

Public Document Pack



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| COMMITTEE: | DEVELOPMENT CONTROL COMMITTEE A |
| DATE: | WEDNESDAY, 14 OCTOBER 2020 9.30 AM |
| VENUE: | VIRTUAL TEAMS VIDEO MEETING |

| Councillors | |
|---|---|
| <u>Conservative and Independent Group</u> Matthew Hicks (Chair) Richard Meyer Dave Muller (Vice-Chair) Timothy Passmore | <u>Green and Liberal Democrat Group</u> Rachel Eburne John Field Sarah Mansel John Matthissen |

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/training purposes.

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.

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

- 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 **NA/20/1 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 22 JULY 2020** 7 - 12
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

Please note that the next meeting is scheduled for Wednesday, 11 November 2020 at 9.30 am.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils Youtube page:
https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Robert Carmichael - committees@babberghmidsuffolk.gov.uk - 01449 724930

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

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- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

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 2016 – 2020

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

2. Housing

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

3. Strong and Healthy Communities

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

Strategic Outcomes

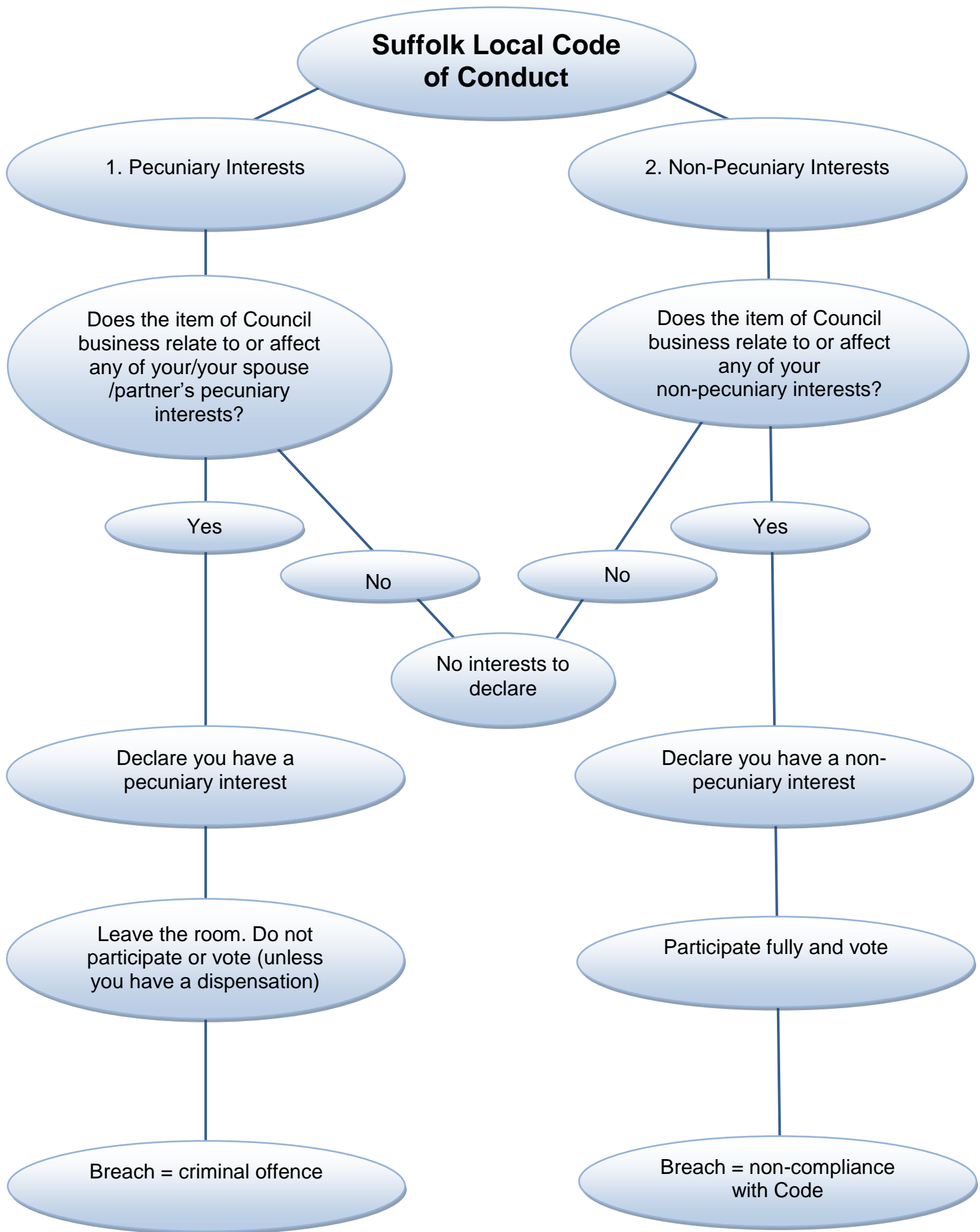
Housing Delivery – More of the right type of homes, of the right tenure in the right place

Business growth and increased productivity – Encourage development of employment sites and other business growth, of the right type, in the right place and encourage investment in infrastructure, skills and innovation in order to increase productivity

Community capacity building and engagement – All communities are thriving, growing, healthy, active and self-sufficient

An enabled and efficient organisation – The right people, doing the right things, in the right way, at the right time, for the right reasons

Assets and investment – Improved achievement of strategic priorities and greater income generation through use of new and existing assets ('Profit for Purpose')



Agenda Item 5

MID SUFFOLK DISTRICT COUNCIL

Minutes of the Virtual Teams Video Meeting of the **DEVELOPMENT CONTROL COMMITTEE A** held on Wednesday, 22 July 2020 at 09:30am.

PRESENT:

Councillor: Matthew Hicks (Chair)
Lavinia Hadingham (Vice-Chair)

Councillors: John Field Sarah Mansel
John Matthissen Richard Meyer
David Muller Andrew Stringer (Substitute)

In attendance:

Officers: Area Planning Manager (JPG)
Development Management Planning Officer (JE)
Planning Lawyer (IDP)
Governance Officer (RC)

Apologies:

Rachel Eburne

120 TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY MEMBERS

120.1 None declared.

121 DECLARATIONS OF LOBBYING

121.1 Councillors Field, Hadingham, Hicks, Mansel, Matthissen, Meyer and Muller declared that they had been lobbied on Application DC/20/01717 and Application DC/20/00585.

122 DECLARATIONS OF PERSONAL SITE VISITS

122.1 Councillor Hadingham declared that she had visited the site for Application DC/20/01717.

123 NA/19/24 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 24 JUNE 2020

123.1 It was **RESOLVED**:

That, subject to clarification of the wording in paragraph 118.11, the Minutes of the meeting held on 24 June 2020 be confirmed as a true record and signed at the next practicable opportunity.

124 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

124.1 None received.

125 NA/19/25 SCHEDULE OF PLANNING APPLICATIONS

125.1 Prior to the commencement of the meeting, the Chair welcomed everyone to the virtual meeting, outlined the procedure and etiquette to be followed and introduced the officers present.

125.2 It was noted that the planning applications would be taken in the following order:

1. DC/20/00585 Harveys Garden Plants, Great Green, Thurston
2. DC/20/01717 Land east of Abbey Hill, Hoxne

125.3 Councillor Matthew Hicks vacated the Chair for Application DC/20/01717 as the application was in his Ward. Councillor Lavinia Hadingham took the Chair for the Item.

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

| Application No. | Representations from |
|------------------------|--|
| DC/20/00585 | Councillor West (Parish Council representative) James Platt (Agent) |
| DC/20/01717 | Sarah Foote (Parish Council representative) Rob Marsh-Feily (Objector) Sarah Roberts (Agent) Councillor Matthew Hicks (Ward Member) |

126 DC/20/00585 HARVEYS GARDEN PLANTS, GREAT GREEN, THURSTON, SUFFOLK

126.1 Item 7B

Application: DC/20/00585
Proposal: Full Application – Erection of dwelling with associated works, including provision of landscaping and internal access road.
Site Location: THURSTON – Harveys Garden Plants, Great Green
Applicant: Locus Planning Ltd

126.2 The Area Planning Manager presented the application to the Committee, outlining the proposal before Members, the layout of the site, the contents of

- the tabled papers, and the officer recommendation of approval.
- 126.3 The Area Planning Manager responded to Members' questions on issues including: the planning history for the site, the layout of the site, and clarification of the relevant Policies.
- 126.4 Members considered the representation from Councillor West who spoke on behalf on the Parish Council.
- 126.5 The Parish Council representative responded to Members' questions on issues including: clarification that there is no footpath from the site to the village and suitable proposals outside the settlement boundary.
- 126.6 Members considered the representation from James Platt who spoke as the Agent.
- 126.7 The Agent responded to Members' questions on issues including: proximity of the nearest bus stop.
- 126.8 Members considered the written representations from Ward Members, Councillor Harry Richardson and Councillor Wendy Turner.
- 126.9 Members debated the application on issues including: the planning history for this site and nearby sites, sustainability, development outside the settlement boundary, and the Neighbourhood Plan.
- 126.10 Councillor Richard Meyer proposed that the application be approved as detailed in the officer recommendation. This proposal was subsequently withdrawn.
- 126.11 Councillor Andrew Stringer proposed that the application be refused for the following reasons: Contrary to Neighbourhood Plan Policies 1, 1D, 6A, 6B, 9. Contrary to Policies H7, CS1, CS2, CS5, FC1 and FC1.1. Contrary to paragraph 78 of the NPPF.
- 126.12 Councillor Muller seconded the Motion.
- 126.13 The vote was taken by roll call, and by 7 votes to 0 with 1 abstention, the Motion was carried.
- 126.14 **It was RESOLVED:**

That the application be refused for the following reasons:

Contrary to Neighbourhood Plan Policies 1, 1D, 6A, 6B, 9. Contrary to Policies H7, CS1, CS2, CS5, FC1 and FC1.1. Contrary to paragraph 78 of the NPPF.

127 DC/20/01717 LAND EAST OF ABBEY HILL, HOXNE, SUFFOLK

- 127.1 The Committee adjourned for a short comfort break between 11:35am and

11:40am prior to consideration of Application DC/20/01717.

127.2 Councillor Matthew Hicks vacated the Chair for Application DC/20/01717 as the application was in his Ward. Councillor Lavinia Hadingham took the Chair for this Item.

127.3 Item 7A

Application: DC/20/01717
Proposal: Application for Approval of Reserved Matters following outline approval under DC/17/02868 dated 25/08/2017 the Access, Appearance, Landscaping, Layout and Scale for (Erection of up to 4 No. dwellings)
Site Location: HOXNE – Land East of, Abbey Hill
Applicant: Danny Ward Builders

127.4 The Case Officer presented the application to the Committee, outlining the proposal before Members, the layout of the site, and the officer recommendation of approval. It was noted that the matters for consideration were access, appearance, landscaping, layout and scale.

127.5 The Case Officer, Area Planning Officer and Legal Advisor responded to Members' questions on issues including: boundary treatment, expiry date for Outline Application, date monument was erected and listed, wording and validity of archaeological condition, and location of the public right of way.

127.6 Members considered the representation from Sarah Foote who spoke on behalf on the Parish Council.

127.7 The Parish Council representative responded to Members' questions on issues including: date the monument was erected and the number of visitors.

127.8 Members considered the representation from Rob Marsh-Feily who spoke as an Objector.

127.9 Members considered the representation from Sarah Roberts who spoke as the Agent.

127.10 The Agent responded to Members' questions on issues including: the archaeological condition.

127.11 Members considered the representation from the Ward Member, Councillor Matthew Hicks.

127.12 Members debated the application on issues including: design, scale and mass of proposal, heritage, landscaping, layout, and the archaeological condition.

127.13 Councillor Sarah Mansel proposed that the application be refused for the following reasons: the proposed dwellings if approved, would by reason of their poor design, dominant scale and appearance and landscaping fail to be in character and are not sympathetic with the local area and history, does not sufficiently demonstrate local distinctiveness and fails to add to the design quality and function of the area. Contrary to GP1, Hb1, H13 of the Local Plan and Policy CS5 of the Core Strategy as well as NPPF Para 127 and Para 130.

127.14 Councillor Muller seconded the Motion.

127.15 The vote was taken by roll call and was unanimous.

127.16 **It was RESOLVED:**

That the application be refused for the following reasons:

The proposed dwellings if approved, would by reason of their poor design, dominant scale and appearance and landscaping fail to be in character and are not sympathetic with the local area and history, does not sufficiently demonstrate local distinctiveness and fails to add to the design quality and function of the area. Contrary to Policies GP1, Hb1, H13 of the Local Plan and Policy CS5 of the Core Strategy as well as NPPF Para 127 and Para 130.

128 SITE INSPECTION

128.1 None requested.

The business of the meeting was concluded at 1:18pm.

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Chair

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Agenda Item 7

MID SUFFOLK DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE A

14 October 2020

INDEX TO SCHEDULED ITEMS

| <u>ITEM</u> | <u>REF. NO</u> | <u>SITE LOCATION</u> | <u>MEMBER/WARD</u> | <u>PRESENTING OFFICER</u> | <u>PAGE NO</u> |
|-------------|----------------|---|---|---------------------------|----------------|
| 7A | DC/19/01876 | Hedgerows, Grove Lane, Elmswell, Bury St Edmunds, Suffolk, IP30 9HN | Cllr Sarah Mansel & Cllr Helen Geake / Elmswell and Woolpit | John Pateman-Gee | 17-52 |
| 7B | DC/20/03244 | Land South of Fox Hollow, the Street, Wyverstone, Stowmarket, Suffolk, IP14 4SJ | Cllr Andrew Mellen / Bacton | Alex Scott | 53-108 |

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Protocol for Virtual Meetings

Live Streaming:

1. The meeting will be held on TEAMS and speakers will be able to join via invite only. Any person who wishes to speak at the meeting must contact Committee Services at: committees@babergmidsuffolk.gov.uk at least 24 hours before the start of the meeting.
2. The meeting will be live streamed and will be available to view on the Council's YouTube page as detailed below:
https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

Recording of proceedings:

1. Proceedings will be conducted in video format.
2. A Second Governance Officer will be present and will control the TEAMS call and Livestreaming.
3. Members should display the Corporate Background whilst in attendance at formal meetings; the working together logo should be used for joint meetings.
4. If you are experiencing slow refresh rates and intermittent audio you should turn off incoming video to improve your connection to the meeting (If this also does not work please turn off your own camera).

Roll Call:

1. A roll call of all Members present will be taken during the Apologies for Absence/Substitution to confirm all members are present at the meeting.

Disclosable Pecuniary Interests:

1. A Councillor declaring a disclosable pecuniary interest will not be permitted to participate further in the meeting or vote on the item. Where practicable the Councillor will leave the virtual meeting, including by moving to a 'lobby' space and be invited to re-join the meeting by the Committee Officer at the appropriate time. Where it is not practicable for the Councillor to leave the virtual meeting, the Committee Officer will ensure that the Councillor's microphone is muted for the duration of the item.

Questions and Debate:

1. Once an item has been introduced, the Chair will ask if there are any questions. Members of the Committee will be asked to use the "Hands Up" function within teams. The Chair will then ask Members to speak.
2. Any Councillors present who are not part of the Committee will then be invited to ask questions by using the "Hands up function" within teams. The Chair will then ask Members to speak.

3. At the end of the questions the Chair will ask Members whether they have any further questions before entering into debate.
4. In the instance where a Member of the Committee would like to formally make a proposal, they should raise their hand using the Hands Up function. At this point the Chair would go directly to them and take the proposal. Once the proposal has been made the Chair would immediately ask if there was a seconder to the Motion. If there is it would become the substantive Motion and the Chair would again continue down the list of Councillors until there is no further debate.
5. Upon completion of any debate the Chair will move to the vote.

Voting:

1. Once a substantive motion is put before the committee and there is no further debate then a vote will be taken.
2. Due to circumstances the current voting by a show of hands would be impractical - as such the Governance Officer will conduct the vote by roll call. The total votes for and against and abstentions will be recorded in the minutes not the individual votes of each Councillor. Except where a recorded vote is requested in accordance with the Rules of Procedure.
3. The governance officer will then read out the result for the Chair to confirm.
4. A Councillor will not be prevented from voting on an item if they have been disconnected from the virtual meeting due to technical issues for part of the deliberation. If a connection to a Councillor is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

Confidential items:

1. The Public and Press may be Excluded from the meeting by resolution in accordance with normal procedural rules. The Committee Officer will ensure that any members of the public and press are disconnected from the meeting.

Agenda Item 7a

Committee Report

Item 7A

Reference: DC/19/01876

Case Officer: John Pateman-Gee

Ward: Elmswell & Woolpit.

Ward Member/s: Cllr Helen Geake. Cllr Sarah Mansel.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application - Erection of 2no. detached single storey dwellings and vehicular access.

