

# Public Document Pack



<b>COMMITTEE:</b>	<b>DEVELOPMENT CONTROL COMMITTEE B</b>
<b>DATE:</b>	<b>WEDNESDAY, 28 APRIL 2021 9.30 AM</b>
<b>VENUE:</b>	<b>VIRTUAL TEAMS VIDEO MEETING</b>

<b>Councillors</b>	
<u>Conservative and Independent Group</u> James Caston Peter Gould Kathie Guthrie (Chair) Barry Humphreys (Vice-Chair)	<u>Green and Liberal Democrat Group</u> Andrew Mellen Andrew Stringer Rowland Warboys

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 in person 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 **SA/20/15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 31 MARCH 2021**
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

7	<b>SA/20/16 SCHEDULE OF PLANNING APPLICATIONS</b>	7 - 12
	<i>Note: The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public.</i>	
a	<b>DC/21/00946 LAND SOUTH EAST OF, GIPPING ROAD, STOWUPLAND, STOWMARKET, SUFFOLK, IP14 4AX</b>	13 - 122
b	<b>DC/20/01697 BARLEY BRIGG FARM, LAXFIELD ROAD, STRADBROKE, EYE, SUFFOLK, IP21 5NQ</b>	123 - 170
c	<b>DC/20/03328 LAND AT, NETTLESTEAD ROAD, BAYLHAM</b>	171 - 228
d	<b>DC/20/05572 THE BUNGALOW, CHURCH ROAD, BACTON, STOWMARKET, SUFFOLK, IP14 4LJ</b>	229 - 268

8 **SITE INSPECTION**

*Note: Should a site inspection be required for any of the applications this will be decided at the meeting.*

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

**Notes:**

1. The Council has adopted a Charter on Public Speaking at Planning Committee. A link to the Charter is provided below:

[Charter on Public Speaking at Planning Committee](#)

[Temporary Amendments to the Constitution](#)

Those persons wishing to speak on a particular application must contact the Governance Officer on the details below at least 1 working day prior to the meeting to receive details on how to join the meeting.

They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

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

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

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

### **Date and Time of next meeting**

Please note that the next meeting is scheduled for Wednesday, 9 June 2021 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](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@baberghmidsuffolk.gov.uk](mailto:committees@baberghmidsuffolk.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.

### **Domestic Arrangements:**

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

### **Evacuating the building in an emergency: Information for Visitors:**

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
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

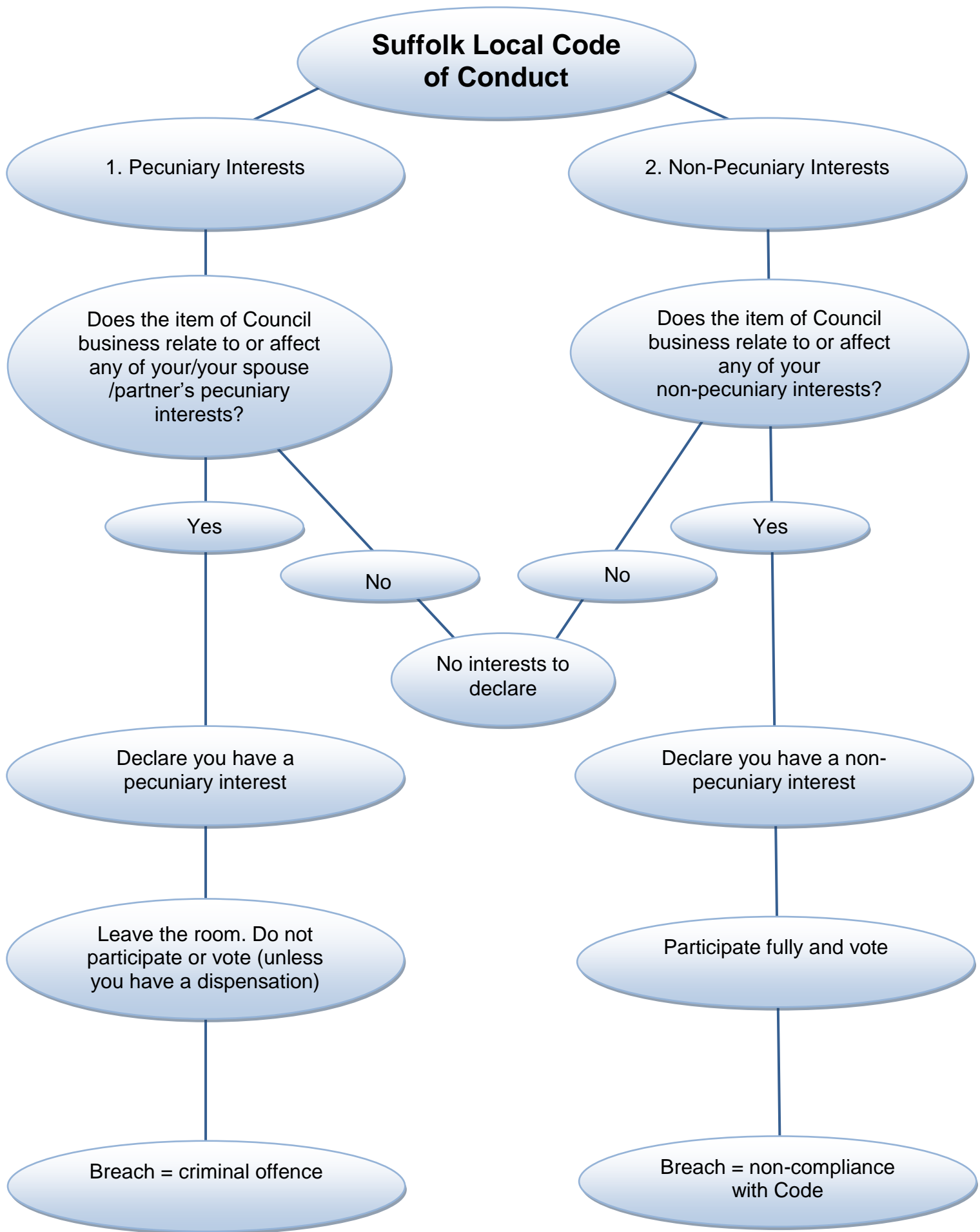
**Housing Delivery** – More of the right type of homes, of the right tenure in the right place

**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 7

## MID SUFFOLK DISTRICT COUNCIL

### DEVELOPMENT CONTROL COMMITTEE B

28 April 2021

#### INDEX TO SCHEDULED ITEMS

<b><u>ITEM</u></b>	<b><u>REF. NO</u></b>	<b><u>SITE LOCATION</u></b>	<b><u>MEMBER/WARD</u></b>	<b><u>PRESENTING OFFICER</u></b>	<b><u>PAGE NO</u></b>
7A	DC/21/00946	Land South East of, Gipping Road, Stowupland, Stowmarket, Suffolk, IP14 4AX	Cllr Keith Welham & Cllr Rachel Eburne / Haughley, Stowupland and Wetherden	Vincent Pearce	13-122
7B	DC/20/01697	Barley Brigg Farm, Laxfield Road, Stradbroke, Eye Suffolk, IP21 5NQ	Cllr Julie Flatman / Stradbroke and Laxfield	Daniel Cameron	123-170
7C	DC/20/03328	Land at, Nettlestead Road, Baylham	Cllr Mike Norris & Cllr Stephen Philips / Needham Market	Daniel Cameron	171-228
7D	DC/20/05572	The Bungalow, Church Road, Bacton, Stowmarket, Suffolk, IP14 4LJ	Cllr Andrew Mellen / Bacton	Daniel Cameron	229-268

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## **Important information that forms consideration for all applications being considered by this committee.**

To avoid duplicate information being repeated in each report this information is centralised here.

### **Plans and Documents**

The application, plans and documents submitted by the Applicant for all applications presented to committee can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or [www.babergh.gov.uk](http://www.babergh.gov.uk) leading to the joint web site for the Councils.

### **Policies and Planning Consideration**

All applications have been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Detailed assessment of policies in relation to the recommendation and issues highlighted in each case will be carried out within the assessments attached. 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 each case are set out. 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 in the minutes for the meeting.

### **Note on National Planning Policy Framework 2019 (NPPF)**

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

The National Planning Policy Framework (NPPF) *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

The NPPF also provides (para 38) that *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

### **Note on Community Infrastructure Levy Regulations (CIL)**

The Community Infrastructure Levy (CIL) is a fixed rate payment that councils can charge on new buildings in their area to off-set the impacts of additional homes and businesses on facilities such as roads, schools, open space and health centres (infrastructure) and to enable sustainable growth. Self Build and affordable housing are exempt from CIL. Section 106 legal agreements will be used alongside CIL to secure on-site infrastructure and obligations that are not infrastructure, such as affordable housing, when identified and recommended to fulfil the tests under the CIL Regulations.

## **Note on Obligations and Conditions**

NPPF Paragraph 54 states *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*

For each recommendation, in accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured shall only be recommended for consideration when considered necessary to make the Development acceptable in planning terms, directly related to the Development and fairly and reasonably relate in scale and kind to the Development.

For each recommendation, in accordance with the NPPF Paragraph 55 the conditions recommended to be secured shall only be recommended when considered necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The NPPF also provides planning conditions should be kept to a minimum.

## **Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

Under Section 155 of the Housing and Planning Act 2016 it states, *“A local planning authority in England must make arrangements to ensure that the required financial benefits information is included in each report which is made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission”.*

Financial benefits for new housing, businesses or extensions are generally as follows and are not considered to be material to the applications being determined: -

- Council Tax
- New Home Bonus
- Business Rates

Any further material or non-material benefits in addition to those listed above shall be specifically reported to members, including any interests on land owned by the Council. Community Infrastructure Levy and Section 106 obligations that may include financial benefit or adoption of land to the Council may also be sought and are considered to be material.

## **Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.**

When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain whether, and if so how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. This shall be detailed within the officer report and/or shall be detailed on any decision issued as necessary.

## **Note on Photos/Video Footage and other media**

All sites are visited by the planning officer as part of their assessment. Officers will take photographs/video of the site for the purpose of explaining features of the site and providing context for members consideration of the proposal. These images are taken at random times and during normal working hours in accordance with the Council's lone working requirements. Photographs/Video are helpful, but it is accepted that they have limitations that may include showing appropriate scale, understanding levels and are on a snapshot in time of the local circumstances.

## 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](mailto: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](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 No:**

**Reference:** DC/21/00946

**Case Officer:** Vincent Pearce

**Ward:** Haughley, Stowupland & Wetherden.

**Ward Member/s:** Cllr Keith Welham. Cllr Rachel Eburne.

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## **RECOMMENDATION**

**APPROVE** Reserved Matters and conditions 8, 9, 10, 11, 12, 13, 14 & 15 - with conditions.

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## Description of Development

Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works.

*Members are advised that the conditions referred to relate to:*

*Condition 8: surface water drainage scheme*

*Condition 9: landscape and ecology management plan*

*Condition 10: breeding bird survey*

*Condition 11: biodiversity enhancement strategy*

*Condition 12: tree protection*

*Condition 13: loading/ unloading, manoeuvring and parking of vehicles and secure cycle storage*

*Condition 14: refuse storage*

*Condition 15: means of enclosure*

## Location

Land South East of, Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

**Expiry Date:** 20/05/2021

**Application Type:** RES - Reserved Matters

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Bloor Homes (Eastern)

**Agent:** Ms Nicky Parsons

**Parish:** Stowupland

**Site Area:** 5.59ha

**Density of Development:**

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Gross Density (Total Site): 14.3 dph

Net Density (Developed Site, excluding open space and SuDs): 2.29ha = 34.9dph

Open space: 3.3ha [incl. Thradstone's Meadow] = 59%

**Details of Previous Committee / Resolutions and any member site visit:**

None in respect of DC/21/00946

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

**Has the application been subject to Pre-Application Advice:**

Yes: Planning Performance Agreement [PPA]

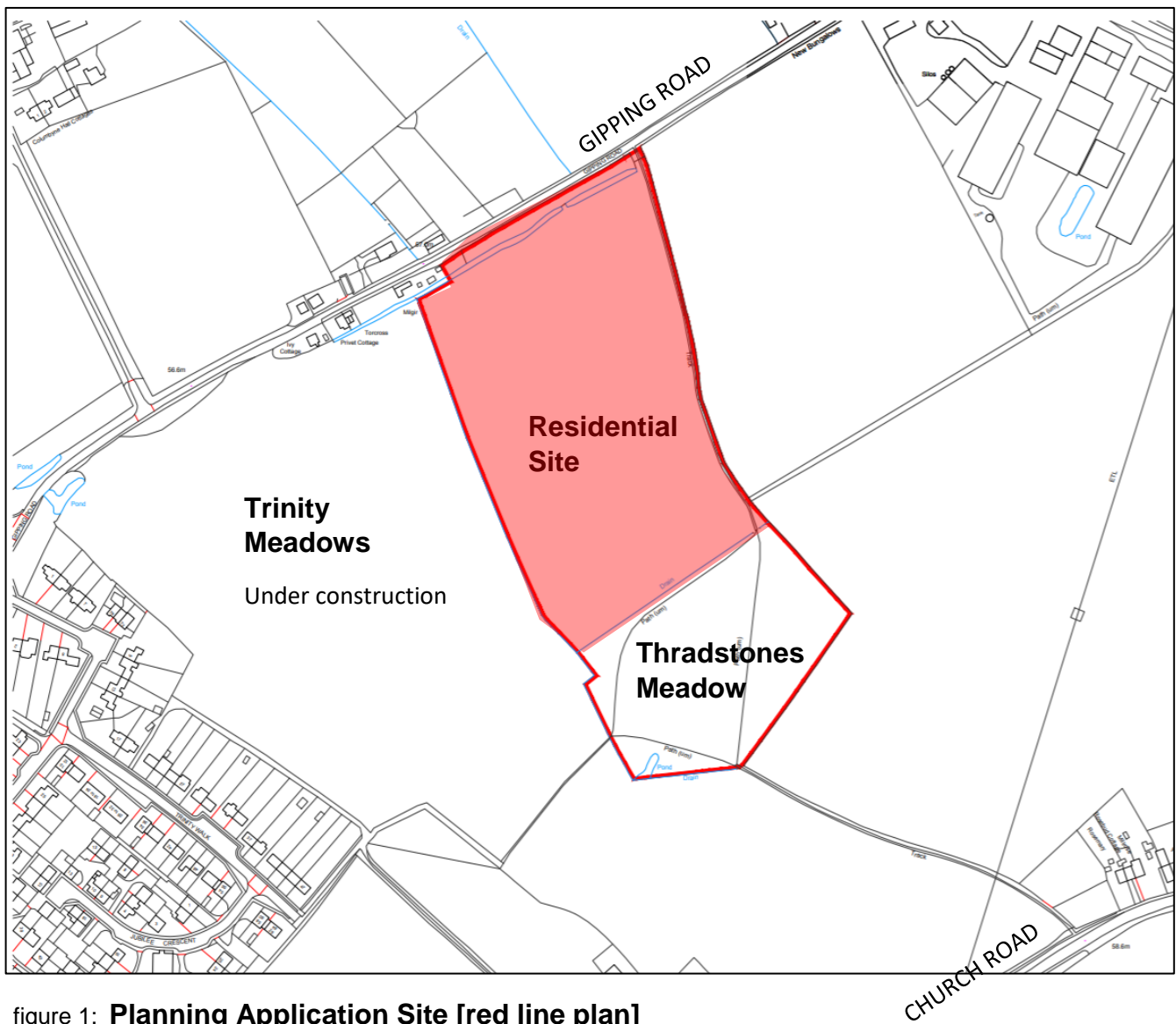


figure 1: **Planning Application Site [red line plan]**

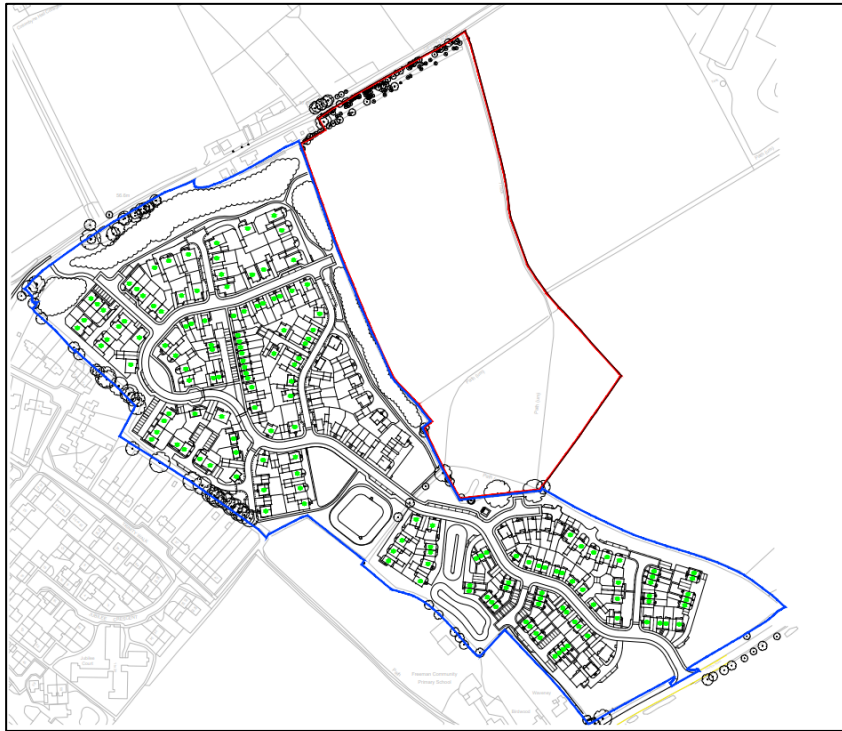


figure 2 : **Planning Application Site [red line] and the adjacent Trinity Meadows development**

**Reports including the following have been submitted to support this application:**

Planning Statement

Foul Water Drainage Network Design

Building for Life Assessment

Drainage Strategy Report

Bird Survey Strategy

Energy and Sustainability Statement

Update Ecological Appraisal

Arboricultural Method Statement

Construction Surface Water Management Plan

Landscape and Ecological Management Plan

Geo-Environmental and Geotechnical Site Report

Updated Ecological Appraisal and Biodiversity Enhancement Statement

Construction Risk and Management Proforma

~~Fire Appliance Tracking~~

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

The application relates to a major residential development exceeding 15 dwellings and is therefore above the threshold for delegation to the Chief Planning Officer set out in the Council's Scheme of Delegation.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### **Core Strategy Focused Review 2012**

- FC1 - Presumption in favour of Sustainable Development
- FC1\_1 Mid Suffolk approach to delivering Sustainable Development
- FC2 - Provision and Distribution of Housing

#### **Core Strategy 2008**

- CS01 - Settlement Hierarchy
- CS2 – Development in the Countryside
- CS03 - Reduce Contributions to Climate Change
- CS04 - Adapting to Climate Change
- CS05 - Mid Suffolk's Environment
- CS06 - Services and Infrastructure
- CS09 - Density and Mix

#### **Local Plan 1998**

- CL11 - Retaining high quality agricultural land
- GP01 - Design and layout of development
- H13 - Design and layout of housing development
- H15 - Development to reflect local characteristics
- H16 - Protecting existing residential amenity



T10 - Highway Considerations in Development  
FC02 - Provision and Distribution of Housing  
H07 - Restricting housing development unrelated to needs of countryside  
H14 - A range of house types to meet different accommodation needs  
H17 - Keeping residential development away from pollution  
T9 - Parking Standards  
RT04 - Amenity open space and play areas within residential development  
RT12 - Footpaths and bridleways  
RT13 - Water based recreation  
CL08 - Protecting wildlife habitats

### **Stowupland Neighbourhood Development Plan [SNDP] [Adopted June 2019]**

The following policies within the SNDP are considered the most relevant to the issues raised by this application:

Policy SNP10: Protecting the Natural Environment

Policy SNP12: Local Green Spaces

Policy SNP13: Public Rights of Way

Policy SNP14: Quality of Development, Resource Efficiency and Design Considerations

Proposals Map

### **National Planning Policy Framework (NPPF) 2019; incl,**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving the natural environment

## **Stowmarket Action Area Plan [SAAP] 2013**

The site falls within the SAAP area.

Policy SAAP 4.1: Presumption in favour of sustainable development

Policy SAAP 4.2: Providing a landscape setting for Stowmarket

Policy SAAP 6.1 Housing and waste storage

Policy SAAP 9.1: Biodiversity measures

Policy SAAP 10.3: Improving the quality of open spaces

### **Supplementary Planning Documents**

Suffolk Adopted Parking Standards (2019)

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently made and adopted and therefore carries significant weight as a material planning consideration.

### **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**

##### **Stowupland Parish Council (Appendix 3)**

15 March 2021

Stowupland Parish Council would like to acknowledge that a number of the items have been taken into consideration by the developer prior to the planning application submission and the Parish Council “supports” the application but have the following concerns:-

#### ***Officer comment:***

***The support of the Parish Council is noted and their individual concerns will now be examined***

- Concerns over the use of Chamomile Close for the construction access to phase three. Could temporary bollards be used during construction to close the far end of the close?

**Officer comment:**

***This issue is explored in detail within the representation section of this report in response to representations from some residents in Chamomile Close. Construction traffic can be encouraged to avoid using this road through the Construction Management Statement that has yet to be agreed.***

- Drainage issues for phase 3. Current residents complain of drains being regular blocked and residents having them unblocked by Bloor Homes. Some comment on this would be appreciated.

**Officer comment:**

***The application is supported by extensive drainage information and the LLFA is satisfied there are no grounds to refuse the details. The applicant has confirmed that the current drainage clearance on phase 2 is part of the ongoing and planned maintenance programme that is in place until the drainage system on phase 2 is completed.***

- To consider different surfacing of material for the footpaths in phase 3. The problem of phase 2 is that the sand topping gets regularly blown away and exposing the subbase.

**Officer comment:**

***The SCC as local highway authority is aware of the concerns of the Parish Council through the intervention of Councillor Welham with regard to recycled surfacing material used within the Trinity Meadows phase of development and an alternative material will be used within this development under S38 arrangements [Highways Act].***

- Formal delineation e.g. ranch fence between phase 3 and footpath 54. We note a wildflower meadow beside the footpath but footpath 52 beside phase 1 causes problems as walkers encroach on the open space which is maintained by payment from residents.

**Officer comment:**

***The requested delineation would separate people from the public open space that is provided for all residents to enjoy and therefore such delineation would prejudice this function. Furthermore, ranch style fencing would pose a long-term-maintenance liability for residents paying a management company service charge and would restrict access for occasional cutting and as such is not considered desirable. The open spaces are available for the wider community to use and are not just an amenity for immediate residents.***

## **National Consultee (Appendix 4)**

### **Highways England 05.03.21**

“Offers no objection”

### **Historic England 01.03.21**

“We do not wish to offer any comments”

**Natural England 23.03.21:** has no comments to make on the discharge of conditions and provides its usual standing advice

### **Anglian Water 26.02.21**

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

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

We have reviewed the applicant’s submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge”

### **East Suffolk Drainage Board 02.02.21**

“We recommend that the discharge from this site be attenuated to the Greenfield Runoff as currently proposed by the applicant.”

### **Environment Agency 17.03.21**

“Our information (2019 data) indicates that Stowmarket Water Recycling Center (WRC) has capacity for 118 houses, but we are aware of other development close by that will be taking some of this capacity. Therefore it is unclear if there will be treatment capacity at Stowmarket WRC for this development.

We are aware that Anglian Water has long term plans to upgrade Stowmarket WRC. However these are not yet confirmed and funded, and upgrades or other methods to

increase capacity need to be in place ahead of occupation of this development to protect the local watercourses and environment.

It is essential that development is phased in line with any necessary upgrades or increase in treatment capacity at Stowmarket WRC and we therefore request the following condition be appended to any permission granted.

Condition

The development hereby permitted shall not be occupied until such time as a scheme to dispose of foul drainage ensuring there is capacity at the WRC has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

There is not capacity for all the wastewater flows from this proposed development to be treated at Stowmarket WRC. We are aware that AWS has long term plans to upgrade Stowmarket WRC. However these are not yet confirmed and funded. These plans therefore need to be confirmed in the strategy ahead of use of this site to protect the local watercourses and environment.”

**Officer comment:**

***The Environment Agency’s comments and the advice offered on behalf of Anglian Water are noted but as Members will see from Anglian water’s comments themselves they do not object. Furthermore, the condition recommended by the Environment Agency would duplicate measures available under other and more appropriate legislation and therefore does not meet the test set out in paragraph 55 of the Framework.***

### **County Council Responses (Appendix 5)**

#### **SCC Floods and Water [SuDS] 26.03.21**

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/00946.

The following submitted documents have been reviewed and we recommend approval of the reserved matters application and refusal to discharge condition 8 (Drainage) at this time:

- Site Location Plan Ref EA174-SLP-001 A
- Planning Layout Ref P645-PD-901 B
- Drainage Strategy Report V.03
- Construction Surface Water Management Plan Ref 422533
- Attenuation Basin Sections 8365-352 D
- Impermeable Area Plan Ref 8365-351 D
- Landscaping and Ecological Management Plan Feb 2021
- Site Landscaping Ref Ea174 Is-003a & 004a
- Exceedance Flow Route Ref PA645-EN-355
- Geo-environmental and Geotechnical site assessment Ref 1921626 01 (01)

We would like to make the applicant aware of the following informatives.

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act
- Any works to a main river may require an environmental permit

**Officer comment**

***The support of SCC Floods and Water is welcomed.***

***Members are advised that the LLFA has recommended a number of conditions relating to the requirement for further technical information that doesn't alter its recommendation to approve. The applicant has provided that information and the Development Management Service has informally sought the view of LLFA colleagues as to whether the additional information is satisfactory and therefore means conditions need not be applied. In response the LLFA has indicated the additional material appears to satisfy the technical matters and a written response is expected in time for the Committee meeting. A verbal update will be provided on the specific question of drainage conditions.***

**SCC Development Contributions 08.03.21**

Has no comment to make on the Reserved Matters submission as the outline planning permission and the associated S106 Agreement have secured required mitigation

**SCC Highways 09.03.21 *[please see updated comment of 13.04.21 in officer comment after the quotes below where SCC Highways raises no objection]***

Makes the following observations [note the text in brackets is the applicant's highway consultants response] -15.03.21]

- Dimensions of the proposed roads and footways have not been supplied. By scaling, the widths are to Suffolk Design Guide. However, we recommend the footway widths are increased to 2.0m (as outlined in Manual for Streets).

**[All highway dimensions are shown on the schedule 38 Layout [PA645-EN-040B] these dimensions are in accordance with the Suffolk Design Guide]**

- the shared surface roads are showing maintenance strips 1m wide each side of the carriageway which allows the highway to be maintained and erection of street lighting. If these strips are to be considered for utility services plant, the strips need to be widened to 2m.

**[The 1m margins are in accordance with the Suffolk Design Guide and they also provide consistency with the adjacent Bloor Homes development under construction as well as other residential developments within the County]**

- Full details on highway details, finishes and construction within the site will be agreed with the Highway Authority under s38 of Highways Act 1980 agreement if the site is offered for adoption. All off site works will require s278 agreement.

**[All construction details will be submitted and approved during the technical vetting process with the Highway Authority under a S38 agreement for the on-site works and a S278 Agreement for the off-site works]**

- connectivity to Public Rights of Way (PROW) network needs to be considered. The drawings are not showing any connections to the existing footpath (FP54a) adjacent to the site (on the east boundary of the site).

**[An informal route through the amenity area will be provided to connect to the Public Right of Way [PRoW], this is shown on the landscaping drawing attached [EA174-LS002a] therefore no construction detail is required]**

- a drawing showing the forward visibility of the accesses of Plots 6 & 52 is required to ensure the layout meets with Manual for Streets.

**[A meeting between Sam Harvey [Suffolk Highways] Bloor Homes and Barter Hill<sup>1</sup> on 3 February 2021 confirmed all Visibility Splays as shown on the S38 Layout were satisfactory]**

- Dimensions of the parking spaces and garages have not been specified; a standard car parking space is 2.5m x 5.0m and a standard garage is 3.0m x 7.0m. By scaling, they are to the correct size.

**[All spaces meet the 2.5m x 5.0m requirements. Garages are provided at 3m x 6m and most are not within the parking allocation. Where garages are required as part of the parking allocation a 3m<sup>2</sup> cycle storage shed is provided in the private rear garden as per SCC guidance. The Parking and Cycle plan denotes the above]**

- There are 4 bed-roomed dwellings with triple parking layout. This layout is acceptable on private drives as indicated in Suffolk Guidance for Parking 2019. However, we would like to point out that this layout is not favoured by the Planning Committees so we recommend that all triple parking is removed.

**[The Parking and Cycle plan attached [EA174-PD-909A] provides a suitable parking layout for the proposed development in compliance with relevant guidance]**

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<sup>1</sup> Bloor Homes highway consultant

**Officer comment:**

**The local highway authority has provided an updated response 13.04.21 stating:**

- *dimensions of the proposed roads and footways are to Suffolk Design Guide.*
- *the maintenance strips on Shared Surface Roads are 1m wide and as the design for previous Phases which is acceptable*
- *an informal footpath will be provided to link the site footways with the PROW footpath.*
- *the applicant is reminded no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.*
- *the parking is to Suffolk Guidance for Parking 2019*

*If the development is to be offered for adoption by the developer, exact details of the layout and construction will be determined as part of the s38 agreement process.*

**CONDITIONS**

*Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:*

*Parking Condition: The use shall not commence until the area(s) within the site shown on Drawing No. EA174-PD-909B for the purposes of manoeuvring and parking of vehicles and electric vehicle charging points 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.*

*Cycle Condition: The areas to be provided for secure covered storage cycle parking as shown on Drawing No. EA174-PD-909B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.*

*Reason: To ensure that the provision for cycle parking is provided in line with sustainable transport policies.*

*Bin Condition: The areas to be provided for presentation and storage of Refuse/Recycling bins as shown on Drawing No. EA174-PD-908B shall be provided 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."*

***Members are therefore advised that the proposal is considered acceptable by the local highway authority on highway safety and highway capacity grounds. Consequently, there are considered to be no reasonable or sustainable reasons to refuse the Reserved Matters [or relevant conditions] on highway grounds subject to suitable conditions worded on the principles outlined above.***



## **SCC Archaeology 23.02.21**

“A WSI for a trial trenched archaeological evaluation at this site has been approved and we would have no objection to this work commencing.

