refer to Fig 3 000007: 2012  
Access to be Protected

Drawing Title		Drawing No.		Drawing Date	
Land of School Lane, Freshingfield		1.2		12/10/2015	
Drawing Scale		Drawing No.		Drawing Date	
1:250		1.2		12/10/2015	
Drawing No.		Drawing Date		Drawing Title	
1.2		12/10/2015		Land of School Lane, Freshingfield	
Drawing Title		Drawing No.		Drawing Date	
Land of School Lane, Freshingfield		1.2		12/10/2015	

**Andrew Beison**  
 Professional Engineer  
 111 High Street  
 South Molton  
 Devon PL16 9EJ  
 01392 314847  
 a.beison@andrewbeison.com

**Mr P Davidson**



**Survey Notes**

- All levels and coordinates relate to a datum of 46.00m above sea level. All levels are given to 2 decimal places. All coordinates are given to 4 decimal places.
- All levels have been checked and found to be correct.
- All levels have been checked and found to be correct.
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- All levels have been checked and found to be correct.

**Ordnance Survey \* Master Map Data \***

The master map data is derived from the Ordnance Survey Master Map Data. The data is accurate to within 100mm. The data is accurate to within 100mm. The data is accurate to within 100mm. The data is accurate to within 100mm.



- b) Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowl or LED.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be 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.

### **PRIOR TO COMMENCEMENT: TREE PROTECTION**

Any trees shrubs or hedgerows within, or at the boundary of, the development area, shall be protected in accordance with a scheme of tree protection, (BS5837:2012), to be agreed in writing with the Local Planning Authority prior to commencement. The Local Planning Authority shall be advised in writing that the protective measures/fencing within a development area/phase have been provided before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed.

Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

### **Reasons**

I have made these recommendations in order to reasonably minimise the adverse impacts of the development on the character of the landscape and local visual amenity having particular regard for Policy CS5.

Yours sincerely

**Phil Watson**  
Landscape Development Officer

Date: 19 August 2015  
 Our ref: 162850  
 Your ref: 0846/15



Ms R Biggs  
 Planning Services  
 Mid Suffolk District Council  
 131 High Street  
 Needham Market  
 Suffolk  
 IP6 8DL

Hornbeam House  
 Crewe Business Park  
 Electra Way  
 Crewe  
 Cheshire  
 CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Ms Biggs

**Planning consultation:** Hybrid application comprising: - application for full detailed Planning Permission for the erection of a New Baptist Chapel, car parking and access & an application for Outline Planning Permission for up to 18 No residential units.

**Location:** Land South West of School Lane, Fressingfield

Thank you for your consultation on the above dated and received by Natural England on 12 August 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**The Wildlife and Countryside Act 1981 (as amended)**

**The Conservation of Habitats and Species Regulations 2010 (as amended)**

Natural England's comments in relation to this application are provided in the following sections.

**Statutory nature conservation sites – no objection**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**Protected species**

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.



If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

### **Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006**

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

### **Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

### **Landscape enhancements**

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

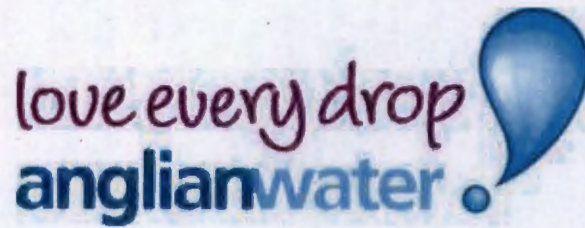
### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w). Natural England's **SSSI Impact Risk Zones** are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments *likely to affect a SSSI*. The dataset and user guidance can be accessed from the [gov.uk](http://gov.uk) website.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.







**Planning Applications – Suggested Informative  
Statements and Conditions Report**

AW Reference: 00008617  
Local Planning Authority: Mid Suffolk District  
Site: Land South West of School Lane, Fressingfield  
Proposal: Erection of 18 Dwellings and D2 Assembly and  
Leisure Unit  
Planning Application: 0846/15

**Prepared by Carl Lee**

**Date 01 September 2015**

If you would like to discuss any of the points in this document please  
contact me on 01733 414690 or email [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk)



## **ASSETS**

### **Section 1 – Assets Affected**

- 1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

## **WASTEWATER SERVICES**

### **Section 2 – Wastewater Treatment**

- 2.1 The foul drainage from this development is in the catchment of Weybread Water Recycling Centre that will have available capacity for these flows.