Location

Hedgerows, Grove Lane, Elmswell, Bury St Edmunds Suffolk IP30 9HN

Expiry Date: 12/06/2019

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Applicant: L Cragg & the Trustees of the Will

Agent: Evolution Town Planning Ltd

Parish: Elmswell

Site Area: 0.24

Density of Development:

Gross Density (Total Site): 8.33 dwellings per ha

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The application was originally determined by officers under delegated powers who granted planning permission. However, due to a technical administrative error an immediate neighbour to the site challenged the grant of planning permission by way of an application for judicial review on a number of grounds. The Council submitted to judgment on one ground only – the accepted technical administrative error – and it has been agreed to present this to committee for redetermination as a result of a judicial review on the case. It is important to emphasise that the judicial review was in respect of the planning decision-making process and has no bearing on the merits of the proposal or judgement that members may now take. The neighbour argued that, as a result of the admitted error, he was deprived of the opportunity to have his objections taken into consideration before the original decision was made. This report, therefore, addresses the points made in the neighbour's written objections.

For information only, the previous judicial review was also made on the following grounds and the council submitted to judgement only on point 1 as described above. Representation received consider the members should be aware of all grounds and in the interest of customer service these are copied below, but please be aware points 2 to 5 were not taken forward.

1. Procedural unfairness, lack of public consultation and substantial prejudice;
2. Failure to determine the application in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 and failure to determine whether the application complies with the development plan as a whole and the extent of any breach;
3. Failure to take into account material considerations;
4. Errors of Fact;
5. Inadequate reasons.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

GP01 - Design and layout of development
H03 - Housing development in villages
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
Elmswell Neighbourhood Plan
Further policies may be referenced as part of the report below

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at Stage 2:-

Stage 1: Designated neighbourhood area

Stage 2: Preparing a draft neighbourhood plan

Stage 3: Pre-submission publicity and consultation

Stage 4: Submission of a neighbourhood plan

Stage 5: Independent Examination

Stage 6: Referendum

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has Limited weight,

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Elmswell Parish Council (Full)

Elmswell Parish Council objects to this application and urges refusal on the following grounds:
The site is in the countryside outside of the Settlement Boundary within which new development will properly take place. With regard to the strong policy imperatives aimed at protecting the existing character and appearance of the countryside, this proposal offers no justification for exceptional treatment and does not present a case for special consideration under categories identified and defined in the Local Plan, the Core Strategy or the National Planning Policy Framework.

The extant Permission under DC/18/02553 for 2 bungalows within the same holding and in immediate proximity to the host dwelling, Hedgerows, has not yet resulted in any application for Reserved Matters, leaving in doubt the ultimate outcome of the proposal for, in effect, a development of 4 dwellings. This Application seeks to add an inappropriate extension to that development to the rear of Hedgerows and well beyond the building line of both Hedgerows and of Half Acre, adjacent, presenting a clear and unwelcome incursion into the immediate rural setting.

The use of the existing access, now seeking to serve 5 dwellings, proposes an unsafe result, and Councillors have sympathy with the existing heavy haulage operators using Grove Lane as their sole access that it is a single-track country lane unsuited to the extra traffic loading resulting from this proposal. In reaching these conclusions, Councillors had reference to Local Plan policies SB1, H7 & T10, Core Strategy Policies CS1 & CS2 and National Planning Policy Framework para. 55.

(Officer Note: Since the consultation response NPPF has been replaced and para 55 is essentially replaced with Para 79. Furthermore Local Plan policy SB1 was superseded by CS1 and 2.)

National Consultee (Appendix 4)

None to report

County Council Responses (Appendix 5)

SCC Highways (Summary)

Recommends conditions as follows:-

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

Officer Note: This condition is recommendation and appears to be achievable given the details provided and both the site area and other land owned by the applicant.

Condition: Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.

Reason: In the interests of road safety.

Officer Note: Given the status of the access being an existing, there is a potential argument to say this condition is not necessary or reasonable. It is also not known if any gates are proposed to be installed. On the basis that permitted development rights removal is proposed, it is not proposed to include this condition as recommended.

Condition: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any means of frontage enclosure shall be set back 2.4 metres from the edge of the carriageway of the adjacent highway and tapered accordingly to provide visibility splays of x=2.4m by y=90m.

Reason: In the interests of highway safety, to avoid obstruction of the highway, maximise visibility splays and provide a refuge for pedestrians.

Officer Note: This duplicates the first highway recommend condition and so is not considered necessary.

Condition: Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

Officer Note: This condition is unnecessary as said areas is unknown until reserved matters stage and can be imposed as may be necessary at that point to ensure those areas are retained.

Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

Officer Note: The requirements of this condition could be determined at reserved matters stage, however it is recommended subject to a change for details to be submitted concurrent with reserved matter stage.

SCC - Archaeological Service (Summary)

No objections as see no significant impact.

Internal Consultee Responses (Appendix 6)

Environmental Health - Land Contamination (Summary)

No objection. Recommends a condition on unexpected contamination. (Officer Note: This is not recommended as being unexpected and unknown it would be unreasonable to impose said condition and would fail the tests of condition. Private legal controls and environmental powers are available to deal with unexpected contamination between relevant parties should this occur).

B: Representations

At the time of writing this report at least 3 letters/emails/online comments have been received. It is the officer opinion that this represents 2 objections. One of those objections comprised a detailed written objection submitted by a chartered town planner on behalf of the neighbour who had judicially reviewed the earlier determination. A verbal update shall be provided as necessary.

Views (both prior and after the JR) are summarised below:-

- Questions current status of land – the objector argues that the land has an agricultural status
- Reference to various guidance and policy considerations although it acknowledges that some policies that restrict development in the countryside are deemed to be out of date
- No housing need as there exists a 5 year housing land supply
- Poor access to services in terms of distance and quality of routes available.
- Landscape harm
- Landscape heritage harm (including Button Haugh Green)
- Fails to protect or enhance biodiversity
- Contrary to CS5 and NPPF including the environmental objective
- Affects/harm open/undeveloped countryside
- Development is outside settlement boundary (with policy references)
- Not sustainable development
- Distances from services provides and consideration of routes of travel to services to be inappropriate
- May affect toad population who migrate from other side of road.
- Cumulative impacts should be considered
- Judgements on public benefit as well as social, economic and environment matters.
- Reference of other planning cases.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

| | | |
|-------------------------|---|------------------------------------|
| REF: DC/18/02553 | Outline Planning Application (some matters reserved) - Erection of 2No detached bungalows and vehicular access. | DECISION: GTD 20.08.2018 |
| REF: 1668/12 | Continued use and occupation of dwelling without compliance with condition 5 of permission ref B/66/657/TW/4219 (agricultural occupancy condition). | DECISION: GTD 13.07.2012 |
| REF: 2019/11 | Use and occupation of dwelling without any controlling condition of agricultural occupancy (Condition 5 of planning permission B/66/657/TW/4219) being enforceable. | DECISION: WDN 03.08.2011 |
| REF: 3012/11 | Use and occupation of dwelling in breach of agricultural occupancy condition (condition 5 of planning permission B/66/657/TW/4219). | DECISION: LU 01.11.2011 |
| REF: 0175/81/OL | Erection of bungalow and garage and use of existing access | DECISION: REF 09.12.1981 |
| REF: 0810/76 | Erection of extension to form extra living room area and dining room | DECISION: GTD 14.01.1977 |

PART THREE – ASSESSMENT OF APPLICATION

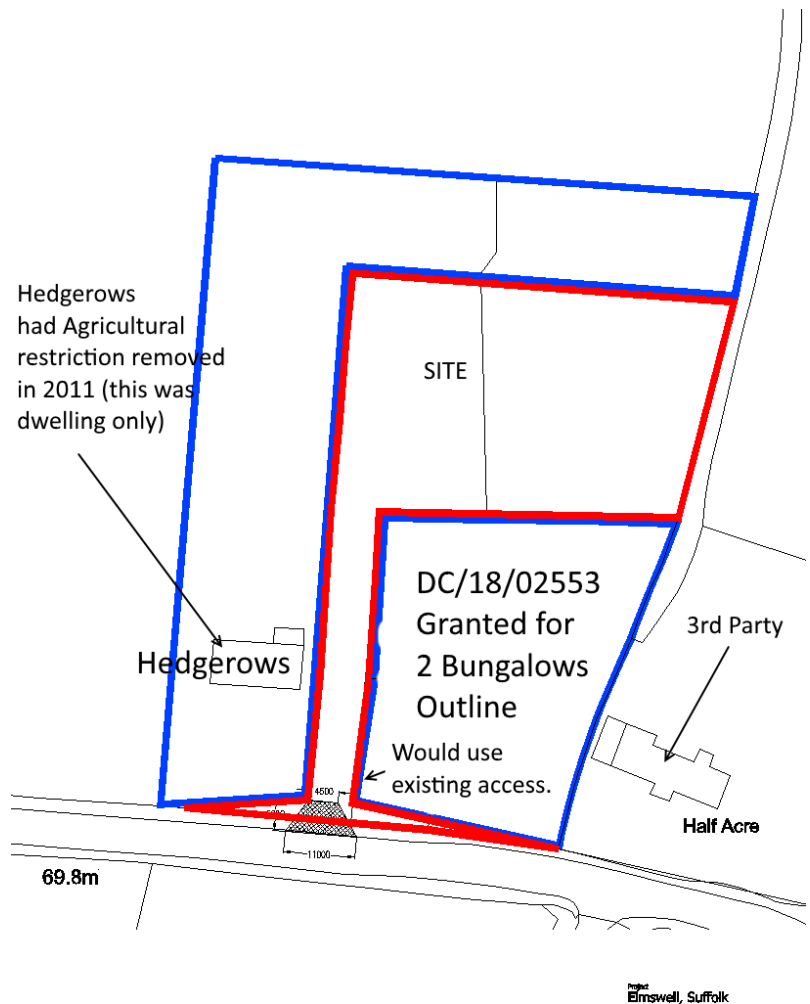
1. The Site and Surroundings

1.1. The application site is to the side and rear of a detached single storey dwelling (Hedgerows) with an access road to Grove Lane. The site has mature planting to all boundaries.

The formal status of the site is unclear without a certificate of lawful use to prove officially, but for the purpose of this assessment and application submitted it is considered to be agricultural land only and as such not previously developed land in accordance with the NPPF definition.

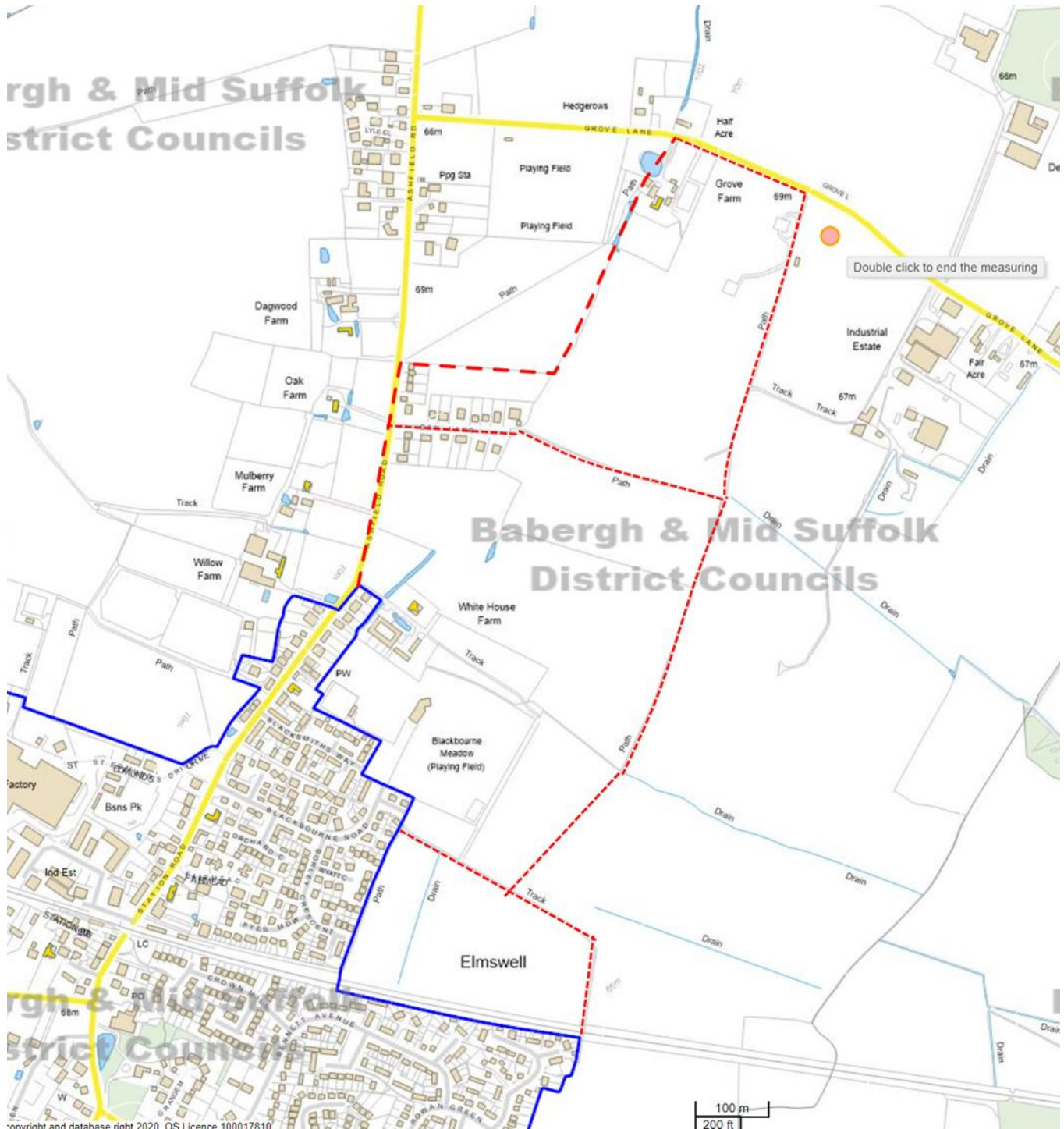
Hedgerows itself was an agricultural tied dwelling and in 2011 the planning condition (the tie) was removed from the dwelling. However, there has been no associated change of use of the land to domestic garden use to serve Hedgerows itself.

The site is to the rear of another site granted for 2 bungalows under DC/18/02553 and if this application was approved, there would result in a total of 4 dwellings and share the access shown.



See map following this paragraph: The site is within the countryside with Elmswell (as a Key Service Centre) just over 1 km following the road or slightly less if you follow the public right of way or historic path opposite the site. However, going off road will likely result in walking on uneven ground and would not be suitable for all users. Following the right of way means you can reach Elmswell without the need to go onto the road as there are wide cut verges that front properties near Oak Lane and then a formal footpath shortly follows that leads into Elmswell. This area will also be further developed adjacent to Oak Lane and just north of the Blackbourne Centre (see 0210/17).

The site is 1.09km by road to the settlement boundaries and then various distances to get to services within the settlement itself, but most under 2km. The shortest distance to the settlement is around 910metres and using the public right of way around 958 metres at most (allowing for the scaling of the



2. Background and The Proposal

2.1. The proposal is for 2 No. dwellings. While an outline application, it has been specifically detailed that these would be single storey only and includes access. All other matters are reserved. The density would be 8.33 dwellings per ha based on a site area of 0.24ha.

2.2. This application was initially determined by officers under delegated powers who issued as an approval, but it was subsequently found that the consultation period had not expired before the decision notice was issued due to a second site notice having been displayed. Accordingly, the decision was quashed by consent and as part of that process it was agreed that the application would be redetermined

by members consideration. On this basis the application has been reviewed and this new report created. Members should be aware that the challenge to the previous decision succeeded on a procedural ground, but it was accepted in the Court Order that the claimant could raise the other grounds of challenge in any subsequent legal challenge. Therefore, the application must be treated and debated afresh, and members must not be influenced by the previous quashed decision. Members must consider it on its individual planning merits. It is important that this redetermination is, and is seen to be, a genuine re-determination of the application.

3. The Principle Of Development

3.1. The starting point for determination of any planning application is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. However, a recent Court of Appeal decision has emphasised that the statutory duty is to determine whether the development accords with the development plan when viewed as a whole – *R (Corbett) v Cornwall Council* [2020] EWCA Civ 508. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision maker must therefore make a judgment as to whether a proposal is in accordance with the plan as a whole and bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach. In addition, the statutory duty also requires the decision maker to take into account all material considerations. One key material consideration regarding the principle of development is the policy set out in the National Planning Policy Framework (NPPF). The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.

3.2. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11):

“For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ii. 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.”

Out of Date Policy Position

3.3. A key aspect of the presumption in favour of sustainable development is the existence of up-to-date development plan policies. Footnote 7 of the NPPF is relevant as it identifies “out-of-date” policies as including (but not limited to) the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance it is important that the Council is able to demonstrate a five year housing land supply, but this should not be taken as a cap on housing provision or growth.