However, should the evaluation define archaeological remains, archaeological mitigation prior to any groundworks at this site will be required, subject to a further WSI. As such, we would not advise the discharge of condition 16 until archaeological mitigation work has been agreed and implemented.”

### ***Officer comment:***

***The advice of the Senior Archaeological Officer is welcome.***

***The additional reference to holding back on the discharge of condition 16 is noted. Members are advised that the application before Members whilst including a number of condition discharge matters does not include condition 16 but the helpful advice of our County Colleague will be passed onto the Discharge Of Condition Officer at MSDC.***

## **SCC Travel Plan Officer 19.02.21**

“On reviewing the application documents I have no comment to make at this stage”

## **SCC Fire and Rescue 10.03.21**

“None of the conditions mentioned relate to the Suffolk Fire & Rescue Service. We shall respond when Condition 28 needs to be responded to.”

## **Internal Consultee Responses (Appendix 6)**

### **MSDC Heritage 10.03.21**

“condition 15 Landscaping

In Heritage’s response on the Outline application, we noted the importance of maintaining a landscaped buffer area along the site’s northern edge, with the aim of limiting impact on the rural character of the wider setting in particular of Columbine Hall. I note that on drawing no.EA.174-LS-001.a this buffer is maintained with some strengthening by way of planting of additional trees within the site. In terms of potential impact on heritage assets, in my view the landscaping scheme is satisfactory.

## Layout

In similar vein, as the layout maintains the layout indicated at Outline stage, in my view the layout is satisfactory.

I do not wish to offer comment on behalf of Heritage team on any other Reserved Matters or conditions addressed in this application.”

### **MSDC Environmental Health Noise/smoke/odour 26.02.21**

“Thank you for consulting me on this application to discharge conditions 8,9,10,11,12,13,14,15. Environmental protection have no comments to make or any objections to these being discharged.”

### **MSDC Environmental Health Air Quality 12.03.21**

“No comment to make.”

### **MSDC Environmental Health Land Contamination 12.03.21**

“No comment to make”

### **MSDC Waste Management undated**

“No comment to make.”

### **MSDC Strategic Housing 24.03.21**

“This is a reserved matters application for outline DC/20/01435. There is a signed s106 accompanying the outline permission. Schedule 2 Part 2 outlines the affordable housing mix. The layout plan accompanying the reserved matters application appears to concord with the agreed mix.

We note that on the layout plan that the affordable housing is located in one half of the site rather than the Council’s preferred integrated cohesive approach to ‘pepper pot throughout the site. We suggest that the layout is reviewed and recommend that the affordable homes are integrated across the whole site.

The open market mix should ensure that it follows the SHMA recommendations, the table below sets out the recommendations in the Strategic Housing Market Assessment (updated 2019) for new owner-occupied dwellings for the next 18 years up to 2036.

**Table 4.4e Size of new owner-occupied accommodation required in Mid Suffolk over the next 18 years**

<b>Size of home</b>	<b>Current size profile</b>	<b>Size profile 2036</b>	<b>Change required</b>	<b>% of change required</b>
One bedroom	707	1,221	515	7.2%
Two bedrooms	5,908	8,380	2,472	34.4%
Three bedrooms	13,680	15,784	2,104	29.3%
Four or + bedrooms	12,208	14,303	2,096	29.2%
<b>Total</b>	<b>32,502</b>	<b>39,688</b>	<b>7,186</b>	<b>100.0%</b>

From the plans provided it would appear the provision of 2 bedroomed accommodation within this proposal is lower than the SHMA target so the Council would be looking for an uplift in the number of 2 bed dwellings for open market sale on this development and a reduction in the number of 3 and 4 bedrooms.

**Officer comment:**

***It is noted that the proposed mix within the affordable housing package accords with that prescribed within the associated S106 Agreement and that Strategic Housing acknowledges this.***

***Whilst the comment in respect of the distribution of the affordable units is noted and is clearly on one side of the development [north east side] Development management Officers are of the view that there is pepper-potting.***

***One cluster comprising 8 affordable rented and 4 shared ownership units [12 in total] sits at the northern corner with a sub-group 3 affordable rented and 1 shared ownership unit in the centre [4 in total] whilst the other main cluster is in the eastern corner 9 affordable rented units and 3 shared ownership. [12 in total] between the two clusters is open market housing. This distribution is considered acceptable in planning terms.***

***It must also be borne in mind that the proposed development is not a standalone scheme and instead should be read as a further (and final) phase to the preceding two phases delivered by the same developer. In that respect the approach to delivery of affordable housing is consistent with the site when viewed as a whole.***



figure 3: **Distribution of Affordable Homes [blue] areas of open market housing [red]**

***The submission of these details complies with condition 7 attached to the outline planning permission which states:***

*“7. Prior to or concurrent with the first application for the approval of reserved matters, details of the mix of type and size of the market dwellings to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

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

***Bloor Homes is focusing its delivery of open market dwellings on this site towards family units as was the case with the popular Trinity Meadows phase.***

***16 x 2 bedroom***

***12 x 3 bedroom***

***24 x 4 bedroom***

***Mix is considered along with other related matters in greater detail later in this report***

#### **MSDC Public Realm 19.03.21**

“Public Realm Officers suggest that the proposed planting of Reedmace (*Typha angustifolia*) within the pond is omitted and an equivalent number of Common Reed (*Phragmites*) is substituted. Reedmace can be very invasive in small shallow water bodies creating dense stands at the expense of other plants.”

***Officer comment:***

***This matter has now been addressed through the submission of revised details to accommodate this request.***

#### **Place Services Ecology for MSDC 17.03.21**

We have reviewed the submitted documents for this application, including the Update Ecological Appraisal and Biodiversity Enhancement Strategy (SES Ltd, January 2021), Site landscaping and Site Landscaping Specification & Schedule (Bloor Homes Ltd, January 2021) and the Landscape and Ecological Management Plan (Bloor Homes Ltd, February 2021).

The Update Ecological Appraisal provides the LPA with certainty of the likely impacts on designated sites, protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Furthermore, we also support the landscape scheme for this scheme (ref: EA174-LS-004) and indication that we are satisfied with the proposed planting schedule and details of implementation

for these features. In addition, we support the proposed management and aftercare measures which have been included within the Landscape and Ecological Management Plan (LEMP), which has submitted to meet the requirements of condition 9. As a result, we are satisfied that subject to the full implementation of the Landscape and Ecological Management Plan, condition 9 can be discharged in full.

In terms of condition 11, we are also generally satisfied with the Biodiversity Enhancement Strategy submitted by Southern Ecological Solutions Ltd meets the requirements of this condition. The scheme proposes that following bespoke enhancement measures will be delivered:

- BAT TUBE (7 no.) Schwegler 1FR Bat Tube (Or similar approved) to be sited under the eaves of the building
- STARLING BOX (4 no.) Ecosurv Starling Nest Box (Or similar approved) to be sited under the eaves of the building
- SPARROW BOX (4 no.) Ecosurv Sparrow Nest Box (Or similar approved) to be sited under the eaves of the building
- HIBURNACULA (1 no.) Pile made from split logs, dead wood, rocks & bricks, loosely filled with topsoil. Covered with turf. Located on a gentle slope.

Therefore, it is highlighted that we consider that appropriate locations and orientations have been proposed for these enhancement measures, as well as aftercare measures in line with the condition.

However, we note that the strategy proposes that alternative numbers of bat and boxes within the text, in contrast to what is actually being proposed in Appendix 11 and the landscape scheme drawings. Therefore, the Biodiversity Enhancement Strategy should be amended before condition 11 can be discharged in full.

In addition, we note that a wildlife friendly lighting scheme has been secured under condition 27 of outline stage. Therefore, it is highlighted that this strategy should follow current guidelines<sup>1</sup> and that a professional ecologist should be consulted to advise the lighting strategy for this scheme.

#### ***Officer comment***

***The applicant has since provided updated details confirming that the requested measures have been accommodated and can be secured e.g. the uplifted number of bat boxes.***

#### **Place Services Landscape for MSDC 10.03.21**

“Relevant to landscape, this response focuses on a review of the submitted files covering conditions 8, 9 and 15.

Condition 8 is specific to the proposed drainage scheme. Condition 8: (as submitted) includes details of the Sustainable Urban Draining System including sections and management plans (see Condition: 9) and from a landscape perspective is deemed appropriate.

Condition 9 relates to the landscape management plan. A Landscape management plan has been submitted as a combined Landscape and Ecological Management Plan (LEMP) which includes a maintenance schedule for 5 years. The management plan includes reference to the planted drainage and SuDS features. Again, from a landscape perspective, this is deemed appropriate.

Condition 15 covers details of all means of enclosure and boundary treatments, screen walls and fences. The proposal for boundary treatments is appropriate; balancing the provision of brick walls, fences and hedge planting across the proposed development.

An appropriate landscape scheme has also been submitted ref: EA174-LS-004. The plan includes a planting schedule as well as a detailed planting plan, seeding and meadow seed mix”.

**Officer comment:**

***The acceptability of the proposed landscaping details are noted.***

***The added advice of Place Services Landscape stating:***

*“In my previous response, (dated 07/08/2020) we recommended that details of advance planting to the north eastern boundary should be submitted and approved by the Local Planning Authority. In order to ensure that key structural / screening landscape planting is carried out at the earliest opportunity, in the interest of the landscape character and amenity of the locality, and the character, setting and significance of heritage assets. This has not been addressed within the recent submission. Details of the onsite children’s play space provision still need to be submitted. The landscape plans do however include indicative locations of the ‘Trim Trail Equipment’ but no further details have been submitted.”*

***This is a matter dealt with under the agreed s106 legal agreement and remains to be dealt with following further engagement with stakeholders.***

**B: Representations**

At the time of writing this report at least 10 letters/emails/online comments have been received.

It is the case officer’s opinion from reading the responses that this represents 10 objections from residents of the recent Trinity Meadows development.[

3 from two addresses in Chamomile Close, 6 from Oxlip Way and 1 from Cranesbill Way.]

128 neighbour notification letters were issued with an expiry date for comments of 12.03.21.

Objections can be summarised thus: [*the figure in brackets [ ] represents the frequency with which that view is expressed*]

- Increased traffic and highway issues [8]

**Officer comment:**

**The application has not attracted the objection of SCC as local highway authority on either road safety or capacity grounds. It is accepted that there will now be additional traffic using**

the estate spine road but this was considered at outline planning application stage and found not to be an issue.

- Inadequate access [5]

**Officer comment:**

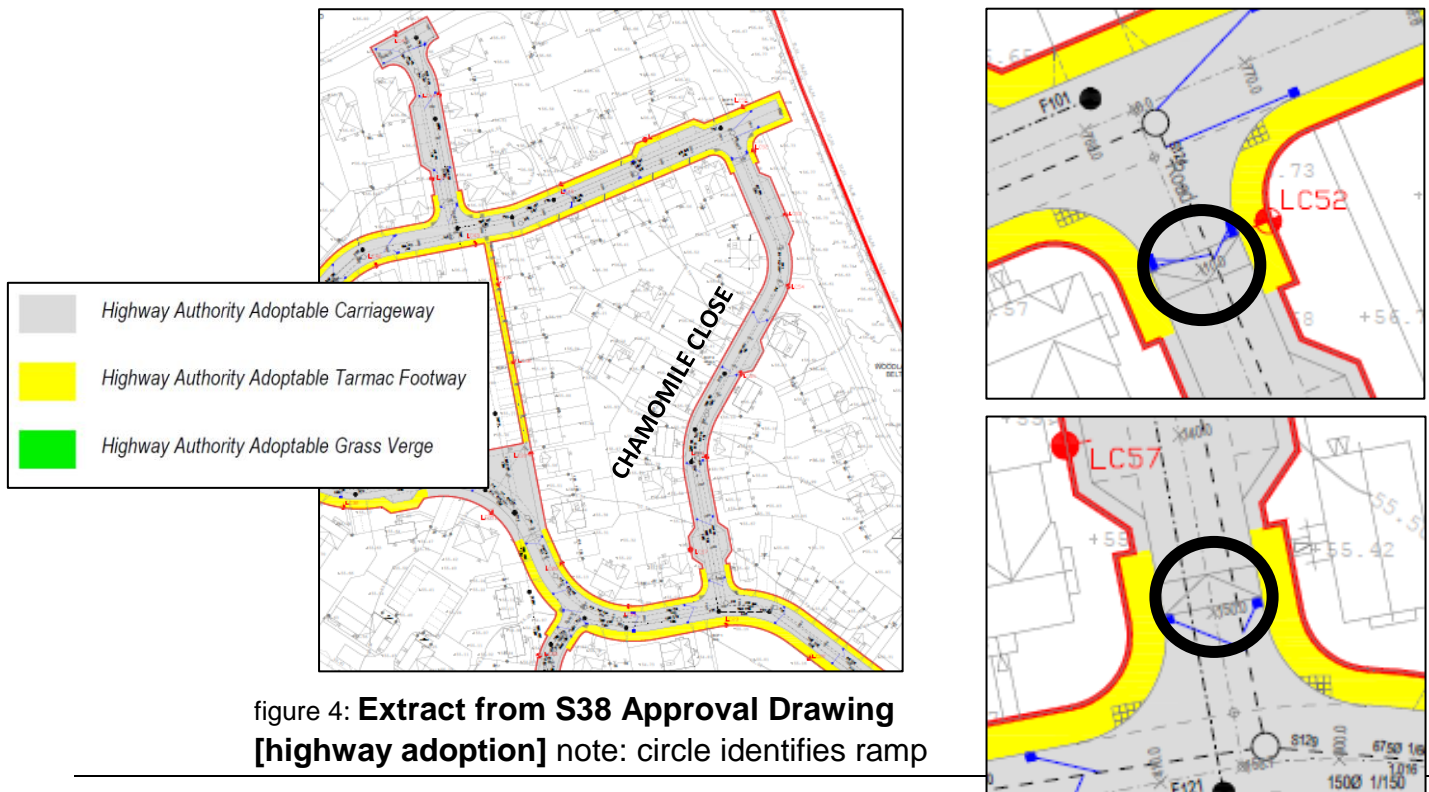
*The access arrangements are as indicated at outline stage and supported by SCC Highways as local highway authority. SCC Highways does not object and therefore refusal on the ground of a perceived sub-standard access arrangement is not supportable as it is not the case. It is also worthy of note that access is restricted by condition on the outline to being provided through the Trinity Meadows site.*

- Use of Chamomile as a cut-through and install boulders or bollards [5]

**Officer comment:**

*Chamomile Close deliberately forms a loop with Oxlip Way and whilst the desire of residents to see it not being used as part of the wider estate road network as a short cut is understood it is due to be adopted as public highway under S38 of the Highways Act. Currently the road remains private [owned by Bloor Homes] until the adoption process has been completed after which it will be maintainable from the public purse. [SCC Highways]. It has been designed to serve as a loop in conjunction with Oxlip Way and to accommodate associated residential traffic. It is not designed purely to serve just the properties in Chamomile Close.*

*The extracts below are from the S38 Approval drawing [SCC] showing Chamomile Close is to be adopted. It also shows the ramp details described below.*



***Any resident who has purchased a new home in Chamomile Close expecting it to remain a private road maintainable by them is mistaken or has perhaps been misinformed or has misinterpreted information provided. That is not a material planning matter for the Committee.***

***It is not possible or desirable to close off one end of Chamomile Close with bollards [or similar] as a turning head would need to be provided to allow vehicles such as delivery vans/lorries to turn round. There is not the land available.***

***Chamomile Close is designed with a ramp up from Oxlip Way at both ends between which is a raised paved shared access road. These features are designed to slow driving speeds down and provide a signal to drivers to drive with caution.***

***It should however be possible to discourage construction traffic from using Chamomile Close with temporary signage and routing corridors within the Construction Method Statement that is required to be approved under the outline planning permission***

- Drainage [3]

***Officer comment:***

***The application has not attracted the objection of the LLFA.***

- Lack of speed bumps in Oxlip Way [3]

***Officer comment:***

***Oxlip Way is being provided as part of the Trinity Meadows development and its design and construction has already been agreed by SCC Highways. The County Council as local highway authority has not required rumble strips to be installed [retrospectively] as part of the latest phase of development. Oxlip Way is designed to 20mph.***

- Lack of play facilities [3]

***Officer comments:***

***The S106 attached to the outline planning permission deals with this issue. The drawings currently show a fitness/gym trail, in response to pre-application requests made by the Parish Council and in line with an emerging strategy that they are preparing for the wider village. Traditional play facilities are provided within the Trinity Meadows development.***

- Strain on existing facilities [3]

***Officer comment:***

***The outline planning permission secured the appropriate facilities by way of a S106 Agreement***



- More Open Space needed in development [3]

**Officer comment**

**The proposed development includes a generous level of open space which is further enhanced by the future transfer of Thradstone’s Meadow**

- Health & safety [3]

**Officer comment:**

**No statutory consultee has identified such an issue.**

- Design / Landscape Impact / Overdevelopment / Building work nuisance / Conflict with Neighbourhood Plan / Noise / Loss of open space [each 2]
- Residential amenity / Increase in anti-social behaviour / Inadequate Parking / Loss of privacy /Trees / No construction compound details / Increased pollution /Residents in Chamomile will be liable for repair [each 1]

For Members information the location of Oxlip Way, Chamomile Close and Cranesbill Way in relation to the development are shown on the map below.

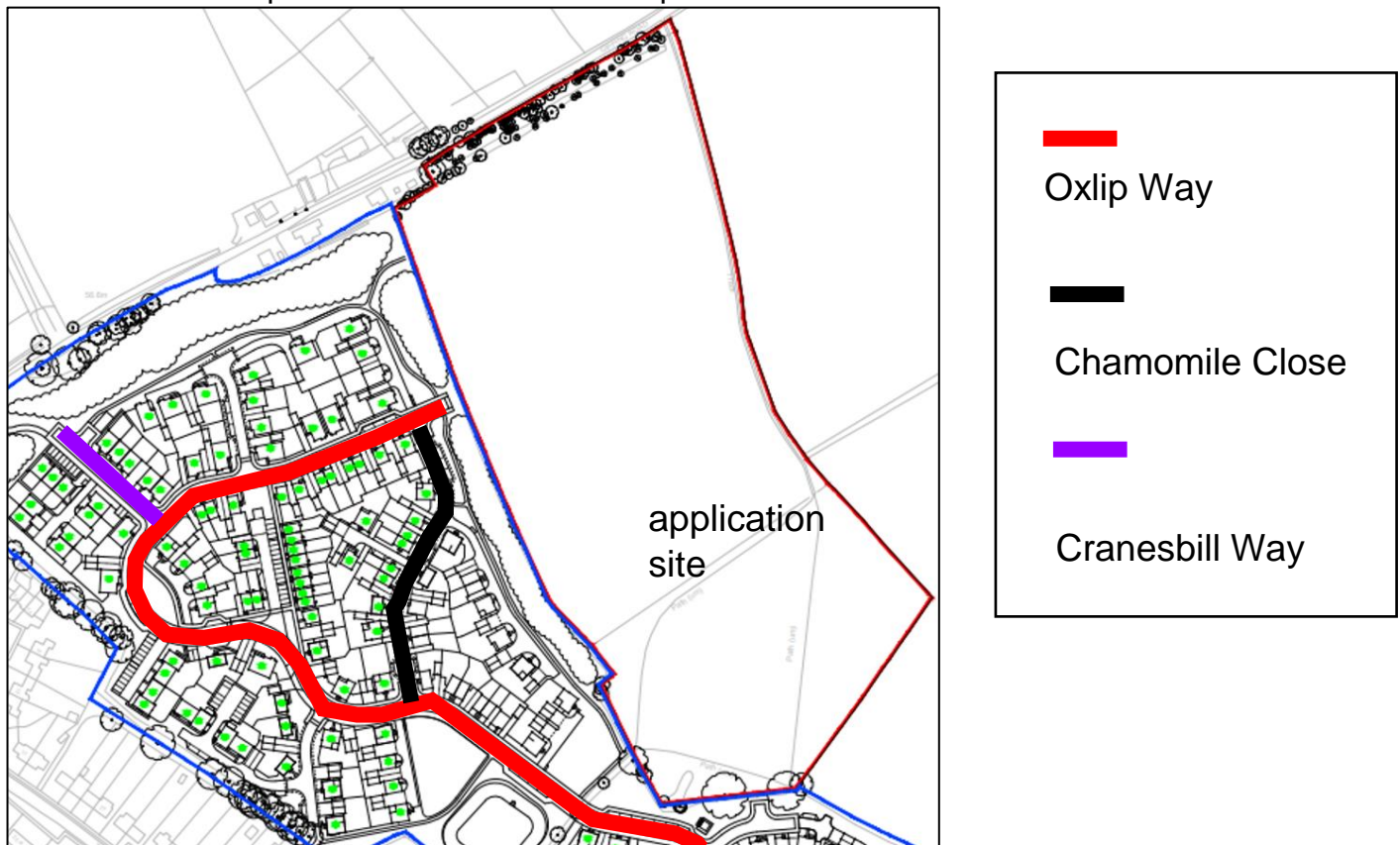


figure 5: **Location of Roads where objections have been received.**

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

## **RELEVANT PLANNING HISTORY**

**REF:** DC/20/01435      Outline Planning Application (All matters reserved) Erection of up to 80 dwellings.      **DECISION:** GRANTED  
09.10.2020

**This outline planning permission is accompanied by a S106 Agreement that amongst other things facilitates the transfer of the locally important green space known as 'Thradstone's Meadow' to the Council for £1 along with a maintenance sum**

**REF:** DC/18/04357      Outline Planning Application (All matters reserved) Erection of up to 70 dwellings.      **DECISION:** REFUSED  
06.02.2020

**The adjacent development site now known as 'Trinity Meadow' [Bloor Homes]**

**REF:** DC/17/02755      Submission of details (Reserved Matters) under Outline Planning Permission 3112/15 - Appearance, Landscaping, Layout and Scale for 75 dwellings (Phase 1); estate roads, footpaths, parking, garaging, open space, landscaping, substation and ancillary works.      **DECISION:** GRANTED  
07.11.2017

**REF:** 3112/15      Outline application for residential development of up to 175 dwellings with access, landscape, open space and associated infrastructure      **DECISION:** REFUSED  
[ALLOWED ON APPEAL]  
19.03.2015

**REF:** DC/19/01947      An additional 19 dwellings      **DECISION:** GRANTED

## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 The site [Reserved Matters housing element] is presently agricultural land to the east of the village of Stowupland. To the north is Gipping Road, with the garden of an existing dwelling overlapping. To the west and south-west is a housing site (Bloor) which is currently being built out, with a track leading out on to Church Road. To the south-east and east agricultural land remains, with Allards Farm just beyond and vast areas of open country beyond that. Within the site [southern end] is an area known as Thradstones Meadow. This area is fully enclosed by mature trees and hedgerows and appears not to be farmed. It is criss-crossed by a series of designated public footpaths and prescriptive paths and is well-used by walkers. It is not proposed to develop this part of the site but to leave it as open space for the community by way of a land transfer to the Parish Council.
- 1.2 The site does not contain any constraints other than a series of Public Rights of Way.
- 1.3 The town of Stowmarket is approximately 1.8km to the west.
- 1.4 350 metres to the north is the Grade II\* listed Columbine Hall whose formal grounds extend to Gipping Road.

### **2.0 The Proposal**

- 2.1. This Reserved Matters submission provides the details for 80 dwellings and associated access, estate roads and landscaping following the grant of outline planning permission in October 2020.

### **3.0 The Principle Of Development**

- 3.1. As this is a Reserved Matters application the acceptability of the principle of residential use has already been established by the grant of outline planning permission. Where planning permission has already been granted Members are now tasked with considering those specific matters reserved for later consideration, primarily: access, scale, layout, landscaping, and appearance, albeit being confined to the parameter plans set by the permission e.g. that those “reserved matters” generally accord with the Development Framework Plan layout drawing 8193-L-03 Rev I.
- 3.2 The Council is therefore now required to consider the merits of the finer details of that development, as opposed to its nature. The matters that were ‘*Reserved*’ are as follows:
  - Access,
  - Appearance,
  - Layout,
  - Landscaping

- Scale

3.3 As above, it should be further noted that when considering the merits of the outline proposal the Committee had regard to the amended illustrative layout that accompanied the outline proposal and conditioned the outline planning permission such that Reserved Matters should be in general accordance with that illustrative layout and they are.

**“5. The reserved matters shall be in general accordance with the Development Framework plan ref: 8193-L-03 Rev I. and no development shall encroach beyond the limit of built development shown on that drawing into any part of the open space area/s shown thereon unless otherwise in the case of minor variations agreed in writing by the Local Planning Authority.**

*Reason - For the avoidance of doubt and in the interests of proper planning of the development. In approving this application the Council as local planning authority has given significant weight to the amendment made by the applicant to increase the depth of landscape buffers on the north, east and southern boundaries of the site and it wishes to ensure that these elements are delivered in order to protect the setting of Columbine Hall, a Grade II\* listed building [northern boundary] and Thradstone Meadow [southern boundary] an important local green space [defined as such in the Stowupland Neighbourhood development Plan 2019] and to retain the character of the countryside edge to the site [eastern boundary] “*

*[condition53 outline pp reference DC/20/01435 dated 9 October 2020]*

The proposed site layout included in this submission is consistent with these requirements and therefore complies with this condition.

3.4 The outline planning permission also carries a condition limiting the total number of dwellings such that they cannot exceed 80. **They do not.**

**“3. The development hereby permitted shall not exceed 80 dwellings.**

*Reason - For the avoidance of doubt and in the interests of proper planning of the development.” [condition 3 outline pp reference DC/20/01435 dated 9 October 2020]*

### **3.5 Conclusion [Principle]**

3.6 Members will be familiar with the fact that whilst this Reserved Matters application requires it to consider the details of the proposal the question of principle is no longer a matter for consideration or determination- the outline permission having established that point along with a ceiling on development of 80 dwellings.

#### **4.0 The relationship between submitting and determining Reserved Matters and the 'triple lock controlled crossing clause' in the associated S106 Agreement**

- 4.1 Members who were on the Committee when this application was determined will recall that certain assurances were sought by Members, particularly Councillor Keith Welham, that development could only proceed if the detail for a controlled crossing on Church Road could be agreed and the crossing provided. Officers were able to satisfy the Committee that a mechanism could be built into the Agreement that would achieve this level of control and thereby ensure that if there is no crossing there will be no development on the application site. At that time the LHA considered that a safe crossing could be provided. That remains the case and, as will be explained, a scheme has been drawn up in consultation with the LHA that is expected to “pass” a Stage 2 Road Safety Audit; Stage 1 has already been dealt with and the LHA is satisfied.
- 4.2 That mechanism built into the relevant S106 Agreement became known as the ‘triple lock’ because it can be thought of as a lock that requires three different but vital stages to be achieved in terms of certainty around controlled crossing delivery before the developer can take staged steps towards progressing the residential development.
- 4.3 The triple lock can be described as follows:

*Highway Works Scheme - shall mean a scheme to a standard capable of passing a highway safety audit for the provision of the Highway Works together with a timetable for the delivery of the Highway Works.*

*The s106 then sets out the following obligations (Schedule 3, Part 2), in effect:*



***That the Highway Works Scheme must be submitted to the County Council before the reserved matters have been dealt with.***

***Those details have been submitted with this application having first been submitted to SCC Highways. It is this scheme that the Parish Council has confirmed its support to and that SCC Highways has confirmed is acceptable in principle.***



***That no development shall commence until the Highway Works Scheme has been approved by the County Council.***

***This ensures that even if Reserved Matters are approved development cannot commence until and unless the Highway Works Scheme has been approved in writing by the County Council. In order to achieve this, the applicant is currently waiting for the County Council's signal design consultant to specify the signalling design so that this can be incorporated into the detailed proposal and written approval from the County Council can be achieved (see paragraph 4.11 below for more details).***



***That the development shall not be occupied until the Scheme has been delivered and the controlled crossing is available for use.***

***This ensures that even if Reserved Matters and the Highway Works Scheme are approved and development commences, the control over occupancy ensures that the developer has a vested interest in providing the works in a timely manner.***

4.5 Who will deliver the controlled crossing and when?

4.6 Members will recall that the outline planning application was submitted by Gladman and they were responsible for agreeing the S106 Agreement. It is they who have been progressing initial discussion around the controlled crossing design on Church Road with SCC Highways to the point where a design has evolved that is in principle supported by the local highway authority. Bloor Homes have subsequently progressed the final designs and will be responsible for securing the written approval of the Highway Works Scheme.

4.7 Officers are Advised that “Contracts have now been exchanged between the land-owner and Bloor Homes and the purchase<sup>2</sup> will be completed within the next few weeks”  
[information provided by Pegasus agents for Bloor Homes 12.04.21]

**4.8 This is sufficient to open the first lock within the triple lock mechanism.**

**4.9 Consequently, the Council is now able to determine the Reserved Matters application.**

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<sup>2</sup> The residential land

4.10 The milestones referred to earlier are expected to be met. If this position has progressed in the lead-up to the Committee meeting Members will receive a verbal update at the meeting itself. Approval by SCC Highways of the Highway Works Scheme will allow commencement [if reserved matters have been approved and all onerous pre-commencement conditions discharged by the Council. [MSDC] ]

4.11 Pegasus further advises:

*“The details of the crossing have been discussed and agreed with the Co-op. The detailed crossing design has been prepared and Bloor Homes are awaiting the signalling design from SCC's design consultant. Once the signalling design has been provided, we can then move to the second stage of the Road Safety Audit process (having already passed the first stage) and submit the required application. This application is drafted and ready for submission so that it can take place as soon as the signalling team responds. The draft has already been discussed with the highway authority and is expected to pass. We are aware from the recent Parish Council meeting that the Parish Council is supportive of the latest design.”*

4.12 Now that Bloor Homes has secured an interest in the development site it will now be progressing the technical detail in respect of the crossing design with SCC Highways

4.9 Bloor Homes will be responsible for delivery of the new crossing on Church Road if a design is approved by SCC Highways.