### **Section 3 – Foul Sewerage Network**

- 3.1 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.

### **Section 4 – Surface Water Disposal**

- 4.1 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.

- 4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable at a maximum of 5l/s.

We request that the agreed strategy is reflected in the planning approval

### **Section 5 – Trade Effluent**

- 5.1 Not applicable.

### **Section 6 – 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 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.*



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**Rebecca Biggs**

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**From:** Jason Skilton  
**Sent:** 20 August 2015 14:03  
**To:** Rebecca Biggs  
**Subject:** RE: Impacts on ordinary watercourse Fressingfield 0846/15 ?  
  
**Categories:** Red Category

It will need to be a condition of the application that consent is gained prior to any works happening on site.

Kind Regards

Jason Skilton  
Flood & Water Engineer  
Suffolk County Council

Tel: 01473 260411  
Fax: 01473 216864

---

**From:** Rebecca Biggs  
**Sent:** 20 August 2015 14:01  
**To:** Jason Skilton  
**Subject:** RE: Impacts on ordinary watercourse Fressingfield 0846/15 ?

Dear Jason,

Thank you for your email. The Environment Agency have been consulted on this application. Would you recommend they seek the consent for works to the watercourse prior to obtaining any planning permission?

Many thanks

Rebecca Biggs  
**Development Management Planning Officer**  
**Babergh and Mid-Suffolk District Councils- Working Together**  
[www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

Mid Suffolk District Council | 131 High Street | Needham Market |  
T. Ext 01449 724543 Int. 4543  
E. [rebecca.biggs@babermidsuffolk.gov.uk](mailto:rebecca.biggs@babermidsuffolk.gov.uk)