3.4. Notwithstanding the Council’s current 5-year housing land supply, for Mid Suffolk many of the development plan policies most important for determining residential applications are considered to be “out-of-date” on the basis of not being entirely consistent with the policies of the NPPF. Therefore, those policies (housing supply) are accorded less weight and the extent of consistency and/or conflict needs to be explored on a case by case basis with appropriate assessment of the planning balance and weight to be given. To be clear, the NPPF does not overrule the Development Plan, but is a material consideration to be accounted for in the consideration and use of development plan policies.

3.5. The position of Mid Suffolk policies being “out of date” has been settled by a number of recent appeal decisions in Mid-Suffolk. Relevant appeal decisions are material considerations and the Council has to take those into account. Accordingly, in this case Policy CS1 of the Core Strategy sets out the settlement hierarchy. However, it includes the words “the rest of Mid-Suffolk, including settlements not listed in the above (hierarchy) will be designated as countryside ... renewable energy”. In a September 2018 appeal decision in relation to a site at Woolpit, the inspector ruled that, by virtue of this latter requirement of policy CS1 it offends the NPPF. It perpetuates the theme of protection of the open countryside for its own sake and its limitations are inimical to the balanced approach which the NPPF exhorts. It is one of the most important policies and it is out-of-date. The inspector’s approach was subsequently followed in another appeal decision on a site in Ipswich in March 2019 and endorsed by the inspector determining an appeal at Eye in March 2020.

As the proposed development is in open countryside, it also offends the requirements of Policy CS2. Policy CS2 is a most important policy but the inspector at Woolpit (and endorsed in the other appeal decisions) also ruled that this policy is out-of-date. The NPPF does not exhort a restrictive approach to development outside settlements as this policy requires (and including H7 Local Plan). The NPPF does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. Therefore it is concluded that paragraph 11 of the NPPF and tilted balance is engaged because the most important development plan policies for determining this application are out of date and the development should only be refused where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

3.6. As established, having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to the above policies is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns. The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01_1 of the Core Strategy, and are also the most up-to-date elements of the Mid Suffolk development plan, adopted in 2012. These policies are otherwise consistent with the NPPF, carry full statutory weight and provide the principal assessment framework as it applies to the subject application.

3.7. The provision of up to 2 dwellings will give rise to limited employment during the construction phase of the development owing to the scale of development proposed. Future occupiers of the development will use local services and facilities in Elmswell given their accessibility, offering reasonable benefits to the local economy. The development will give strong and direct support to the vitality of the town. The New Anglia ‘Strategic Economic Plan’ (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built. The proposal will result in job creation and will have positive regional economy benefits.

3.8. None of the infrastructure authorities have objected to the scheme, concluding that CIL contributions are to be used to manage future infrastructure demand. Being a small scheme there is limited social benefit provided with the proposal itself, but some weight may be given to the proposal being for bungalows and serving perhaps a particular housing need in this regard.

3.9. The site is located in the countryside in policy terms, however the site has a strong functional relationship to the village with direct footway and road links and is not considered isolated in a functional sense given adjacent development. Elmswell is served by a range of local services and facilities, as expected for a settlement designated as a Key Service Centre. The local services on offer are within a short walking distance of the site, making walking and cycling a convenient and sustainable way of accessing facilities. There is a food store within walking distance as well as a butchers, place of worship / cemetery, takeaway, public house, post office, allotments and school. Blackbourne Community Centre near to the site and both Elmswell library and Elmswell Community Primary School are also within walking distance.

3.10. The Elmswell railway station is within walking distance and is served by the Greater Anglia Line which operates trains across East Anglia. Local bus routes provide wider connections to Bury St Edmunds and Thurston in the west, Woolpit to the south and Stowmarket, Stowupland, Mendlesham and Otley to the east. In conclusion, the site exhibits extremely high sustainability credentials. It is a sustainable location for housing development.

3.11. The site itself is taken to be an agricultural paddock and is enclosed by mature landscaping and both existing and material approved (not yet commenced) development. The site forms part of this very small cluster of development and an area that represents a different place to the wider open countryside that surrounds the site, especially to the north. Given the single storey proposal and existing landscaping, development is considered to be achievable through reserved matters without detrimental impact on the wider environment in principle.

In conclusion, it is considered that there is sustainable merit for this location to be considered acceptable in principle while noting it is contrary to the development plan. Mid Suffolk does have a 5-year housing supply and in itself this development does not represent a significant development to fulfil housing need, but being single storey is welcome as on the whole this housing type in the district is not supplied as often. It is noted that there are limited social, economic and environment benefit and burden/costs and overall it is considered the benefit on balance outweighs the cost and there is not significant demonstrable adverse harm. Furthermore, the housing supply figure is not a cap on development levels for any location, and this position has been upheld at appeal, and the development is considered on all merits.

4. Site Access, Parking And Highway Safety Considerations

4.1. The access forms part of this application and has not been objected to by the Highways Authority in their assessment. The access also forms part of the adjacent development approved. As outline details on layout and parking are not available to assess.

5. Design And Layout

5.1. The proposed dwellings will be single storey, but what form this may take is unknown at this stage. In general terms the site is reasonable and will allow for a very low density development set back from the road frontage. Given the location, there are a wide range of options for good quality design to be considered at reserved matters stage and there is no reason for refusal on principle in respect of design and layout.

5.2. Representations have referred to the need to refer to Policy H13 and H15 of the Local Plan.

Policy H13

Policy H13 refers to the design and layout of housing development. However, this is an outline application and so many of these aspects that the policy refers to will be a matter of reserved matters as detailed below.

"DESIGN AND LAYOUT OF HOUSING DEVELOPMENT - POLICY H13 STATES NEW HOUSING DEVELOPMENT WILL BE EXPECTED TO ACHIEVE A HIGH STANDARD OF DESIGN AND LAYOUT AND BE OF A SCALE AND DENSITY APPROPRIATE TO THE SITE AND ITS SURROUNDINGS. PROPOSALS FOR RESIDENTIAL DEVELOPMENT SHOULD TAKE ACCOUNT OF THE FOLLOWING:-

The density proposed is around 8 dwellings per ha. This is very low and in fact conflicts with policy CS9 of the core strategy that seeks to achieve at least 30 dwellings per ha. However, given the prevailing character and low density of this area it is not considered that the two dwellings proposed (with

consideration of the two dwellings approved adjacent to this site) would be of an inappropriate density. Scale would be a matter of reserved matters.

DESIGN AND LAYOUT SHOULD RESPECT THE CHARACTER OF THE PROPOSAL SITE AND THE RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO ITS SURROUNDINGS;-

Given the low density of the proposal, it is considered likely that development can be achieved and would have sufficient space to respect the character of the area and being single storey would have reduce impact potentially compared to a two storey development. However, appearance and scale would be decided at reserved matters stage.

DESIGN SHOULD COMPLEMENT THE SCALE, FORM AND MATERIALS OF TRADITIONAL BUILDING IN THE AREA;-

Hedgerows itself is a bungalow. The neighbour Half Acre is a thatched cottage and opposite Grove Farm a two storey house. The approval for two dwellings is for single storey, but appearance is not known. Without knowing the proposed appearance of the proposed dwellings at reserved matters stage, a clear judgement on this policy point can not be made yet.

AMENITIES OF NEIGHBOURING RESIDENTS SHOULD NOT BE UNDULY AFFECTED BY REASON OF OVERLOOKING OR LOSS OF DAYLIGHT;-

Reserved matters in terms of scale, appearance and layout will allow judgement on this point to take place, but in principle given the very low density and single storey proposal it is not considered likely that amenities of neighbouring residents will be unduly affected.

DWELLINGS SHOULD HAVE ADEQUATE PRIVACY, SUFFICIENT DAYLIGHTING AND SUNLIGHTING AND BE PROVIDED WITH PRIVATE AMENITY SPACE OR GARDENS;-

This will be a matter for reserved matters, but given the low density and space available it is not considered unlikely that suitable amenity will not be available for the new dwellings.

LANDSCAPE FEATURES, INCLUDING HEDGES AND TREES, SHOULD BE RETAINED UNLESS THIS IS IMPRACTICABLE OR UNNECESSARY;-

There is nothing to suggest hedges and trees will need to be removed to allow suitable layout for the proposal. Landscaping and layout is also reserved matters for later consideration.

HISTORICAL, ECOLOGICAL OR ARCHITECTURAL FEATURES OF A SITE SHOULD BE RETAINED UNLESS THIS IS IMPRACTICAL OR UNNECESSARY, AND WHERE POSSIBLE ENHANCED;-

There are no listed buildings or otherwise historic buildings on site. The former green that includes this land is addressed further in this report.

ROAD LAYOUTS SHOULD BE DESIGNED TO THE STANDARDS AND REQUIREMENTS OF THE COUNTY HIGHWAYS AUTHORITY;- ROAD LAYOUTS SHOULD REDUCE TRAFFIC SPEEDS IN RESIDENTIAL AREAS AND PROVIDE FOR THE SAFETY OF PEDESTRIANS AND CYCLISTS;-

In terms of both of these points, this will be a matter of reserved matters proportionate to the development proposal.

DWELLINGS SHOULD HAVE SATISFACTORY ACCESS TO THE ADJACENT HIGHWAY AND CAR PARKING PROVISION IN ACCORDANCE WITH THE APPROVED PARKING STANDARDS OF THE DISTRICT PLANNING AUTHORITY.

This is dealt with under the highways section of this report, but is concluded that the access arrangements are satisfactory.

WHEN GRANTING PLANNING PERMISSION THE DISTRICT PLANNING AUTHORITY MAY INCLUDE CONDITIONS TO SECURE THE SATISFACTORY PROVISION OF A LANDSCAPING SCHEMES AND ITS SUBSEQUENT MAINTENANCE FOR A PERIOD OF NOT LESS THAN 5 YEARS."

Landscaping is a reserved matters and the need for a condition to secure it can be applied at that alter stage.

Policy H15

"POLICY H15 (DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS)

PROPOSED NEW HOUSING SHOULD BE CONSISTENT WITH THE PATTERN AND FORM OF DEVELOPMENT IN THE NEIGHBOURING AREA, THE CHARACTER OF ITS SETTING, PARTICULAR SITE CONSTRAINTS SUCH AS ACCESS AND DRAINAGE AND THE CONFIGURATION OF THE SITE INCLUDING ITS NATURAL FEATURES. ON SITES ALLOCATED IN THE LOCAL PLAN FOR NEW HOUSING IN THE FORM OF ESTATE DEVELOPMENT, THE DISTRICT PLANNING AUTHORITY WILL GENERALLY ENCOURAGE NET DENSITIES IN THE RANGE 25 -37 DWELLINGS PER HECTARE (10-15 DWELLINGS PER ACRE)."

In terms of looking at the current property Hedgerows and acknowledging the single storey form of development approved adjacent, it is difficult to argue that a further single storey development would be inconsistent with the neighbouring form. Half Acre is the other neighbouring reference, and this also has a modest form, on this basis the appearance of the proposed development at reserve matters stage will need to reflect the prevailing form and character. It is acknowledged that a further two bungalows to the rear of that already approved will not be linear development as current Grove Lane developments front the road, but looking to the area as a whole there are similar cluster development close by along Ashfield Road. With consideration of potential harm that may be caused, it is not considered this would represent a significant reason to warrant refusal in itself. Representations received do not consider this to be a cluster, but it is officer opinion given the landscape features that clearly define the group in contrast to the open fields adjacent with the approved development that forms a material consideration. The description of the group as a cluster is appropriate, but it is appreciated that this is a subjective opinion.

Representations have also referenced Para 127 of the NPPF that provides criteria on design for development. In general terms this seeks to achieve good design principles, many of which will be a matter for reserved matters and as addressed above. Clearly a change from rural field to domestic dwelling and garden is a significant change, both the NPPF as a whole and in this paragraph (P127) accepts change should not be prevented if done in a sympathetic way. Given the space available, the enclosure of the site, mix of old and more modern development both existing and approved, it is considered sympathetic design can be achieved in principle and there are no reasons not to allow reserved matters to address the appropriate appearance, layout and scale matters to achieve compliance with the NPPF in this regard.

6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

6.1. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character. However, in a number of recent appeal decisions including at Woolpit and Stowmarket, the inspectors have also considered this policy to be out-of-date due to its inconsistency with the NPPF and it should be given less weight. The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

6.2. Paragraphs 170 of the NPPF seeks that decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

This site is not identified in the development plan nor has statutory status. It is a small part of a former medieval green that is addressed later in this report.

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

This is not open countryside nor active agricultural land and the boundary landscape/ditches to the boundary are not indicated as likely to be removed by this proposal and can be considered within landscaping as part of reserved matters. There is no public access to the site and very limited views across it (likely to be less with the development already approved for two bungalows along the Grove Lane Frontage). The beauty of the countryside is recognised, but it is not considered that a proposal for development in this location would be significantly impact the intrinsic character and beauty given the location and all material considerations.

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate.
This is not coastal.

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Given the space available, the biodiversity networks in terms of the established boundaries are likely to have minimal impact and habitat provision is conditioned. It is subjective to the amount of impact and gain, but considered proportionate to the provision of two dwellings.

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. And f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

No unacceptable risk has been identified, accepting domestic use (and any other use) will have increased levels of pollution compared to an undeveloped site.

6.3. The boundary of the site offers visual containment and serves as an effective landscaping screen and this will be effective given a single storey design proposal. The application is in outline form only and landscaping can be readily addressed at the reserved matters stage of the development process.

6.4. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Policy CL8 of the Local also refers to wildlife habitats and need to avoid significant loss/alteration. Given the size of the site, surrounding dwelling and approved development the loss as a rural field is not considered to be significant to warrant refusal and boundaries likely to provide the main habitats will likely remain. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive. In this case there are no known protected ecology interests and given the condition of the site and location of potential habitat it is not considered that this development would result in significant harm to warrant refusal. It follows that there is, in any event, no significant conflict with policy CS5.

7. Land Contamination, Flood Risk, Drainage and Waste

7.1. There are no known contamination, flood risk or drainage issues that in this would represent significant planning concern to warrant refusal.

8. Heritage Issues

8.1. The site is not located within a Conservation Area. The nearest Listed Building is Grove Farmhouse, but this is on the opposite side of the road and there are a number of buildings and different uses between that building and this site and materially it is also considered that the adjacent approval for two bungalows would be between this site and the Listed Building. In conclusion given the proposed scale of development in both number and single storey, given the distance, approved development in between and nature of the location and relationships, it is concluded that there would not be harm to the setting of any listed building or their significance. On this basis the Local Planning Authority considers it has identified and assess that no particular significance of any listed heritage asset will be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise .

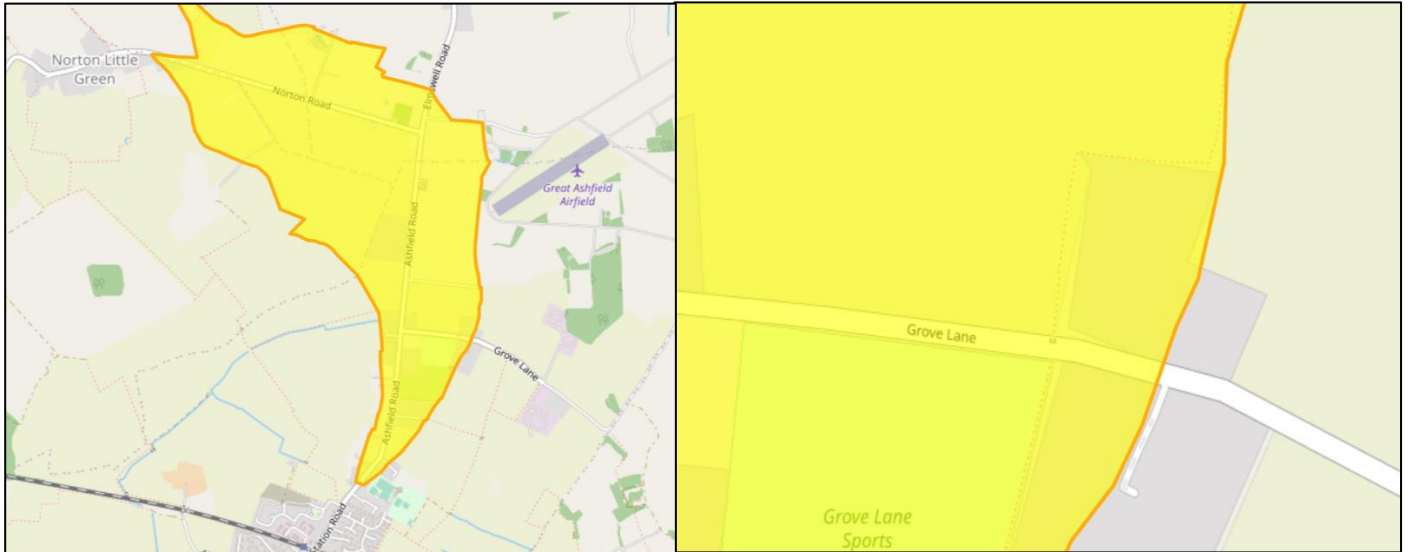
8.2. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

8.3. There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence. Government advice also provide that *“Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.”* Mid Suffolk district council does not currently have criteria to select non-designated heritage assets.