4.10 In this way Bloor Homes will be masters of their own destiny as they will be responsible for the process involved in unlocking the last two stages of the triple lock.

## **5.0 Liaison between Bloor Homes and Stowupland Parish Council**

5.1 Set out below is a chronology of contact provided by Bloor Homes at which they have shared their ambitions and plans for this site. This information has been provided by Pegasus acting for Bloor Homes and hopefully this can be confirmed as the case by Councillor Welham at the meeting from his own experience also being a Parish Councillor on Stowupland Parish Council.

*“I can confirm that we met with the Parish Council on 11/1/21, prior to the submission of the planning application. The details of that meeting can be found at section 3 of our planning statement. Our relationship with the Parish extends back further than this as we met with Councillors frequently during the planning process with the first two phases of development at the neighbouring Trinity Meadows site.*

*Since the application was submitted, we have continued to stay in touch with the Parish advising the clerk of any significant events, attending their planning committee and*

*responding to their comments set out in their letter of support for this application (I've copied this email to you).*

*The success of our preapplication discussions is reflected in the Parish Council confirmation of support for this submission. In that letter of support, the Parish acknowledges that the scheme was amended prior to submission to take on board their comments."*

- 5.2 The approach taken by Bloor Homes and their agent Pegasus Planning is most welcome and sets a good example to other developers looking to deliver housing within the District. Members will be aware that this was a highly controversial development proposal at outline planning application stage and Bloor Homes [*who were not the applicants at outline application stage*] do appear to have actively set out to build bridges with the community.
- 5.3 Such a collaborative approach is one that the Committee seeks to promote with communities across the District.

## **6.0 Site Access**

- 6.1 As expected the development will benefit from the new estate road and purpose designed and built access onto Church Road constructed to service the Trinity Meadows development on the adjacent site. The Trinity Meadows estate road has been designed such as to allow for it to be extended to provide vehicular access into what is now the next phase of residential development. The general location of the access was set under the outline planning permission and the reserved matters application accords with that.
- 6.2 Suffolk County Council as local highway authority supports this solution on the basis that the developer will provide an emergency vehicle access onto Gipping Road in line with the County Council's design standards for estates of this size.
- 6.3 Whilst existing residents who have only recently moved into properties within the Trinity Meadows development may express concern over possible prolonged disturbance and highway safety the local highway authority is satisfied that the extended estate road and access are designed to a standard that is perfectly able to cope safely with the additional level of vehicular and pedestrian activity.
- 6.4 The County Council wishes to avoid creating an access onto Gipping Road on highway grounds and this is supported by the Development Management Service on the basis that the creation of necessary site splays is likely to resulting a loss of existing hedgerow and trees on the site's Gipping Road frontage. Members will recall that when the outline planning application was considered the retention of trees on this frontage was considered vital in order to maintain a natural screen between the development and the listed Columbine Hall to the north. Indeed officers secured a widened landscape buffer along the site's northern edge in order to reinforce this screen.

## **6.5 Conclusion [Access]**



6.6 The proposed access is considered acceptable particularly as the spine road affords access to the improved footway along Church Road which in turn will be supplemented in terms of connectivity by the new Church Road crossing [opposite the Co-Op] , footway improvements close to Trinity Green and improvements to the A1140/B1115 junction.

## **7.0 Parking**

7.1 Bloor Homes is to be commended for positively amending the proposed layout in response to the Committee's known preference to resist widespread use of this arrangement in order to achieve a reduction in triplex parking.

7.2 The details of parking arrangements will be fully described within the presentation at the meeting but in summary:

- 20 visitor spaces provided in on street laybys along with 7 other layby spaces.
- Following amendment only 7 properties now have triplex parking and these are on private drives.

7.3 In this way Bloor Homes has successfully modified their layout to minimise the use of triplex parking in direct response to the Committee's publicly stated dislike<sup>3</sup> of the wholesale use of triplex parking.

7.4 This provides further evidence that some national housebuilders such as Bloor Homes are willing to co-operate with the Council in delivering better places even where the Council is relying on goodwill and encouragement rather than a strict policy requirement.

7.5 All properties with a garage are provided with EV charging infrastructure capable of delivering charging times of between 5 to 7 hours. Lockable sheds will be provided for storage of cycles where these cannot be accommodated within garages.

## **8.0 Connectivity**

8.1 Considerable care has been taken to maximise connectivity between this phase of development and that under construction on the adjoining site to the west without unduly disturbing established hedgerows between the two.

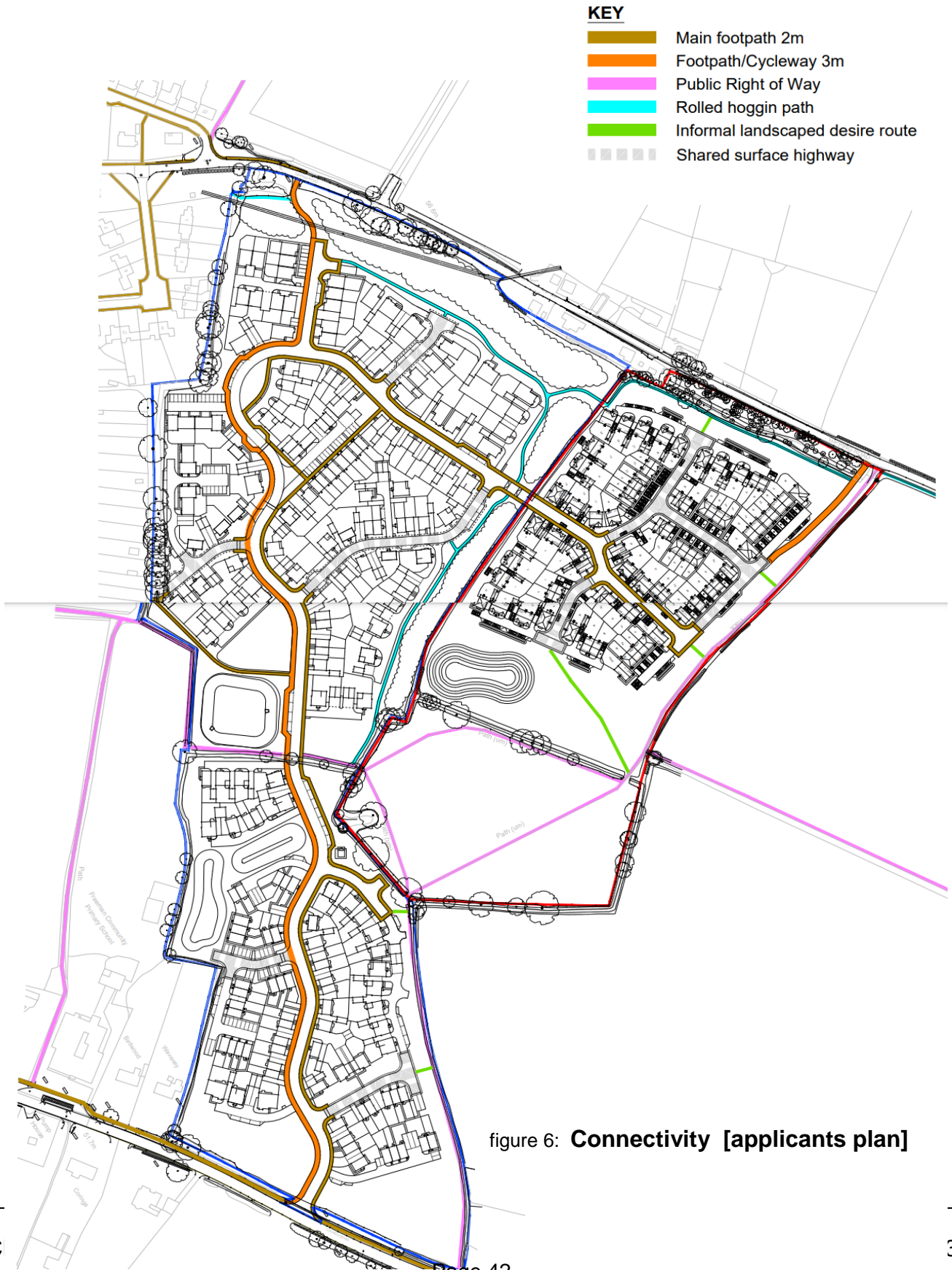
8.2 The diagram below highlights the extent of this connectivity.

[this part of the page has deliberately been left blank.]

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<sup>3</sup> Inconvenient for occupiers and therefore seldom used as intended resulting in cars being parked on the street or on footways. Visitor laybys as an alternative do not reduce road width and therefore pose no obstruction and mean fewer cars parked part on part off footways causing an obstruction and safety hazard to pedestrians.

full page diagram follows.....



## 9.0 Layout, Scale and Appearance

- 9.1 Condition 5 of the outline planning permission [*details provided earlier in this report*] requires the Reserved Matters to be in general accordance with the illustrative drawing presented to members at the Committee that determined that application. As can be seen from the comparative plans below the applicants have successfully achieved that requirement.
- 9.2 In assessing the merits of the proposed layout and design regard has been given to relevant sections of the Adopted Stowupland Neighbourhood Plan, including.

Vision [page 14]

*“ encourage good design and layouts in keeping with the existing built form”*

SNP14: Quality of Development, Resource Efficiency and Design Considerations  
[page 56]

*“All new development must meet the highest standards of design that respect the character, scale, form, height, proportions, density and massing, materials, context and setting of buildings in the parish, demonstrate resource efficient design”....*

[note SNP14 goes on to set out criteria against which developments will be assessed these will be considered in detail further into this report.]

- 9.3 SNP14 also includes the following: [page 57]

“For housing development within Stowupland the maintenance of local character has a higher significance than achieving a maximum housing density figure. The appropriate density for residential development should in every case result in a development that is in character with the village and respects the simple Suffolk style of domestic architecture in the parish.

Proposals for residential development shall demonstrate how Building For Life has been used to assess the scheme and identify what has not accorded to that document and justify why not.”

- 9.4 The applicant has provided a Building for Life Statement which concludes that:

### SUMMARY

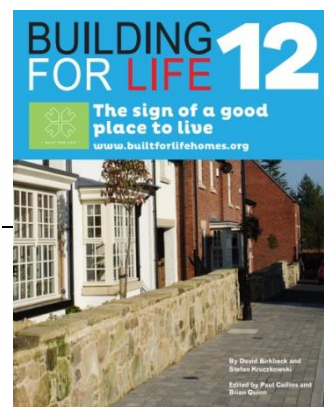
The assessment has shown that the proposed development has been designed to create a high quality new neighbourhood.

It will provide well-designed homes and spaces that are safe, functional and attractive to foster a strong sense of community.

The scheme achieves green in 12 of the 12 eligibility criteria. This demonstrates that the development has been designed in line with design guidance and standards proposed by Building for Life 12.

CL

Page 43



Page 31

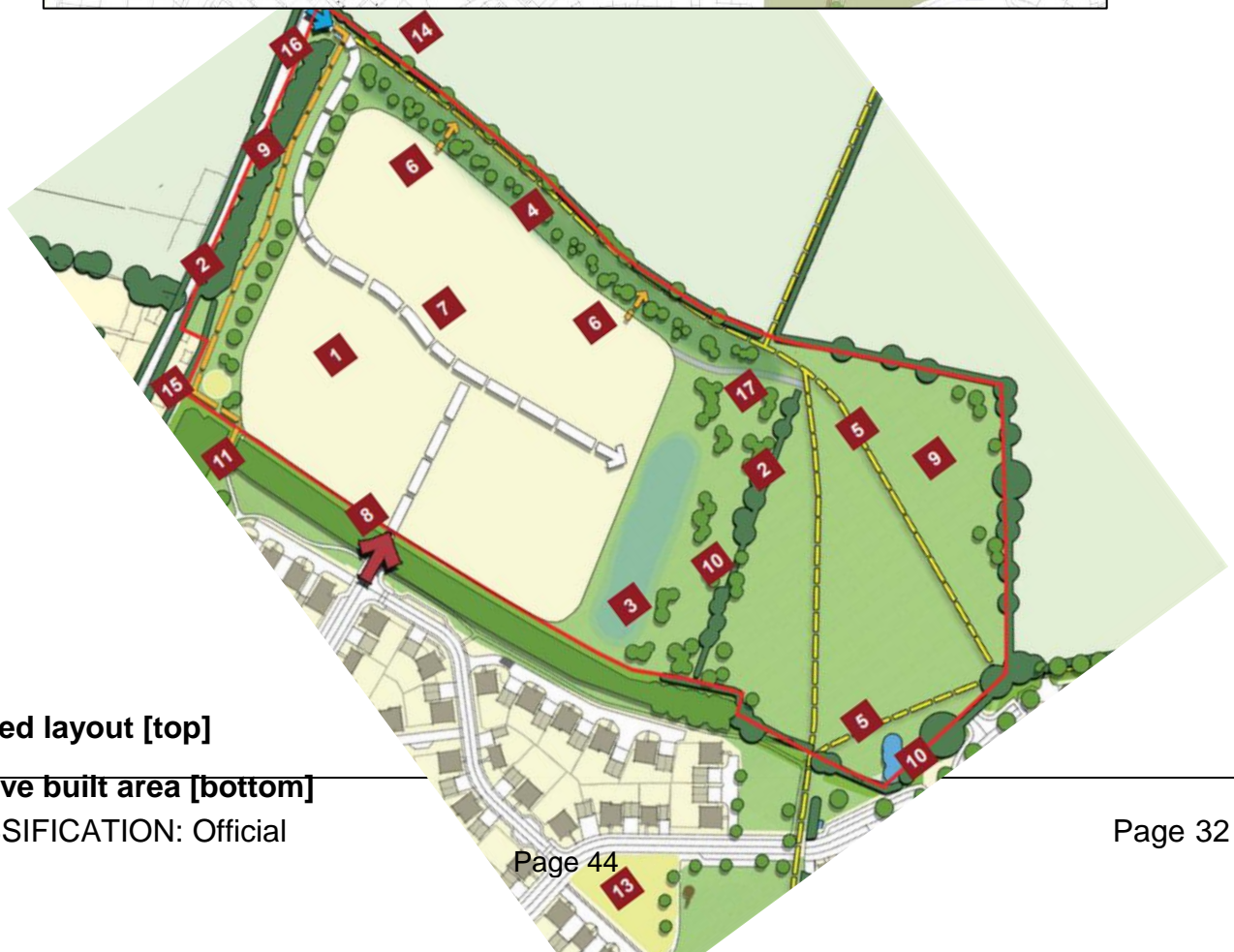


figure 7:

**Proposed layout [top]**

**Indicative built area [bottom]**

CLASSIFICATION: Official



figure 8: **Proposed layout with restricted built area from outline pp. shown in red dashed line**

- 9.5 Again, Bloor Homes is to be commended for appreciating the sensitivity of Thradstone’s Meadow and for actively designing the layout to minimise the impact of built development on its northern edge. Whilst the outline permission described the limits of built development in order to safeguard amongst other things the character and ecological value of Thradstone’s Meadow Bloor Homes have chosen to take no liberties and have worked closely with the Development Management Service to enhance the setting of Thradstone’s Meadow.
- 9.6 The 80 dwellings can be satisfactorily accommodated <sup>4</sup>on the site as was expected at outline planning stage and the proposal does not represent overdevelopment as a result. The scale of development is acceptable.
- 9.7 The appearance of the development builds on that established within the Trinity Meadows Development [also by Bloor Homes] which is proving very popular and looks good.



figure 8: **Streetscene from Current Proposal**

9.8 A full description will be provided for Members within the Committee presentation

9.9 House types have been amended and are acceptable. Corner turning units are provided with interesting elevations and open space is well supervised by overlooking frontages.



NSS.375  
FRONT ELEVATION

NSS.375  
SIDE ELEVATION

figure 10: **Example of dual elevation [corner unit] from proposed development**

**9.10 NDSS [*Nationally Described Space Standards*]**

9.11 Bloor Homes is delivering 100% NDSS accommodation across the entire development.

9.12 This is welcomed and demonstrates Bloor Homes commitment to delivering a good quality place and sets a good example to other developers who are reluctant to achieve this standard even though the Council seeks to encourage it.

9.13 Mix

<b>GIPPING ROAD, STOWUPLAND SCHEDULE OF ACCOMMODATION</b>		
<b>PRIVATE</b>		
<b>Housetype</b>	<b>Beds</b>	<b>No. of Units</b>
Dekker	2	8
Bacton	2	8
Kane	3	4
Lawrence SD	3	2
Lawrence DET	3	4
Wilton	3	2
Butler	4	7
Warton	4	4
Gwynn	4	6
Plomer	4	7
<b>TOTALS</b>		<b>52</b>

<b>AFFORDABLE RENT</b>		
<b>Housetype</b>	<b>Beds</b>	<b>No. of Units</b>
M1B2P Symons GF - M4(2)	1	2
1B2P Symons FF - M4(1)	1	2
M2B4P BUNG - M4(2)	2	2
M2B4P Sansom - M4(2)	2	10
M3B5P Sutherland - M4(2)	3	4
<b>TOTALS</b>		<b>20</b>

<b>AFFORDABLE SHARED</b>		
<b>Housetype</b>	<b>Beds</b>	<b>No. of Units</b>
2B4P Savage	2	5
3B5P Sassoon	3	2
3B5P Sibson	3	1
<b>TOTALS</b>		<b>8</b>

<b>SITE TOTALS</b>		<b>80</b>
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figure 11: **Table Detailing proposed Mix**

### 9.14 Affordable Dwellings

9.15 The scheme will deliver 35% affordable housing as required by Council policy and Policy SNP5 of the Adopted Stowupland Neighbourhood Plan and the associated S106 Agreement. The split between affordable rented and affordable shared ownership at 71% : 29% [20 rented dwellings : 8 shared ownership dwellings] reflects the Council's priority demand for rented stock to meet the present housing need in the District.

9.16 Fuller commentary has already been provided within this report within section that discusses the Strategic Housing Teams comments.

9.17 The proposed affordable mix is in line with that required by the associated S106 and is supported by the Council's Strategic Housing Team and as such this complies with SNP5 of the Adopted Stowupland Neighbourhood Plan

### 9.18 Bungalows

9.19 Two bungalows [2 bedroom] are included within the proposal which represents 2.5% of the total. They will be affordable rented.





figure 12: **Location of Proposed Bungalows**

## **9.20 Gardens**

9.21 All properties have their own gardens of a satisfactory size to provide space for sitting out, the drying of clothes, and children's play (notwithstanding the proximity and connectivity to local play space and trail).

## **9.22 Materials**

9.23 As is the case with Bloor Homes in Thurston the company is proposing to provide a mix of materials that include those from a traditional vernacular palette in visually sensitive locations. This too is an indication of Bloor Homes' attention to detail and desire to raise the design bar.

9.24 An amended materials plan has been submitted and is acceptable. It pays particular attention to the materials used on properties that will look towards Thradstone's Meadow. Within the mix of materials will be clay red multi-stock bricks and the convincing artificial slate 'Marley Cedral Blue/Black Rivedale Slate.

## **9.25 Boundary treatment**

9.26 It is proposed to present brick walls to prominent public facing boundaries and this is welcomed as it is yet another example of attention to detail and quality.

## **9.27 Residential Amenity**

9.28 The proposed dwellings will not result in any direct infringements of residential amenity for existing dwellings and those yet to be completed within the Trinity Meadows development Phase 1 due to the physical separation between the two sites and the intervening landscaping.

9.29 Residents in the vicinity of the proposed development will unfortunately and invariable experience additional disturbance and occasional inconvenience from development related activity but the control of construction times through the construction method statement will help to reduce such incidents at times that may be considered anti-social or bad neighbourly.

9.30 Members will of course be familiar with Government advice to local planning authorities not to unduly prescribe working hours on developments in an attempt to ensure that the building industry is able to recover swiftly from the impacts of the Covid pandemic. [and thereby boost the economy and jobs]

## **9.31 Refuse collection**

9.32 These been considered by the Councils waste services team and no objection is raised.

**9.33 Design Assessed Against criteria in SNP14 of the Adopted Stowupland Neighbourhood Plan**

9.34 SNP14: Quality of Development, Resource Efficiency and Design Considerations

*“All new development must meet the highest standards of design that respect the character, scale, form, height, proportions, density and massing, materials, context and setting of buildings in the parish, demonstrate resource efficient design, and shall:*

*a) respond positively to the key features, character and local context to maintain and enhance the community and its environment;*

**officer comment**

***The layout reflects the principles of the illustrative layout that were conditioned as guiding principles within the outline planning permission for subsequent reserved matters. The built form is set well-back back from the northern edge of Thradstone’s Meadow [a local green space in the ASNP] that will be transferred to the Council or its nominee Stowupland Parish Council and therefore respects its sensitivity. This will ensure the community has access to it in perpetuity. Similarly, development is set back on the northern edge of the site behind an enhanced landscape buffer. In terms of design and layout the proposal reflects the character of the Trinity Meadows development which was recently approved by the Council as appropriate and whose construction is now well advanced.***

*b) not adversely affect the distinctive character around The Green, and the setting of and context for the listed buildings, other heritage assets and their settings in the parish;*

**officer comment:**

**Whilst reference to the Green is not directly relevant here the current proposal does include mitigation upon the impact of the setting of Columbine Hall [principles established at outline stage]**

*c) enhance and protect the landscape and significant landscape features,*

*and not involve the loss of locally important open, green or landscaped areas, including verges, trees, hedgerows, woodlands, orchards, and remnants of estate parkland, and night time dark skies that make a significant contribution to the character and appearance of Stowupland;*

**Officer comment:**

***In granting outline planning permission the Committee noted the fact that the important green space that is Thradstone's Meadow was being safeguarded. Nothing within the Reserved Matters details will undermine that key community and environmental benefit. Trees to be retained will be adequately protected during construction. Sensitive lighting is being used.***

*d) provide access for all through the provision or enhancement of pedestrian and cycle links and routes that are attractive, safe and uncluttered, particularly to bus stops, the schools, and community facilities (including local shops);*

**officer comment**

***The level of connectivity achieved is good***

*e) include parking spaces / facilities that are well integrated as part of the overall design;*

**officer comment**

***Parking meets the Council's Adopted standards and Bloor Homes has worked with the Council to reduce triplex parking to a minimum through amending the layout and employing alternative solutions where possible***

*f) if appropriate to the scale of development, provide open space and green and blue infrastructure that connects, where possible, with existing green infrastructure;*

**officer comment;**

***The proposed details deliver these outcomes***

*g) for non-residential development, measures to promote environmental sustainability and high levels of resource efficiency, including design and construction methods and energy (including lighting) and water efficiency measures should be included wherever possible; and*

**officer comment**

**N/A**

*h) protect the amenity of existing and future residents, particularly with regard to privacy, overlooking, security, noise disturbance and pollution (including light pollution)."*

**Officer comment:**

***The details achieve this outcome in ways that have been described earlier in this report***

## **10.0 Drainage**

10.1 Drainage has been resolved to the satisfaction of the LLFA and there is nothing in the submitted detail that would preclude a positive decision being taken on this reserved matters application.

## **11.0 Landscaping and Ecology**

11.1 The Council's specialist consultants are satisfied with the details and mitigation proposed.

Included in the enhancement commitments are:

- Bat tubes
- Hibernacula
- Starling boxes
- Sparrow boxes
- Wildlife friendly lighting
- Hedgehog fencing

## **12.0 Archaeology**

12.1 Suffolk County Council Archaeology is satisfied

## **13.0 Sustainability**

13.1 Members will be pleased to note the Bloor Homes has followed the example set by Wimpey Homes at Chilton Leys and has given a written commitment [14.04.21] to make the installation of solar panels on any dwelling as an optional add-on extra for customers at the time of construction.

- 13.2 Members will recall that this approach was previously encouraged by the Committee as it represents a potentially attractive proposition for some purchasers as it would be cheaper to have the panels installed during construction rather than retrofit them at a later date. It was also hoped that with the buying power of a national housebuilder the optional extra might come with a discount for the customer.**
- 13.3 Members of course wish to encourage developers to move away from providing gas fired boilers in new development but in this case the Trinity Meadows phase [Phase 1 and 2] of development is already well advanced. That development has seen the provision of the gas infrastructure required to service development. It is therefore intended to use this existing infrastructure to provide gas to the second phase of development.
- 13.4 Whilst this may not be ideal from the purchasers point of view in the future as gas fired boilers are phased out the Council cannot require developers to use other forms of boiler. Members will recall from a previous meeting that gas providers are looking at how their gas infrastructure can be utilised to provide alternatives [e.g. hydrogen] The infrastructure for this development would not preclude a switchover in energy in the future.
- 13.5 Every plot with a garage will have EV charging infrastructure provided.
- 13.6 A full ecological mitigation and enhancement plan has been submitted and has secured the support of the Council's specialist consultants.
- 13.7 All plots will have lockable sheds for amongst other things cycle storage where garage space does not permit [or where there is no garage]
- 13.8 The applicant has submitted a Homes for Life assessment that suggests the development rates as green. This is welcome.
- 13.9 The developer will be employing a fabric first and energy efficient design approach but will not be using photovoltaics, air source heat pumps, ground source heat pumps, district heating, wind energy or waste water heat recovery systems. The plans do incorporate Gas Flue Heat Recovery which is a positive inclusion that would minimise energy costs and CO2 emissions. Another positive is that the inclusion of GFHR is ready to deal with green gas in the future.
- 13.10 Bloor Homes energy consultant summarises the approach being taken accordingly:

*"Bloor Homes has instructed Briary Energy to prepare this document, which examines the feasibility of suitable Low to Zero Carbon (LZC) sources, high-efficiency alternative systems, and low carbon energy efficiency measures. T*

*The Land South of Gipping Road development will comprise of 80 dwellings. The developer will first ensure a Building Regulation compliant carbon reduction across all dwellings through fabric measures alone, before assessing LZC technologies where appropriate.*

*The energy consumption figures for the development will be based on benchmark figures for each building type from CIBSE for non-domestic buildings or SAP 2012 for domestic buildings, and include regulated and non-regulated emissions.*

*Mid Suffolk District Council does not apply any specific reduction targets in terms of energy or carbon for the site, however the following energy statement will demonstrate how the development will minimise the environmental impact during construction and occupation. This will enhance the sustainability of the development through better use of water, energy and resources, reduce harm to the environment and result in wider public benefit in accordance with the NPPF. The statement will also demonstrate the energy hierarchy applied in order to exceed achieve building regulations compliance. An approved part G water calculation has been submitting, limiting water usage to 105 Litres/Person/Day.*

*The strategy calculates the total CO2 arising from the dwellings and demonstrates that a reduction exceeding Building regulation requirements can be achieved through applying the approved energy hierarchy to prioritise a fabric approach, careful detailing to avoid thermal bridging, and incorporating high efficiency boilers with Flue Gas Heat Recovery.”*

#### **14.0 Discharge of Specific Conditions [on outline application]**

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14.1 Whilst these are normally a delegated matter the applicant has chosen to submit the details for conditions 8,9,10,11,12,13,14 & 15 with the Reserved Matters application rather than separately and so consideration of these is included in this report.

---

- **Condition 8: surface water drainage scheme**

*The LLFA has recommended discharging the condition on the basis that the details are acceptable*

- **Condition 9: landscape and ecology management plan**

*The Council’s specialist consultants have accepted the details are acceptable*

- **Condition 10: breeding bird survey**

*The Council’s specialist consultants have accepted the details are acceptable*

- **Condition 11: biodiversity enhancement strategy**

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*The Council's specialist consultants have accepted the details are acceptable*

- **Condition 12: tree protection**

*The details of tree protection are acceptable*

- **Condition 13: loading/ unloading, manoeuvring and parking of vehicles and secure cycle storage**

*These details are acceptable and can be discharged*

- **Condition 14: refuse storage**

Waste Services have no objection to the discharge of this condition based on the information submitted

- **Condition 15: means of enclosure**

*These details are acceptable and can be discharged*

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## **PART FOUR - CONCLUSIONS**

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### **15.0 Conclusions**

- 15.1 The proposed Reserved Matters details are considered acceptable for the reasons set out in this report.
- 15.2 The proposal when implemented will deliver 80 new dwellings and make a significant contribution towards the Council' being able to show its housing delivery targets are being met. Furthermore, the development will provide 35% affordable housing which will mean more people in housing need on the Housing Register can be found quality new homes.

Planning permission has already been granted. The submitted reserved matters details accord with the development plan viewed as a whole. Crucially, they sit within the parameters set by the outline planning permission and will secure the anticipated benefits, within the scope of impacts already assessed.

- 15.3 **The details submitted pursuant to conditions 8-15 [inclusive] are acceptable and can be discharged**

recommendations follow.....

---

## **16.0 RECOMMENDATIONS**

- [1] **That Delegated Authority be given to the Chief Planning Officer to APPROVE the Reserved Matters** for access, appearance layout scale and landscaping submitted under reference DC/21/00946 pursuant to the outline planning permission reference DC/20/01435

**subject to appropriate conditions** that shall include:

- Any development associated with this Reserved Matters approval must be implemented in accordance with the associated S106 Agreement in respect of commencement and occupation and the delivery of a controlled crossing on Church Road

Reason: For the avoidance of doubt as to the scope of this approval and in order to ensure that this development achieves the required level of connectivity to other parts of the village in accordance with the phasing set out in the S106 Agreement

- subject to outline pp
- commencement timescale as set out in outline pp and subject to condition 1 above.
- Approved drawings
- Approved materials to be used
- As required by SCC Highways
- As required by LLFA
- Paths not to be surfaced with recycled material fused in previous phases at Trinity Meadows



- Construction Method Statement that shall include routing for construction traffic and temporary measures to avoid the use of Chamomile Close for such purposes
- Inclusion of prescriptive path as described by applicant
- Solar panel optional extra

[2] **That Delegated Authority be given to the Chief Planning Officer to APPROVE** details submitted pursuant to conditions 8 [surface water drainage scheme], 9 [landscape and ecology management plan], 10 [breeding bird survey], 11 [biodiversity enhancement strategy], 12 [tree protection], 13 [loading/ unloading, manoeuvring and parking of vehicles and secure cycle storage], 14 [refuse storage] and 15 [means of enclosure] of the outline planning permission reference DC/20/01435

**subject to** appropriate conditions that shall include:

- Approved drawings
- As required by LLFA
- As required by SCC Highways
- Relevant conditions from the RM

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Application No: DC/21/00946

Location: Land South East of, Gipping Road,  
Stowupland, Stowmarket Suffolk IP14 4AX

		Page No.
Appendix 1: Call In Request	<i>No. This is a Committee item outside of the scheme of delegation</i>	
Appendix 2: Details of Previous Decision	<i>Outline pp DC/20/01435 09.10.2020 Residential devt 80 dwellings</i>	
Appendix 3: Parish Council	<i>Stowupland Parish Council</i>	
Appendix 4: National Consultee Responses	<i>Highways England 05.03.21 Historic England 01.03.21 Natural England 23.03.21 Anglian Water 26.02.21 East Suffolk Drainage Board 02.02.21 Environment Agency 17.03.21</i>	
Appendix 5: County Council Responses	<i>Floods &amp; Water 26.03.21 Development Contributions 08.03.21 Highways 09.03.21 &amp; 13.04.21 Archaeology 23.02.21 Travel Plan officer 19.02.21 Fire &amp; Rescue 10.03.21</i>	



Babergh and Mid Suffolk District Councils



Appendix 6: Internal Consultee Responses	<i>Heritage 10.03.21</i> <i>EHO noise smoke odour 26.02.21</i> <i>EHO air quality 12.03.21</i> <i>EHO land contamination 12.03.21</i> <i>Waste Management undated standard response</i> <i>Strategic Housing 24.03.21</i> <i>Public Realm 19.03.21</i> <i>Place Services ecology 17.03.21</i> <i>Place services landscape 10.03.21</i>	
Appendix 7: Any other consultee responses	N/A	
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.