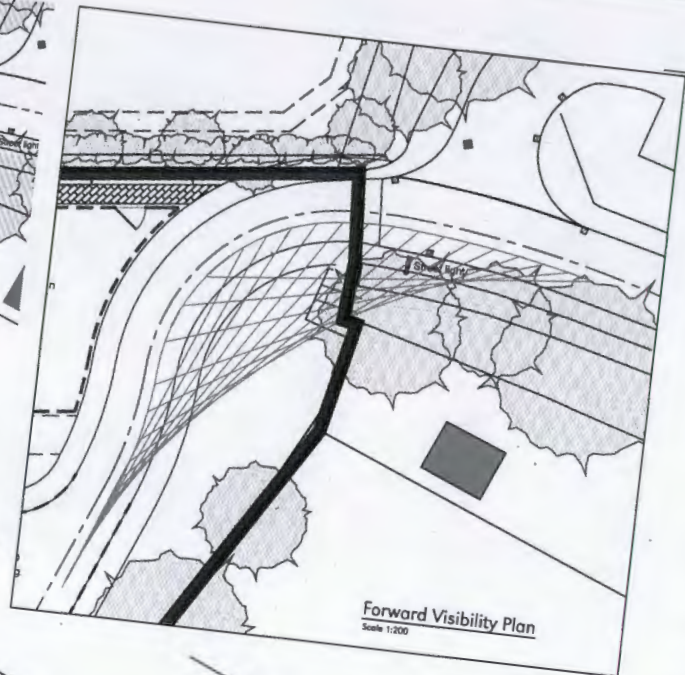
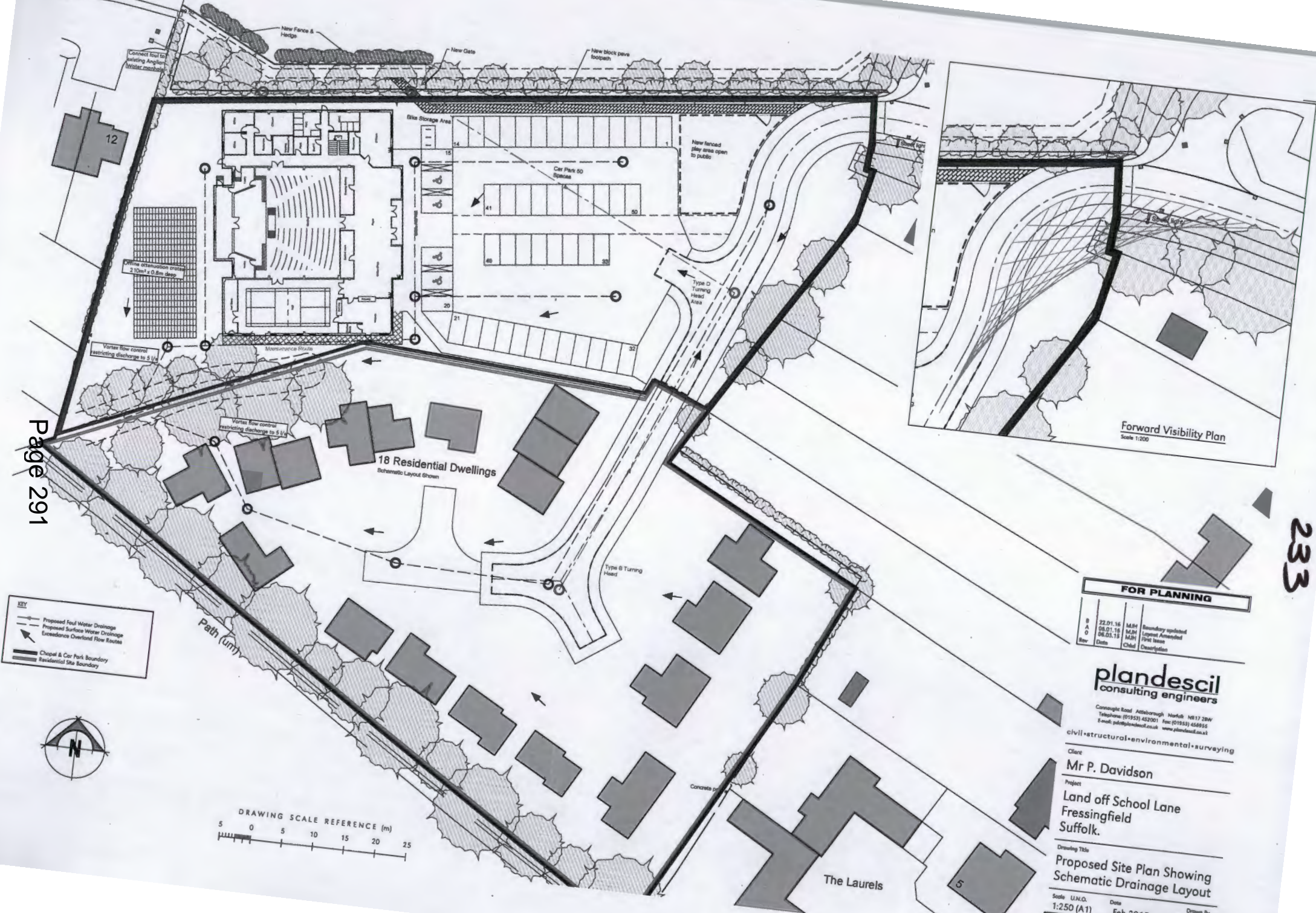
Please be advised that any comments expressed in this email are offered at an officer level as a professional opinion and are given without prejudice to any decision or action the Council may take in the future. Please check with the emails author if you are in any doubt about the status of the advice given.

---

**From:** Jason Skilton  
**Sent:** 20 August 2015 13:05  
**To:** Phil Watson; Rebecca Biggs  
**Cc:** Jeff Horner  
**Subject:** RE: Impacts on ordinary watercourse Fressingfield 0846/15 ?