Furthermore, government advice provides that *“it is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies.”* Mid Suffolk district council does not current have any Local List and officers are not aware of any such assets identified by neighbourhood planning bodies.

8.4. However, *“In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications...”* Representations have identified that the site is within an area known to be part of a former medieval green. This has various names including Pasturam de Buttehac 1156-80; Botenhagh 1286; Boten Haugh Green 1783 and Button Haugh Green.

8.5. The area the Green covered is shown on the yellow area on the map extracts



To help, we have in green also highlighted the general area this covers. The site is within this area and its east side is part of the area's border.



8.6. Is this area a non-designated asset? Dagwood Farm, Ashfield Road, Elmwell ref DC/19/00872 was refused in 2019 and is not far from this site. Importantly it was also with the same former green area and the green form part of the reason for refusal. On review, officers have looked at the refusal, heritage response and the significant material consideration appeal decision APP/W3520/W/19/3239171. The status of the Green as a non designated heritage asset was specifically addressed by the inspector at Appeal and a copy of this assessment is below.

“Button Haugh Green (BHG)

15. A case is made that the appeal site forms part of BHG, a medieval village green which it is argued should be treated as a non-designated heritage asset. Concern is raised that the proposal and subsequent loss of openness of the site would adversely affect the integrity of BHG, thereby harming its significance. In response, the appellant contends the site does not form part of the BHG and in any case its integrity has already been markedly harmed by development so that it no longer has any heritage significance.

16. To meet the Framework’s definition of a heritage asset, BHG needs to be identified as an area having a degree of significance because of its heritage interest. Planning Practice Guidance² states that non-designated assets can be identified through decision-making on planning applications, but identification should be based on sound evidence and assets should ideally be included on a local list.

17. I have not been informed that BHG is included on a local list and there is limited evidence before me that demonstrates its significance or heritage interest. The appeal site forms part of a stretch of undeveloped land running from the edge of Elmswell, but intervening hedgerows and development on the elsewhere along the road prevent the easy identification of the medieval green as a single entity. As such, there is insufficient justification to treat BHG as a non-designated heritage asset in the assessment of this appeal. However, my finding in this regard fails to address the identified harm to the setting, character and significance of the listed building, Dagwood Farmhouse.

18. For the above reasons, I conclude the proposal would not harm the significance of a non-designated heritage asset in terms of the integrity of BHG. In this regard, it would not be contrary to policy CS5 of the CS and the Framework, which seek to avoid harm to the significance of the historic environment, including non-designated heritage assets. LP policy HB1 and policies FC.1 and FC1.1 of the CSFR are referred to in the Council’s refusal reasons but contain no provisions that are specifically relevant to this main issue.”

8.7. In conclusion the Button Haugh Green was not found to be a non designated heritage asset and instead the issue upheld was in respect of the listed buildings involved with that appeal. On this basis the Local Planning Authority considers it has identified and assess that no particular significance of any heritage asset (both designated and non-designated) will be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise

9. Impact On Residential Amenity

9.1. The NPPF and policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. There are two existing properties to the road frontage and between these two more dwellings are already approved. This site would be to the rear of these properties and so it is likely that the connecting drive to the access will have impact on the amenity enjoyed by some of these properties, but it is not considered to likely be harmful to warrant refusal. The site is spacious and subject to design that can be considered at reserved matters stage, a suitable scheme is likely to be achievable to have minimum or avoid harm on any neighbouring amenity.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

12.1. The scheme is contrary to the development plan when viewed as a whole, but the essential housing policies of the development plan which are the most important policies for the determination of this application are “out of date” and should be given less weight. However, the statutory priority given to the development plan does not dictate that an application should be refused simply because of conflict with policies within the development plan as section 38(6) requires the Council to assess the weight to be accorded to any policy conflict and to balance that against all the material considerations that outweigh any policy conflict as amply demonstrated by the inspectors determining the Woolpit, Ipswich and Stowmarket appeals. When taken in the round, the most important development plan policies for determining this application are out of date and so the “tilted balance” under policy FC1 and paragraph 11d) of the NPPF applies. This means granting planning permission unless the adverse impacts significantly and demonstrably outweigh the benefits. The engagement of the tilted balance as a consideration is a matter that has been afforded great weight. The proposal provides some benefits for the economy and can not be argued in the officer’s opinion as remote from services given the connections available. The site itself is enclosed and a development of the scale proposed is not considered likely to represent an intrusive development nor otherwise result in adverse planning harm to warrant refusal. Therefore, whilst the application is not in accordance with the development plan when viewed as a whole, the other material considerations outweigh any conflict and direct that planning permission should in fact be granted.

RECOMMENDATION

(1) That the Chief Planning Officer be authorised to Grant Outline Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for implementation of scheme)
- Reserved matters
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL as necessary)
- Swift/Owl boxes installation scheme to be agreed
- Hedgehog fencing scheme to be agreed
- Energy and renewal integration scheme to be agreed
- Rainwater harvesting to be agreed
- Construction Plan to be agreed.
- Level access to enable wheelchair access for all dwellings/buildings.
- Highways conditions as detailed in this report.

(2) And the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- SCC Highways notes

- Support for sustainable development principles

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Application No: DC/19/01876

Location: Hedgerows, Grove Lane Elmswell

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|--|--|--|
| Appendix 1: Call In Request | N/a | |
| Appendix 2: Details of Previous Decision | N/a | |
| Appendix 3: Town/Parish Council/s | Elmswell Parish Council | |
| Appendix 4: National Consultee Responses | None | |
| Appendix 5: County Council Responses | Scs Highways Scs Archaeological Service | |
| Appendix 6: Internal Consultee Responses | Environment Health | |
| Appendix 7: Any other consultee responses | 3 rd Party Letters | |
| Appendix 8: Application Site Location Plan | Yes | |
| Appendix 9: Application Plans and Docs | Yes | |
| Appendix 10: Further information | N/a | |

The attached appendices have been checked by the case officer as correct and agreed to be presented to the committee.



Babergh and Mid Suffolk District Councils

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Consultee Comments for Planning Application DC/19/01876

Application Summary

Application Number: DC/19/01876

Address: Hedgerows Grove Lane Elmswell Bury St Edmunds Suffolk IP30 9HN

Proposal: Outline Planning Application - Erection of 2no. detached single storey dwellings and vehicular access.

Case Officer: Sarah Scott

Consultee Details

Name: Mr Peter Dow

Address: Blackbourne Community Centre, Blackbourne Road, Elmswell Bury St Edmunds, Suffolk IP30 9UH

Email: clerk@elmswell.suffolk.gov.uk

On Behalf Of: Elmswell Parish Clerk

Comments

Elmswell Parish Council objects to this application and urges refusal on the following grounds:

The site is in the countryside outside of the Settlement Boundary within which new development will properly take place.

With regard to the strong policy imperatives aimed at protecting the existing character and appearance of the countryside, this proposal offers no justification for exceptional treatment and does not present a case for special consideration under categories identified and defined in the Local Plan, the Core Strategy or the National Planning Policy Framework.

The extant Permission under DC/18/02553 for 2 bungalows within the same holding and in immediate proximity to the host dwelling, Hedgerows, has not yet resulted in any application for Reserved Matters, leaving in doubt the ultimate outcome of the proposal for, in effect, a development of 4 dwellings. This Application seeks to add an inappropriate extension to that development to the rear of Hedgerows and well beyond the building line of both Hedgerows and of Half Acre, adjacent, presenting a clear and unwelcome incursion into the immediate rural setting.

The use of the existing access, now seeking to serve 5 dwellings, proposes an unsafe result, and Councillors have sympathy with the existing heavy haulage operators using Grove Lane as their sole access that it is a single-track country lane unsuited to the extra traffic loading resulting from this proposal.

In reaching these conclusions, Councillors had reference to Local Plan policies SB1, H7 & T10, Core Strategy Policies CS1 & CS2 and National Planning Policy Framework para.55.

Peter Dow CiLCA
Clerk to Elmswell Parish Council
21.05.2019

Ref. DC/19/01876 Hedgerows, Grove Lane

Your Ref:DC/19/01876
Our Ref: SCC/CON/1586/19
Date: 2 May 2019



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

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Sarah Scott

Dear Sarah,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/19/01876

PROPOSAL: Outline Planning Application - Erection of 2no. detached single storey dwellings and vehicular access

LOCATION: Hedgerows Grove Lane Elmswell Bury St. Edmunds IP30 9HN

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:

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

Condition: Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.

Reason: In the interests of road safety.

Condition: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any means of frontage enclosure shall be set back 2.4 metres from the edge of the carriageway of the adjacent highway and tapered accordingly to provide visibility splays of $x=2.4m$ by $y=90m$.

Reason: In the interests of highway safety, to avoid obstruction of the highway, maximise visibility splays and provide a refuge for pedestrians.

Condition: Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

Note: 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: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure

From: Lisa De Pasquale <Lisa.DePasquale@suffolk.gov.uk>
Sent: 29 April 2019 11:12
To: BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>
Subject: Re: DC_19_01876 Hedgerows Grove Lane Elmswell Bury St Edmunds

Good morning,

Thank you for consulting us on this proposal. In my opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. I have no objection to the development and do not believe any archaeological mitigation is required.

Best wishes,

Lisa

Lisamaria De Pasquale

Assistant Archaeological Officer (Technical Support)
Suffolk County Council Archaeological Service
Bury Resource Centre
Hollow Road
Bury St Edmunds
Suffolk IP32 7AY
Tel.:01284 741230
Email: lisa.depasquale@suffolk.gov.uk

Website: <http://www.suffolk.gov.uk/archaeology>
Search the Suffolk HER online at: <http://heritage.suffolk.gov.uk>
Follow us on Twitter at: <https://twitter.com/SCCArchaeology>

From: Andy Rutson-Edwards <Andy.Rutson-Edwards@baberghmidsuffolk.gov.uk>
Sent: 17 April 2019 13:07
To: Sarah Scott <Sarah.Scott@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: DC/19/01876

DC/19/01876 - Proposal: Outline Planning Application - Erection of 2no. detached single storey dwellings and vehicular access. Hedgerows, Grove Lane, Elmswell, Bury St Edmunds Suffolk IP30 9HN

Many thanks for your request for comments in relation to the above outline application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. *All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.*
2. *A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.*
3. *The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.*
4. *The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.*
5. *The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.*
6. *Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.*
7. *Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.*
8. *Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.*

9. *Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.*
10. *A photographic record will be made of relevant observations.*
11. *The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: • re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or • treatment of material on site to meet compliance targets so it can be re-used; or • removal from site to a suitably licensed landfill or permitted treatment facility.*
12. *A Verification Report will be produced for the work.*

Andy

Andy Rutson-Edwards, MCIEH AMIOA
Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together

Tel: 01449 724727

Email andy.rutson-edwards@baberghmidsuffolk.gov.uk

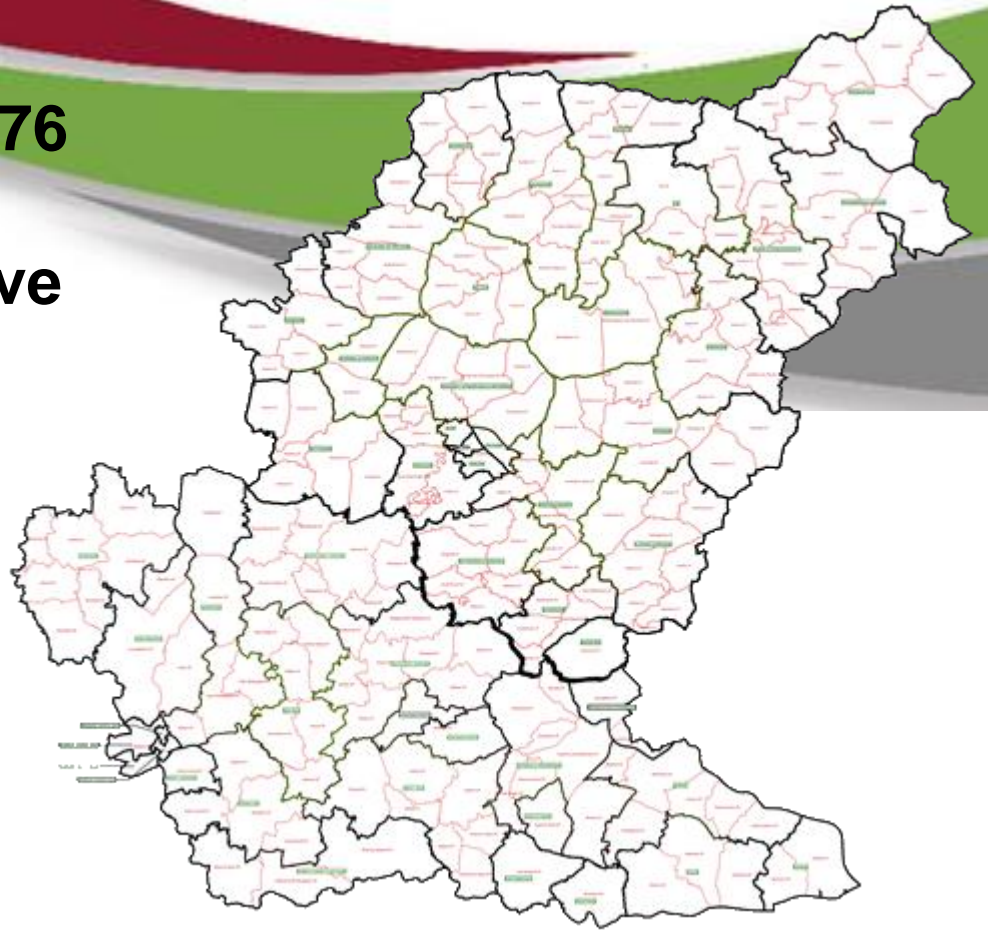
www.babergh.gov.uk www.midsuffolk.gov.uk

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Application No: DC/19/01876

Address: Hedgerows, Grove Lane, Elmswell

Page 47



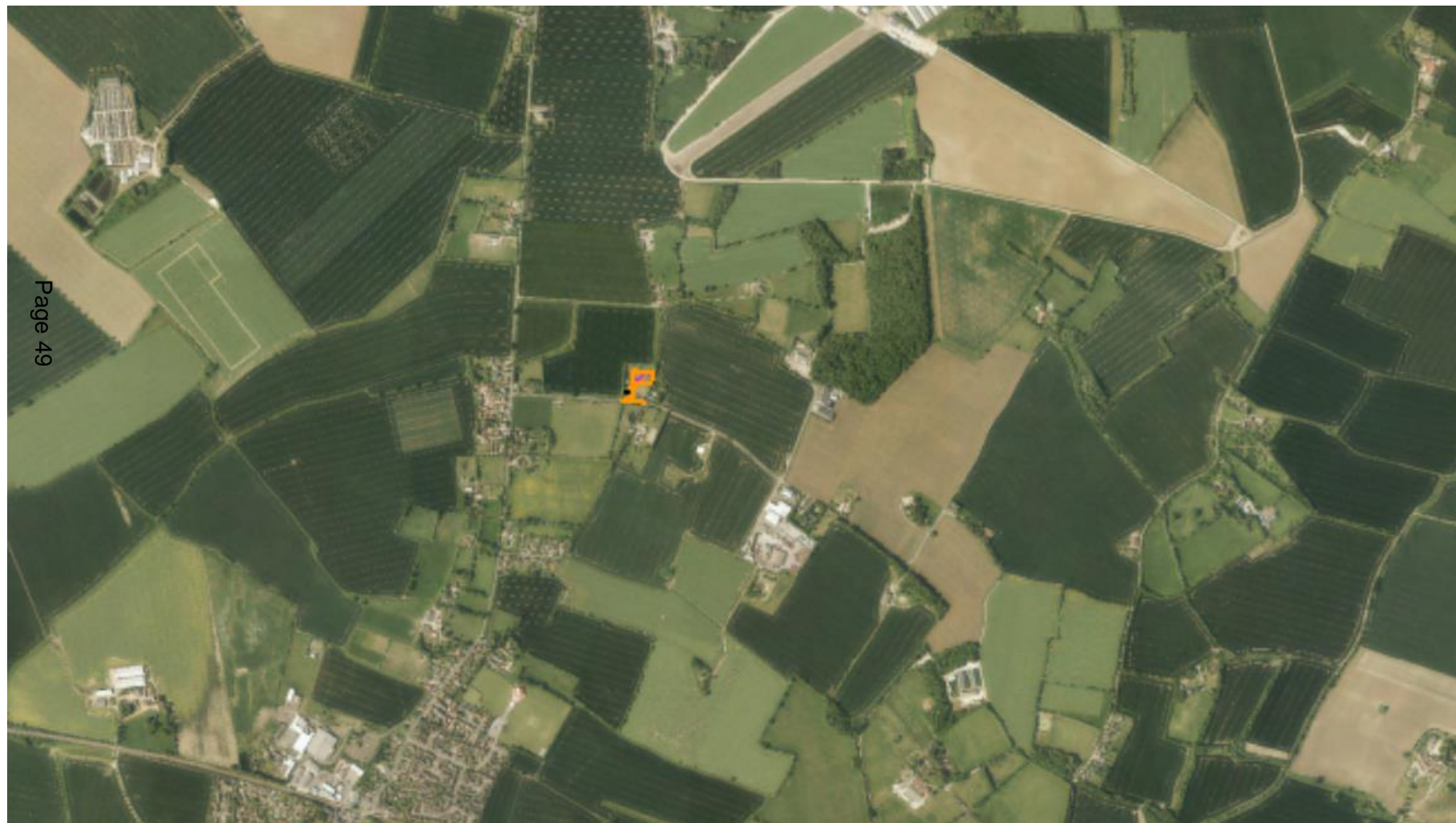
Aerial Map

Slide 2



Aerial Map – wider view


Slide 3



Page 50



Constraints Map

Listed Buildings  Grade II



Site Layout

Page 52



Agenda Item 7b

Committee Report

Item 7B

Reference: DC/20/03244

Case Officer: Alex Scott

Ward: Bacton.