# **Consultee Comments for Planning Application DC/21/00946**

## **Application Summary**

Application Number: DC/21/00946

Address: Land South East Of Gipping Road Stowupland Stowmarket Suffolk IP14 4AX

Proposal: Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works

Case Officer: Vincent Pearce

## **Consultee Details**

Name: Mrs Claire Pizzey

Address: 2 Broomspath Road, Stowupland, Stowmarket, Suffolk IP14 4DB

Email: Not Available

On Behalf Of: Stowupland Parish Clerk

## **Comments**

Stowupland Parish Council SUPPORT the application.


**From:** Parish Clerk <parishclerk@stowuplandpc.co.uk>

**Sent:** 15 March 2021 19:28

**To:** BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>; Vincent Pearce <Vincent.Pearce@babberghmidsuffolk.gov.uk>

**Subject:** Application DC/21/00946

**Importance:** High

 **EXTERNAL EMAIL: Don't click any links or open attachments unless you trust the sender and know the content is safe. Click [here](#) for more information or help from Suffolk IT**

Dear Vincent,

**APPLICATION FOR RESERVED MATTERS - DC/21/00946**

**Proposal:** Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works

**Location:** Land South East Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

Stowupland Parish Council would like to acknowledge that a number of the items have been taken into consideration by the developer prior to the planning application submission and the Parish Council "supports" the application but have the following concerns:-

- Concerns over the use of Chamomile Close for the construction access to phase three. Could temporary bollards be used during construction to close the far end of the close?
- Drainage issues for phase 3. Current residents complain of drains being regular blocked and residents having them unblocked by Bloor Homes. Some comment on this would be appreciated.
- To consider different surfacing of material for the footpaths in phase 3. The problem of phase 2 is that the sand topping gets regularly blown away and exposing the subbase.
- Formal delineation e.g. ranch fence between phase 3 and footpath 54. We note a wildflower meadow beside the footpath but footpath 52 beside phase 1 causes problems as walkers encroach on the open space which is maintained by payment from residents.

Please can you confirm receipt of these comments. I have had some difficulty with the planning portal today.

Kind regards

*Claire*

Claire Pizzey  
Parish Clerk Stowupland

T: 01449 677005

E: [parishclerk@stowuplandpc.co.uk](mailto:parishclerk@stowuplandpc.co.uk)

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## Developments Affecting Trunk Roads and Special Roads

### Highways England Planning Response (HEPR 16-01)

### Formal Recommendation to an Application for Planning Permission

From: Martin Fellows  
Operations (East)  
[planningee@highwaysengland.co.uk](mailto:planningee@highwaysengland.co.uk)

To: Babergh Mid Suffolk Council

CC: [growthandplanning@highwaysengland.co.uk](mailto:growthandplanning@highwaysengland.co.uk)

Council's Reference: DC/21/00946

Referring to the planning application referenced above, dated 18 February 2021, Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works, Land South East of Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX. Notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is / is not relevant to this application.<sup>1</sup>

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<sup>1</sup> Where relevant, further information will be provided within Annex A.



<b>Signature:</b> S. H.	<b>Date:</b> 05 March 2021
<b>Name:</b> Shamsul Hoque	<b>Position:</b> Assistant Spatial Planner
<b>Highways England:</b> Woodlands, Manton Lane Bedford MK41 7LW	
<a href="mailto:shamsul.hoque@highwaysengland.co.uk">shamsul.hoque@highwaysengland.co.uk</a>	

**Annex A**

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard DC/21/00946 and has been prepared by Shamsul Hoque.

Proposed development site is located on the north-eastern side of A14, where proposed access is from local road network. In relation to the Discharge of Conditions 8 (Drainage), 9 (Ecology and Biodiversity), 10 (Breeding Bird related issues), 11 (Biodiversity Enhancement Strategy), 12 (Tree Protection), 13 (Highways - loading/unloading, manoeuvring and parking of vehicles and secure cycle storage), 14 (Storage and presentation of Refuse/Recycling bins) and 15 (Boundary treatments, screen walls and fences), we are not commenting on these above-mentioned conditions as they do not directly affecting the Strategic Road Network (SRN).

With respect to Reserved Matters (Access, Appearance, Layout, Landscaping and Scale), there would be no impact on the Strategic Road Network.

Therefore, we do not have any objection.



Mr Vincent Pearce  
Babergh Mid Suffolk  
Endeavour House  
8 Russell Road  
Ipswich  
Suffolk  
IP1 2BX

Direct Dial: 01223 582740

Our ref: **W:** P01381330

1 March 2021

Dear Mr Pearce

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND SOUTH EAST OF GIPPING ROAD, STOWUPLAND, STOWMARKET,  
SUFFOLK, IP14 4AX  
Application No. DC/21/00946**

Thank you for your letter of 18 February 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

**Sophie Cattier**

Assistant Inspector of Historic Buildings and Areas  
E-mail: [sophie.cattier@HistoricEngland.org.uk](mailto:sophie.cattier@HistoricEngland.org.uk)



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



**From:** SM-NE-Consultations (NE)  
**Sent:** 23 February 2021 15:40  
**Subject:** Planning consultation DC/21/00946 Natural England response

Dear Vincent Pearce

Our ref: 344288  
Your ref: DC/21/00946

Planning consultation: Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works  
Location: Land South East Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

Thank you for your consultation.

Natural England currently has no comment to make on the discharge of conditions 8,9,10,11,12,13,14 and 15 of DC/20/01435.

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours sincerely

Amy Knafler  
Natural England  
Consultation Service

**From:** Planning Liaison <planningliaison@anglianwater.co.uk>  
**Sent:** 26 February 2021 04:20  
**To:** BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>  
**Subject:** Land South East Of Gipping Road Stowupland Stowmarket Suffolk IP14 4AX - DC/21/00946

Dear Vincent Pearce,

Our Reference: PLN-0115417

Please see below our response for the Reserved Matters application- Land South East Of Gipping Road Stowupland Stowmarket Suffolk IP14 4AX - DC/21/00946

#### Assets Affected

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

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

#### Foul Water

N/A

#### Surface Water

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Please do not hesitate to contact the Planning & Capacity Team on the number below or via email should you have any questions related to our planning application response.

Kind Regards,  
Sushil



**Planning & Capacity Team**

Development Services  
Telephone: 07929 786 955

**Anglian Water Services Limited**

Thorpe Wood House, Thorpe Wood, Peterborough,  
Cambridgeshire, PE3 6WT

Our Ref: 21\_03965\_P  
Your Ref: DC/21/00946

02 March 2021

Dear Sir/Madam

**RE: Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works | Land South East Of Gipping Road Stowupland Stowmarket Suffolk IP14 4AX**

The site is near to the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District ([https://www.wlma.org.uk/uploads/ESIDB\\_Index\\_plan.pdf](https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf)) as well as the wider watershed catchment ([https://www.wlma.org.uk/uploads/ESIDB\\_Watershed.pdf](https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf)).

I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. We request that this discharge is facilitated in line with [the Non-Statutory technical standards for sustainable drainage systems](#) (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site be attenuated to the Greenfield Runoff as currently proposed by the applicant.

The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the [National Planning Policy Framework](#)). For further information regarding the Board's involvement in the planning process please see our [Planning and Byelaw Strategy](#), available online.

Kind Regards,

Yvonne

Yvonne Smith  
Senior Sustainable Development Officer  
Water Management Alliance



Jane Marson (Chairman) Michael Paul (Vice-Chairman)  
Phil Camamile (Chief Executive)



Cert No. GB11990

Cert No. GB11991

Babergh District Council  
Development Control  
Endeavour House Russell Road  
Ipswich  
Suffolk  
IP1 2BX

**Our ref:** AE/2021/125929/01-L01  
**Your ref:** DC/21/00946  
**Date:** 17 March 2021

Dear Sir/Madam

**SUBMISSION OF DETAILS (RESERVED MATTERS) AND DISCHARGE OF CONDITIONS 8, 9, 10, 11, 12, 13, 14 AND 15 UNDER OUTLINE PLANNING PERMISSION DC/20/01435. ACCESS, APPEARANCE, LAYOUT, LANDSCAPING AND SCALE FOR THE ERECTION OF 80 DWELLINGS WITH ESTATE ROADS, FOOTPATHS, PARKING, OPEN SPACE, LANDSCAPING AND ANCILLARY WORKS - LAND SOUTH EAST OF , GIPPING ROAD, STOWUPLAND, STOWMARKET SUFFOLK IP14 4AX**

Thank you for consulting us on the above application, we have reviewed the documents as submitted and can confirm that we have no objection to the proposed development as long as the below requested condition is appended to any permission granted.

**Water Recycling Center**

Our information (2019 data) indicates that Stowmarket Water Recycling Center (WRC) has capacity for 118 houses, but we are aware of other development close by that will be taking some of this capacity. Therefore it is unclear if there will be treatment capacity at Stowmarket WRC for this development.

We are aware that Anglian Water has long term plans to upgrade Stowmarket WRC. However these are not yet confirmed and funded, and upgrades or other methods to increase capacity need to be in place ahead of occupation of this development to protect the local watercourses and environment.

It is essential that development is phased in line with any necessary upgrades or increase in treatment capacity at Stowmarket WRC and we therefore request the following condition be appended to any permission granted.

**Condition**

The development hereby permitted shall not be occupied until such time as a scheme to dispose of foul drainage ensuring there is capacity at the WRC has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reason**

There is not capacity for all the wastewater flows from this proposed development to be treated at Stowmarket WRC. We are aware that AWS has long term plans to upgrade Stowmarket WRC. However these are not yet confirmed and funded. These plans therefore need to be confirmed in the strategy ahead of use of this site to protect the local watercourses and environment.

We trust the above is useful.

Yours faithfully

**Miss Natalie Kermath**  
**Planning Advisor**

Direct e-mail [planning.ipswich@environment-agency.gov.uk](mailto:planning.ipswich@environment-agency.gov.uk)



**From:** GHI Floods Planning <floods.planning@suffolk.gov.uk>

**Sent:** 26 March 2021 10:24

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

**Cc:** Vincent Pearce <Vincent.Pearce@baberghmidsuffolk.gov.uk>; Grace Waspe <Grace.Waspe@baberghmidsuffolk.gov.uk>

**Subject:** 2021-03-26 JS Reply Land South East Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX Ref DC/21/00946 RMA & DoC

Dear Vincent Pearce,

Subject: Land South East Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX Ref DC/21/00946 Reserved Matter Application and Discharge of Condition 8

**Note the LLFA is only commenting on the surface water drainage.**

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/00946.

The following submitted documents have been reviewed and we recommend **approval of the reserved matters application** and **refusal to discharge condition 8 (Drainage)** at this time:

- Site Location Plan Ref EA174-SLP-001 A
- Planning Layout Ref P645-PD-901 B
- Drainage Strategy Report V.03
- Construction Surface Water Management Plan Ref 422533
- Attenuation Basin Sections 8365-352 D
- Impermeable Area Plan Ref 8365-351 D
- Landscaping and Ecological Management Plan Feb 2021
- Site Landscaping Ref Ea174 Is-003a & 004a
- Exceedance Flow Route Ref PA645-EN-355
- Geo-environmental and Geotechnical site assessment Ref 1921626 01 (01)

We would like to make the applicant aware of the following informatives.

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act
- Any works to a main river may require an environmental permit

Conditions recommended **refusal**

8. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA (ref: SHF.1132.157.HY.R.001.C) and include:

a) Dimensioned plans and drawings of the surface water drainage scheme;

- b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g) Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
  - a. Method statements, scaled and dimensioned plans and drawings detailing surface water
  - b. Temporary drainage systems
  - c. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - c. Measures for managing any on or offsite flood risk associated with construction
  - e. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented as approved.

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

The point[s] below detail the action required in order to overcome our current refusal:-

1. Exceedance Flow Route, shall included where the water goes if the basin over tops in a exceedance event
2. Provide a designers risk assessment for all open SuDs features, the risk assessment shall identify the risk, to whom the risk is and how it will be mitigated. A template can be found in the Ciria SuDs Manual

Kind Regards

Jason Skilton  
 Flood & Water Engineer  
 Suffolk County Council  
 Growth, Highway & Infrastructure  
 Endeavour House, 8 Russell Rd, Ipswich , Suffolk IP1 2BX

\*\*Note I am remote working for the time being\*\*

Your ref: DC/21/00946  
Our ref: Stowupland, Land South East  
Of Gipping Road, IP14 4AX. Matter  
No: 60030  
Date: 8 March 2021  
Enquiries to: Ruby Shepperson  
Tel: 01473 265063  
Email: [Ruby.Shepperson@suffolk.gov.uk](mailto:Ruby.Shepperson@suffolk.gov.uk)



**By e-mail only:**

[planningyellow@baberghmidsuffolk.gov.uk](mailto:planningyellow@baberghmidsuffolk.gov.uk)

[Vincent.Pearce@baberghmidsuffolk.gov.uk](mailto:Vincent.Pearce@baberghmidsuffolk.gov.uk)

Dear Vincent,

**Stowupland: Land South East Of, Gipping Road, Stowmarket IP14 4AX – reserved matters.**

I refer to the proposal: Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works.

The reason(s) for re-consultation: reserved matters submission for the “access, appearance, layout, landscaping, and scale pursuant of outline planning permission DC/20/01435 for 80 dwellings.”

The contents of Suffolk County Council’s previous responses, dated 4 May 2020 and 11 May 2020, remain applicable and valid.

I have no comments to make on this application, but have copied to colleagues who deal with highways, floods planning and archaeological matters as they may have comments to make.

Yours sincerely,

Ruby Shepperson  
Planning Officer  
Growth, Highways & Infrastructure Directorate

cc Floods Planning, Suffolk County Council  
Sam Harvey, Suffolk County Council  
Suffolk Archaeological Service

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

Email: [planning@babberghmidsuffolk.gov.uk](mailto: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: Vincent Pearce

Dear Vincent

**TOWN AND COUNTRY PLANNING ACT 1990**

**CONSULTATION RETURN: DC/21/00946**

**PROPOSAL:** Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works

**LOCATION:** Land South East Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

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

- Dimensions of the proposed roads and footways are to Suffolk Design Guide.
- the maintenance strips on Shared Surface Roads are 1m wide and as the design for previous Phases which is acceptable
- an informal footpath will be provided to link the site footways with the PROW footpath.
- the applicant is reminded no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- the parking is to Suffolk Guidnace for Parking 2019

If the development is to be offered for adoption by the developer, exact details of the layout and construction will be determined as part of the s38 agreement process.

**CONDITIONS**

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

**Parking Condition:** The use shall not commence until the area(s) within the site shown on Drawing No. EA174-PD-909B for the purposes of manoeuvring and parking of vehicles and electric vehicle charging points 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.

Cycle Condition: The areas to be provided for secure covered storage cycle parking as shown on Drawing No. EA174-PD-909B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that the provision for cycle parking is provided in line with sustainable transport policies.

Bin Condition: The areas to be provided for presentation and storage of Refuse/Recycling bins as shown on Drawing No. EA174-PD-908B shall be provided 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.

Yours sincerely,

**Samantha Harvey**

**Senior Development Management Engineer**

Growth, Highways and Infrastructure

Your Ref:DC/21/00946  
Our Ref: SCC/CON/0753/21  
Date: 9 March 2021  
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



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

Email: [planning@babberghmidsuffolk.gov.uk](mailto: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: Vincent Pearce

Dear Vincent,

**TOWN AND COUNTRY PLANNING ACT 1990**

**CONSULTATION RETURN: DC/21/00946**

**PROPOSAL:** Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works

**LOCATION:** Land South East Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

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

- Dimensions of the proposed roads and footways have not been supplied. By scaling, the widths are to Suffolk Design Guide. However, we recommend the footway widths are increased to 2.0m (as outlined in Manual for Streets).
- the shared surface roads are showing maintenance strips 1m wide each side of the carriageway which allows the highway to be maintained and erection of street lighting. If these strips are to be considered for utility services plant, the strips need to be widened to 2m.
- Full details on highway details, finishes and construction within the site will be agreed with the Highway Authority under s38 of Highways Act 1980 agreement if the site is offered for adoption. All off site works will require s278 agreement.
- connectivity to Public Rights of Way (PROW) network needs to be considered. The drawings are not showing any connections to the existing footpath (FP54a) adjacent to the site (on the east boundary of the site).
- a drawing showing the forward visibility of the accesses of Plots 6 & 52 is required to ensure the layout meets with Manual for Streets.
- Dimensions of the parking spaces and garages have not been specified; a standard car parking space is 2.5m x 5.0m and a standard garage is 3.0m x 7.0m. By scaling, they are to the correct size.
- There are 4 bed-roomed dwellings with triple parking layout. This layout is acceptable on private drives as indicated in Suffolk Guidance for Parking 2019. However, we would like to point out that this layout is not favoured by the Planning Committees so we recommend that all triple parking is removed.

We can recommend conditions once the above points have been addressed. We look forward to receiving further information.

Yours sincerely,

**Samantha Harvey**

**Senior Development Management Engineer**

Growth, Highways and Infrastructure

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

From: Rachael Abraham <Rachael.Abraham@suffolk.gov.uk>  
Sent: 23 February 2021 08:48  
To: BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>  
Cc: Vincent Pearce <Vincent.Pearce@baberghmidsuffolk.gov.uk>  
Subject: RE: MSDC Planning Consultation Request - DC/21/00946

Dear Vincent,

A WSI for a trial trenched archaeological evaluation at this site has been approved and we would have no objection to this work commencing.

However, should the evaluation define archaeological remains, archaeological mitigation prior to any groundworks at this site will be required, subject to a further WSI. As such, we would not advise the discharge of condition 16 until archaeological mitigation work has been agreed and implemented.

Best wishes,  
Rachael

Rachael Abraham B.A. (Hons), M.A.  
Senior Archaeological Officer

Please note that my working days are Tuesday-Thursday

Suffolk County Council Archaeological Service, Bury Resource Centre, Hollow Road, Bury St Edmunds, IP32 7AY

Tel.: 01284 741232  
Mob: 07595 089516  
Email: [rachael.abraham@suffolk.gov.uk](mailto:rachael.abraham@suffolk.gov.uk)

Website: <http://www.suffolk.gov.uk/archaeology>  
Suffolk Heritage Explorer: <https://heritage.suffolk.gov.uk> Follow us on Twitter: @SCCArchaeology  
Like us on Facebook: @SCCArchaeologicalService Follow us on Instagram: @SCCArchaeology

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

From: [planningyellow@baberghmidsuffolk.gov.uk](mailto:planningyellow@baberghmidsuffolk.gov.uk) <[planningyellow@baberghmidsuffolk.gov.uk](mailto:planningyellow@baberghmidsuffolk.gov.uk)>  
Sent: 18 February 2021 15:23  
To: RM Archaeology Mailbox <[archaeology@suffolk.gov.uk](mailto:archaeology@suffolk.gov.uk)>  
Subject: MSDC Planning Consultation Request - DC/21/00946

Please find attached planning consultation request letter relating to planning application - DC/21/00946 - Land South East Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

Kind Regards

Planning Support Team



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**From:** Chris Ward <Chris.Ward@suffolk.gov.uk>

**Sent:** 19 February 2021 08:59

**To:** Vincent Pearce <Vincent.Pearce@babberghmidsuffolk.gov.uk>

**Cc:** BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>; Sam Harvey <Sam.Harvey@suffolk.gov.uk>

**Subject:** RE: MSDC Planning Consultation Request - DC/21/00946

Dear Vincent,

Thank you for notifying me about the reserved matters and discharge of condition application for the proposed residential development at Land South East of Gipping Road in Stowupland. On reviewing the application documents submitted I have no comment to make at this stage.

Kind regards

**Chris Ward**

Travel Plan Officer

Transport Strategy

Strategic Development - Growth, Highways and Infrastructure

Suffolk County Council

Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

web : <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/>

**From:** Water Hydrants <Water.Hydrants@suffolk.gov.uk>  
**Sent:** 10 March 2021 08:52  
**To:** BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>  
**Subject:** RE: DC/21/00946 - Land South East of Gipping Road, Stowupland

Fire Ref.: F221422

Good Morning,

Hope you are well.

Thank you for your letter regarding planning application DC/21/00946.

None of the conditions mentioned relate to the Suffolk Fire & Rescue Service. We shall respond when Condition 28 needs to be responded to.

If you have any queries, please let us know.

Kind regards,  
A Stordy  
BSC  
Admin to Water Officer  
Engineering  
Fire and Public Safety Directorate  
Suffolk County Council  
3rd Floor, Lime Block  
Endeavour House  
Russell Road  
IP1 2BX

Tel.: 01473 260564  
Team Mailbox: [water.hydrants@suffolk.gov.uk](mailto:water.hydrants@suffolk.gov.uk)

**From:** Paul Harrison  
**Sent:** 10 March 2021 17:45  
**Subject:** DC 21 00946 Stowupland RM DoC DC 20 01435

Heritage consultation response

Vincent

condition 15 Landscaping

In Heritage's response on the Outline application, we noted the importance of maintaining a landscaped buffer area along the site's northern edge, with the aim of limiting impact on the rural character of the wider setting in particular of Columbine Hall. I note that on drawing no.EA.174-LS-001.a this buffer is maintained with some strengthening by way of planting of additional trees within the site. In terms of potential impact on heritage assets, in my view the landscaping scheme is satisfactory.

Layout

In similar vein, as the layout maintains the layout indicated at Outline stage, in my view the layout is satisfactory.

I do not wish to offer comment on behalf of Heritage team on any other Reserved Matters or conditions addressed in this application.

Paul

**Paul Harrison**  
Heritage and Design Officer  
Babergh and Mid Suffolk District Councils

**From:** Andy Rutson-Edwards <Andy.Rutson-Edwards@baberghmidsuffolk.gov.uk>

**Sent:** 26 February 2021 15:36

**To:** BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>

**Subject:** DC/21/00946 dis con

Environmental Health- Noise/ smoke /light/odour

DC/21/00946 | Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works | Land South East Of Gipping Road Stowupland Stowmarket Suffolk IP14 4AX

Thank you for consulting me on this application to discharge conditions 8,9,10,11,12,13,14,15.

Environmental protection have no comments to make or any objections to these being discharged

*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](mailto:andy.rutson-edwards@baberghmidsuffolk.gov.uk)

[www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

**From:** Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>  
**Sent:** 12 March 2021 08:41  
**To:** Vincent Pearce <Vincent.Pearce@babberghmidsuffolk.gov.uk>  
**Cc:** BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>  
**Subject:** DC/21/00946. Air Quality

Dear Vincent

**EP Reference : 289465**  
**DC/21/00946. Air Quality**  
**Land to the South of, Gipping Road, Stowupland, STOWMARKET, Suffolk.**  
**Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10,**  
**11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access,**  
**Appearance, Layout, Landscaping etc ..**

Many thanks for your request for comments in relation to the above submission. I can confirm that I have no comments to make with respect to Local Air Quality Management.

Kind regards

Nathan

**Nathan Pittam** BSc. (Hons.) PhD  
Senior Environmental Management Officer

**From:** Nathan Pittam <Nathan.Pittam@baberghmidsuffolk.gov.uk>  
**Sent:** 12 March 2021 08:51  
**To:** Vincent Pearce <Vincent.Pearce@baberghmidsuffolk.gov.uk>  
**Cc:** BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>  
**Subject:** DC/21/00946. Land Contamination

Dear Vincent

**EP Reference : 289464**  
**DC/21/00946. Land Contamination**  
**Land to the South of, Gipping Road, Stowupland, STOWMARKET, Suffolk.**  
**Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10,**  
**11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access,**  
**Appearance, Layout, Landscaping etc ...**

Many thanks for your request for comments in relation to the above submission. I can confirm that I have no comments to make with respect to land contamination.

Kind regards

Nathan

**Nathan Pittam** BSc. (Hons.) PhD  
Senior Environmental Management Officer

# Consultee Comments for Planning Application DC/21/00946

## Application Summary

Application Number: DC/21/00946

Address: Land South East Of Gipping Road Stowupland Stowmarket Suffolk IP14 4AX

Proposal: Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works

Case Officer: Vincent Pearce

## Consultee Details

Name: Mr James Fadeyi

Address: Mid Suffolk District Council Depot, Creeting Road West, Stowmarket, Suffolk IP14 5AT

Email: Not Available

On Behalf Of: MSDC - Waste Manager (Major Developments)

## Comments

Good Morning,

Thank you for your email re-consultation on the reserved matters application DC/21/00946.

Waste services do not wish to add any further comments to our original.

Kind regards,

James Fadeyi

Waste Management Officer - Waste Services



## MID SUFFOLK DISTRICT COUNCIL

### MEMORANDUM

TO: Vincent Pearce – Principal Planning Officer  
From: Louise Barker - Strategic Housing Team Manager  
Date: 24<sup>th</sup> March 2021

#### APPLICATION FOR RESERVED MATTERS - DC/21/00946

Proposal: Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works

Location: Land South East of Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

#### **Consultation Response:**

This is a reserved matters application for outline DC/20/01435. There is a signed s106 accompanying the outline permission. Schedule 2 Part 2 outlines the affordable housing mix. The layout plan accompanying the reserved matters application appears to concord with the agreed mix.

We note that on the layout plan that the affordable housing is located in one half of the site rather than the Council's preferred integrated cohesive approach to 'pepper pot' throughout the site. We suggest that the layout is reviewed and recommend that the affordable homes are integrated across the whole site.

The open market mix should ensure that it follows the SHMA recommendations, the table below sets out the recommendations in the Strategic Housing Market Assessment (updated 2019) for new owner-occupied dwellings for the next 18 years up to 2036.

**Table 4.4e Size of new owner-occupied accommodation required in Mid Suffolk over the next 18 years**

Size of home	Current size profile	Size profile 2036	Change required	% of change required
One bedroom	707	1,221	515	7.2%
Two bedrooms	5,908	8,380	2,472	34.4%
Three bedrooms	13,680	15,784	2,104	29.3%
Four or + bedrooms	12,208	14,303	2,096	29.2%
<b>Total</b>	<b>32,502</b>	<b>39,688</b>	<b>7,186</b>	<b>100.0%</b>

From the plans provided it would appear the provision of 2 bedroomed accommodation within this proposal is lower than the SHMA target so the Council would be looking for an uplift in the number of 2 bed dwellings for open market sale on this development and a reduction in the number of 3 and 4 bedrooms.

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

From: BMSDC Public Realm Consultation Mailbox <consultpublicrealm@baberghmidsuffolk.gov.uk>

Sent: 19 February 2021 10:51

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

Subject: RE: MSDC Planning Consultation Request - DC/21/00946

Public Realm Officers suggest that the proposed planting of Reedmace (*Typha angustifolia*) within the pond is omitted and an equivalent number of Common Reed (*Phragmites*) is substituted. Reedmace can be very invasive in small shallow water bodies creating dense stands at the expense of other plants.

Regards

Dave Hughes  
Public Realm Officer



17 March 2021

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

By email only

---

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

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**Application:** DC/21/00946  
**Location:** Land South East Of Gipping Road Stowupland Stowmarket Suffolk IP14 4AX  
**Proposal:** Submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435. Access, Appearance, Layout, Landscaping and Scale for the erection of 80 dwellings with estate roads, footpaths, parking, open space, landscaping and ancillary works

Dear Vincent,

Thank you for consulting Place Services on the above Reserved Matters application.

**Summary**

We have reviewed the submitted documents for this application, including the Update Ecological Appraisal and Biodiversity Enhancement Strategy (SES Ltd, January 2021), Site landscaping and Site Landscaping Specification & Schedule (Bloor Homes Ltd, January 2021) and the Landscape and Ecological Management Plan (Bloor Homes Ltd, February 2021).

The Update Ecological Appraisal provides the LPA with certainty of the likely impacts on designated sites, protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Furthermore, we also support the landscape scheme for this scheme (ref: EA174-LS-004) and indication that we are satisfied with the proposed planting schedule and details of implementation for these features. In addition, we support the proposed management and aftercare measures which have been included within the Landscape and Ecological Management Plan (LEMP), which has submitted to meet the requirements of condition 9. As a result, we are satisfied that subject to the full implementation of the Landscape and Ecological Management Plan, condition 9 can be discharged in full.



In terms of condition 11, we are also generally satisfied with the Biodiversity Enhancement Strategy submitted by Southern Ecological Solutions Ltd meets the requirements of this condition. The scheme proposes that following bespoke enhancement measures will be delivered:

- BAT TUBE (7 no.) Schwegler 1FR Bat Tube (Or similar approved) to be sited under the eaves of the building
- STARLING BOX (4 no.) Ecosurv Starling Nest Box (Or similar approved) to be sited under the eaves of the building
- SPARROW BOX (4 no.) Ecosurv Sparrow Nest Box (Or similar approved) to be sited under the eaves of the building
- HIBURNACULA (1 no.) Pile made from split logs, dead wood, rocks & bricks, loosely filled with topsoil. Covered with turf. Located on a gentle slope.