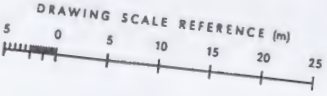
Hi Phil & Rebecca





**KEY**

- Proposed Foul Water Drainage
- Proposed Surface Water Drainage
- Excess/overflow Routes
- Chapel & Car Park Boundary
- Residential Site Boundary



FOR PLANNING			
B	22.01.16	MJH	Boundary updated
A	26.01.16	MJH	Layout Amended
O	06.03.16	MJH	Final Issue
Rev	Date	Chd	Description

**plandescil**  
consulting engineers

Caroughton Road Attleborough Norfolk NR17 2BW  
Telephone: (01953) 432001 Fax: (01953) 456955  
E-mail: [plandescil@plandescil.co.uk](mailto:plandescil@plandescil.co.uk) [www.plandescil.co.uk](http://www.plandescil.co.uk)

civil • structural • environmental • surveying

Client: **Mr P. Davidson**

Project: **Land off School Lane  
Fressingfield  
Suffolk.**

Drawing Title: **Proposed Site Plan Showing  
Schematic Drainage Layout**

Scale: U.N.G. Date: Feb 2015 Drawn By: MJH  
1:250 (A1) Drawing No.: 18975/802 Rev: 0



If they want to carry out works to a watercourse, then they will need to complete a consent application.

It is a criminal offence to carry out work on a watercourse without this consent.

Link to website <http://www.suffolk.gov.uk/roads-and-transport/roads-pavements-and-verges/flooding-and-drainage/working-on-a-watercourse-land-drainage-act-consent/>

Kind Regards

Jason Skilton  
Flood & Water Engineer  
Suffolk County Council

Tel: 01473 260411  
Fax: 01473 216864

**From:** Phil Watson  
**Sent:** 20 August 2015 12:23  
**To:** Jeff Horner; Jason Skilton  
**Subject:** Impacts on ordinary watercourse Fressingfield 0846/15 ?

Dear both,

**Impacts on ordinary watercourse Fressingfield 0846/15 ?**

<http://planningpages.midsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= MSUFF DCAPR 102519>

The above - which I have been consulted on appears to involve significant alterations ( in filling?) to an ordinary watercourse - Am I correct in thinking that yourselves rather than EA should have been consulted on this matter ?

If so you may wish to follow this up – the case officer is [Rebecca.Biggs@baberghmidsuffolk.gov.uk](mailto:Rebecca.Biggs@baberghmidsuffolk.gov.uk)

Phil

Philip Watson CEnv MIAgrE

Landscape Development Officer  
Natural Environment Team  
Strategic Development  
Suffolk County Council  
8 Russell Rd  
Endeavour House ( B2 F5 47)  
IPSWICH  
IP1 2BX

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Mob:07872 676856  
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[phil.watson@suffolk.gov.uk](mailto:phil.watson@suffolk.gov.uk)  
[www.suffolk.gov.uk](http://www.suffolk.gov.uk)

**Rebecca Biggs**

---

**From:** Catherine Pollard <catherinepollard@boyerplanning.co.uk>  
**Sent:** 08 October 2015 12:13  
**To:** Rebecca Biggs  
**Cc:** Neil McManus  
**Subject:** RE: Developer Contributions Requirements

Dear Rebecca,

Many thanks for your email. It was anticipated that the contributions would be sought through CIL following the progress that had been made to date. However, seeing as this will not be the case I can confirm that the contributions will therefore be sought through a Section 106 Agreement and will also be regulation 123 compliant.

Kind regards  
Catherine

**Catherine Pollard MRTPI**  
Senior Planner Boyer Colchester

t: 01206 769 018 m: 07825 427908



Date: 19/08/2015

Ref: 14.618

Rebecca Biggs  
Planning Services  
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boyerplanning.co.uk

Dear Rebecca,

**Developer Contributions Requirements – 0846/15 – Land south west of School Lane, Fressingfield**

I am writing on behalf of Suffolk County Council in relation to the above planning application for 18 dwellings in Fressingfield. Boyer has been instructed to assist in providing an assessment of the infrastructure requirements for this application on behalf of Suffolk County Council.

The requirements set out in this letter will need to be considered by Mid Suffolk District Council if residential development is successfully promoted on the site. The County Council will also need to be party to any sealed Section 106 legal agreement if there are any obligations secured which is its responsibility as service provider. Without the following contributions being agreed between the applicant and the Local Authority, the development cannot be considered to accord with policies to provide the necessary infrastructure requirements.

The contribution requirements set out in this letter are intended to be a starting point for discussion between Suffolk County Council and the Local Authority. These requirements should be used as the basis to establish the priorities that are going to be related to this specific site and proposal.