Ward Member/s: Cllr Andrew Mellen.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application under Section 73 of The Town and Country Planning Act for Planning Permission DC/20/02022 for the variation of Condition 2 (Approved Plans and Documents)

Location

Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

Expiry Date: 29/09/2020

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Minor Dwellings

Applicant: Mr & Mrs J Prior

Agent: Mrs C Godfrey

Parish: Wyverstone

Site Area: 0.274 ha

Density of Development:

Gross Density (Total Site): 3.65 dph

Net Density (Developed Site, excluding open space and SuDs): 3.65 dph

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- The application has been called in by the Ward Member for the reasons as stated at Appendix 1.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Wyverstone Parish Council (24/08/2020):

Objects:

- Proposal would worsen the view for neighbouring properties;
- Proposal would affect further residents nearby;
- Object to the revisions to the garage, to install a shower room, gym, window and glass door;
- Consider the increase use of the garage would increase impact on neighbours;
- The proposal is outside of the village settlement boundary and would extend building into agricultural land;
- The changes proposed would push the development further back and away from the existing line of buildings fronting the street-scene.

National Consultee (Appendix 4)

Natural England (09/06/2020):

Natural England has no comments to make on this application.

County Council Responses (Appendix 5)

SCC - Highways (25/08/2020):

The proposed amendments would not have any impact on the highway network at this location. Therefore, SCC does not wish to raise an objection to DC/20/03244 under highway safety grounds.

SCC - Highways (26/06/2020):

No Objection - Subject to compliance with suggested conditions.

SCC - Fire & Rescue (19/06/2020):

The nearest fire hydrant is over 120m from the proposed build site - Recommend consideration be given to the benefits derived from the provision of an automatic fire sprinkler system.

Internal Consultee Responses (Appendix 6)

MSDC - Environmental Protection - Land Contamination (11/06/2020):

No Objection - Request the LPA are contacted in the event of unexpected ground conditions encountered during construction - The developer is advised that responsibility for safe development of the site lies with them.

Place Services - Ecology (26/06/2020):

No Objection - Subject to securing ecological mitigation and enhancement measures.

MSDC - Arboricultural Officer (05/06/2020):

No Objection - Subject to development being undertaken in accordance with measures outline in Arboricultural Report - Although a small number of trees are proposed for removal they are generally of limited amenity value and/or poor condition and are not of sufficient arboricultural or landscape importance to warrant being a constraint - Arboricultural Method Statement and Tree Protection required by way of condition.

MSDC - Heritage Team (25/06/2020 & 25/08/2020):

Do not wish to comment on this application.

B: Representations

At the time of writing this report at least 2 letters/emails/online comments have been received. It is the officer opinion that this represents 2 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- The proposal would move the proposed bungalow and garage directly along the back garden of a neighbouring property;
- Do not consider the proposal would bring the applicant's any benefit in terms of improved view;
- Concern with regards the loss of trees if the entrance is changed;
- The proposal would take away the view of a neighbouring property;
- The proposal would result in overlooking and loss of privacy to a neighbouring property;
- The proposed brick wall of the garage, and noise generated would impact neighbouring amenity;
- The proposal would impact the amenities of neighbours
- The boundary hedge between properties is deciduous and would make the boundary more open in autumn/winter;
- A neighbouring property was not permitted to erect a boundary fence as part of a previous planning application adjacent to the site in 2003;

- Object to the proposed dwelling being set further back in the site - understanding was that Councils try to keep properties in line with neighbouring properties.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

| | | |
|-------------------------|--|------------------------------------|
| REF: DC/20/02022 | Full Planning Application - Erection of 1no. detached single storey dwelling, detached garage and creation of vehicular access | DECISION: GTD 02.07.2020 |
| REF: DC/19/03846 | Outline Planning Application (access to be considered) - Erection of 1 No. detached dwelling. | DECISION: GTD 04.10.2019 |

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site is located to the east of Wyverstone Street abutting the existing Settlement Boundary of Wyverstone Street, and existing dwellings fronting both Wyverstone Street and Rectory Road, to the north.
- 1.2. The site comprises part of an existing agricultural field, with an existing agricultural building laying on land adjacent to the south.
- 1.3. The site benefits from an existing field access to Wyverstone Street, with grassed verges providing existing visibility splays. The site access does not lie specifically within the Village 30mph speed limit, however this does lie adjacent to the north.
- 1.4. A belt of TPO Trees fronts Wyverstone Street, to the south of the existing access, along the site frontage.
- 1.5. The site is within the setting of a listed building (Lodge Farmhouse - Grade II), located approximately 80 metres to the north-east.

2. History

- 2.1. The current proposal follows outline planning permission, for the erection of 1 No. detached dwelling on the site (ref: DC/19/03846), granted on 4th October 2019.
- 2.2. The application also follows full planning permission, for the erection of 1 No. detached single storey dwelling, detached garage and creation of vehicular access on the site (ref: DC/20/02022), granted on 2nd July 2020.
- 2.3. Both of the above existing planning permissions are extant and are considered to be material planning considerations in determination of the current application.

3. The Proposal

- 3.1. The current application is submitted under section 73 of the Town and Country Planning Act and seeks variations to the site layout, the siting of buildings and the design of the proposed garage building, further to that agreed under host permission reference DC/20/02022.
- 3.2. The proposed scale, form and design of the new dwelling, previously approved, is not proposed to be altered as part of this application, only its location. The proposed height (6 metres); width (18.5 metres); and depth (12.4 metres) of the dwelling would remain as previously approved, as would the proposed design and external facing materials (Painted render, above a red brick plinth, with a plain tile roof, and with timber window surrounds and fascias). The proposed internal layout would also remain the same (4no. bedrooms with kitchen, living, dining and utility areas).
- 3.3. The proposed location and design of the previously approved means of access to the site is not proposed to be altered as part of this current application.
- 3.4. The proposed dwelling would be located 36.1 metres from the fronting highway, 14 metres further back than approved under host permission ref: DC/20/02022. The proposed dwelling would be located 4.2 metres from the rear boundaries of neighbouring gardens, to the north, 0.2 metres closer than approved under host permission ref: DC/20/02022.
- 3.5. The proposed garage building would be located 25.2 metres from the fronting highway, 15.6 metres further back than approved under host permission ref: DC/20/02022. The proposed garage would be located 0.4 metres from the rear boundaries of neighbouring gardens, to the north, 0.7 metres closer than approved under host permission ref: DC/20/02022.
- 3.6. The proposed garage building would be of the same height (max ridge height of 4.5 metres and eaves height adjacent to neighbouring boundary of 1.7 metres) and depth (6.5 metres) to that previously approved under host permission ref: DC/20/02022, and would be 1 metres wider (proposed garage would be 9.4 metres in width). The proposed garage's external facing materials would remain the same, as previously approved horizontal timber weatherboard above a red brick plinth, with a plain tile roof. The proposed garage would consist of differing fenestration to its eastern elevation, with 2 no. doors and a window now proposed to replace 1 no. larger door as previously approved. Internally the garage would remain available for 2 no. covered parking spaces and now proposes a gym room and shower/WC room, in lieu of the storage areas previously approved.

4. The Principle Of Development

- 4.1. The current application follows prior planning permissions DC/19/03846 and DC/20/02022, for similar developments on the site, the latter being extant until 2nd July 2023.
- 4.2. The principle of the proposed development on the site is, therefore, considered to remain acceptable, having had regard to the extant planning permissions as a material consideration.

5. Design And Layout [Impact On Street Scene]

- 5.1. The proposed scale and appearance of the development approved would remain much the same, when viewed from the streetscene.

- 5.2. The revised layout proposed, moving the approved buildings back into the site by 15.6 metres, further away from the streetscene, is considered to benefit the character of the fronting green lane, which is for the most part undeveloped.
- 5.3. Whilst the proposed buildings would be pushed further away from the fronting highway, they are not considered to intrude significantly more into the undeveloped countryside surrounding the village, than that approved. The proposed buildings would remain within the residential garden curtilage approved by way of host permission ref: DC/20/02022, and would not extend further away from the rear of existing properties fronting The Street, to the north.

6. Site Access, Parking And Highway Safety Considerations

- 6.1. The proposed means of access and amount of on-site turning and parking would remain the same as previously approved.
- 6.2. The Local Highway Authority has been consulted on the current application, who do not wish to raise an objection to the current proposal on highway safety grounds and consider the proposed amendments would not have any impact on the highway network at this location.
- 6.3. Subject to the re-imposition of highways conditions previously imposed as part of host permission ref: DC/20/02022, therefore your officers do not consider the proposal would result in a significant impact on existing highway safety.

7. Impact On Residential Amenity

- 7.1. The application proposes 2 no. single-storey buildings, located a minimum distance of 36 metres from the nearest existing residential dwelling to the north of the site.
- 7.2. By reason of the proposed buildings' single-storey scale, the separation distance between the proposal site boundary and the nearest existing neighbouring dwelling, the proposed dwelling's separation distance from neighbouring site boundaries, the low eaves height of the proposed garage building adjacent to neighbouring boundaries, and the presence of an existing intervening building and existing high hedge to the northern site boundary, the development proposal is not considered to significantly impact the amenities currently enjoyed by occupants of neighbouring properties by reasons of dominance and oppression, loss of daylight, or overlooking and loss of privacy.
- 7.3. Concern has been raised with regards the inclusion of a gym within the proposed garage building. Such an ancillary and incidental use, in relation to the enjoyment of a residential property is not considered to result in a significant impact on the amenity of neighbouring properties in terms of noise and disturbance.
- 7.4. Concern has also been raised with regards the loss of a view from a neighbouring property. As assessed above, the proposed buildings are not considered to result in a significantly dominating or oppressive impact on existing neighbouring properties. Your officers consider that the loss of a view, noting the minimal impact does not provide sufficient planning reasons for refusal of the current application.

8. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 8.1. Your Arboricultural Officer has previously assessed the application proposal and raises no objection subject to the development being undertaken in accordance with measures outlined in the Arboricultural Report provided with the host application. Although a small number of trees are proposed for removal, your Arboricultural Officer advises that these are generally of limited amenity value and/or in poor condition and are not of sufficient arboricultural or landscape importance to warrant being a constraint on development. Approval for the proposed works to trees is, therefore, approved subject to an Arboricultural Method Statement and Tree Protection plan being secured by way of condition.
- 8.2. Your Ecology Consultants have assessed the application proposal and raise no objection subject to securing ecological mitigation and enhancement measures.

9. Land Contamination

- 9.1. Your Environmental Protection Officers have assessed the application proposal and raise no objection to the application proposal with regards potential impacts on future occupants from potential sources of land contamination. Your officers request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction. The developer is also advised that the responsibility for safe development of the site lies with them.

10. Flood Risk

- 10.1. The application site lies completely within Environment Agency Flood Zone 1, where there is the lowest probability of flood risk. The nearest Environment Agency Flood Zones 2 or 3, where there is a higher likelihood of land flooding, are located approximately 860 metres to the north-west of the site. Future occupants are, therefore, not considered to be at significant risk of flooding.

11. Parish Council Comments

- 11.1. The matters raised by Wyverstone Parish Council have been considered in the above report.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. The principle of the proposed development has been established by way of extant planning permissions DC/19/03846 and DC/20/02022, for similar developments on the site.
- 12.2. The proposal is considered to provide a significant social benefit by providing a new home, in support of local and national housing delivery expectations.
- 12.3. The proposal is considered to provide small and limited economic benefits during the construction phase of the development.
- 12.4. The proposal would result in a small and limited amount of environmental harm by reason of developing a green-field site, a small increase in vehicular traffic and small and limited impact on amenity.
- 12.5. On balance, your officers consider the social and economic benefits of the proposal would outweigh the small and limited environmental harm identified.

12.6. Overall your officers consider the proposal represents sustainable development, having had regard to the provisions of the development plan and NPPF, when taken as a whole.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to grant planning permission:

(1) That the Chief Planning Officer be authorised to Grant Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer

- Section 73 Time Limit (Development shall be begun not later than the expiration of three years from the approval date of host planning permission ref: DC/20/02022)
- Approved Plans (Plans submitted that form this application)
- Those required by the Local Highway Authority
- Those required by the Council's Arboricultural Officer
- Alternative permission (to ensure the proposed development is carried out as a replacement of, and not in addition to, other extant permissions on the site)
- Removal of Permitted Development Rights (in the interest on neighbouring and environmental amenity)



Application No: DC/20/03244

Location: Land South of Fox Hollow, The Street, Wyverstone, IP14 4SJ

| | | |
|--|--|--|
| Appendix 1: Call In Request | Yes | |
| Appendix 2: Details of Previous Decision | DC/20/02022 | |
| Appendix 3: Town/Parish Council/s | Wyverstone Parish Council | |
| Appendix 4: National Consultee Responses | Natural England | |
| Appendix 5: County Council Responses | SCC - Highways SCC - Fire and Rescue | |
| Appendix 6: Internal Consultee Responses | MSDC - Environmental Protection - Land Contamination MSDC - Ecology Consultants MSDC - Arboricultural Officer | |
| Appendix 7: Any other consultee responses | 2 letters/emails/online comments received. 2 objections, 0 support and 0 general comment. | |
| Appendix 8: Application Site Location Plan | Yes | |
| Appendix 9: Application Plans and Docs | Yes | |



Babergh and Mid Suffolk District Councils



| | | |
|----------------------------------|-----|--|
| Appendix 10: Further information | N/a | |
|----------------------------------|-----|--|

The attached appendices have been checked by the case officer as correct and agreed to be presented to the committee.



From: Kate Webster <wyverstoneparishclerk@gmail.com>
Sent: 24 August 2020 15:00
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: Re: MSDC Planning Consultation Request - DC/20/03244

Wyverstone Parish Council objects to this application, as it did to the original planning application.

The stated purpose for the re-siting of the property is to improve the view, however by doing so, it worsens the view for those neighbouring properties already affected by the building itself and will affect further residents nearby.

The original garage drawings show stores with solid doors; the proposed drawings show a shower room and gym with a window and glass door. There is no mention of this change in the application, only the increase in the size of the garage. This different proposal implies a likely increased use of the garage and therefore increased impact on the neighbours.

The parish council objected to the original application on the basis that it is outside the village development "red line" and so would extend building into agricultural land.

The changes proposed would push the development further back and away from the existing line of buildings which already exist in the road.

Kate Webster
Clerk to Wyverstone Parish Council

On Tue, Aug 4, 2020 at 4:01 PM <planningyellow@baberghmidsuffolk.gov.uk> wrote:
Please find attached planning consultation request letter relating to planning application - DC/20/03244 - Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

Kind Regards

Planning Support Team

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of the addressee. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your email software. Opinions, conclusions and other information in this email that do not relate to the official business of Babergh District Council and/or Mid Suffolk District Council shall be understood as neither given nor endorsed by Babergh District Council and/or Mid Suffolk District Council.

Babergh District Council and Mid Suffolk District Council (BMSDC) will be Data Controllers of the information you are providing. As required by the Data Protection Act 2018 the information will be

From: SM-NE-Consultations (NE)
Sent: 09 June 2020 16:39
To: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>
Subject: DC/20/02022 Consultation Response

Dear Mahsa Kavyani,

Application ref: DC/20/02022
Our ref: 318991

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

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. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours sincerely,

Dominic Rogers
Consultations Team
Natural England

Your Ref:DC/20/03244
Our Ref: SCC/CON/3125/20
Date: 25 August 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



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

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Alex Scott

Dear Alex,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/03244

PROPOSAL: Application under Section 73 of The Town and Country Planning Act for Planning Permission DC/20/02022 for the variation of Condition 2 (Approved Plans and Documents)

LOCATION: Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

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

The proposed amendments would not have any impact on the highway network at this location. Therefore, SCC does not wish to raise an objection to DC/20/03244 under highway safety grounds.