Therefore, it is highlighted that we consider that appropriate locations and orientations have been proposed for these enhancement measures, as well as aftercare measures in line with the condition. However, we note that the strategy proposes that alternative numbers of bat and boxes within the text, in contrast to what is actually being proposed in Appendix 11 and the landscape scheme drawings. Therefore, the Biodiversity Enhancement Strategy should be amended before condition 11 can be discharged in full.

In addition, we note that a wildlife friendly lighting scheme has been secured under condition 27 of outline stage. Therefore, it is highlighted that this strategy should follow current guidelines<sup>1</sup> and that a professional ecologist should be consulted to advise the lighting strategy for this scheme.

Please contact us with any queries.

Yours sincerely,

**Hamish Jackson ACIEEM BSc (Hons)**  
Ecological Consultant  
[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

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

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

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<sup>1</sup> ILP, 2018. Bat Conservation Trust Guidance Note 08/18: Bats and artificial lighting in the UK



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

10/03/2021

For the attention of: Vincent Pearce

**Ref: DC/21/00946 RMA; Land to the South of Gipping Road, Stowupland IP14 4AX**

Thank you for consulting us on the submission of Details (Reserved Matters) and Discharge of Conditions 8, 9, 10, 11, 12, 13, 14 and 15 under Outline Planning Permission DC/20/01435.

Relevant to landscape, this response focuses on a review of the submitted files covering conditions 8, 9 and 15.

Condition 8 is specific to the proposed drainage scheme. Condition 8: (as submitted) includes details of the Sustainable Urban Draining System including sections and management plans (see Condition: 9) and from a landscape perspective is deemed appropriate.

Condition 9 relates to the landscape management plan. A Landscape management plan has been submitted as a combined Landscape and Ecological Management Plan (LEMP) which includes a maintenance schedule for 5 years. The management plan includes reference to the planted drainage and SuDS features. Again, from a landscape perspective, this is deemed appropriate.

Condition 15 covers details of all means of enclosure and boundary treatments, screen walls and fences. The proposal for boundary treatments is appropriate; balancing the provision of brick walls, fences and hedge planting across the proposed development.

An appropriate landscape scheme has also been submitted ref: EA174-LS-004. The plan includes a planting schedule as well as a detailed planting plan, seeding and meadow seed mix.

Details not yet addressed

In my previous response, (dated 07/08/2020) we recommended that details of advance planting to the north eastern boundary should be submitted and approved by the Local Planning Authority. In order to ensure that key structural / screening landscape planting is carried out at the earliest opportunity, in the interest of the landscape character and amenity of the locality, and the character, setting and significance of heritage assets. This has not been addressed within the recent submission.

Details of the onsite children's play space provision still need to be submitted. The landscape plans do however include indicative locations of the 'Trim Trail Equipment' but no further details have been submitted.

If you have any queries regarding the matters raised above, please let me know.

Yours sincerely,

Ryan Mills BSc (Hons) MSc CMLI  
Senior Landscape Consultant

**Place Services provide landscape advice on behalf of Babergh and Mid Suffolk District Councils** Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



Philip Isbell – Chief Planning Officer  
Sustainable Communities

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

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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## OUTLINE PLANNING PERMISSION

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

---

**Correspondence Address:**

Gladman Developments Ltd  
Gladman House  
Alexandria Way  
Congleton  
CW12 1LB  
England

**Applicant:**

Gladman Developments Ltd  
Gladman House  
Alexandria Way  
Congleton  
CW12 1LB  
England

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**Date Application Received:** 07-Apr-20

**Application Reference:** DC/20/01435

**Date Registered:** 08-Apr-20

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**Proposal & Location of Development:**

Outline Planning Application (All matters reserved) Erection of up to 80 dwellings.

Land To The South Of , Gipping Road, Stowupland, Stowmarket Suffolk IP14 4AX

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Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN GRANTED** subject to the following conditions:

**TIME LIMIT FOR IMPLEMENTATION**

1. Application for approval of reserved matters must be made not later than the expiration of 18 months beginning with the date of this permission, and the development must be begun not later than the expiration of 18 months from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

*Reason - 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 and to help to ensure that the proposals for housing are implemented in a timely manner in accordance with Paragraph 76 of the National Planning Policy Framework (hereinafter NPPF, 2019).*



## RED-LINED APPLICATION AREA/NATURE OF DEVELOPMENT

2. The development shall be carried out in accordance with the Site Location Plan ref: 8193-L-01.

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

3. The development hereby permitted shall not exceed 80 dwellings.

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

## RESERVED MATTERS

### General

4. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

*Reason - To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters as defined within the Town and Country Planning (Development Management Procedure) (England) Order 2015 and ensure no unacceptable harm results.*

5. The reserved matters shall be in general accordance with the Development Framework plan ref: 8193-L-03 Rev I. and no development shall encroach beyond the limit of built development shown on that drawing into any part of the open space area/s shown thereon unless otherwise in the case of minor variations agreed in writing by the Local Planning Authority.

*Reason - For the avoidance of doubt and in the interests of proper planning of the development. In approving this application the Council as local planning authority has given significant weight to the amendment made by the applicant to increase the depth of landscape buffers on the north, east and southern boundaries of the site and it wishes to ensure that these elements are delivered in order to protect the setting of Columbine Hall, a Grade II\* listed building [northern boundary] and Thradstone Meadow [southern boundary] an important local green space [defined as such in the Stowupland Neighbourhood Development Plan 2019] and to retain the character of the countryside edge to the site [eastern boundary]*

6. There shall be no vehicular access, other than emergency access, taken from Gipping Road (as generally shown on the Development Framework plan ref: 8193-L-03 Rev I).

*Reason - For the avoidance of doubt and in the interests of proper planning of the development where it has not been demonstrated at this time that such an access would be suitable when having regard for the local highway network.*

7. Prior to or concurrent with the first application for the approval of reserved matters, details of the mix of type and size of the market dwellings to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

## **Drainage**

8. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA (ref: SHF.1132.157.HY.R.001.C) and include:
  - a) Dimensioned plans and drawings of the surface water drainage scheme;
  - b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
  - c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
  - d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
  - e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
  - f) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
  - g) Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
    - a. Method statements, scaled and dimensioned plans and drawings detailing surface water
    - b. Temporary drainage systems
    - c. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    - d. Measures for managing any on or offsite flood risk associated with construction
    - e. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

*Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure*

*clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

## **Ecology and Biodiversity**

9. Concurrent with the first reserved matters application a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development.

The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long- term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

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

10. Concurrent with the first reserved matters application a Breeding Bird Survey following the Common Bird Census Methodology, shall be submitted to and approved by the local planning authority.

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

11. Concurrent with the first reserved matters application 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).*

## **Tree Protection**

12. Concurrent with the first application for approval of reserved matters a detailed method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority, to also include details of protective fencing to be installed prior to commencement of development and retained throughout duration of building and engineering works. The approved scheme shall be carried out in accordance with the approved details and shall be completed in all respects prior to first occupation. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

*Reason: For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of lost and damage to trees.*

## **Highways**

13. Concurrent with the first application for approval of reserved matters details of the areas to be provided for the loading/ unloading, manoeuvring and parking of vehicles and secure cycle storage (with such details being in accordance with the Suffolk Guidance for Parking 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved details 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 enable sufficient parking in accordance with adopted parking standards.*

14. Concurrent with the first application for approval of reserved matters 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.*

## **Boundary Treatments**

15. Concurrent with the landscaping reserved matters application details of all means of enclosure and boundary treatments, screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To secure an orderly and coherent design in the interests of the character and appearance of the area.*

## **PRE - COMMENCEMENT CONDITIONS**

### **Archaeology**

16. No development shall take until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to the commencement of development.

*Reason - Where the site is likely to hold heritage assets with archaeological interest, to secure the appropriate investigation and recording of such assets in accordance with Paragraph 189 of the NPPF.*

### **Highways**

17. Prior to the commencement of any works (save for site clearance and technical investigations) details of the highway connectivity improvements along the A1120/Church Road, shall be submitted to and approved in writing to the Local Planning Authority in consultation with Local Highway Authority. The details as agreed shall be delivered in accordance with a timetable for improvement which shall have been submitted to and agreed in writing by the LPA concurrent with the said details.

*Reason: To ensure that design highway improvements/footways are constructed to an acceptable standard.*

18. Prior to commencement of any works, (save for site clearance and technical investigations) details of the estate roads and footpaths of the development, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

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

### **Construction Management**

19. Before the development hereby permitted is commenced a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved CMP. No burning shall take place on site during the site clearance/demolition or construction phases of the development.

The CMP shall include the following matters:

- a) haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- b) compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements,
- c) overburden/topsoil storage areas, fuel storage, hazardous materials storage
- d) provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting
- e) details of proposed means of dust suppression
- f) details of equipment/plant noise suppression
- g) full piling details
- h) details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management
- i) details of deliveries times to the site during construction phase
- j) details of provision to ensure pedestrian and cycle safety
- k) programme of works (including measures for traffic management and operating hours and hours of construction)
- l) parking and turning for vehicles of site personnel, operatives and visitors
- m) loading and unloading of plant and materials
- n) storage of plant and materials
- o) maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the construction period.

*Reason: In the interest of residential amenity, highway safety, to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.*

20. Before the development hereby permitted is commenced a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved Plan. No burning shall take place on site during the site clearance/demolition or construction phases of the development.

The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

### **Water and Energy Efficiency Measures**

- 21. No development shall commence until a scheme for the provision and implementation of water, energy and resource efficiency measures for the development has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

*Reason: To ensure that the development makes an appropriate contribution to the objectives of environmental sustainability, in accordance with the development plan and NPPF.*

### **PRIOR TO OCCUPATION/SLAB OR OTHER STAGE CONDITIONS**

#### **Highways**

- 22. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority in consultation with Local Highway Authority.

*Reason - To ensure that satisfactory access is provided for the safety of residents and the public.*

- 23. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail

timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

*Reason: In the interest of sustainable development as set out in the NPPF, and Strategic Objectives SO3 and SO6 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).*

### **Materials**

24. No development shall commence above slab level until a schedule of all external facing materials to be used in the construction of the dwellings has been submitted to and approved in writing by the Local Planning Authority. The schedule shall be accompanied by a design statement incorporating an assessment of local character justifying the materials specified in the schedule. The materials shall be applied as approved.

*Reason – In the interests of securing a high-quality design having regard to the character and appearance of the area.*

### **Fenestration**

25. No development shall commence above slab level until details of all windows to be used in the development, with sectional drawings illustrating window reveal depth and any glazing bars proposed, have been submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by a design statement incorporating an assessment of local character justifying those details. The materials shall be applied as approved.

*Reason – In the interests of securing a high-quality design having regard to the character and appearance of the area.*

### **Electric Car Charging**

26. No development shall commence above slab level until a scheme for the provision and implementation electric car charging points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be implemented, and the measures provided and made available for use, in accordance with such timetable as may be agreed.

*Reason - To ensure that the development is securing appropriate net gains for the environmental objective of sustainability, in accordance with the Council's adopted parking/highway standards (Suffolk Guidance for Parking, 2019) and Paragraph 110 of the NPPF.*

### **Lighting**

27. No external lighting shall be installed until a detailed lighting scheme for any areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), and 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, so that it can be:

Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED. Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations as set out in the approved scheme and shall be maintained thereafter in accordance with that scheme.

*Reason - In the interests of safeguarding ecology, biodiversity and amenity.*

### **Site Infrastructure/Other**

28. No development shall proceed above slab level until details of the provision of fire hydrants for the development, including timetable for installation, have been submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be installed in accordance with the approved details in their entirety and in accordance with the timetable as may be agreed.

*Reason - To ensure the site is suitably served by fire hydrants in the interests of public safety and fire prevention.*

### **Archaeology: Post Investigation**

29. No dwelling shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason - to ensure the appropriate recording and analysis of archaeological assets.*

## **POST OCCUPANCY MONITORING/MANAGEMENT**

### **Permitted Development**

30. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development shall be carried out in such a position as to preclude vehicular access to those vehicular parking spaces provided in accordance with the approved plans and no alterations shall be carried out to any approved garage units that would preclude the parking of vehicles without an application for planning permission made in that regard.

*Reason - To ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would otherwise be detrimental to highway safety.*

## **Drainage**

31. Within 28 days of the completion of the final dwelling, details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason - To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.*

## **Ecology/ Biodiversity**

32. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal & Bat Activity Survey (FPCR Ltd, March 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

## **Unexpected Contamination During Construction**

33. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.*

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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/20/01435

**Signed: Philip Isbell**

**Dated: 9th October 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.

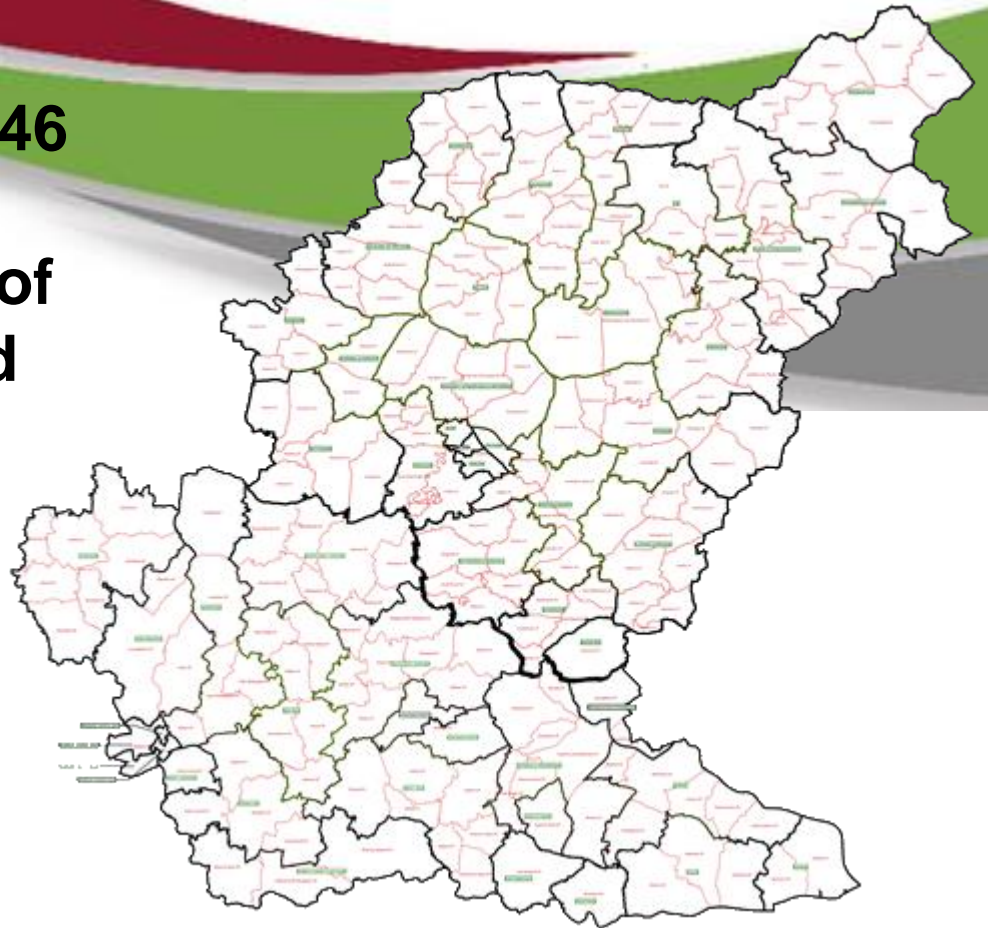
\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

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**Application No: DC/21/00946**

**Address: Land Southeast of  
Gipping Road, Stowupland**

page 111







## Aerial Map – wider view

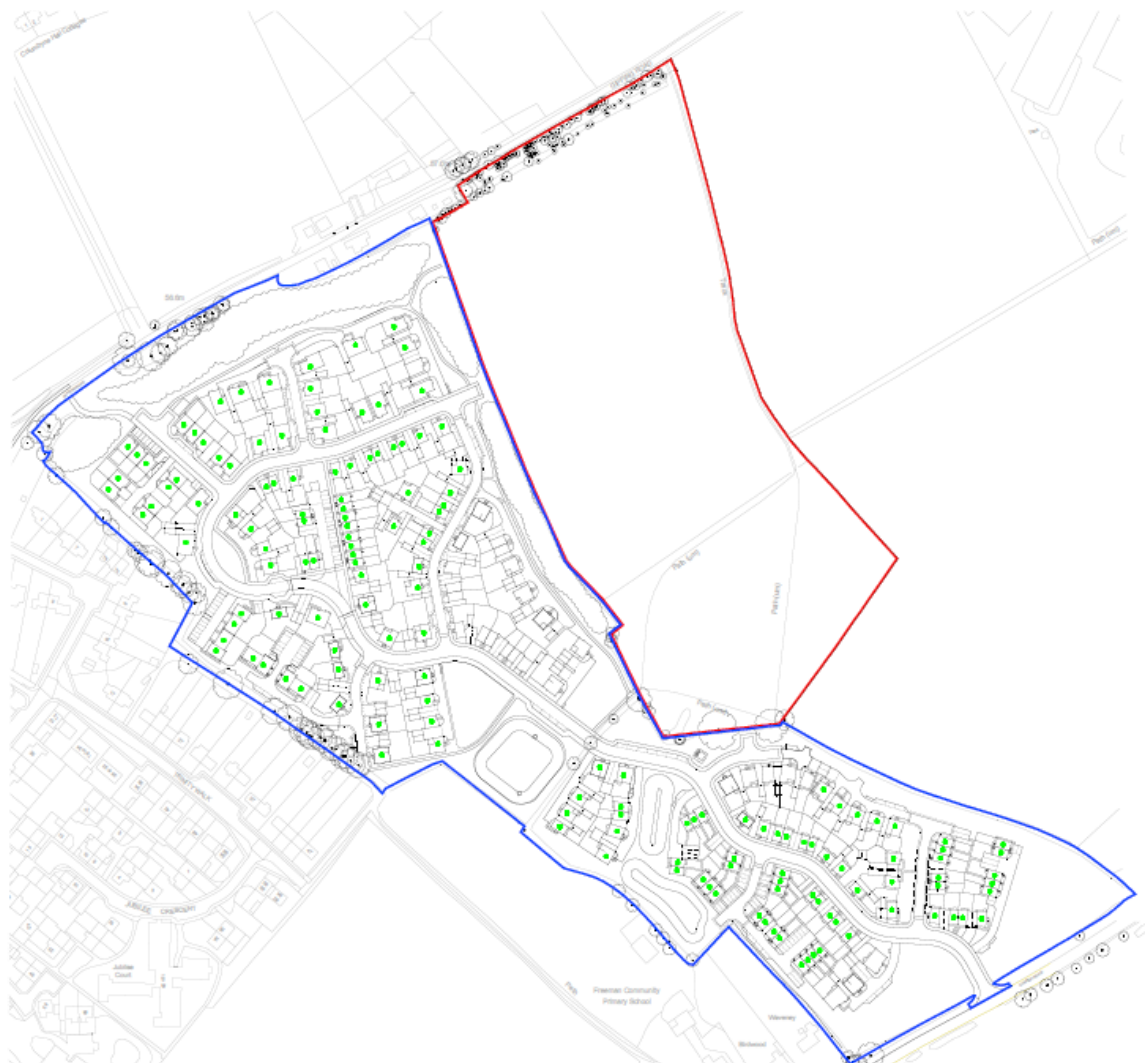
Slide 3



# Site Location Plan

Slide 4

Page 114



## Gipping Road, Stowupland



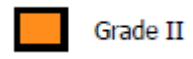
Note: Marked plots and their curtilages have been sold to prospective occupiers and are not within the ownership of Bloor Homes.  
Correct as of 01/02/2021



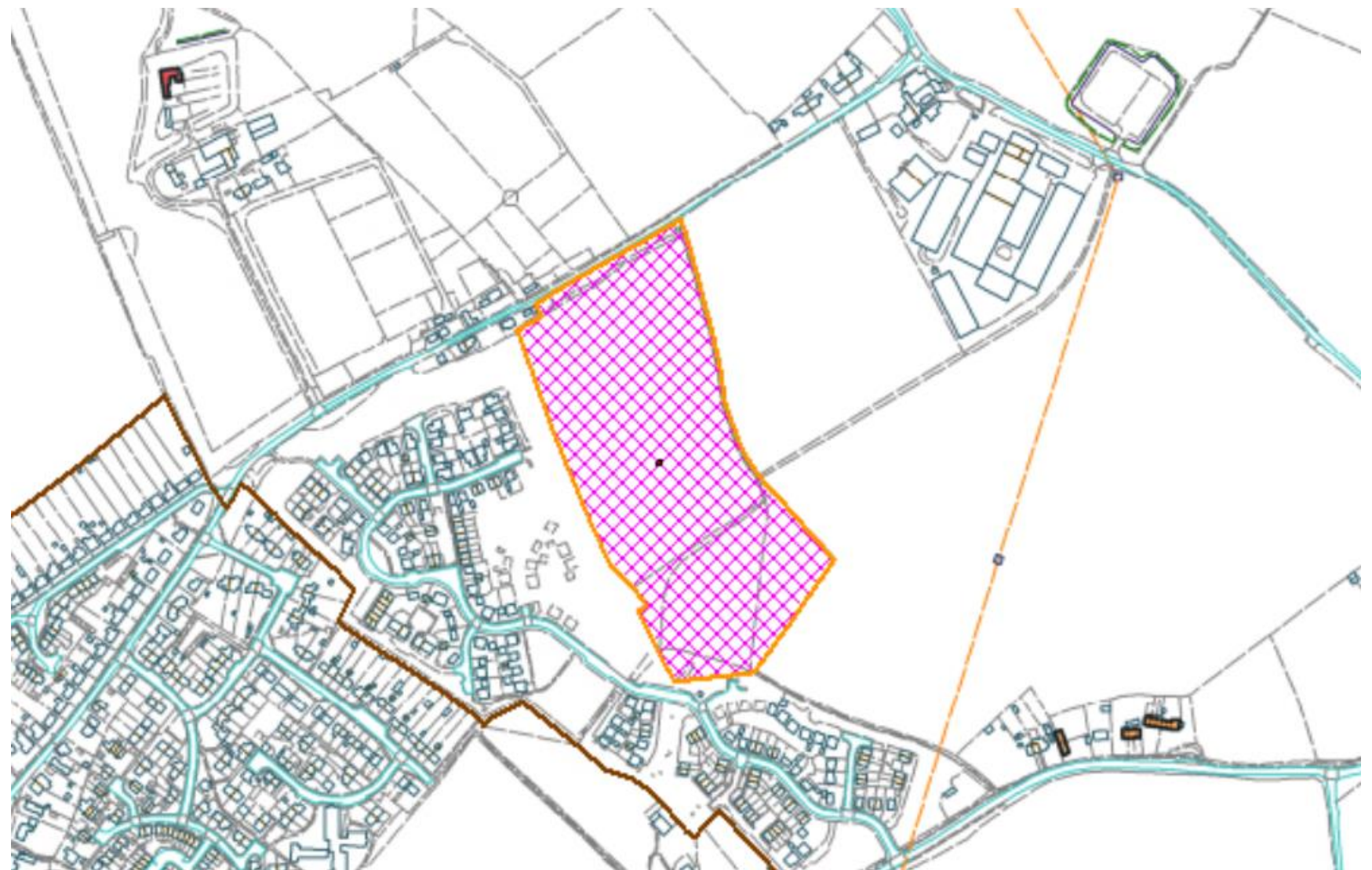
# Constraints Map

Slide 5

Listed Buildings



Built Up Area Boundaries



# Planning Layout



Page 116

GIPPING ROAD, STOWUPLAND  
SCHEDULE OF ACCOMMODATION

PRIVATE		
Housetype	Beds	No. of Units
Deiker	2	8
Bacton	2	8
Kane	3	4
Lawrence SD	3	2
Lawrence DET	3	4
Wilton	3	2
Butler	4	7
Warton	4	4
Gwynn	4	6
Plomer	4	7
<b>TOTALS</b>		<b>52</b>

AFFORDABLE RENT

Housetype	Beds	No. of Units
M1B2P Symons GF - M4(2)	1	2
1B2P Symons FF - M4(1)	1	2
M2B4P BLUNG - M4(2)	2	2
M2B4P Sansom - M4(2)	2	10
M3B5P Sutherland - M4(2)	3	4
<b>TOTALS</b>		<b>20</b>

AFFORDABLE SHARED

Housetype	Beds	No. of Units
JB4P Savage	2	5
JB5P Sansom	3	2
JB5P Sibson	3	1
<b>TOTALS</b>		<b>8</b>

**SITE TOTALS**

		<b>80</b>
--	--	-----------

DATE: 10/10/2018 10:58:11 AM  
DRAWN: GDA  
CHECKED: SPL

Revisions:  
A. Update to include S106 agreement  
B. Update to include S106 agreement  
C. Update to include S106 agreement  
D. Update to include S106 agreement

DATE: 10/10/2018 10:58:11 AM  
DRAWN: GDA  
CHECKED: SPL

Gipping Road  
Stowupland

Planning layout

DATE: OCT 20  
SCALE: 1:500 @ A0  
DRAWN: GDA  
CHECKED: SPL

Planning No. PA046-PO-011C

Drawing Number: PA645-PD-060A(Street Scene)  
Drawn: LM  
Scale: 1:200 @ A2



INDICATIVE STREET SCENE PLOTS 12 - 67



INDICATIVE STREET SCENE PLOTS 67 - 60



INDICATIVE STREET SCENE PLOTS 15 - 12



INDICATIVE STREET SCENE PLOTS 25 - 29



# Storey Heights Plan

Slide 8



Gipping Road, Stowupland

# Affordable Housing

Slide 9

Page 119



Gipping Road, Stowupland

# Parking and Cycle Plan

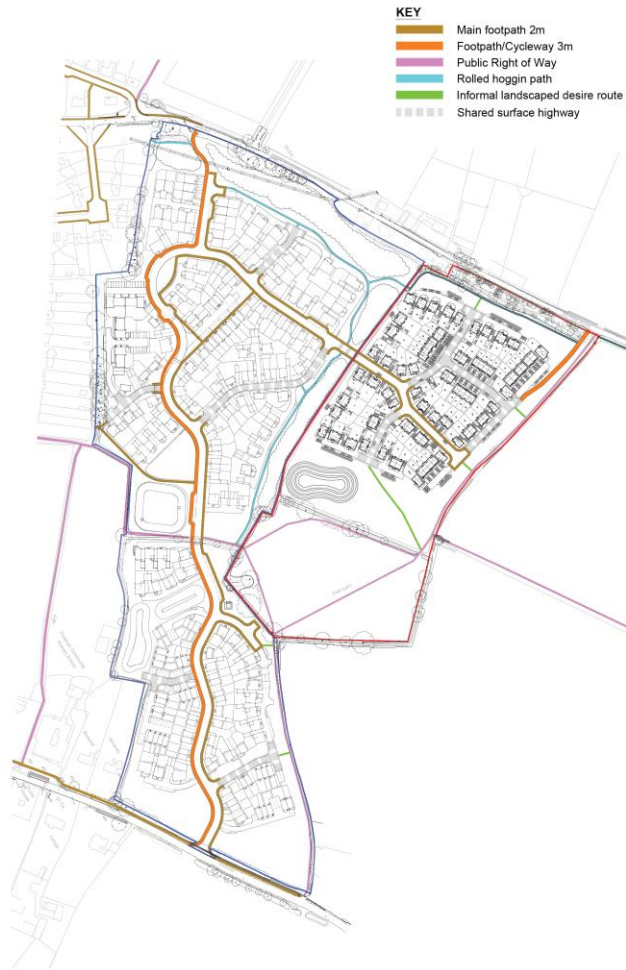


Gipping Road, Stowupland



# Connectivity Plan

Page 121



- KEY**
- Main footpath 2m
  - Footpath/Cycleway 3m
  - Public Right of Way
  - Rolled hoggin path
  - Informal landscaped desire route
  - - - Shared surface highway

THIS PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN OR CONTRACT. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING CONSEQUENTIAL LOSS OF PROFITS, ARISING FROM THE USE OF THIS PLAN. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN OF THIS PLAN. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN OF THIS PLAN. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN OF THIS PLAN.