The National Planning Policy Framework (NPPF), at paragraph 203 - 206, sets out the requirements of planning obligations, and requires that they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The County Council have adopted the 'Section 106 Developers Guide to Infrastructure Contributions in Suffolk' (2012), which sets out the agreed approach to planning applications with further information on education and other infrastructure matters provided within the supporting topic papers. This can be viewed at [www.suffolk.gov.uk/business/planning-and-design-advice/planning-obligations/](http://www.suffolk.gov.uk/business/planning-and-design-advice/planning-obligations/)

Mid Suffolk adopted its Core Strategy in 2008 and more recently undertook a Core Strategy Focused Review which was adopted in December 2012 and includes the following objectives and policies relevant to providing infrastructure:

- Strategic Objective S06 seeks to ensure that delivery of necessary infrastructure takes place to accommodate new development.
- Policy FC1 sets out the presumption in favour of sustainable development in Mid Suffolk.

Policy FC 1.1 highlights the Council will facilitate the delivery of sustainable development through a variety of means including the appropriate use of planning conditions and obligations.

### **Community Infrastructure Levy**

In March 2015, Mid Suffolk District Council formally submitted documents to the Planning Inspectorate for examination under Regulation 19 of the Community Infrastructure Levy Regulation 2010 (as amended). Mid Suffolk District Council are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.

The current Mid Suffolk 123 List, dated November 2014, includes the following as being capable of being funded by CIL rather than through planning obligations:

- Provision of passenger transport
- Provision of library facilities
- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure

As of 6<sup>th</sup> April 2015, the 123 Regulations restrict the use of pooled contributions towards items that may be funded through the levy. The requirements being sought here would be requested through CIL, once adopted by Mid Suffolk District Council, and therefore would meet the new legal test. It is anticipated that the District Council is responsible for monitoring infrastructure contributions being sought.

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

#### **1. Education**

Paragraph 72 of the NPPF states that *'The Government attaches great importance to ensuring 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.'*

The NPPF at paragraph 38 states *'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'*



We would anticipate the following minimum pupil yields from a development of 18 dwellings (taking into account dwelling type and mix):

- Primary school age range, 5-11: 5 pupils. Cost per place is £12,181 (2015/16 costs)
- Secondary school age range, 11-16: 3 pupils. Cost per place is £18,355 (2015/16 costs)
- Secondary school age range, 16+: 1 pupils. Cost per place is £19,907 (2015/16 costs)

The local catchment schools are Fressingfield CEVCP School and Stradbroke High School. There are currently and forecast to be sufficient school places available at each catchment school. No contributions are therefore sought in this instance.

The scale of contributions is based on cost multipliers for the capital cost of providing a school place, which are reviewed annually to reflect changes in construction costs. The figures quoted will apply during the financial year 2015/16 only and have been provided to give a general indication of the scale of contributions required should residential development go ahead. The sum will be reviewed at key stages of the application process to reflect the projected forecasts of pupil numbers and the capacity of the schools concerned at these times. Once a Section 106 legal agreement has been signed, the agreed sum will be index linked using the BCIS Index from the date of the Section 106 agreement until such time as the education contribution is due. SCC has a 10 year period from date of completion of the development to spend the contribution on local education provision.

Clearly, local circumstances may change over time and I would draw your attention to section 13 of this letter which sets out this information is time-limited to 6 months from the date of this letter.

## **2. Pre-school provision**

It is the responsibility of SCC to ensure that there is sufficient provision under the Childcare Act 2006 and that this relates to section 8 of the NPPF. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4 year olds. The Government have also recently signalled the introduction of 30 hours free entitlement a week from September 2017. The Education Act (2011) introduced the statutory requirement for 15 hours free early years education for all disadvantaged 2 year olds.

In this area there are 7 providers with a surplus of 84 places. No contribution is therefore required for this development.

## **3. Play space provision**

Consideration will need to be given to adequate play space provision. A key document is the 'Play Matters: A Strategy for Suffolk', which sets out the vision for providing more open space where children and young people can play. Some important issues to consider include:

- In every residential area there are a variety of supervised and unsupervised places for play, free of charge;
- Play spaces are attractive, welcoming, engaging and accessible for all local children and young people, including disabled children, and children from minority groups in the community;
- Local neighbourhoods are, and feel like, safe, interesting places to play;
- Routes to children's play spaces are safe and accessible for all children and young people.