Yours sincerely,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure

Your Ref:DC/20/02022
Our Ref: SCC/CON/2223/20
Date: 25 June 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



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

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Mahsa Kavyani

Dear Mahsa,

**TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION RETURN: DC/20/02022**

PROPOSAL: Full Planning Application - Erection of 1no. detached single storey dwelling, detached garage and creation of vehicular access

LOCATION: Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

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:

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 3m.

Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

Condition: Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway 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.

Condition: The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

Condition: The access driveway shall be constructed at a gradient not steeper than 1 in 8.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

Condition: Before the development is occupied details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

Condition: Before the development is occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway.

The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

Condition: Gates shall be set back a minimum distance of 5 metres from the edge

Reason: In the interests of road safety.

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 2255.03 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.

Condition: Before the access is first used visibility splays shall be provided as shown on Drawing No. 2255.01A with an X dimension of 2.4m and a Y dimension of 43m to the North and 90m to the South 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.

Note: 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: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure

Mid Suffolk District Council
Planning Department
Endeavour House
Russell Road
Ipswich
IP1 2BX

Fire Business Support Team
Floor 3, Block 2
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Your Ref:
Our Ref: FS/F311049
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 17/06/2020

Dear Sirs

Land south of Fox Hollow, The Street, Wyverstone IP14 4SJ
Planning Application No: DC/20/2022FUL

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 Service records show that the nearest fire hydrant in this location is over 120m from the proposed build site and we therefore recommend 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.

/continued

OFFICIAL

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

Water Officer

Suffolk Fire and Rescue Service

Copy: cassie@architectatwork.co.uk

Enc: Sprinkler information

From: Andy Rutson-Edwards
Sent: 11 June 2020 11:24
To: Mahsa Kavyani
Subject: DC/20/02022

Environmental Health - Land Contamination

APPLICATION FOR PLANNING PERMISSION - DC/20/02022

Proposal: Full Planning Application - Erection of 1no. detached single storey dwelling, detached

garage and creation of vehicular access

Location: Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

- 1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.*
- 2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.*
- 3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.*
- 4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.*
- 5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.*
- 6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.*
- 7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.*
- 8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge*

Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. *Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.*
10. *A photographic record will be made of relevant observations.*
11. *The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: • re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or • treatment of material on site to meet compliance targets so it can be re-used; or • removal from site to a suitably licensed landfill or permitted treatment facility.*
12. *A Verification Report will be produced for the work.*

Andy

Andy Rutson-Edwards, MCIEH AMIOA

Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together



25 June 2020

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

By email only

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

Application: DC/20/02022
Location: Land South Of Fox Hollow The Street Wyverstone Stowmarket Suffolk IP14 4SJ
Proposal: Full Planning Application - Erection of 1no. detached single storey dwelling, detached garage and creation of vehicular access

Dear Mahsa,

Thank you for consulting Place Services on the above application.

No objection subject to securing ecological mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal Report (Practical Ecology Ltd, May 2020), provided by the applicant, relating to the likely impacts of development on designated sites, protected and Priority Species & Habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites, Protected and Priority Species & Habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Therefore, we are also satisfied that a further population survey for Great Crested Newts is not required for this scheme, as the site meets the criteria for the Low Impact Class License (LICL) (WMLCL33). Therefore, the LPA will have certainty of likely impacts for this European Protected Species, subject to the site being registered under a LICL prior to works commencing.

As a result, the mitigation measures identified in the Preliminary Ecological Appraisal Report (Practical Ecology Ltd, May 2020) should be secured and implemented in full. This is necessary to conserve Protected and Priority Species.



We also recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats in line with the recommendations provided by the applicant's ecologist.

In addition, It is highlighted that we are satisfied with the proposed biodiversity enhancements measures proposed. Therefore, the biodiversity enhancement measures should be secured to deliver measurable net gains for biodiversity, as outlined under Paragraph 170[d] / 175[d] of the National Planning Policy Framework 2019. This should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

However, we note that a small amount of Hedgerow '1' will be removed to facilitate the access of the site. This hedgerow will qualify as a Priority Habitat and therefore appropriate compensation will need to be delivered to ensure that the LPA meets its biodiversity duty under s40 of the NERC Act 2006. However, we have reviewed the proposed soft landscaping within the site plan for this scheme and consider this sufficient to offset impacts of the hedgerow being removed. Consequently, further details of the native species planting should be outlined in the proposed Biodiversity Enhancement Strategy.

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

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

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

Recommended conditions

1. PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR GREAT CRESTED NEWTS

"The following works shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or*
- b) a method statement supplied by an individual registered to use a Low Impact Class License (LICL) for GCN; or*
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."*

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife



& Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

2. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal Report (Practical Ecology Ltd, May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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

3. PRIOR TO COMMENCEMENT: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for Protected and Priority Species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

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

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

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

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no



circumstances should any other external lighting be installed without prior consent from the local planning authority.”

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

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
Ecological Consultant
placeservicesecology@essex.gov.uk

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

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

-----Original Message-----

From: David Pizzey <David.Pizzey@baberghmidsuffolk.gov.uk>

Sent: 05 June 2020 15:36

To: Mahsa Kavyani <Mahsa.Kavyani@baberghmidsuffolk.gov.uk>

Cc: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>

Subject: DC/20/02022 Land South Of Fox Hollow, The Street, Wyverstone

Hi Mahsa

I have no objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. Although a small number of trees are proposed for removal they are generally of limited amenity value and/or poor condition and are not of sufficient arboricultural or landscape importance to warrant being a constraint. If you are minded to recommend approval we will also require a detailed Arboricultural Method Statement and dedicated Tree Protection Plan in order to help ensure harm is not caused to retained trees, this can be dealt with under condition.

Please let me know if you require any further input.

Regards

David

David Pizzey FARborA
Arboricultural Officer

Tel: 01449 724555

david.pizzey@baberghmidsuffolk.gov.uk

www.babergh.gov.uk and www.midsuffolk.gov.uk Babergh and Mid Suffolk District Councils –
Working Together

-----Original Message-----

From: planningyellow@baberghmidsuffolk.gov.uk <planningyellow@baberghmidsuffolk.gov.uk>

Sent: 04 June 2020 14:12

To: David Pizzey <David.Pizzey@baberghmidsuffolk.gov.uk>

Subject: MSDC Planning Consultation Request - DC/20/02022

Please find attached planning consultation request letter relating to planning application -
DC/20/02022 - Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

Kind Regards

Planning Support Team

Emails sent to and from this organisation will be monitored in accordance with the law to ensure compliance with policies and to minimize any security risks. The information contained in this email or any of its attachments may be privileged or confidential and is intended for the exclusive use of

MEMBER REFERRAL TO COMMITTEE

See Planning Charter for principles. Paragraph references below link to Planning Charter.

| | |
|--|---|
| Planning application reference | DC/20/03244 |
| Parish | Wyverstone |
| Member making request | Andrew Mellen, member for Bacton ward. |
| 13.3 Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance | <p>This is an application under Section 73 of the Town and Country Planning Act for a variation of condition 2 of the previously approved DC/20/02022.</p> <p>The application seeks to move the building within the plot back from the road, and whilst this may seem to be a minor change, it is a substantial alteration to the character of the development and significantly increases the impact on neighbouring properties. It also pushes development further back into the agricultural land behind the line of development on the road frontage and therefore extends the village envelope.</p> <p>Further to this, the variation seeks to make changes to the usage of the garage block which have not been clearly detailed in the application</p> |
| 13.4 Please detail the clear and substantial planning reasons for requesting a referral | <p>Wyverstone is designated as Countryside under the Mid-Suffolk Core strategy CS1, prohibiting development, although the NPPF presumption in favour of sustainable development (together with other policies being out of date) has resulted in a number of individual permissions being granted in the village. This site however is particularly significant as it increases development into a parcel of currently agricultural land, opening up a “new front” for development in the village. Whilst the previously granted application DC/20/02022 was surprisingly and disappointingly granted, this proposed variation is a further encroachment into the farmland around the village and disrupts the rural character of the area.</p> |
| 13.5 Please detail the wider District and public interest in the application | <p>This application has received objections from neighbours and Wyverstone Parish Council.</p> |
| 13.6 If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development | |

| | |
|--|---|
| 13.7 Please confirm what steps you have taken to discuss a referral to committee with the case officer | E-mail discussion with planning officer Alex Scott. |
|--|---|

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION

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

Correspondence Address:
John Stebbing Architects Ltd
Unit 2B
Barton Road Trading Estate
Barton Road
Bury St Edmunds
IP32 7BE
United Kingdom

Applicant:
Mr & Mrs J Prior
C/o Agent

Date Application Received: 26-May-20
Date Registered: 03-Jun-20

Application Reference: DC/20/02022

Proposal & Location of Development:

Full Planning Application - Erection of 1no. detached single storey dwelling, detached garage and creation of vehicular access

Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2255.OSA received 03/06/2020 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Application Form - Received 03/06/2020
Highway Access Plan 2255.01A - Received 26/05/2020
Proposed Plans and Elevations 2255.02A - Received 26/05/2020
Proposed Site Plan 2255.03 - Received 26/05/2020
Defined Red Line Plan 2255.OSA - Received 03/06/2020
Design and Access Statement - Received 26/05/2020
Proposed Plans and Elevations 2255.04 - Received 03/06/2020

Section B:

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

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

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

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

3. PRIOR TO FIRST USE OF ACCESS CONDITION

Prior to first use of access to the site, the hereby approved vehicular access shall be improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 3m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

4. PRIOR TO FIRST OCCUPATION CONDITION

Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway 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.

5. SPECIFIC RESTRICTION ON DEVELOPMENT: HIGHWAYS: SAFETY

The gradient of the approved vehicular access and associated access drive shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

6. SPECIFIC RESTRICTION ON DEVELOPMENT: HIGHWAYS: SAFETY

The gradient of the approved access drive shall be constructed at a gradient not steeper than 1 in 8 for its entire length

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

7. PRIOR TO OCCUPATION CONDITION

Before the dwelling is occupied details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

8. PRIOR TO OCCUPATION CONDITION

Before the development is first occupied, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway.

The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

9. ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - REMOVAL OF PD RIGHTS

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates within a minimum distance of five metres from the edge of the carriageway. Should any gates be erected on site, these shall only open into the site and not over any area of the highway or the minimum distance stated.

Reason - In the interests of road safety

10. SPECIFIC RESTRICTION ON DEVELOPMENT: AVOIDANCE OF CUMULATIVE PERMISSIONS

This permission shall be operated only as an alternative to and not at the same time as planning permission DC/19/03846

Reason - In order to avoid cumulative development that would be detrimental to amenity and contrary to policy.

11. PRIOR TO ANY WORK NEAR PROTECTED TREES CONDITION

Prior to any work within root protection zone (RPZ) of the trees subject to TPO, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The requested Arboricultural Method Statement shall be completed in accordance with the current British Standard 5837, and all identified tree work must be carried out in accordance with the current British Standard 3998.

Reason - In the interests of good arboriculture and avoidance of detrimental impact on the tree/s.

12. REMOVAL OF PD RIGHTS: ACCESS

The hereby approved access shall only serve the residential unit hereby approved and associated garage and no other unit and/or purposes/use as shown on approved drawing no. 2255.03.

Reason - In order to avoid cumulative development that would be detrimental to amenity and contrary to policy.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
GP01 - Design and layout of development
SB02 - Development appropriate to its setting
H03 - Housing development in villages
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
T09 - Parking Standards
T10 - Highway Considerations in Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC01 - Presumption In Favour Of Sustainable Development

NOTES:

1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area.

While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

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: 03456066171. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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.

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

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

This relates to document reference: DC/20/02022

Signed: Philip Isbell

Dated: 2nd July 2020

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

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

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

Discharging your obligations under a condition:

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

Building Control:

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

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

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

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

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

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

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

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Mahsa Kavyani
CASE REFERENCE: DC/20/02022

The Openness of Local Government Bodies Regulations 2014

The new national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Full Planning Application - Erection of 1no. detached single storey dwelling, detached garage and creation of vehicular access

LOCATION: Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

PARISH: Wyverstone.

WARD: Bacton.

APPLICANT: Mr & Mrs J Prior

ENVIRONMENTAL IMPACT ASSESSMENT:

SITE NOTICE DATE:

PRESS DATE: Contrary to Development Plan, Affects Setting Listed Building,

BACKGROUND DOCUMENTS

This decision refers to drawing number 2255.OSA received 03/06/2020 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Application Form - Received 03/06/2020

Highway Access Plan 2255.01A - Received 26/05/2020

Proposed Plans and Elevations 2255.02A - Received 26/05/2020

Proposed Site Plan 2255.03 - Received 26/05/2020

Defined Red Line Plan 2255.OSA - Received 03/06/2020

Design and Access Statement - Received 26/05/2020

Proposed Plans and Elevations 2255.04 - Received 03/06/2020

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk or www.midsuffolk.gov.uk.

SUMMARY OF CONSULTATIONS

SCC - Fire & Rescue

No objections

Not Required

Triage

No comments will be provided by the Heritage Team - proposals are not considered to result in sufficient impact to warrant Heritage involvement.

THPI

Environmental Health - Land Contamination

No objections

SCC - Highways

No objections subject to conditions

Wyverstone Parish Clerk

No comments

SCC - Archaeological Service

No comments

Ecology - Place Services

No objections

Natural England

No comments

SUMMARY OF REPRESENTATIONS

None

PLANNING POLICIES

NPPF - National Planning Policy Framework

GP01 - Design and layout of development

SB02 - Development appropriate to its setting

H03 - Housing development in villages

H13 - Design and layout of housing development

H15 - Development to reflect local characteristics

H16 - Protecting existing residential amenity

T09 - Parking Standards

T10 - Highway Considerations in Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

FC01 - Presumption In Favour Of Sustainable Development

PLANNING HISTORY

DC/19/03846 Outline Planning Application (access to be considered) - Erection of 1 No. detached dwelling.

Granted
04/10/2019

ASSESSMENT

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

Details of Amended Plans and Negotiations

The application was not subject to receipt of amended plans or other additional documents during the course of determination.

Proposal

Planning permission is sought for the "Erection of 1no. detached single storey dwelling, detached garage and creation of vehicular access".

Site History

Outline planning permission was granted under DC/19/03846, and access was approved, with all other matters reserved.

Principle of the Development

The principle of the development for residential use was established under Outline DC/19/03846. This forms a significant material consideration for the purpose of assessment of the current submission.

The principle of the development is acceptable, other material considerations are discussed below.

Site and Surroundings

The application site is located to the east of Wyverstone Street abutting the existing Settlement Boundary of Wyverstone Street, and existing dwellings fronting both Wyverstone Street and Rectory Road, to the north.

The site comprises part of an existing agricultural field, with an existing agricultural building laying on land adjacent to the south.

The site benefits from an existing field access to Wyverstone Street, with grassed verges providing existing visibility splays. The site access does not lie specifically within the Village 30mph speed limit, however this does lie adjacent to the north.

A belt of TPO Trees fronts Wyverstone Street, to the south of the existing access, along the site frontage.

The site affects the setting of a listed building (Lodge Farmhouse - Grade II), located approximately 80 metres to the north-east.

Design and Layout

There is no set pattern to development to adhere to in this part of locality, however low rise and chalet type bungalows can be observed.

The proposal would see the erection of a bungalow and associated garage. The proposal in its entirety is considered acceptable. Design, scale, and orientation is harmonious in this locality.

The proposed external materials are also in keeping with the area.

Landscape Impacts

There will be some landscape impacts, however this was not identified as detrimental to character of the locality.

Highway Safety (Parking, Access, Layout)

No significant issues to warrant refusal of the application, SCC highways were consulted and have raised no objections to the proposal subject to conditions.

Residential Amenity

Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.

It is considered that the proposal would not give rise to any concerns with regards to loss of neighbour amenity by reasons of scale, style, orientation, and reasonable separation to nearest neighbours.

Ecology

Our Ecologists have advised that they raise no objections to the development but have suggested conditions.

Environmental Health - Contamination & Noise/Odour/Light/Smoke

Environmental Health have advised that they raise no objections to the development.

Trees and Landscaping

Arboricultural officer were consulted and although they have not raised any objections to the proposal, conditions have been recommended.

Archaeology

Our Archaeologists have advised that they raise no objections to the development but have suggested conditions.

Other matters

No other significant matter which would alter the outcome of the application.

CONCLUSION

The proposed development is not considered to result in any significant adverse impact on highways safety, residential amenity, heritage assets, the environment or biodiversity interests to warrant refusal. Recommendation is to grant permission.

RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and well being of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:

Granted

CONDITIONS OR REASONS

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

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

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

3. PRIOR TO FIRST USE OF ACCESS CONDITION

Prior to first use of access to the site, the hereby approved vehicular access shall be improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 3m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

4. PRIOR TO FIRST OCCUPATION CONDITION

Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway 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.