NO.	REVISION	DATE

Gipping Road  
Stowupland  
Suffolk

**Connectivity Plan**

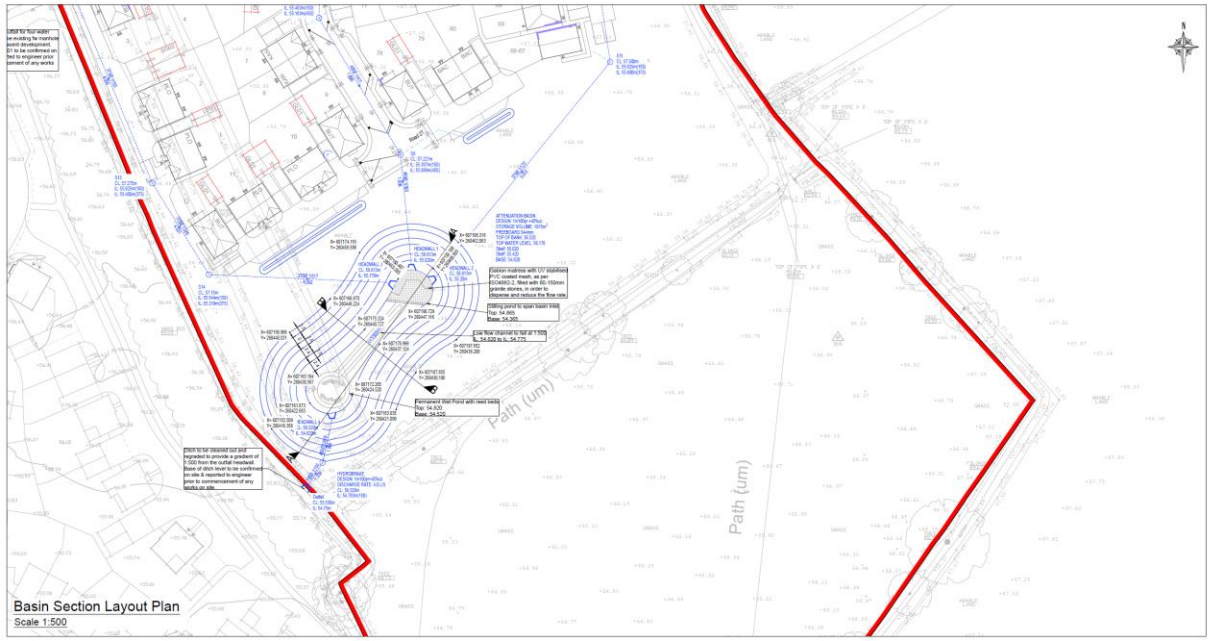
DATE: January 2021  
SCALE: 1:500 @ A1

DRAWN: CDA  
CHECKED: CDA

EA174-PD-011A

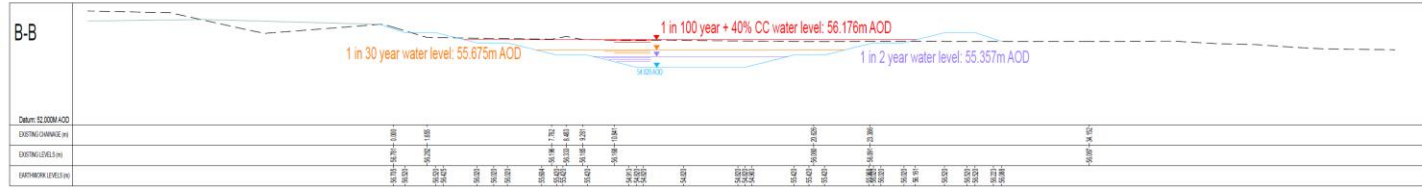
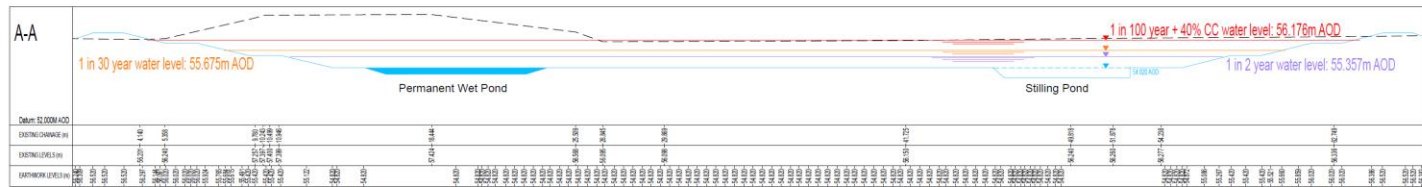
# Attenuation Basin Sections

Page 122



**NOTES:**  
**PRELIMINARY DRAWING:**  
 This drawing should be read as a **PRELIMINARY** issue and should **NOT** be used for construction under any circumstances.

DRAWING KEY	
PROPOSED RE-GRADE	---
EXISTING GROUND	---
PROPOSED BASIN	---
TOP WATER LEVEL	---
1 IN 100 YEAR +40% CC	---
1 IN 30 YEAR	---
1 IN 2 YEAR	---



Rev	Description	By	Chk	Date
D	Amended to Client And LPA comments	AR	JR	17/03/21
C	Amended to add flood damage	AR	JR	16/02/21
B	Amended to suit architect layout	AR	JR	04/02/21
A	Additional treatment materials introduced	AR	JR	03/01/21
	Preliminary Issue	AR	JR	22/12/20

**Client:** Babergh East of Norwich Partnership, Lumbod Greenway Business Centre, Greenway, Market Business Park, Epsom CM9 3QE, t: 01274 628966, e: msk@babergh.gov.uk

**Consulting Structure & Civil Engineers:** 15 Meridian Way, Member Business Park, Norwich NR7 5TA, t: 01603 320560, e: msk@babergh.gov.uk

**Client:** Bloor Homes

**Project:** Gipping Road Stowupland

**Drawing Title:** Attenuation Basin Sections

Designed by: NJR	Checked by: NJR	Checked by: NJR
Scale: @A1	Date: December 2020	
Drawing No: PA645-EN-352	Revision: D	Job Ref: 8365

**PRELIMINARY ISSUE**

Client: P:\8365\Teamwork\Civils Contact Office: Non-rich

# Agenda Item 7b

## Committee Report

**Item 7B**

**Reference:** DC/20/01697

**Case Officer:** Daniel Cameron

**Ward:** Stradbroke & Laxfield.

**Ward Member/s:** Cllr Julie Flatman.

---

## RECOMMENDATION – GRANT PLANNING PERMISSION

---

### Description of Development

Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.

### Location

Barley Brigg Farm, Laxfield Road, Stradbroke, Eye Suffolk IP21 5NQ

**Expiry Date:** 12/11/2020

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - All Other

**Applicant:** Rattlerow Farms Ltd

**Agent:** Parker Planning Services Ltd.

**Parish:** Stradbroke

**Site Area:** 5.12ha

**Density of Development:** N/A

**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

---

## **ADDENDUM TO PREVIOUSLY SUBMITTED REPORT**

This item was previously considered at the meeting of Mid Suffolk Development Control Committee B on the 25<sup>th</sup> November 2020. The item was deferred at that meeting for the following reason:

For Officers to investigate and understand the intended energy use and what it would be applied to in terms of justification of the proposal in the countryside protected for essential use.

In response, the applicant confirms that the intended energy use generated by the ground source heat array is for the drying of crops within the grain drying barn to the south of the site. This barn was reviewed as part of members deliberations on this application as the barn appeared to be that approved under

application DC/19/01673 but had been extended without planning permission. An application (DC/21/02047) has since been received by the Council in order to regularise the breach.

No additional information has been received with regards to the use of the heat energy created by the ground source heat array. Obviously in terms of the drying of crops, this would only occur at time of harvest. However, the Anaerobic Digester can utilise additional farm products to create biogas. Conditions attached to the digester by Suffolk County Council allow for the use of:

- Energy crop (4,500 tonnes);
- Sugar beet pulp (4,000 tonnes);
- Chicken litter (2,000 tonnes);
- Apple pulp (2,500 tonnes);
- Herbs (4,500 tonnes);
- On site slurry; and
- On site digestate.

Application SCC/0055/20MSVOC seeks to remove this condition from the Anaerobic Digester and, at the time of writing does not appear to have been determined as yet, although the Environment Agency permit for the site would also apply limitations in this regard. However, the wider point is that the use of the drying barn would have a function throughout the calendar year and would not be limited to the drying of crop at harvest times only. Therefore, the heat generated by this application would have a use throughout the year.

A copy of the original officer's report is below for information.

## **Committee Report**

**Item No:**

**Reference:** DC/20/01697

**Case Officer:** Daniel Cameron

**Ward:** Stradbroke & Laxfield.

**Ward Member/s:** Cllr Julie Flatman.

---

## **RECOMMENDATION – GRANT PLANNING PERMISSION**

---

### **Description of Development**

Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.

### **Location**

Barley Brigg Farm, Laxfield Road, Stradbroke, Eye Suffolk IP21 5NQ

**Expiry Date:** 12/11/2020

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - All Other

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**Parish:** Stradbroke

**Site Area:** 5.12ha

**Density of Development:** N/A

**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:

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

---

### **Summary of Policies**

NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
GP01 - Design and layout of development  
CL08 - Protecting wildlife habitats  
CL13 - Siting and design of agricultural buildings  
CL14 - Use of materials for agricultural buildings and structures  
CL17 - Principles for farm diversification  
T10 - Highway Considerations in Development  
HB14 - Ensuring archaeological remains are not destroyed

### **Neighbourhood Plan Status**

This application site is the Neighbourhood Plan Area for Stradbroke

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has full material weight in planning decisions.

### **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)**

###### **Stradbroke Parish Council**

The Parish Council OBJECTS to this application on procedural grounds of jurisdiction and comments that this application should be determined by Suffolk County Council. Further objections are noted on ecological and land use grounds given concerns that the operation of the heat array may give rise to significant vehicle movements to and from the site as well as the possibility that the incorrect use of the heat array will not allow for agricultural uses of the site to continue. Attention is also drawn to whether the heat array would be utilised for the drying of crops or waste products from other sites, which may be an industrial planning use.

###### **Wilby Parish**

The closure date for responses to the application falls outside the scheduled meetings of council. The details of the application having been circulated, Councillors do not consider that the nature and extent of the proposals merits a special meeting for their consideration and accordingly council is content for the application to be determined by the Planning Authority consistent with the relevant planning policies.

## **National Consultee (Appendix 4)**

### **Natural England**

Natural England has no comments to make on this application.

## **County Council Responses (Appendix 5)**

### **Archaeological Service**

The proposed development site lies in an area of archaeological potential recorded on the County Historic Environment Record. Cropmarks, finds and a documentary record for a Medieval Market (SBK 056), from the wider vicinity, indicate potential for Medieval and earlier occupation. Given the nature of the development, installation of underground 'Ground Source Heat Array', groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### **Highways**

Suffolk County Council as the Local Highway Authority offer no objections to the proposed development.

### **Minerals And Waste**

Notice is hereby given that the County Council as Minerals and Waste Authority make the following comments:

Thank you for consulting Suffolk County Council on the above application. The County Council raise no objection to the proposals but wish to make the following comments.

- The site sits outside a 'Minerals safeguarding zone' so no action would need to be taken in the safeguarding of potential minerals on the site.
- The site sits south west of a 'safeguarded waste site' on which is located an Anaerobic Digestion plant (MS/3892/15) with storage areas and a lagoon related to the AD plant.
- The proposed ground source heat array will draw some heat from the AD plant to be used alongside the ground source heat array for the drying of crops in the barn, this will require machinery to be erected on hard standing to a corner of the AD plan but it is felt that this will not affect/ disrupt the function of the safeguarded waste facility.
- It is asked that the Case Officer takes the AD site into consideration when determining this application and give focus to Policy WP18: safeguarding of waste management sites, Suffolk minerals and waste local plan submission draft 2018, policy carried forward from the waste core strategy 2011.

## **Internal Consultee Responses (Appendix 6)**

### **Ecology - Place Services**

No objection subject to ecological mitigation and enhancement measures.

### **Summary**

We have reviewed the Preliminary Ecological Appraisal (Parker Planning Services Ltd, April 2020) 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.

The mitigation measures identified in the Preliminary Ecological Appraisal (Parker Planning Services Ltd, April 2020) should be secured and implemented in full. This is necessary to conserve Protected and Priority Species.

Furthermore, we agree that the development will we not result in a net loss for biodiversity. However, we recommend that reasonable biodiversity enhancement should be delivered to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The biodiversity enhancement measures contained within the Preliminary Ecological Appraisal (Parker Planning Services Ltd, April 2020) should be outlined within a Biodiversity Enhancement Strategy, to be secured as a condition of any consent.

### **Environmental Health - Noise/Odour/Light/Smoke**

Having reviewed the submitted noise impact assessment, I note that this is 5 years old and therefore not current. The report is for an anaerobic digester and not for the heat recovery plant proposed. Having said this I also have regard to the comment in the report dated 2015 which states that the noisiest item of equipment is the CHP plant and this dictates noise levels at distances greater than 50 m from the site. I also note the Sharps Gayler Technical Note dated 7.7.2017 relating to condition 6 and 7 of the previous planning permission MS/3892/15.

The noise levels at the monitored positions, although within the levels set in condition 7 were close to the limit of 35dB LAeq.

In an email from the Agent on 16th September 2020 he proposes the following as a condition as a way of controlling the noise levels and to keep them in line with those previously imposed on this site:

"In fact if it helps, please consider applying a planning condition(s) which echo those on the county site-wide permission and along these lines:

Condition: Prior to commissioning of the heat exchanger, plant testing and noise monitoring shall be undertaken at the 'assessed dwellings' identified in the Sharps Acoustics report of 28th August 2015 - an approved document of County Council planning permission MS/3892/15. In the event that predicted noise levels are breached further measures to limit noise shall be submitted to and approved by the LPA prior to commissioning of the heat exchanger.

Then:

Condition: Noise from the heat exchanger must not exceed 35dB LAeq at each of the positions indicated on the County Council approved plan 'MS/3892/15 Barley Brigg Farm AD - Proposed Noise monitoring positions"

The new application refers to a bank of 4 fans within a container, each fan having a sound pressure level at 3 metres of 87dBA. I am concerned that this new noise source could potentially cause the levels to exceed those previously conditioned for this site.

I would however, be satisfied with conditions being imposed but the proposed conditions are modified so that the assessment and levels are based on both the existing AD plant and the proposed new plant running together at full capacity to ensure that these levels are not breached.

### **Environmental Health - Sustainability Issues**

Many thanks for your request to comment on the sustainability aspects of this proposal. I have no objection or comment to make.



## **B: Representations**

At the time of writing this report at least one letters/emails/online comments have been received. It is the officer opinion that this represents one objection to the proposed development. A verbal update shall be provided as necessary.

Views are summarised below:

- Concern over noise pollution as well as light pollution.
- Concern over associated vehicle movements with the heat array.

(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**

<b>REF:</b> DC/19/01673	Planning Application - Erection of agricultural crop drying building	<b>DECISION:</b> GTD 27.06.2019
<b>REF:</b> DC/19/02087	Application for Prior Notification of Agricultural or Forestry Development(proposed building) Town and Country Planning, General Permitted Development Order 2015, Schedule 2, Part 6. - Erection of building for crop drying.	<b>DECISION:</b> FAN 28.05.2019
<b>REF:</b> DC/19/03234	Non Material Amendment to DC/19/01673 - Addition of condition (restriction on output of ground source heat pumps)	<b>DECISION:</b> GTD 17.07.2019
<b>REF:</b> DC/19/03469	Discharge of Conditions application for DC/19/01673 - Condition 8 (Agreement of hours of use)	<b>DECISION:</b> GTD 04.09.2019
<b>REF:</b> DC/20/00411	Regulation 3 Suffolk County Council Consultation. Replacement of Existing Office Cabins and Stationing of additional 4no Units	<b>DECISION:</b> RNO 10.02.2020
<b>REF:</b> DC/20/01030	Application to Determine if Prior Approval is required for a proposed -Erection, Extension or Alteration of Building for Agricultural or Forestry Use. Town and Country (General Permitted Development)(England) Order 2015 (as amended ) Schedule 2, Part 6 Class A/B/E	<b>DECISION:</b> FAN 25.03.2020
<b>REF:</b> DC/20/01697	Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.	<b>DECISION:</b> PDE

<b>REF:</b> DC/20/03432	Consultation request for Removal of Condition 15 from application MS/3892/15	<b>DECISION:</b> 02.09.2020
<b>REF:</b> 1837/17	Erection of an agriculture store building.	<b>DECISION:</b> GTD 23.11.2017
<b>REF:</b> 0337/17	Erection of two storey Managers Unit for bio-gas Plan Employee. design to match existing unit at site entrance.	<b>DECISION:</b> ECP 13.02.2017
<b>REF:</b> 0446/17	New arable store and extended concrete apron in accordance with initial sketch	<b>DECISION:</b> ECP 13.02.2017
<b>REF:</b> 3076/15	Notification of Screening Opinion: Anaerobic Digester Plant.	<b>DECISION:</b> REC
<b>REF:</b> 3892/15	Anaerobic digestion plant, associated infrastructure and use of existing agricultural lagoons.	<b>DECISION:</b> RNO 15.12.2015
<b>REF:</b> 0394/14	Change of use of land for the siting of mobile home.	<b>DECISION:</b> GTD 12.05.2014
<b>REF:</b> 3379/12	Environment Permit - Proposal Unknown	<b>DECISION:</b> REC
<b>REF:</b> 3219/12	Proposed Anaerobic Digester Plant	<b>DECISION:</b> GTD 02.01.2013

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1 Barley Brigg Farm is located to the north of the B1117 as it travels east out of Stradbroke towards Laxfield. It is located within the countryside and aerial photography clearly demonstrates the surrounding character of the wider area as agricultural with large, open field patterns apparent with hedgerows interspersed with mature trees serving as the boundaries between fields.
- 1.2 Barley Brigg Farm itself is clustered around a series of agricultural buildings and two biogas reactors located to the immediate north of the application site, while an existing drying barn is located to the immediate west. The site at present forms part of an existing agricultural field.
- 1.3 Previous development on site secured planning permission (1837/17) for the erection of an agricultural store incorporating a straw burner to generate electricity and heat to be used in the process of drying. It is understood that this permission has been implemented on the site.

### **2. The Proposal**

- 2.1 This application proposes the installation of a ground source heat array at Barley Brigg Farm and is associated with intention to provide a heat source for the drying of crops on the site. Development would consist of the following items:
- 40mm polypipe heat transfer pipes buried underground to a depth of 1.2m and laid in parallel rows.
  - Installation of rectangular heat exchanger unit on existing concrete pad close to the AD plant in order to make use of waste heat produced by the plant.
- 2.2 Given that application 1837/17 has been implemented on site, further applications will be required before any connection to the heat exchanger and heat array can be made to allow a barn on site to function as a drying barn. Conditions attached to 1837/17 explicitly prevent this use within the barn currently being built out on site, while implementation of this planning permission prevents the implementation of the specifically designed drying barn on site approved under reference DC/19/01673 as they utilise the same location on the Barley Brigg site.

### **3. The Principle of Development**

- 3.1 The starting point for any planning decision 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. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. It states that: “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”
- 3.3 With direct regard to the NPPF, paragraph 83 states that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.
- 3.4 For the purposes of Core Strategy policies CS1 and CS2, the site is located in the countryside which is not unsurprising for an agricultural business. CS2 explicitly recognises this allowing for agriculture and renewable energy projects to be undertaken within the countryside.
- 3.5 Core Strategy policies CS3 and CS4 also combine to provide support for applications that would reduce contributions to climate change and adapt to the challenges presented by climate change. In this respect the proposed heat array would make use of a renewable heat source from the ground source heat array while the heat exchanger would utilise what is otherwise waste heat from the AD plant. CS4 also raises requirements with regards to potential pollution arising from the proposed development that will be explored further within the report below.
- 3.6 Local Plan policy CL17 which speaks to farm diversification is directly applicable. Provided that the proposed development can be shown to be compatible with the protection of the surrounding countryside and would not involve the permanent loss of agricultural land or lead to excessive traffic generation from the site.

#### **4. Site Access, Parking and Highway Safety Considerations**

- 4.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 4.2 Policy STRAD13 of the Stradbroke Neighbourhood Plan is similarly positively weighted. This policy requires that sufficient off-street parking is available to users of a given site and that the proposed activities will not result in significant increases in heavy goods vehicles in the vicinity of the application site.
- 4.3 With regards to the two policies noted above, no alteration of the access to the site or the parking provided within it are brought forward with the current application. Consultation with the Highways Authority has not resulted in any objection to the proposed development or noted that the current access and parking arrangements on site are in need of improvement.
- 4.4 With regards to the movement of heavy goods vehicles to and from the site it is considered that an increase in vehicle movements would occur as a result of the bringing equipment to site and implementing the development, however, this would be short term issue and, once development was completed be removed from the surrounding highway such that the only vehicle movements associated with the development would be for occasional maintenance which would not require additional heavy goods vehicle movements. In this regard it is considered that the provisions of policy STRAD13 are not breached.

#### **5. Design and Layout**

- 5.1 The majority of the development proposed would be buried to a depth of 1.2m in order to generate heat with the ground above still available for agricultural uses such that there should be no alteration in terms of the visual character of the site.
- 5.2 The heat exchanger unit is designed so as to mimic a shipping container and would be positioned close to the existing AD plant which appears as a group of large and unusually shaped buildings in any case. It is not considered that the placement of the heat exchanger unit would detract from the appearance of the site, especially considering it is to be painted green to better blend with the countryside location.

#### **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, blanket protection for the natural or historic environment as espoused by Policy CS5 is not consistent with the Framework and is afforded limited weight.

- 6.2 Paragraph 109 of 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.
- 6.3 No trees are proposed to be removed from the site as a result of the development and no alteration of the current landscape character of the site should be retained. Comments from the Parish Council note the capability for improper use of the ground source heat array to affect the soil quality and therefore ability to be used for agricultural purposes, however, provided the site is operated in the correct manner, the risk of this occurring is low.
- 6.4 With regards to ecology, comments from Place Services note that there is no objection to the ecology surveys and planned enhancement works proposed within the application and only recommends that they are secured by means of planning conditions.

## **7. Land Contamination, Flood Risk, Drainage and Waste**

- 7.1 No sources of contamination are known to affect the Barley Brigg site and sufficient controls are in place should contamination be discovered as a result of development. Further, consultation with Suffolk County Council as the Waste and Minerals Authority has confirmed no risk to mineral safeguarding sites as a result of the development. Policy WP18 mentioned in their consultation response seeks to ensure that development in close proximity to a waste management site, such as the AD plant at Barley Brigg Farm not prejudice the operation of that facility. It is not considered that this policy is breached by the proposed development.
- 7.2 The application site is located in Flood Zone 1 at the lowest level of flood risk from pluvial or fluvial sources. The application itself would not alter the ability of the land to absorb water as there would be no change to the land utilised for ground source heat array and the heat exchanger unit is already non-permeable.

## **8. Heritage Issues**

- 8.1 No listed buildings or conservation areas are affected by the proposed works. That being said, Suffolk County Council Archaeology Service note the potential for below ground heritage assets to be affected by the development. Policy HB14 of the Local Plan requires that in order to allow development that might affect archaeology to go ahead, the Archaeology Service must be content that impacts can be alleviated by conditions. In this instance, this has been confirmed within their consultation response.

## **9. Impacts on Amenity**

- 9.1 Core Strategy policy CS4 requires development not lead to unacceptable impacts arising through exposure to pollution while Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential neighbours to development. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.2 Concerns have been raised with regards to both light and noise pollution as a result of the application at hand. With regards to light pollution, no new lighting is proposed within the application such that no new sources of light would be created as a result and no increase in levels of light coming from the site would be enacted.

- 9.3 With regards to noise pollution specifically, conditions already control the level of noise on site and consultation with the Council's Environmental Health team note no objection to the proposed development provided conditions are imposed to control any resultant noise. Consultation with the Environmental Health team has confirmed a suitable wording for these conditions.

## **10. Parish Council Comments**

- 10.1 Wilby Parish Council have not raised any objection to the proposed development.
- 10.2 Stradbroke Parish Council have noted a number of issues with the application, including issues of jurisdiction, ecological impacts and land use concerns.
- 10.3 With regards to whether the Council can make a determination on this application, it is clear that the application does not directly affect a minerals or waste site such that Suffolk County Council should be the determining authority. While connection to the AD plant is noted as part of this application, it is not sufficient to alter the workings of the AD plant which will continue to operate as it normally does.
- 10.4 With regards to ecology, concern is raised at the potential for improper use of the heat source array to prevent the growing of crops on the site and lead to a loss of agricultural land. This risk however is considered to be low as it is understood that the site would be professionally operated and maintained.
- 10.5 Finally, with regards to land use, the Parish Council have concerns with regards to the potential drying of third-party crop or waste product on the site would lead to the potential for an industrial use on the site. With this in mind any alteration to the use of the site would require a planning application in order to secure the site as an industrial scale waste disposal site.

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## **PART FOUR – CONCLUSION**

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### **11. Planning Balance and Conclusion**

- 11.1 The current application proposes the installation of a ground source heat array and heat exchanger to provide heat to be used in the drying of crops to be fed into the AD plant on site. It proposes the utilisation of renewable sources of heat as well as the redirection of waste heat currently vented off of the AD plant into to do so. Given development on the site, a further barn structure is likely required to facilitate this use given
- 11.2 The heating array covers a considerable site area, however, should leave the site still able to be utilised for agricultural purposes while the heat exchanger would be read as part of the complex of buildings and structures serving the AD plant.
- 11.3 No risks have been identified with regards to land contamination, flood risk, landscape impact or ecology while archaeology and noise pollution can both be adequately controlled by conditions recommended by the Council's consultees.
- 11.4 With regards to STRAD13, while some transport of goods to site during construction would occur and may be likely to utilise heavy good vehicles, this impact would be limited to the build out of the development rather than the day to day use of the development which would not lead to any increases in heavy goods vehicle traffic to the site.

11.5 It is considered that as any disruption to road traffic would be temporary and the application is looking to increase the capacity for renewable energies at the site, the recommendation to members is to approve the application subject to the conditions listed below.

### **RECOMMENDATION**

**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:**

- Standard three-year time limit for implementation of the development.
- Development to be undertaken in accordance with the approved drawings.
- Development to be undertaken in accordance with scheme of archaeological investigation.
- Ecological protection measures outlined in the scheme to be enacted.
- Noise control scheme to be enacted such that the heat exchanger is not to be louder than the background noise of the AD plant.
- Archaeological Conditions

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Application No: DC/20/01697

Location: Barley Brigg Farm, Stradbroke

Page No.

Appendix 1: Call In Request	N/A	
Appendix 2: Details of Previous Decision	N/A	
Appendix 3: Town/Parish Council/s	<i>Stradbroke Parish Council Wilby Parish Council</i>	
Appendix 4: National Consultee Responses	<i>Natural England</i>	
Appendix 5: County Council Responses	<i>Archaeological Service Highways Minerals and Waste</i>	
Appendix 6: Internal Consultee Responses	<i>Ecology Environmental Health – Noise/Odour/Light/Smoke Envrinmental Health - Sustainability</i>	
Appendix 7: Any other consultee responses	N/A	
Appendix 8: Application Site Location Plan	Yes	
Appendix 9: Application Plans and Docs	Yes	
Appendix 10: Further information	N/A	



Babergh and Mid Suffolk District Councils



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



**From:** Stradbroke Parish Council <stradbrokepc@outlook.com>  
**Sent:** 15 May 2020 15:35  
**To:** Daniel Cameron <Daniel.Cameron@baberghmidsuffolk.gov.uk>  
**Cc:** BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>  
**Subject:** Fw: Barley Green A/D MSDC Planning Consultation Request - DC/20/01697

Re: DC/20/01697

Stradbroke Parish Council is submitting an initial response to the consultation on the planning application referenced above.

The Parish Council OBJECTS to this application on procedural grounds of jurisdiction and comments that this application should be determined by Suffolk County Council. The email below has been submitted to Cllr Guy McGregor (Suffolk County Council) and is, via this email, submitted to MSDC.

In addition to the point on jurisdiction, the email below makes reference to substantive matters regarding ecology and land use which the Parish Council brings to the attention of MSDC.

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Regards  
Odile Wladon  
Clerk  
Stradbroke Parish Council  
Mobile: 07555 066147  
website: <https://www.stradbrokepc.org/>



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Sent: 15 May 2020 13:06

To: 'Guy McGregor' <[guy.mcgregor@suffolk.gov.uk](mailto:guy.mcgregor@suffolk.gov.uk)>

Cc: 'Stradbroke Parish Council' <[stradbrokepc@outlook.com](mailto:stradbrokepc@outlook.com)>;

Subject: RE: Barley Green A/D MSDC Planning Consultation Request - DC/20/01697

Guy

Many thanks for your response. I have now taken unpaid opinion from a ground source heat expert and his view is this is the precursor to an industrial processing facility: If we follow his reasoning set out below, SCC must determine the proposal and not the district council.

Obviously this is a clever and efficient system but it is a pity the applicant has not been more transparent in his approach. For example we do not have any detail of the traffic movements this proposal will generate.

We do not want a re run of the Cranswick issue, and as you know my FOI to SCC showed the A/D waste output and this lorry movements was several times greater than was put forward by the landowner when he applied for planning to build the digester.

I am requesting the Clerk sends this follow up email to the MSDC planning officer for re consideration of the ecological and land use implications, since the heat pump array in the field may sterilise the land for future agricultural use, contra to the statements of the planning consultant. .

SPC has repeatedly raised concerns about the industrialisation of this site by the back door. To repeat, there have been two separate consultations recently SCC and MSDC in which the site(S) and farm generally could have been promoted for wider use and consulted on publicly but neither opportunity was taken

Kind regards

Chris

++++  
++++

Advice on proposed system at Barley Brigg Farm

*“Anyway, they look like they are using warm air from the AD plant and extracting a percentile of the residual heat/energy from this exhaust gas before discharging into the atmosphere. So basically routing the exhaust to a new plant system within an ISO container, extract some of the heat and then venting as previous, but with a lower exhaust temperature.*

*This is being combined with a ground loop as per a normal GSHP. So basically they are proposing a very large ASHP combined with a GHSP. Neat.*

The system performance will be very dependant upon how 'dry' the exhaust air is. Any moisture may cause the heat exchangers in the container to continually block. There is a noise associated with the air flow through the exchangers, but this should be limited to within a few meters of the container itself. However, there are pull fans on the end and these will produce a reasonable amount of low and infra sound, especially if poorly maintained. Contaminants on the blades increase air flow noise and vibrational noise.

*If it will require some quite complex control systems to manage this extraction. If they get it wrong, they will heat/freeze the field, or increase the heat of the exhaust air.*

*I did not spot the expected output rating of the system. But I expect it is over 100KW. During winter the ground loop may freeze the field if the extraction occurs during overcast days, with low AD plant output.*

*This would affect microbiological (incl worms and ground based insects) when the soil freezes long term. You would need some assurances that freezing of the ground can not occur. Even with pipes 2-3m down, freezing of the layer above with low air temperatures is perfectly possible. And can take months to unfreeze.*

*He is using waste energy from the AD plant via the exhaust system. He is using agricultural land for ground loop heat extraction. The exhaust extraction could be considered a secondary unit, as the ground loop is probably the primary. The output of the system is basically providing low cost heat to the farm. If the AD plant takes in 'waste' externally from the farm, I would consider it an industrial facility, rather than a local agricultural facility for the farm itself.*

*If the AD plant is industrial by processing 3rd party waste, then yes, the farm heat and the AD plant are linked. And the drying process is also industrial. But I don't really know how to link/unlink the various processes on the site. If it just used exhaust extraction, then it could 'sell' heat to the farm, in the same way it would buy electricity or other fuel to dry the produce. But the fact it has a ground loop in the land of the farm, makes it a layer of further complication. Is the farm renting the land to the AD plant or what? But basically I would say the field has become industrial by that fact the pipes belong to the AD plant. The super chilling of the field will prevent it's use for even grass. So agricultural co-use would be negated.*

*If the entire system is 'self sufficient', i.e. the waste plant only uses farm produced waste, then the whole system is agricultural. The moment AD plant uses waste from 3rd parties, or the heat is used to dry 3rd party produce, the whole setup is industrial.*

*Neat plan and system, but I think he is looking at moving away from farming to industrial drying and waste processing. That is the only economic model I can see that makes it all viable. Due to changes in farming regulations, the disposal of farm waste becomes much harder from next year and he has seen an opportunity to to charge people for waste which he can make heat from and sell a rapid drying facility. Basically everyone has to pay him. Pay for waste disposal, pay for drying, all of which is pretty much free to him. "*

**From:** Guy McGregor <[guy.mcgregor@suffolk.gov.uk](mailto:guy.mcgregor@suffolk.gov.uk)>

**Sent:** 14 May 2020 23:24

**To:** Chris Edwards

**Subject:** RE: Barley Green A/D MSDC Planning Consultation Request - DC/20/01697

Chris

I have raised the issue of jurisdiction with legal (planning SCC).