#### 4. Transport

The NPPF at Section 4 promotes sustainable transport. A comprehensive assessment of highways and transport issues is required as part of any 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. This will be co-ordinated by Andrew Pearce of Suffolk County Highway Network Management.

In its role as Highway Authority, Suffolk County Council has worked with the local planning authorities to develop county-wide technical guidance on parking in light of new national policy and local research. This was adopted by the County Council in November 2014 and replaces the Suffolk Advisory Parking Standards (2002). The guidance can be viewed at <http://www.suffolk.gov.uk/assets/suffolk.gov.uk/Environment%20and%20Transport/Planning/2014-11-27%20Suffolk%20Guidance%20for%20Parking.pdf>

In terms of public transport infrastructure, a contribution of **£4,000** is required to provide raised kerbs at the main marked bus stops within Fressingfield village, located at and opposite the Fox and Goose Public House, on the B1116.

#### 5. Rights of Way

Section 8 of the NPPF promotes the need to protect and enhance public rights of way and access.

As a result of the anticipated use of the public rights of way network and as part of developing the health agenda to encourage people to walk and cycle more, the Rights of Way service are reviewing their requirements and will advise at a later date if any contributions are required.

#### 6. Libraries

Section 8 of the NPPF promotes healthy communities and highlights the importance of delivering the social, recreational and cultural facilities and services a community needs.

Suffolk County Council requires a minimum standard of 30sqm of new library space per 1,000 population. Construction and initial fit-out cost of £3,000 per sqm 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. Assuming an average of 2.4 persons per dwelling the requirement is 2.4 x 90 = £216 per dwelling.



On the basis of an average of 2.4 persons per dwelling, the capital contribution towards the development of library services arising from this scheme is  $216 \times 18 = \text{£}3,888$ . This would be spent at the local catchment library in Stradbroke and allows for improvements and enhancements to be made to library services and facilities.

## 7. Waste

Site waste management plans have helped to implement the waste hierarchy and exceed target recovery rates and should still be promoted. The NPPF (para. 162) requires local planning authorities to work with others in considering the capacity of waste infrastructure.

A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions. Design features for waste containers and the availability of recycling facilities should be considered in finalising the design of the development.

Strategic waste disposal is dealt with by the County Council, which includes disposal of household waste and recycling centres. A contribution of £51 per dwelling is sought for improvement, expansion or new provision of waste disposal facilities. For this development that would be a capital contribution of **£918**.

## 8. Supported Housing

Section 6 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, may need to be considered as part of the overall affordable housing requirement. We would encourage all homes to be built to the 'Lifetime Homes' standard.

## 9. Sustainable Drainage Systems

Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when considering major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

As of 6<sup>th</sup> April 2015, the sustainable drainage provisions within the Flood and Water Management Act 2010 have been implemented, and developers are required to seek drainage approval from the county council and/or its agent alongside planning consent. The cost of ongoing maintenance is to be part of the Section 106 negotiation.

## 10. Fire Service

The Suffolk Fire and Rescue Service requests that early consideration is given to access for fire vehicles and provisions of water for fire-fighting. The provision of any necessary fire hydrants will need to be covered by appropriate planning conditions.

Suffolk Fire and Rescue Service (SFRS) seek higher standards of fire safety in dwelling houses and promote the installation of sprinkler systems and can provide support and advice on their installation.

### 11. Superfast broadband

Section 5 of the NPPF supports high quality communications infrastructure and highlights at paragraph 42 that high speed broadband plays a vital role in enhancing the provision of local community facilities and services. SCC would recommend that all development is equipped with superfast broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest BT exchange is required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed.

### 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. The information contained within this letter is time-limited for 6 months only from the date of this letter.