5. SPECIFIC RESTRICTION ON DEVELOPMENT: HIGHWAYS: SAFETY

The gradient of the approved vehicular access and associated access drive shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

6. SPECIFIC RESTRICTION ON DEVELOPMENT: HIGHWAYS: SAFETY

The gradient of the approved access drive shall be constructed at a gradient not steeper than 1 in 8 for its entire length

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

7. PRIOR TO OCCUPATION CONDITION

Before the development is occupied details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

8. PRIOR TO OCCUPATION

Before the development is occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway.

The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

9. ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - REMOVAL OF PD RIGHTS

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates within a minimum distance of five metres from the edge of the carriageway. Should any gates be erected on site, these shall only open into the site and not over any area of the highway or the minimum distance stated.

Reason - In the interests of road safety

10. PRIOR TO USE CONDITION

The use shall not commence until the area(s) within the site shown on Drawing No. 2255.03 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.

11. PRIOR TO FIRST USE OF ACCESS

Before the access is first used visibility splays shall be provided as shown on Drawing No. 2255.01A with an X dimension of 2.4m and a Y dimension of 43m to the North and 90m to the South 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 - In the interests of road safety

12. SPECIFIC RESTRICTION ON DEVELOPMENT: AVOIDANCE OF CUMULATIVE PERMISSIONS

This permission shall be operated only as an alternative to and not at the same time as planning permission DC/19/03846

Reason - In order to avoid cumulative development that would be detrimental to amenity and contrary to policy.

13. PRIOR TO ANY WORK NEAR PROTECTED TREES CONDITION

Prior to any work within root protection zone (RPZ) of the trees subject to TPO, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The requested Arboricultural Method Statement shall be completed in accordance with the current British Standard 5837, and all identified tree work must be carried out in accordance with the current British Standard 3998.

Reason - In the interests of good arboriculture and avoidance of detrimental impact on the tree/s.

14. REMOVAL OF PD RIGHTS: ACCESS

The hereby approved access shall only serve the residential unit and associated garage and no other purposes. In accordance with approved drawing no. 2255.03.

Reason - In order to avoid cumulative development that would be detrimental to amenity and contrary to policy.

15. SPECIFIC RESTRICTION ON DEVELOPMENT: AVOIDANCE OF CUMULATIVE PERMISSIONS

This permission shall be operated only as an alternative to and not at the same time as planning permission DC/19/03846

Reason - In order to avoid cumulative development that would be detrimental to amenity and contrary to policy.

NOTES

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development,

achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

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.

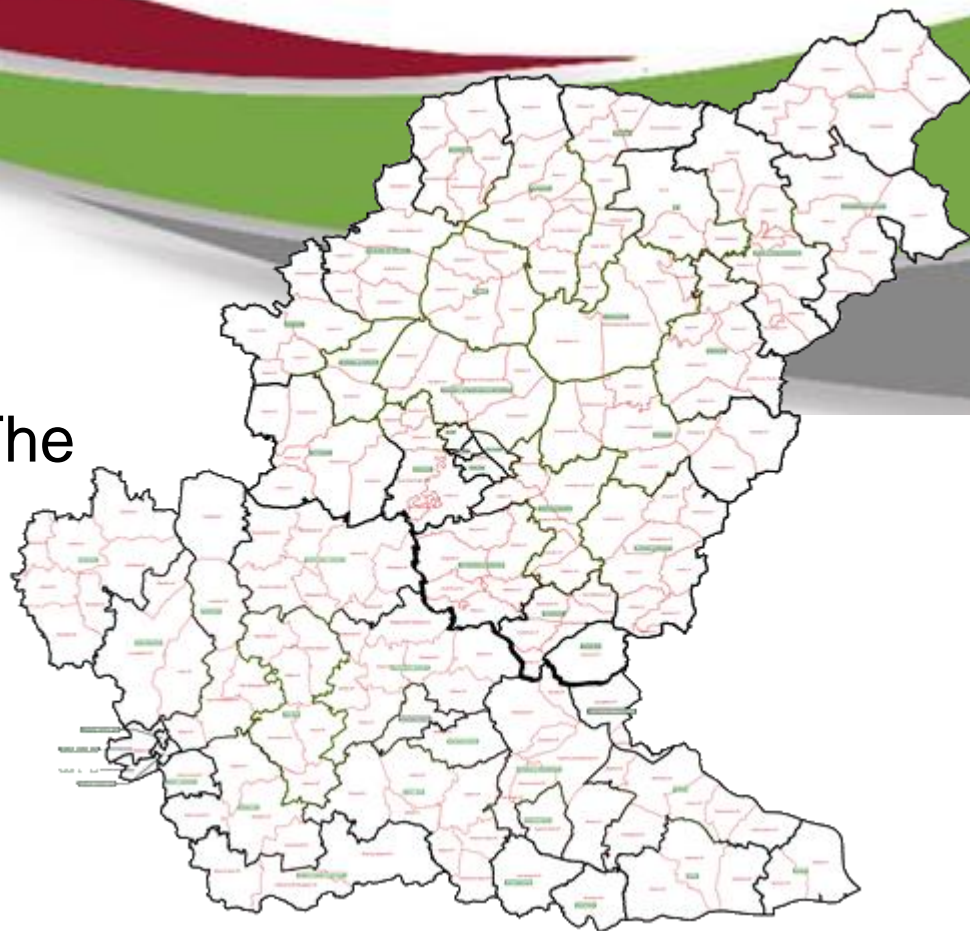
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's Central Area Manager must be contacted on Telephone: 03456066171. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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.

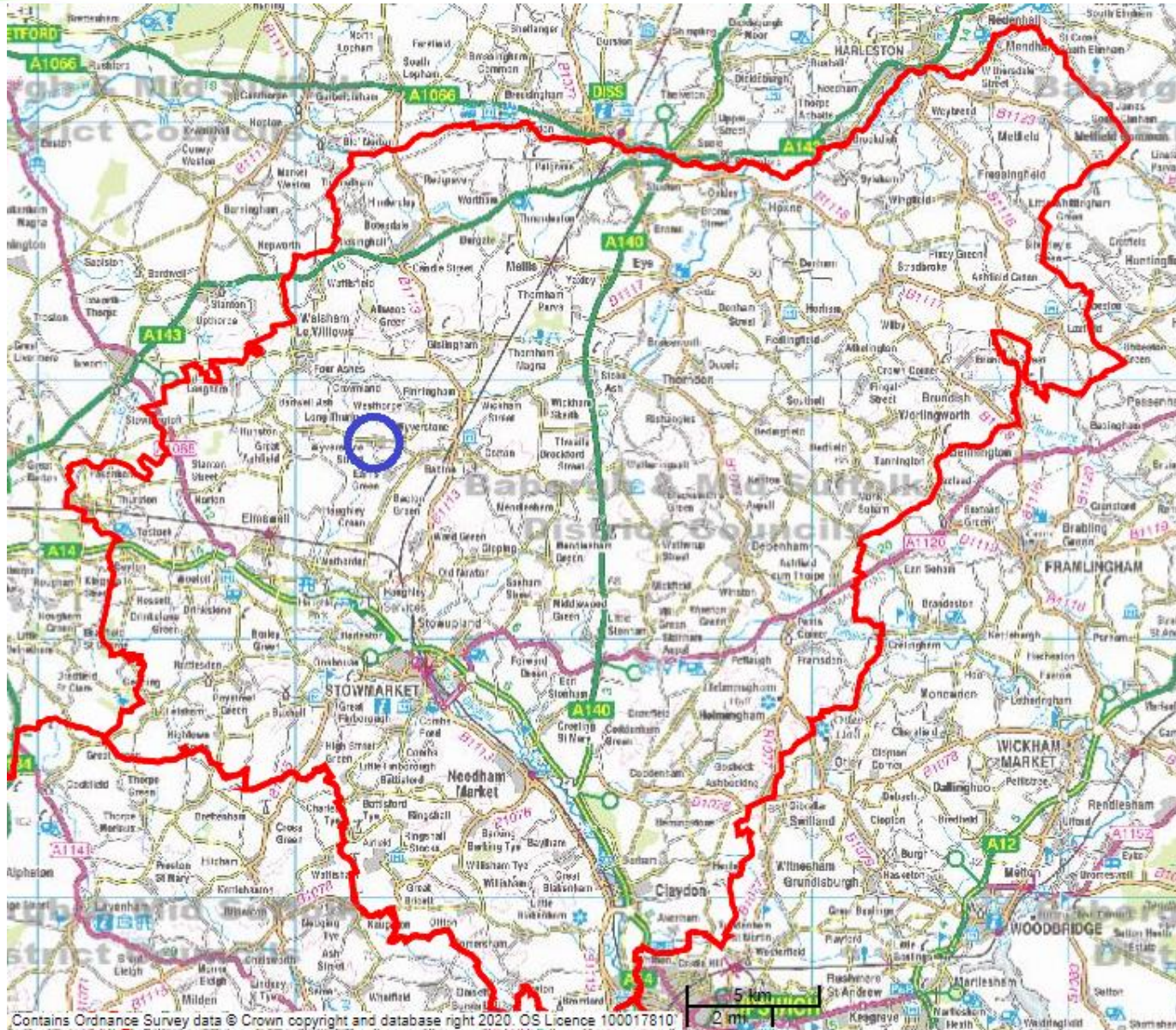
| | |
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| Case Officer Signature: Mahsa Kavyani | |
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Application No:
DC/20/03244

Address:
Land South of Fox Hollow, The
Street, Wyverstone



Site Location

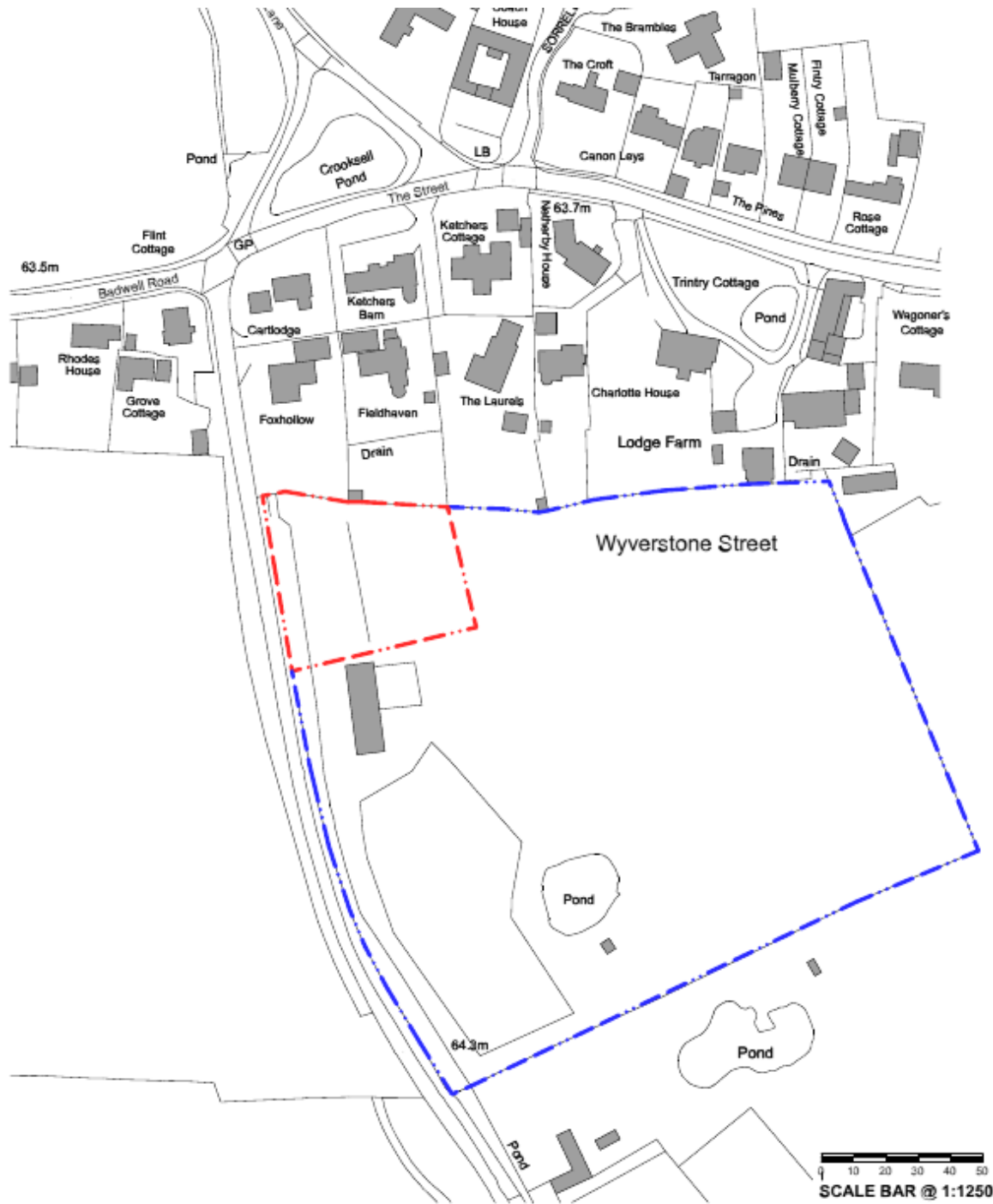


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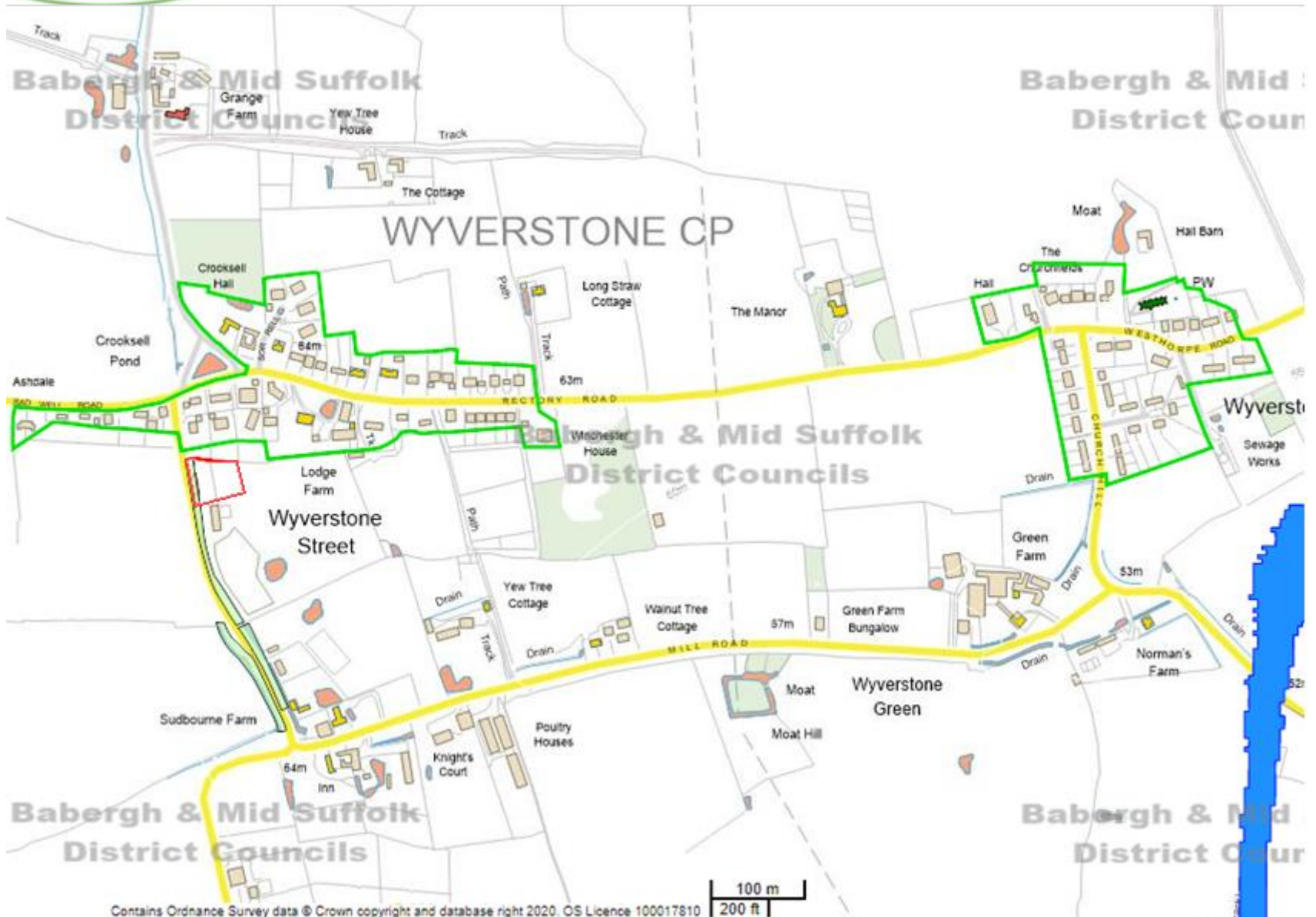
Site Location Plan