I will advise soonest.

**GUY MCGREGOR**  
**HOXNE & EYE DIVISION**  
**01379668434 (H)**  
**01379870339 (O)**

I have taken informal advice from a tells you how I collect and use personal data.

**From:** Chris Edwards

**Sent:** 14 June 2020 12:53

**To:** Daniel Cameron <[Daniel.Cameron@babberghmidsuffolk.gov.uk](mailto:Daniel.Cameron@babberghmidsuffolk.gov.uk)>

**Cc:** Ross Walker <[Ross.Walker@suffolk.gov.uk](mailto:Ross.Walker@suffolk.gov.uk)>; Guy McGregor (SCC Councillor) <[guy.mcgregor@suffolk.gov.uk](mailto:guy.mcgregor@suffolk.gov.uk)>; Parish - Stradbroke <[StradbrokePC@outlook.com](mailto:StradbrokePC@outlook.com)>; 'Sue Ives'

**Subject:** Drying shed at Barley Brigg FarmDC/20/01697

**Importance:** High

Dear Daniel

1. The sites are inextricably interconnected
2. The current proposal cannot be built as the applicant is already implementing a previous consent for a much larger consented barn (consented absent the drying array)

This email is to draw your attention to the status of the current shed development at Barley Brigg Farm. The two attached photos show the structure of the shed under construction is consistent with the consented scheme 1837/17 and not with the plan on 20/01697.. The shed encloses the area of the building footprint proposed in the present application 20/01697.

The enclosed structure extends to and touches the boundary of the Digester site. Please refer to attached photographs.

The applicant has therefore implemented in part an earlier consent. The photographs show he has reached roof cover level of finish. (see below this email for copy /paste extract referring to a previous and withdrawn proposal of the same area as 1837/17 )

Consented scheme 1837/17 shows a shared boundary with the digester. This application takes this further. The proposed barn will feed the digester. Even if that generates “clean heat” in return, an explicitly consented agricultural site is feeding material to the waste site and benefiting from the heat generated in return. That heat is being used to dry third party grain. The two uses agricultural and industrial/waste are now combined into an industrial complex driven by the waste site. Legal precedent applies here and I fail to see how it cannot be said the sites are not interconnected and that the shed is now subsumed to the use of the biodigester.

Of course SCC do not want to deal with this as they have just completed their consultation on the Minerals and Waste Plan and the safeguarded site on the policy map includes neither the meadow nor the barn area, but in view of the evidence it difficult to understand the legal advice which presumably underpins SCC's position

The GSHP array is located in a field adjacent to the biodigester site and not the agricultural shed site.

As previously noted the key equipment unit is a sizeable container located on the A/D site.

The previous statement extract which accompanied the current building development (“as built”) clearly states an intension to feed product from this as built barn into the biodigester

Therefore the biodigester is connected to the shed by input and output.

The shed and the biodigester sites are one and the same for this purpose, due to the synergistic relationship created by implementing application 1837/17 whilst applying for a permission to sue a smaller structure on the pretext of “mere” agricultural use.

It seems obvious that DC/20/01697 cannot be implemented in the manner stated in the planning application. The current structure, the enlarged shed, carries with it the conditions and requirements of the previous consent. More importantly perhaps the current shed physically encloses the proposed location of the proposed hot air pipe to connect the secondary existing shed to the currently consented but superseded new smaller shed. The drawing for DC/20/01697 shows this.. It is therefore not possible to consent DC/20/01697 and require it to be built in accordance with the plans and planning statement put forward by the applicant.

In conclusion the sites are interconnected in five ways;

- the applicant has extended the barn structure, so that it touches the edge of the digester site;
- the barn relies on the digester for its heat (output)
- in its built form the barn will provide straw for the digester (input)
- the barn relies on the digester site to convey the ground heat from the meadow to the barn
- the heat exchange and control mechanism is proposed on the biodigester site.

And as noted the present application cannot be built in its proposed form as the "site" is subsumed into a larger red line consented scheme which is now significantly advanced to prevent the current proposal from being implemented at all

Kind regards

Chris Edwards





# Consultee Comments for Planning Application DC/20/01697

## Application Summary

Application Number: DC/20/01697

Address: Barley Brigg Farm Laxfield Road Stradbroke Eye Suffolk IP21 5NQ

Proposal: Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.

Case Officer: Daniel Cameron

## Consultee Details

Name: Mrs Julie Collett

Address: Bridge Cottage, The Street, Huntingfield, HALESWORTH IP19 0PX

Email: wilbyclerk@outlook.com

On Behalf Of: Wilby Parish Clerk

## Comments

The closure date for responses to the application falls outside the scheduled meetings of council. The details of the application having been circulated, Councillors do not consider that the nature and extent of the proposals merits a special meeting for their consideration and accordingly council is content for the application to be determined by the Planning Authority consistent with the relevant planning policies.

**From:** SM-NE-Consultations (NE)  
**Sent:** 19 May 2020 16:13  
**To:** BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>  
**Subject:** DC/20/01697

Dear Sir or Madam

Application ref: DC/20/01697  
Our ref: 316061

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 faithfully

Dawn Kinrade  
Natural England  
Operations Delivery  
Consultations Team

Resource Management  
Bury Resource Centre  
Hollow Road  
Bury St Edmunds  
Suffolk  
IP32 7AY

Philip Isbell  
Corporate Manager - Development Manager  
Planning Services  
Endeavour House  
8 Russell Road  
Ipswich IP1 2BX.

Enquiries to: Kate Batt  
Direct Line: 01284 741227  
Email: [kate.batt@suffolk.gov.uk](mailto:kate.batt@suffolk.gov.uk)  
Web: <http://www.suffolk.gov.uk>

Our Ref: 2020\_01697  
Date: 15/07/2020

For the Attention of Daniel Cameron

Dear Mr Isbell

**Planning Application: DC/20/01697 Barley Brigg Farm Laxfield Road Stradbroke Eye Suffolk - Archaeology**

The proposed development site lies in an area of archaeological potential recorded on the County Historic Environment Record. Cropmarks, finds and a documentary record for a Medieval Market (SBK 056), from the wider vicinity, indicate potential for Medieval and earlier occupation. Given the nature of the development, installation of underground 'Ground Source Heat Array', groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework*, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

**REASON:**

*To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2012).*

**INFORMATIVE:**

*The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.*

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made based on the results of the evaluation.

Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

Please do get in touch if there is anything that you would like to discuss, or you require any further information.

Yours sincerely,

Kate Batt BSc (Hons)

Senior Archaeological Officer  
Conservation Team

Your Ref:DC/20/01697  
Our Ref: SCC/CON/1745/20  
Date: 21 May 2020



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

Email: [planning@babberghmidsuffolk.gov.uk](mailto: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: Daniel Cameron

Dear Daniel

**TOWN AND COUNTRY PLANNING ACT 1990**

**CONSULTATION RETURN:** DC/20/01697

**PROPOSAL:** Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.

**LOCATION:** Barley Brigg Farm Laxfield Road Stradbroke Suffolk IP21 5NQ

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

The agent has confirmed that other than installation and servicing, there would be limited traffic movements associated with the new proposal. Therefore, we consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking. The County Council as Highways Authority, does not wish to restrict the grant of permission.

Yours sincerely,

**Samantha Harvey**  
**Senior Development Management Engineer**  
Growth, Highways and Infrastructure

Your Ref: DC/20/01697  
Our Ref: SCC/CON/1958/20  
Date: 4 June 2020  
Enquiries to: Ross.Walker@suffolk.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: Daniel Cameron

Dear Daniel Cameron,

**TOWN AND COUNTRY PLANNING ACT 1990  
CONSULTATION RETURN:**

**PROPOSAL:** Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.

**LOCATION:** Barley Brigg Farm, Laxfield Road, Stradbroke, Eye, Suffolk, IP21 5NQ

Notice is hereby given that the County Council as Minerals and Waste Authority make the following comments:

"Thank you for consulting Suffolk County Council on the above application. The county Council raise no objection to the proposals but wish to make the following comments.

-The site sits outside a 'Minerals safeguarding zone' so no action would need to be taken in the safeguarding of potential minerals on the site.

-The site sits south west of a 'safeguarded waste site' on which is located an Anaerobic Digestion plant (MS/3892/15) with storage areas and a lagoon related to the AD plant.

-The proposed ground source heat array will draw some heat from the AD plant to be used alongside the ground source heat array for the drying of crops in the barn, this will require machinery to be erected on hard standing to a corner of the AD plant but it is felt that this will not affect/ disrupt the function of the safeguarded waste facility.

-It is asked that the Case officer takes the AD site into consideration when determining this application and give focus to Policy WP18: safeguarding of waste management sites, Suffolk minerals and waste local plan submission draft 2018, policy carried forward from the waste core strategy 2011.

Kind Regards

Yours sincerely,

**Ross Walker**  
**Planning Officer**  
Planning Section  
Strategic Development - Growth, Highways & Infrastructure





11 May 2020

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

By email only

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

---

**Application:** DC/20/01697  
**Location:** Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.  
**Proposal:** Barley Brigg Farm Laxfield Road Stradbroke Eye Suffolk IP21 5NQ

Dear Dan,

Thank you for consulting Place Services on the above application.

**No objection subject to ecological mitigation and enhancement measures**

**Summary**

We have reviewed the Preliminary Ecological Appraisal (Parker Planning Services Ltd, April 2020) 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.

The mitigation measures identified in the Preliminary Ecological Appraisal (Parker Planning Services Ltd, April 2020) should be secured and implemented in full. This is necessary to conserve Protected and Priority Species.

Furthermore, we agree that the development will we not result in a net loss for biodiversity. However, we recommend that reasonable biodiversity enhancement should be delivered to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The biodiversity enhancement measures contained within the Preliminary



Ecological Appraisal (Parker Planning Services Ltd, April 2020) should be outlined within a Biodiversity Enhancement Strategy, to be secured as a condition of any consent.

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

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. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Parker Planning Services Ltd, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.”*

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

#### **2. PRIOR TO BENEFICIARY USE: 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, following the details contained within the Ecological Assessment (Ecology Solutions Ltd, June 2019).*

*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).



Please contact us with any queries.

Yours sincerely,

**Hamish Jackson** GradCIEEM BSc (Hons)  
Ecological Consultant  
[ecology.placeservices@essex.gov.uk](mailto:ecology.placeservices@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.

**From:** Andy Rutson-Edwards <Andy.Rutson-Edwards@babberghmidsuffolk.gov.uk>  
**Sent:** 07 October 2020 11:28  
**To:** Daniel Cameron <Daniel.Cameron@babberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@babberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>  
**Subject:** further reconsultation DC/20/01697

Environmental Health -  
Noise/Odour/Light/Smoke

**APPLICATION FOR PLANNING PERMISSION - DC/20/01697**

**Proposal:** Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.

**Location:** Barley Brigg Farm, Laxfield Road, Stradbroke, Eye Suffolk IP21 5NQ

**Reason(s) for re-consultation:** Further information received by the Local Planning Authority on the 29th September 2020.

Thank you for re consulting me on this application.

Having reviewed the submitted noise impact assessment, I note that this is 5 years old and therefore not current. The report is for an anaerobic digester and not for the heat recovery plant proposed. Having said this I also have regard to the comment in the report dated 2015 which states that the noisiest item of equipment is the CHP plant and this dictates noise levels at distances greater than 50 m from the site. I also note the Sharps Gayler Technical Note dated 7.7.2017 relating to condition 6 and 7 of the previous planning permission MS/3892/15.

The noise levels at the monitored positions, although within the levels set in condition 7 were close to the limit of 35dB LAeq.

In an email from the Agent on 16<sup>th</sup> September 2020 he proposes the following as a condition as a way of controlling the noise levels and to keep them in line with those previously imposed on this site:

*"In fact if it helps, please consider applying a planning condition(s) which echo those on the county site-wide permission and along these lines:*

*Condition: Prior to commissioning of the heat exchanger, plant testing and noise monitoring shall be undertaken at the 'assessed dwellings' identified in the Sharps Acoustics report of 28<sup>th</sup> August 2015 – an approved document of County Council planning permission MS/3892/15. In the event that predicted noise levels are breached further measures to limit noise shall be submitted to and approved by the LPA prior to commissioning of the heat exchanger.*

*Then:*

*Condition: Noise from the heat exchanger must not exceed 35dB LAeq at each of the positions indicated on the County Council approved plan 'MS/3892/15 Barley Brigg Farm AD – Proposed Noise monitoring positions'.*

The new application refers to a bank of 4 fans within a container, each fan having an Sound pressure level at 3 metres of 87dBA. I am concerned that this new noise source could potentially cause the levels to exceed those previously conditioned for this site.

I would however be satisfied with conditions being imposed **but** the proposed conditions are modified so that the assessment and levels are based on both the existing AD plant and

the proposed new plant running together at full capacity to ensure that these levels are not breached.

Conditions

- Prior to commissioning of the heat exchanger, plant testing and noise monitoring to include the existing AD running at full capacity and the new heat exchange units running shall be undertaken at the 'assessed dwellings' identified in the Sharps Acoustics report of 28<sup>th</sup> August 2015 – an approved document of County Council planning permission MS/3892/15. In the event that predicted noise levels from the existing AD plant are breached further measures to mitigate noise from the proposed plant shall be submitted to and approved by the LPA prior to commissioning of the heat exchanger.
  
- Noise from the existing AD plant combined with the heat exchanger, both running at full capacity shall not exceed 35dB LAeq at each of the positions indicated on the County Council approved plan 'MS/3892/15 Barley Brigg Farm AD – Proposed Noise monitoring positions'. The plant shall be maintained and serviced to ensure that the above levels are not breached. These conditions shall remain in force during the lifetime of the permission remaining in effect.

*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](mailto:andy.rutson-edwards@baberghmidsuffolk.gov.uk)

[www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

**From:** Peter Chisnall **Sent:** 20 May 2020 19:46  
**To:** BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>  
**Subject:** DC/20/01697

Dear Daniel,

APPLICATION FOR PLANNING PERMISSION - DC/20/01697

Proposal: Planning Application. Installation of underground 'Ground Source Heat Array' and siting of heat exchange container.

Location: Barley Brigg Farm, Laxfield Road, Stradbroke, Eye Suffolk IP21 5NQ

Many thanks for your request to comment on the sustainability aspects of this proposal.

I have no objection or comment to make.

Regards,

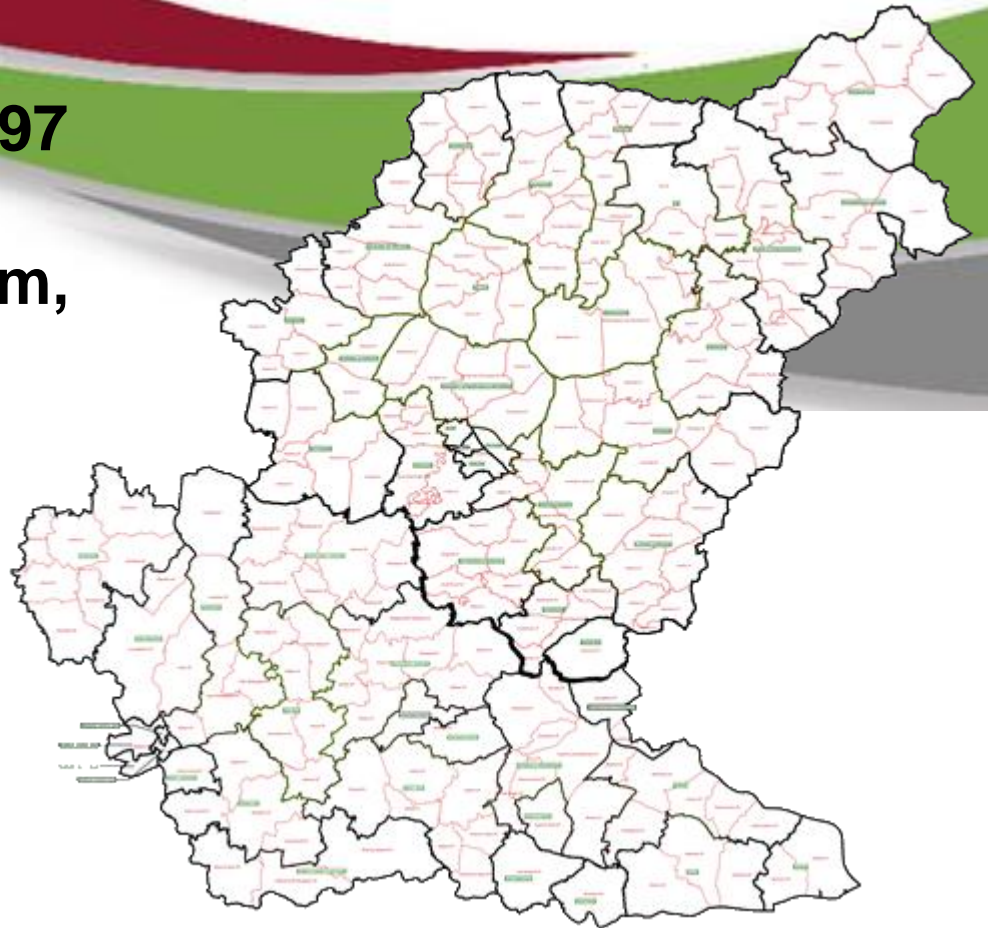
Peter

**Peter Chisnall**, CEnv, MIEMA, CEnvH, MCIEH  
Environmental Management Officer  
**Babergh and Mid Suffolk District Council**

**Application No: DC/20/01697**

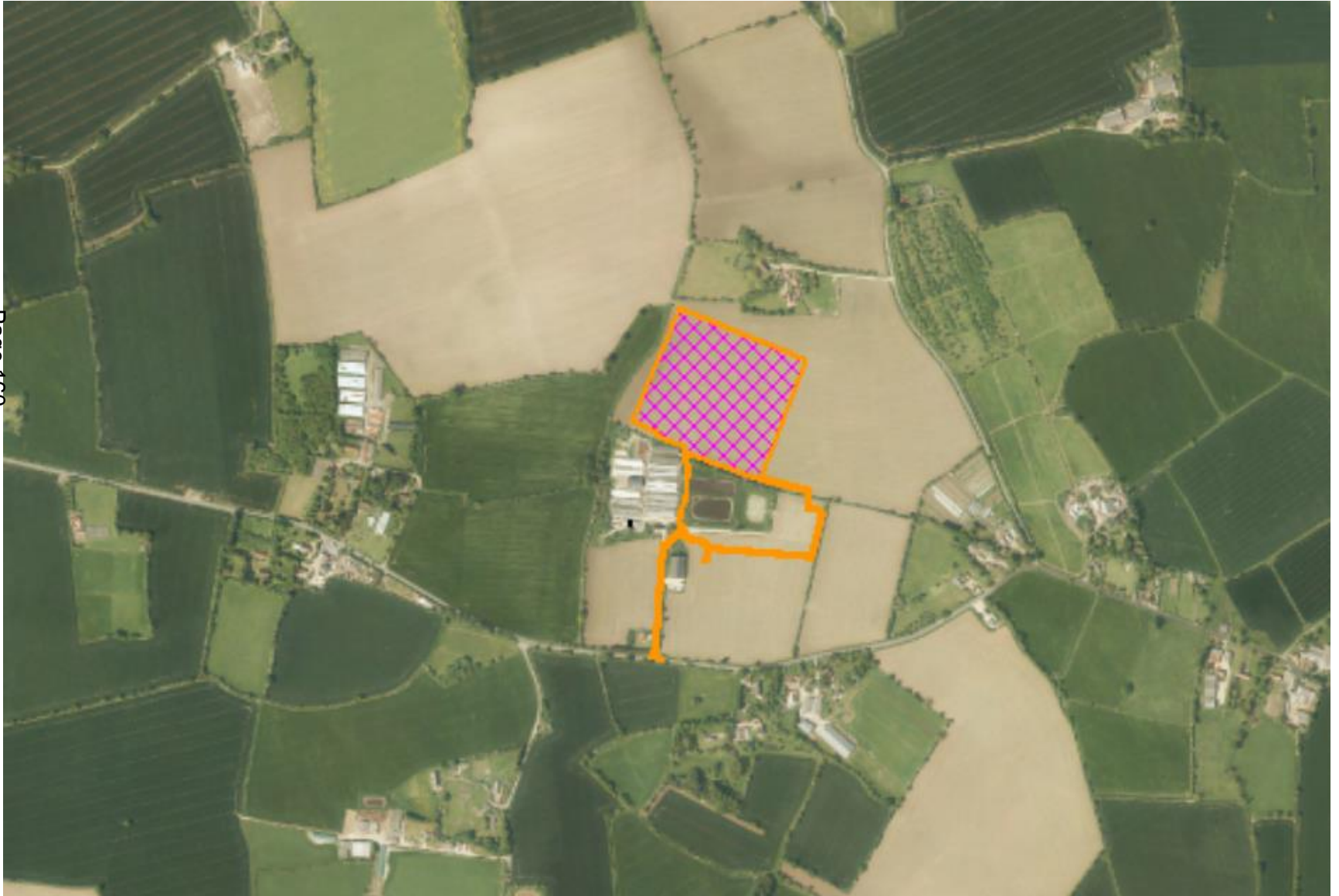
**Address: Barley Brigg Farm,  
Laxfield Road, Stradbroke**