### 14. Summary Table

Service Requirement	Contribution per dwelling	Capital Contribution
Education - Primary	£0	£0
Education – Secondary	£0	£0
Education – Sixth Form	£0	£0
Pre-School Provision	£0	£0
Transport	£222	£4,000
Rights of Way	£-	£-
Libraries	£216	£3,888
Waste	£51	£918
<b>Total</b>	<b>£489</b>	<b>£8,806</b>

Table 1.1: Summary of Infrastructure Requirements

I consider that the above contributions requested are justified, evidenced and satisfy the requirements of the NPPF and the CIL 122 Regulations. Please let me know if you require any further supporting information.

Yours sincerely

*C. Pollard*

Catherine Pollard  
Senior Planner  
Boyer Planning Ltd



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cc. Neil McManus, Suffolk County Council

Jane Cole

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**From:** Martin Egan  
**Sent:** 11 February 2016 13:10  
**To:** Planning Admin  
**Cc:** Rebecca Biggs  
**Subject:** FW: S106 comments / requests - Various sites in Fressingfield  
**Attachments:** Fressingfield - various site - PROW Map.pdf

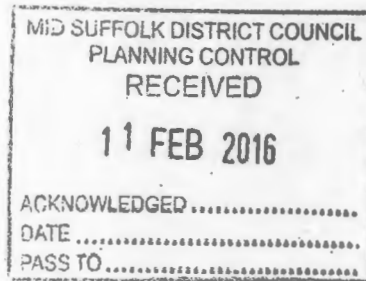
Rebecca,

Please see attached below the Public Rights of Way Section 106 Requirements for the various sites that have been identified in and around Fressingfield. This includes the 0846/15 site in School Lane.

I wasn't sure if you had received this directly; I wasn't involved in the initial circulation.

Regards  
 Martin

Martin Egan,  
 Highways Development Management Engineer,  
 Strategic Development,  
 Resource Management,  
 Suffolk County Council,  
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**From:** Jackie Gillis  
**Sent:** 26 January 2016 11:07  
**To:** Martin Egan  
**Cc:** Paul Armstrong; Dee Chadney; Andrew Woodin; S106-Planning Contributions Admin Mailbox  
**Subject:** RE: S106 comments / requests - Various sites in Fressingfield

Sorry for the delay Martin but here are our requirements.

### Public Rights of Way Response

The proposed developments will have a direct impact on the local public rights of way (PROW) network, please refer to the attached map.

PROW are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism.

The anticipated increased use of the PROW network of as a result of the development will require the following offsite improvement works:



**Site A** – The nearest PROW is Public Footpath 1 to west of the site. To provide a connection to FP1 and therefore creating a circular walk for the residents and to make a useful addition to the network, we would need to create a Public Footpath along the farm track which runs north/east of the site.

- Public Footpath creation to link to FP1 – Order Making costs £4,000.00
- Compensation to landowners where public footpath are created, approx. cost £3,000.00
- Total s106 funding requested from this development = £7,000.00

**Site B** – Public Footpath 63 is recorded adjacent to the site and is a well-used route, especially for local dog walkers. With the potential increase in footfall as a result of this development, improvements to the surface of the route and replacement of a sleeper bridge to the south will be required.

- Resurfacing of FP63: 660m length x min 1.5m width = 990m<sup>2</sup> @ £25/m<sup>2</sup> = £24,750.00
- Replacement of sleeper bridge with 5m foot bridge and handrails = £800.00

Total s106 funding requested from this development = £25,550.00

**Site C** – Public Footpath 66 (section between Priory Road and Stradbroke Road) abuts this proposed development. It is a well-used route for the housing development to the north (Sancroft) and those on New Street. As a result of increase in footfall from both this development and Site D, we will be seeking surfacing improvements for this route.

- Resurfacing of FP66: 316m length x min 1.5m width = 474m<sup>2</sup> @ £25/m<sup>2</sup> = £11,850.00

Total s106 funding requested from this development = £11,850.00

**Site D** – Public Footpath 66 (section between New Street and Priory Road) is alongside the proposed development site and is a well-used route. Surface improvements will be required for a section of the route.