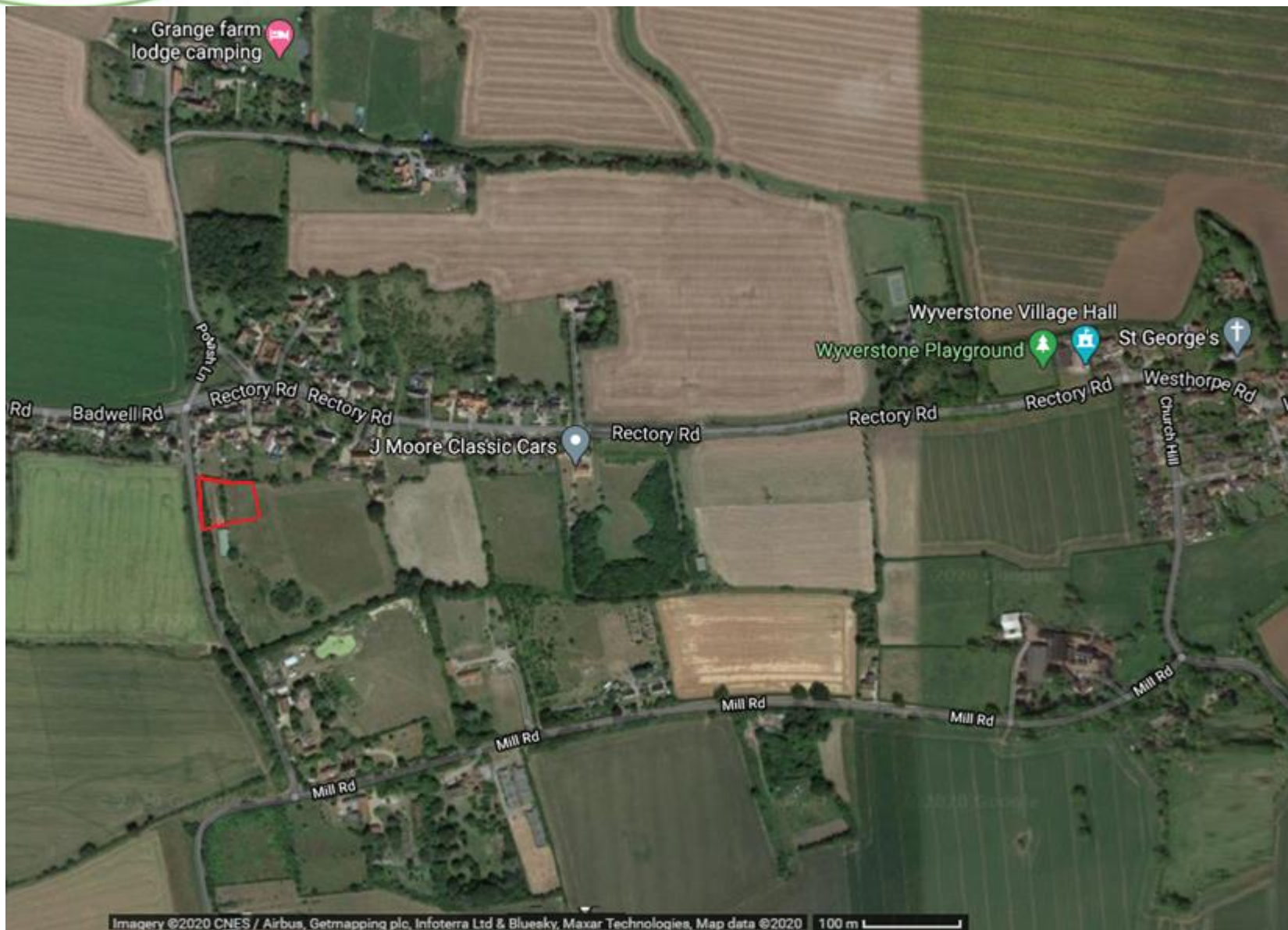


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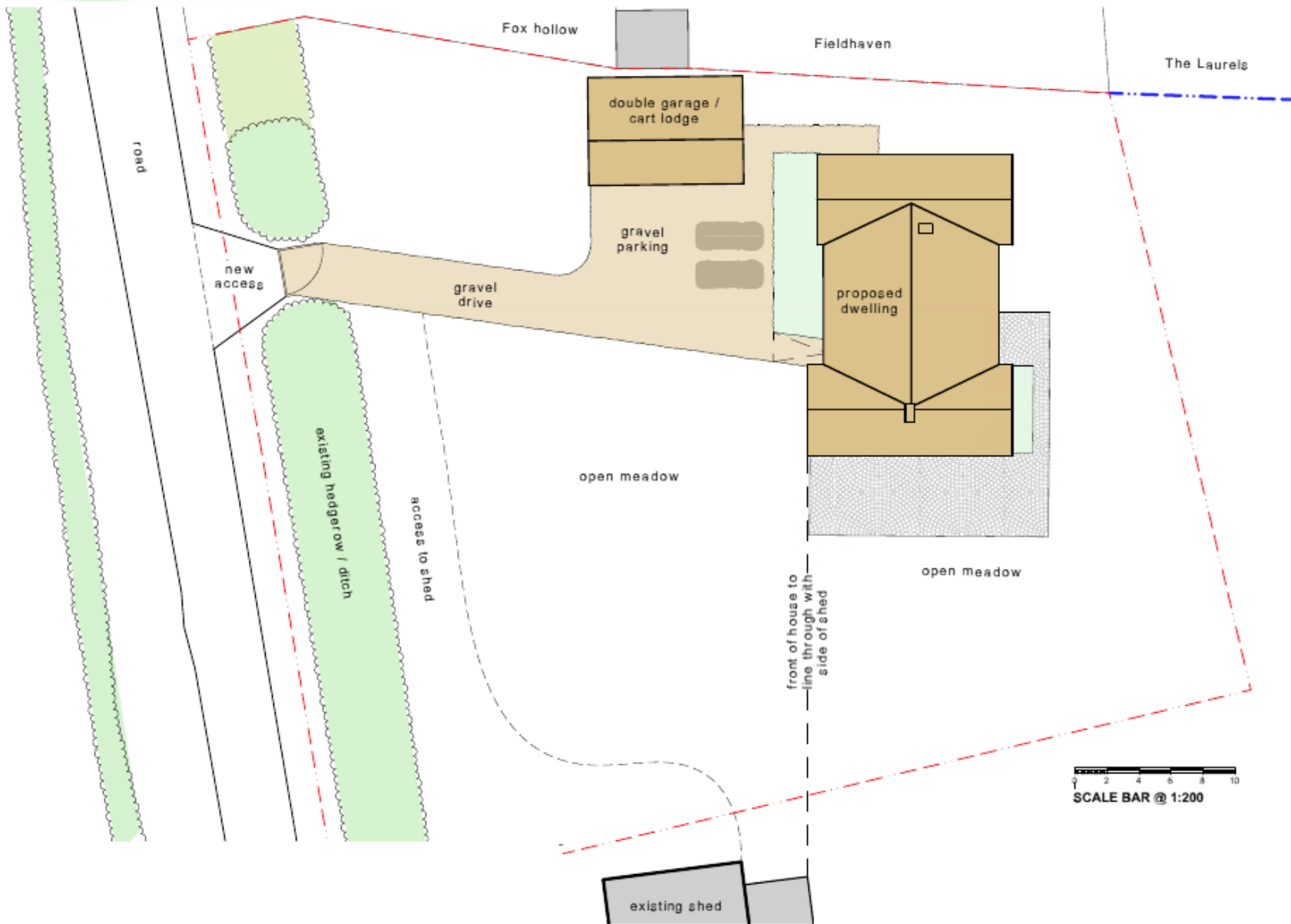
Constraints Map

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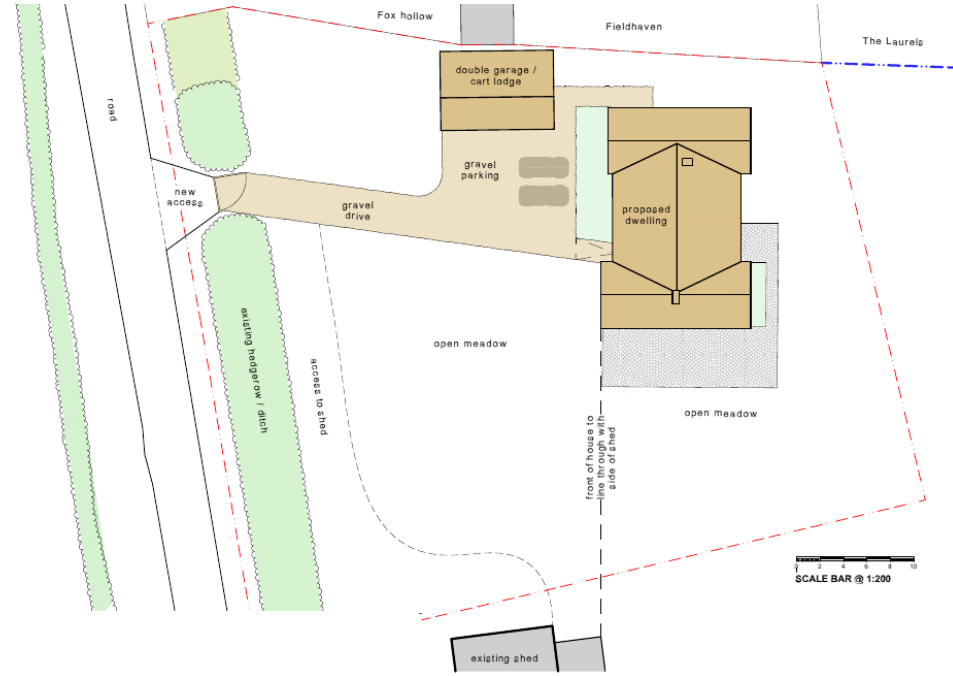
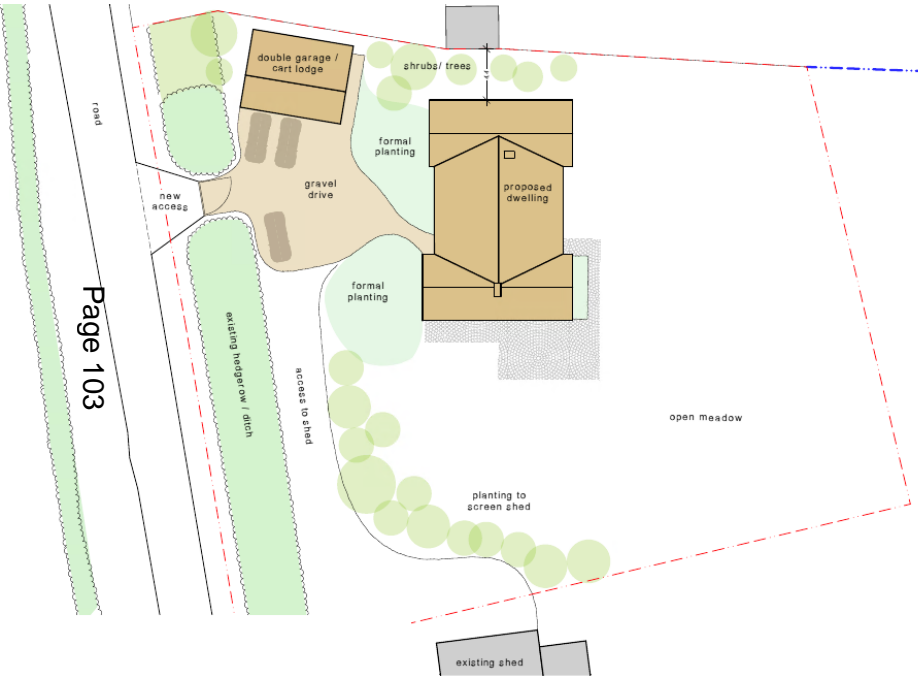


Site Layout Plan - Proposed



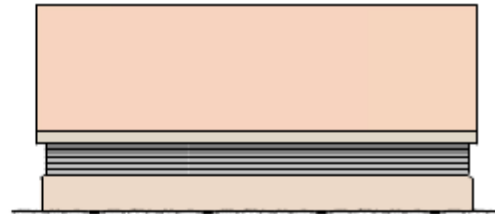
Site Layout Approved - Proposed

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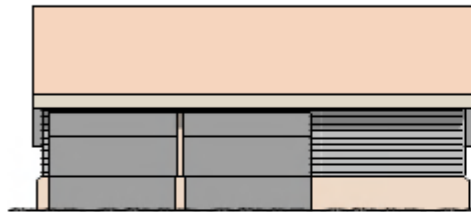


Proposed Garage

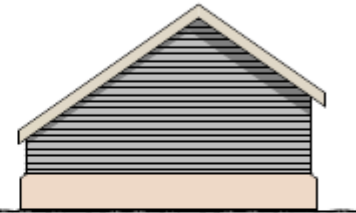
SCALE BAR @ 1:100



north elevation



south elevation

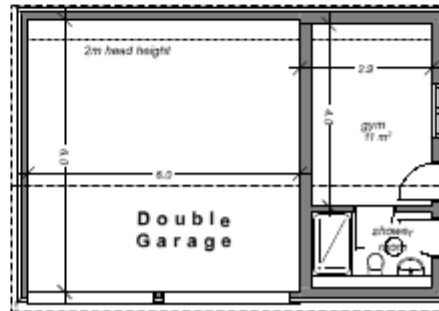


west elevation



east elevation

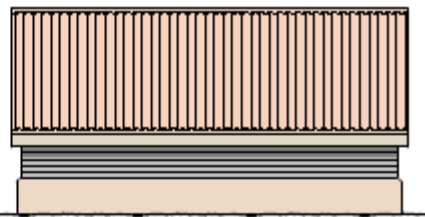
- materials palette:**
- roof = terracotta plain tiles
 - walls = seasoned featheredge timber boarding
 - plinth = soft red brick



floor plan

Approved Garage - Proposed Garage

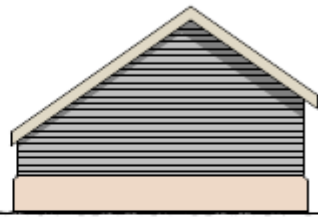
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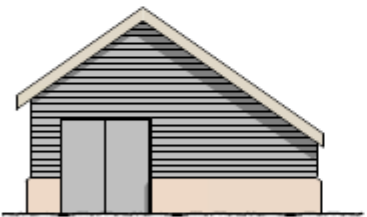
north elevation



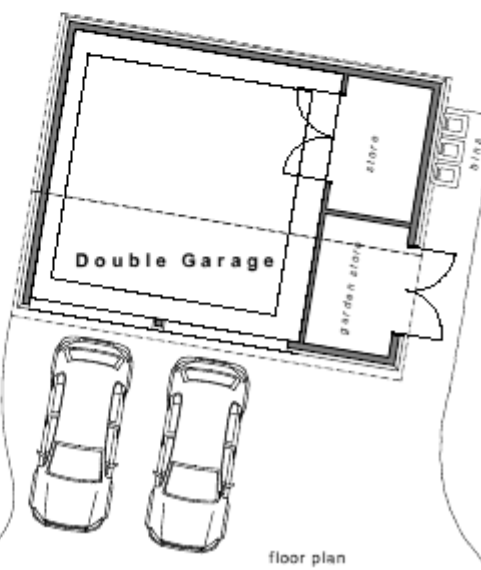
south elevation



west elevation

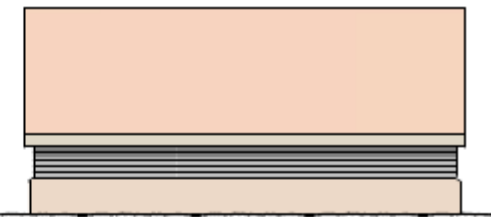


east elevation

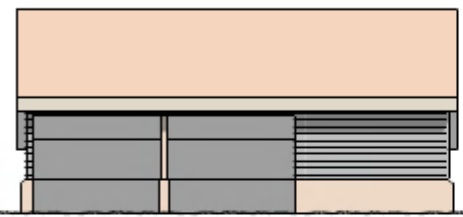


floor plan

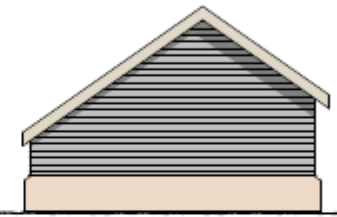
- materials palette:**
- roof = terracotta plain tiles
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 - plinth = soft red brick



north elevation



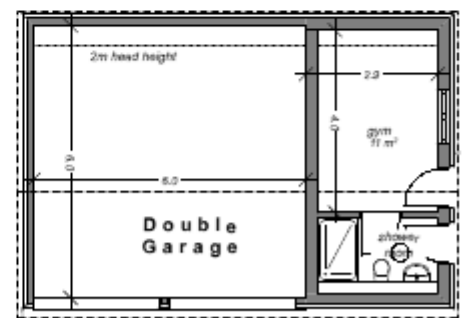
south elevation



west elevation



east elevation



floor plan

- materials palette:**
- roof = terracotta plain tiles
 - walls = seasoned featheredge timber boarding
 - plinth = soft red brick

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