- Resurfacing of FP66: 180m length x min 1.5m width = 270m<sup>2</sup> @ £25/m<sup>2</sup> = £6,750.00

Total s106 funding requested from this development = £6,750.00

In addition to our response made 16/9/15 during consultation of 2285/15, we have further comment to make:

1. FP66 must not be reduced in width by development fencing – a minimum width of 1.5m must be available at all times.
2. Consideration to be made for the provision of dropped kerbs where FP66 will cross the road by the Scout Hut.
3. A temporary closure of this section of FP66 will be required during development – details within original response.
4. The route as depicted on the plans seems to show the PROW is on the track until it joins Priory Road; it is legally recorded over the track and runs over the grass, skirting the pond to Priory Road. The route must not be obstructed by fencing as it leaves the development site down to the road.



All estimates based on the average market costs to provide a hoggin type surface.

These PROW provide walking opportunities within Fressingfield for local services as well as out to Stradbroke and Weybread into the wider countryside.

The policy framework for these requirements is:

- The county council's rights of way improvement plan which, inter alia, highlights the importance of development in rural areas should give people the greatest opportunity to access the countryside by walking and cycling,
- The walking strategy, which seeks to ensure existing communities with a population over 500, and new developments over 10 dwellings have easy access to a one mile natural walk or 2ha of green space, within 500m of their home,
- The cycling strategy, which seeks to promote a transfer to cycling (and walking) for short distance trips, plan and design for the future with cycling in mind and create a safe and cycle friendly environment,
- The Joint Health and Wellbeing Strategy for Suffolk, outcome 2 of which states Suffolk residents should have access to a healthy environment and take responsibility for the own health and wellbeing,
- You will already be aware of course that, amongst other health and wellbeing objectives, policies set out under the NPPF; the following sections bear relevance to Public Rights of Way:

### **Section 3 - Supporting a prosperous rural economy**

**Para 28** - To promote a strong rural economy, local and neighbourhood plans should...support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors; and which respect the character of the countryside.

### **Section 4 - Promoting sustainable transport**

**Para 35** – refers to priority given to pedestrian and cycle movements, creating safe and secure routes to minimise conflicts between traffic and cyclists or pedestrians and to consider the needs of people with disabilities by all modes of transport.

### **Section 8 - Promoting healthy communities**

**Para 69** - Planning policies and decisions, in turn, should aim to achieve places which promote...safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

**Para 73** - Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

**Para 75** - Planning policies should protect and enhance public rights of way and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network.

Regards

**Jackie Gillis**

**Rights of Way Support Officer**

**Countryside Access Development Team**

Rights of Way and Access

Economy Skills and Environment, Suffolk County Council

Endeavour House (Floor 5, Block 1), 8 Russell Road, Ipswich, IP1 2BX



For great ideas on visiting Suffolk's countryside visit [www.discoversuffolk.org.uk](http://www.discoversuffolk.org.uk)

**From:** S106 Planning Contributions Admin Mailbox

**Sent:** 16 December 2015 10:07

**To:** Alison Manning (Early Years and Childcare); RM Archaeology Mailbox; Chris Hillyer; Chris Ward; Clive Longden; Water Hydrants; Iain Maxwell; Jackie Gillis; Joanne Porter; Kelly Smith (EYC Service); Leigh Jenkins; Liz Pitts; Neil Eaton; Nigel Panting; Paul Armstrong; Phil Magill; Phil Watson; Richard Webster; RM Floods Planning; Simon Barnett; Stephen Taylor (ACS); Sue Hooton; Suzanne Buck; Andrew Pearce

**Subject:** S106 comments / requests - Various sites in Fressingfield

Good morning,

We have been notified by MSDC of possible (and actual) development applications around Fressingfield as follows and shown on attached map:

Matters set up from attached plan:

A- 73 dwellings & elderly persons accom – 00044303

B- 56 dwellings, community ctr, playing fields – 00044305

C- 18 dwellings, new Baptist chapel – 00043005 (SCC responded in Aug 15) – planning ref 2285/15

D- 30 dwellings, scout hut – 00043036 (SCC responded in Aug 15) – planning ref 0846/15

E- 20 dwellings – 00044306

(as F states small scale and dwellings unknown this has not been added to Tricostar, but may have to be taken into account for any cumulative issues)

Please can you let us have the **views / requirements on each individual scheme and also any cumulative impacts** by **06-JAN-15** ?

See attached map

**SCC Highways contacts are as follows:**

*BDC / MSDC – Andrew Pearce*

Thank you

Adrian

Adrian Buxton  
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