Page 159



# Aerial Map

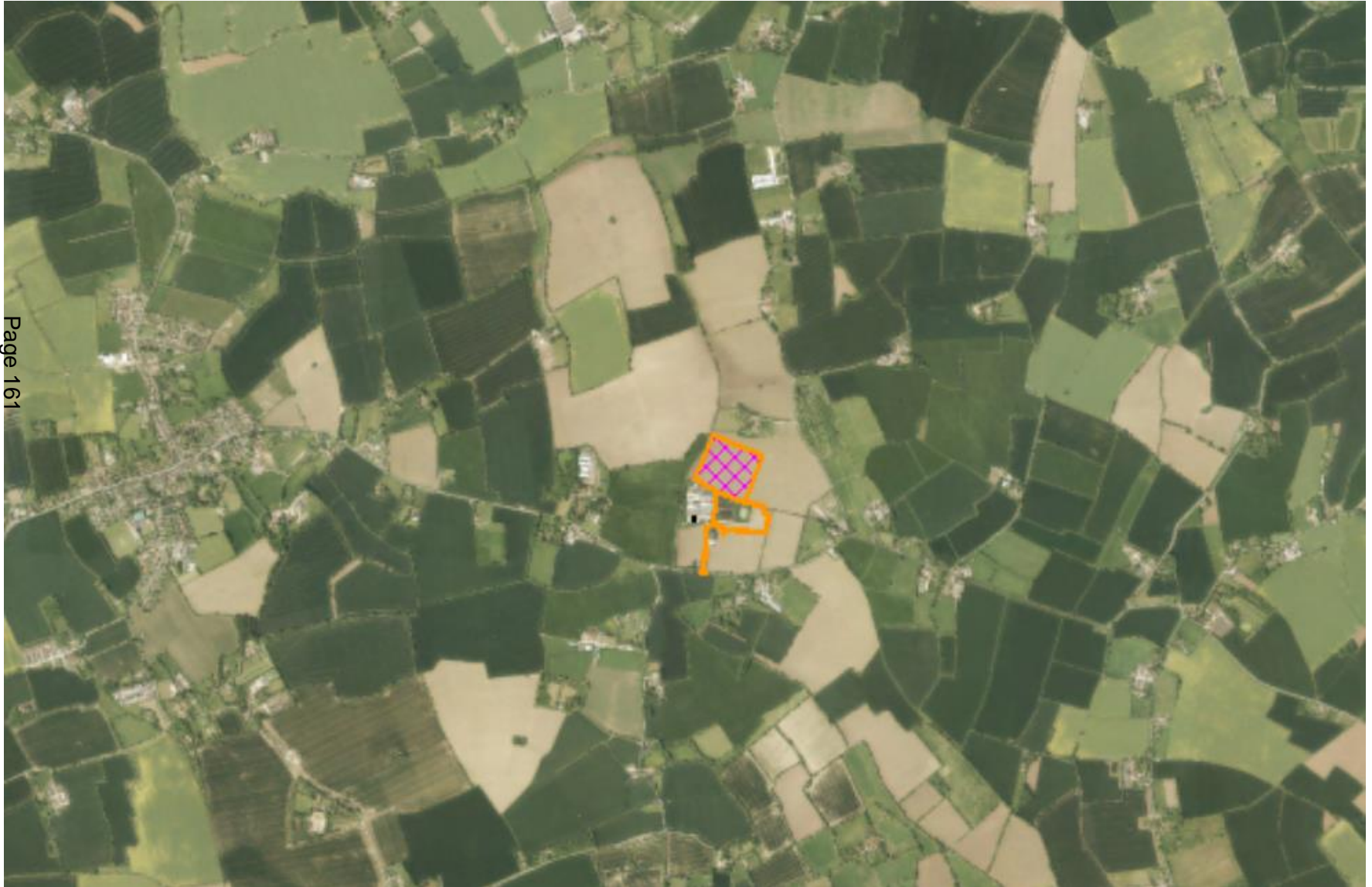
Slide 2





## Aerial Map – wider view

Slide 3



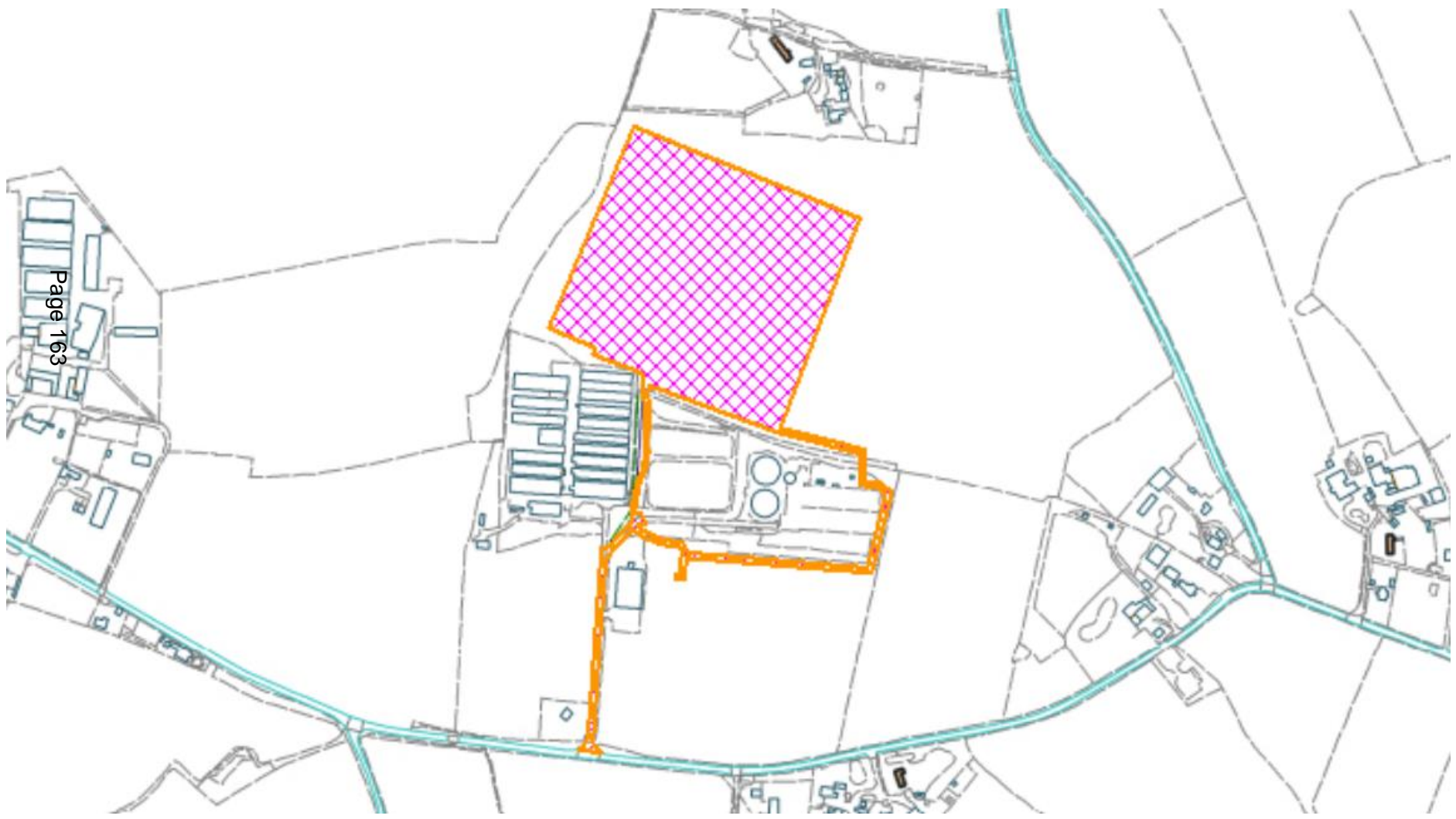
# Site Location Plan

Slide 4

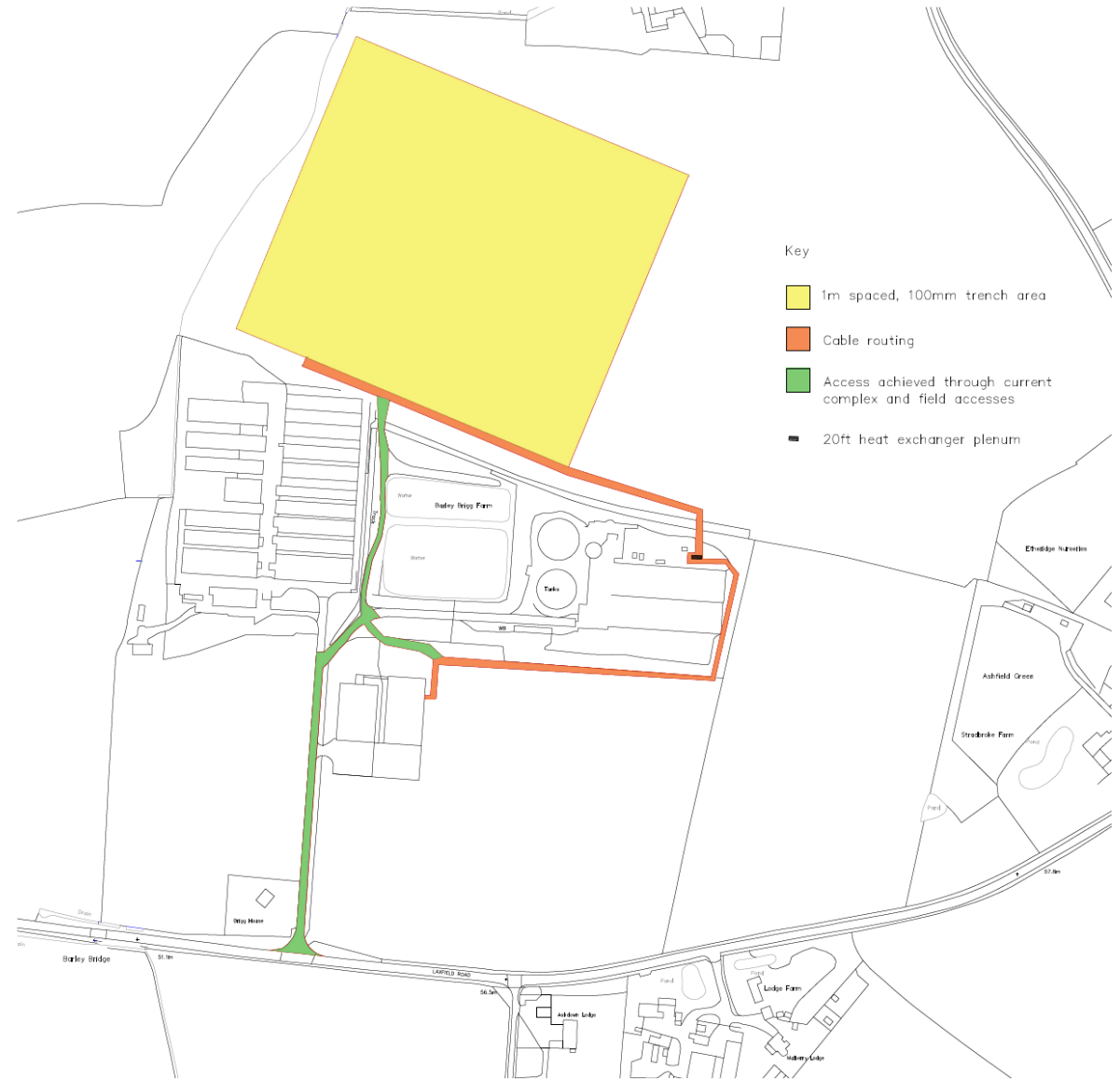


# Constraints Map

Listed Buildings  
Grade II



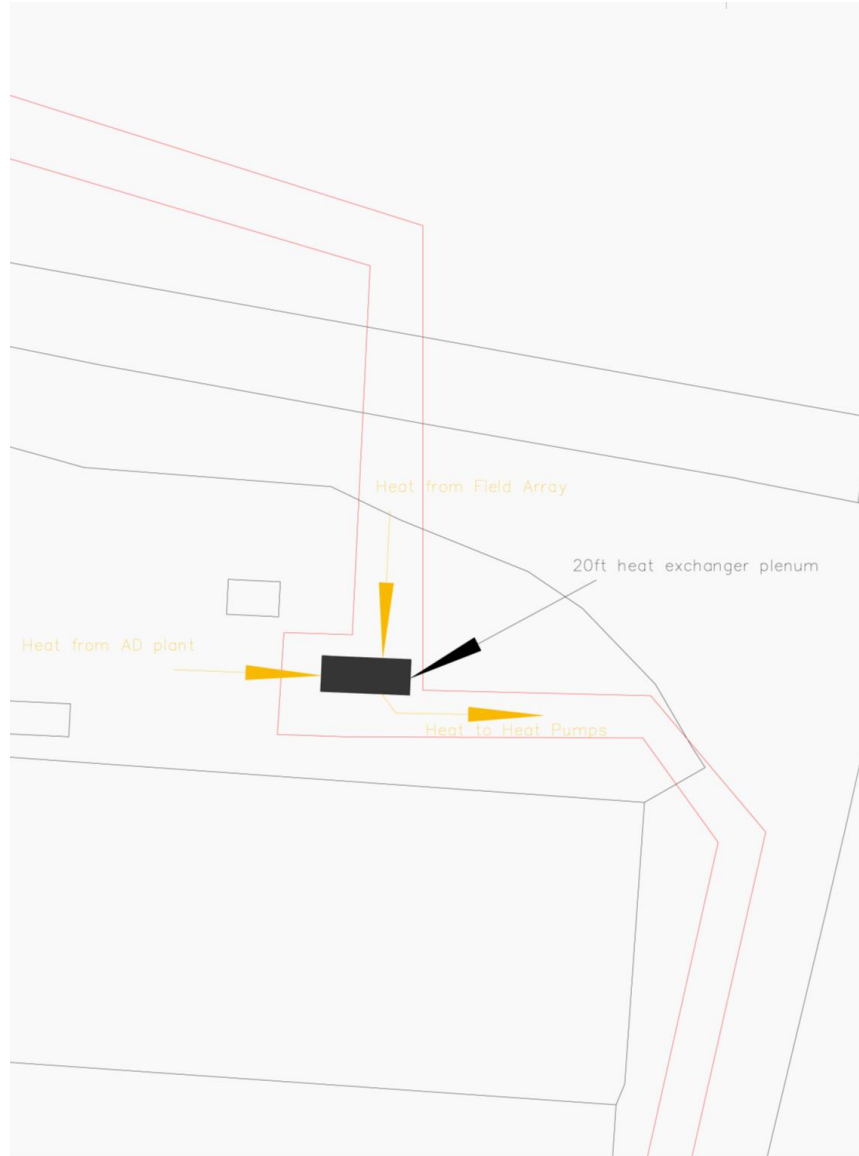
# Site Layout



- Key
- 1m spaced, 100mm trench area
  - Cable routing
  - Access achieved through current complex and field accesses
  - 20ft heat exchanger plenum

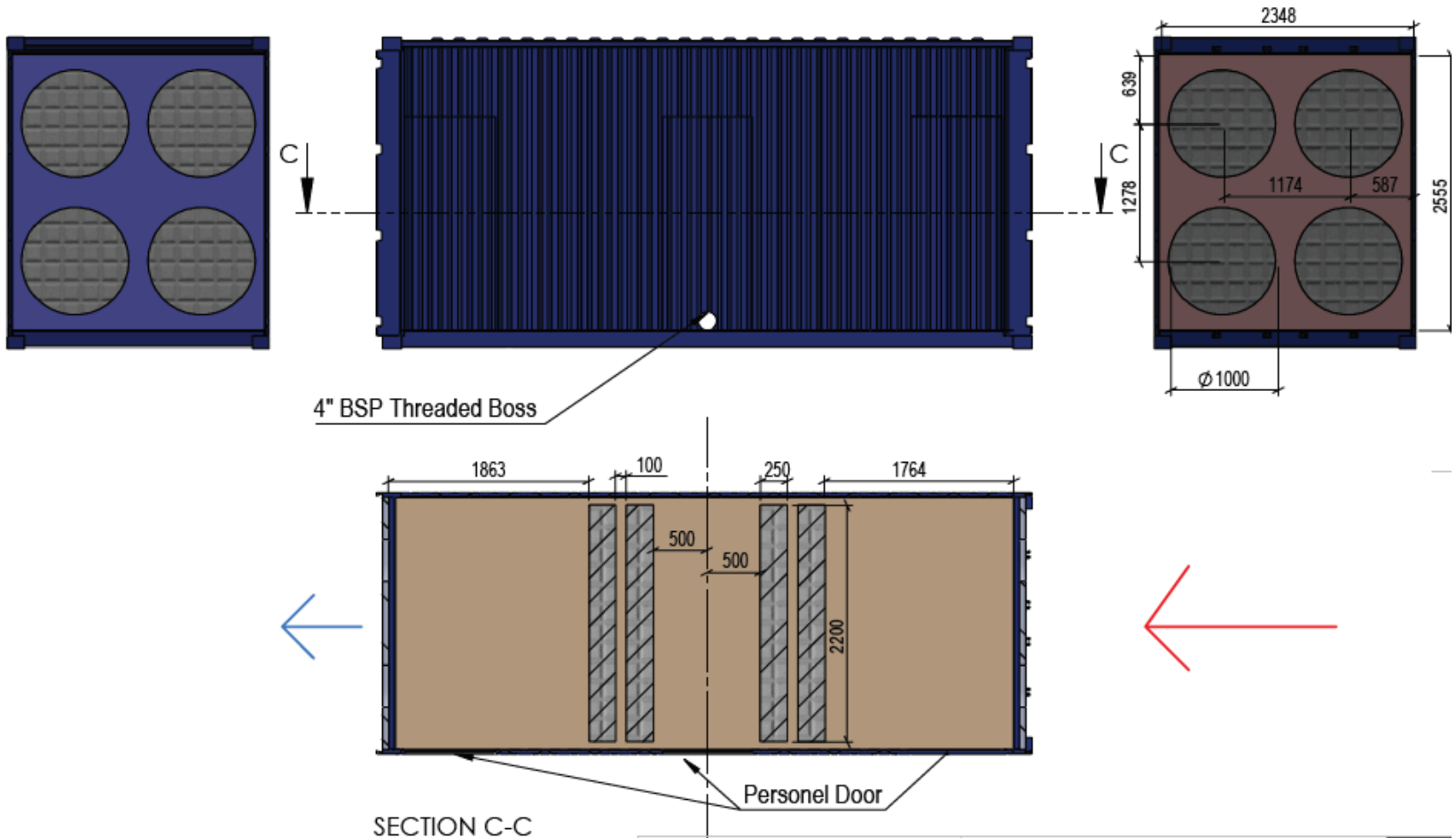
# Heat Movements

Slide 7



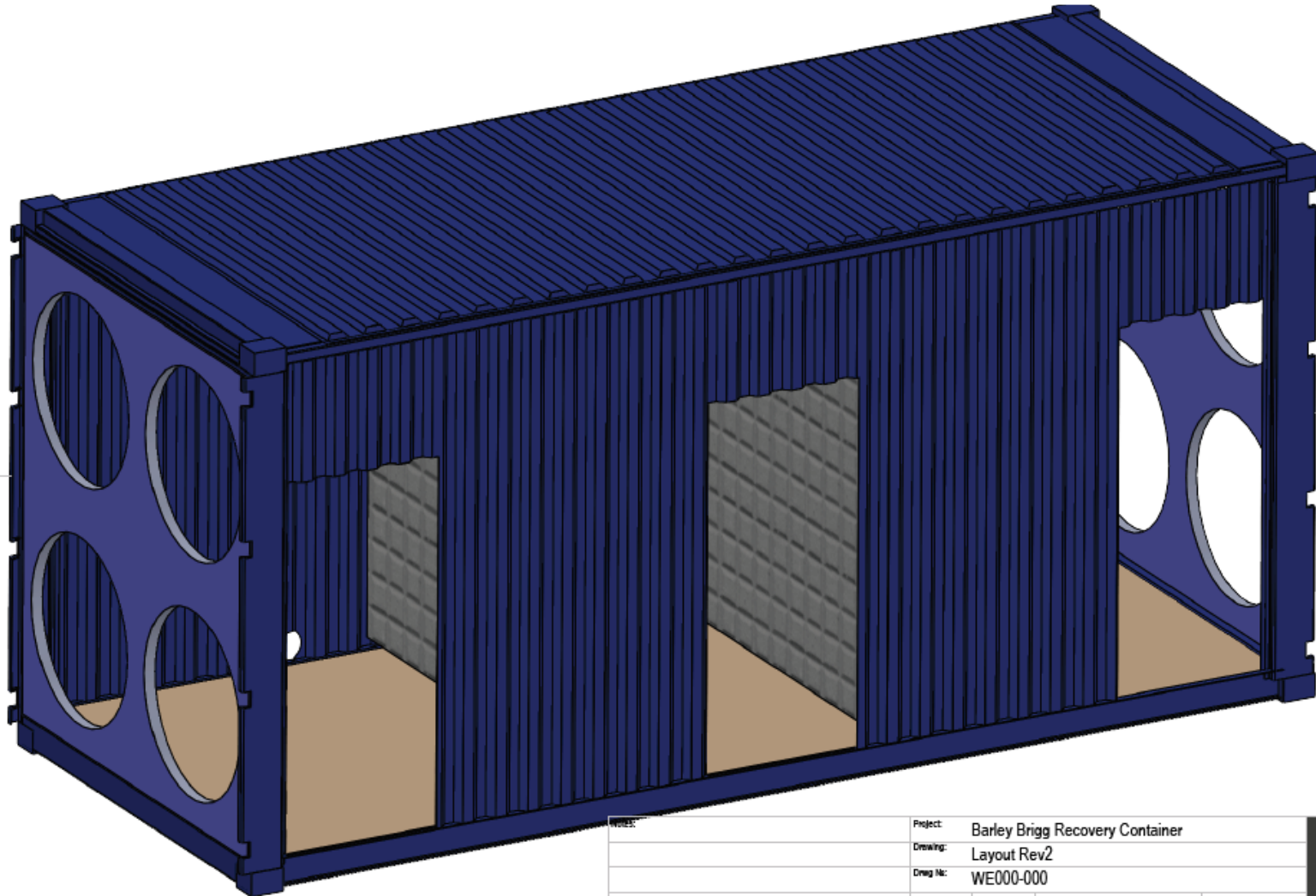
# Recovery Container

Page 166



20' HC Container painted Juniper Green

Notes:	Project:	Barley Brigg Recovery Container	
	Drawing:	Layout Rev2	
	Drawg No:	WE000-000	
	DRAWN:	MS	UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN MILLIMETERS
DATE:	25/03/2020	IEC Fabrictec Old Springs Farm TF9 2PS T: +44(0) 1630 318 130	
REVISION:		DO NOT SCALE	HEAT SOLUTIONS

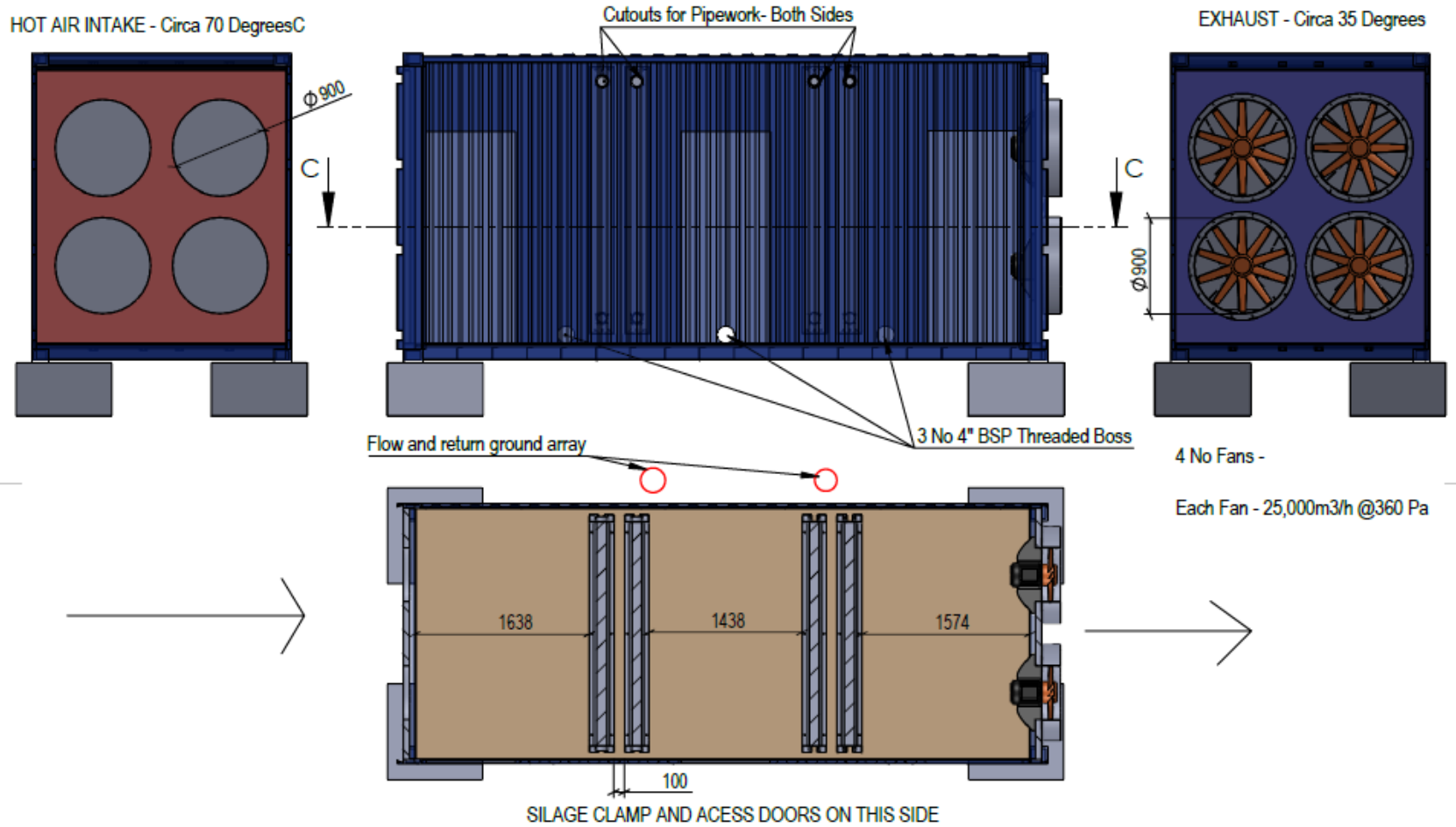


Project:	Barley Brigg Recovery Container		
Drawing:	Layout Rev2		
Drawg No:	WE000-000		
DRAWN:	MS	UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS	IEC Fabrictec Old Springs Farm T93 9FD T: +44(0) 1630 318 130
DATE:	25/03/2020		
REVISION:		DO NOT SCALE	



# Recovery Container

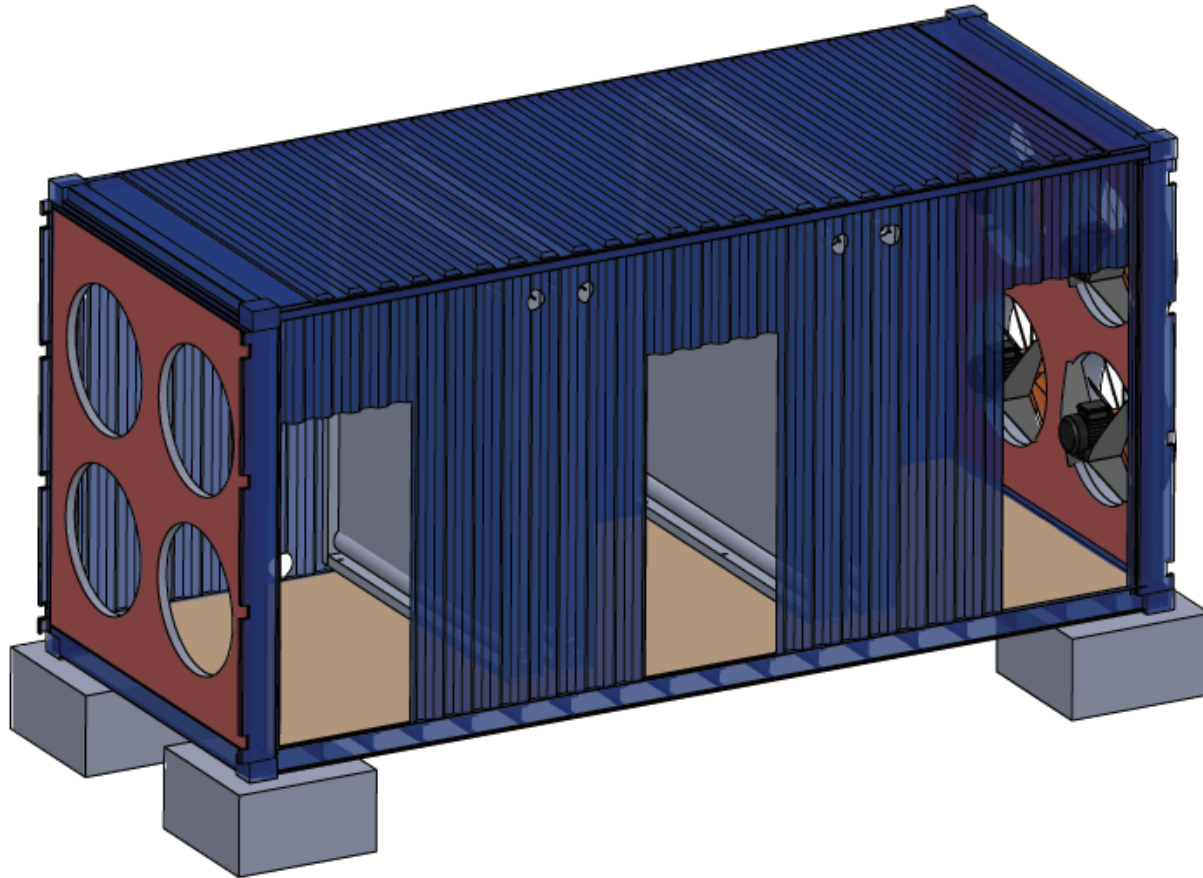
Page 168



Notes:	Project:	Barley Brigg Recovery Container	
	Drawing:	REV2	
	Drawg No:	WE000-000	
	DRAWN:	MS	UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS
	DATE:	23/04/2020	IEC Fabrictec Old Springs farm TF9 2PG T: +44(0) 1630 318 130
	REVISION:		DO NOT SCALE







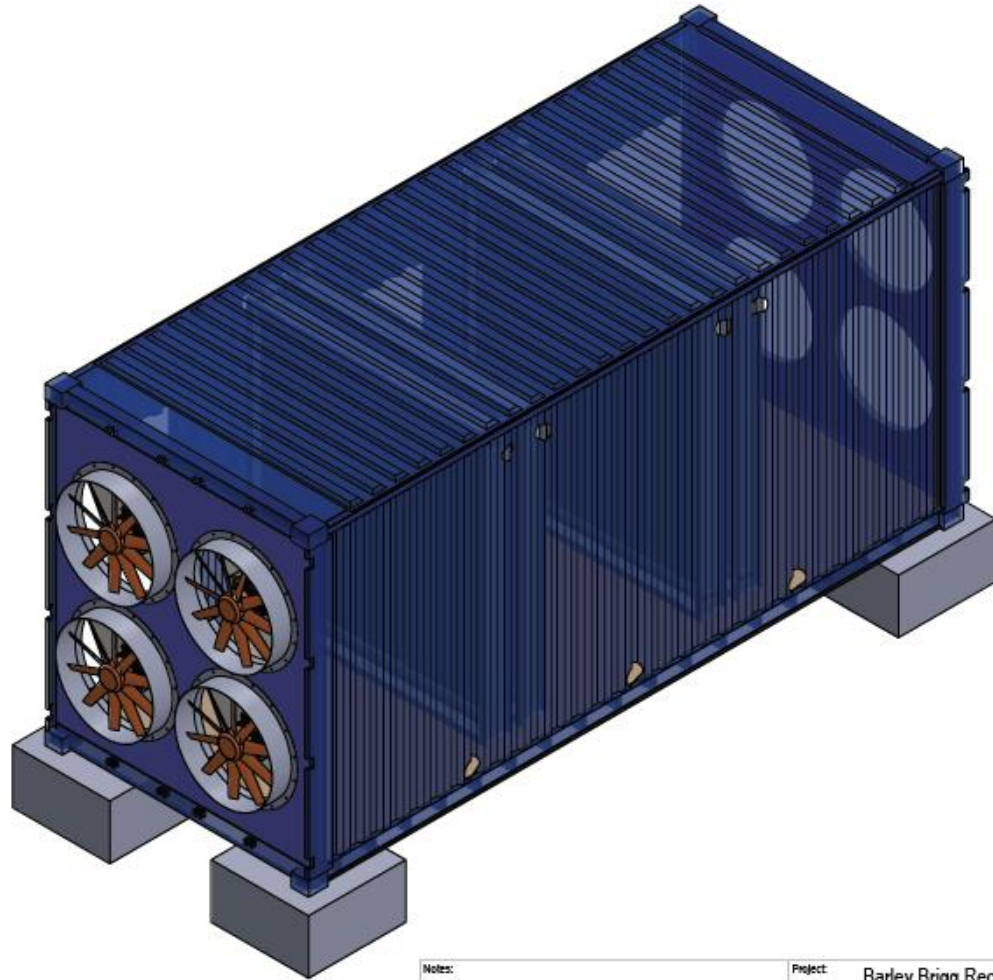
Notes:	Project:	Barley Brigg Recovery Container	
	Drawing:	Layout Rev1	
	Drawg No:	WE000-000	
	DRAWN:	MS	UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS
	DATE:	23/04/2020	
	REVISION:		DO NOT SCALE
			IEC Fabrictec: Old Springs farm TF9 2PG T: +44(0) 1630 318 130



# Recovery container

Slide 12

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Notes:	Project:	Barley Brigg Recovery Container	
	Drawing:	Layout Rev1	
	Drawg No:	WE000-000	
	DRAWN:	MS	UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS
	DATE:	23/04/2020	
	REVISION:		DO NOT SCALE
		IEC Fabric: Old Springs Item TFS 2FD T: +44(0) 1630 318 130	



# Agenda Item 7c

## Committee Report

Item 7C

Reference: DC/20/03328

Case Officer: Daniel Cameron

Ward: Needham Market.

Ward Member/s: Cllr Stephen Phillips. Cllr Mike Norris.

---

## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

---

### **Description of Development**

Full Planning Application - Conversion of existing stable block to 1No residential dwelling.

### **Location**

Land At, Nettlestead Road, Baylham

**Expiry Date:** 19/11/2020

**Application Type:** FUL - Full Planning Application

**Development Type:** Change of Use

**Applicant:** Mrs Charlotte Coathupe

**Agent:** Louise Gregory

**Parish:** Baylham

**Site Area:** 0.10 hectares

**Density of Development:** 10 dwellings per hectare

**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**

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The application is referred to committee for the following reason:

The application has been called in by Councillor Mike Norris, the call in is appended to this report.

---

## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment  
GP01 - Design and layout of development  
H07 - Restricting housing development unrelated to needs of countryside  
H09 - Conversion of rural buildings to dwellings  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
CL02 - Development within special landscape areas  
CL08 - Protecting wildlife habitats  
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)**

###### **Baylham Parish Meeting**

Baylham Parish Meeting hereby objects to this application on the basis of an unsustainable location within a special landscape area (SLA), that it is also contrary to CS1, CS2 and the NPPF as a whole.

The district council should pay particular attention to appeal decisions DC/19/04496 and DC/18/04977. The council's decision should also be consistent with its refusal, within the terms of the current NPPF, to approve housing development within the SLA which is outside the settlement boundary, and more than a few hundred metres from the B1113.

##### **National Consultee (Appendix 4)**

###### **Natural England**

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period, then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

## **County Council Responses (Appendix 5)**

### **Highways**

The Highway Authority note no objection to the proposed development subject to the imposition of conditions to control the access and on-site parking.

## **Internal Consultee Responses (Appendix 6)**

### **Ecology - Place Services**

No objection subject to securing:

- a) proportionate financial contribution towards visitor management measures at the Stour and Orwell Estuaries SPA/Ramsar.
- b) ecological mitigation and enhancement measures

### **Land Contamination**

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.

### **Landscape – Place Services**

The proposal seeks to convert an existing stable block into residential use. The application proposes to use the existing building and footprint- without making any external changes. Parking and other external space also remains unchanged. No landscape or external works drawings have been submitted.

From a landscape perspective and without and with any changes to the external scale or proportion of the stable block we would consider these changes to have a minimal impact on the site and its surroundings and we have no objection to the proposals.

To safeguard the existing landscape character from inappropriate planting and/or boundary treatments which may occur as part of this development proposal, we recommend the use of a planning condition.

## **B: Representations**

At the time of writing this report at least two letters/emails/online comments have been received. It is the officer opinion that this represents two comments of support for the application. A verbal update shall be provided as necessary.

Support comments note that the building cannot be seen from the road and would improve the appearance of the current building. Moreover, the conversion of the building would not likely lead to an increase in the traffic and would allow an existing resident of the village to downsize.

(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: 0543/98/	ERECTION OF 3 NO. STABLES AND TACK/STORE ROOM.	<b>DECISION:</b> GTD 09.09.1998
REF: 0852/76	New vehicular access	<b>DECISION:</b> GTD 03.02.1977

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1 The application site is located on the southern side of Nettlestead Road, a narrow, single track lane that connects Baylham to Nettlestead. The topography of the land rises away from the track and high hedgerows immediately flank it. Aerial photography shows a pronounced agricultural character to the surrounding land with large field patterns separated by hedgerows or post and rail fencing. Both arable farming and grazing are apparent in wider views.
- 1.2 Baylham itself is identified as falling within the Rolling Valley Farmland Special Landscape Area by the Joint Babergh Mid Suffolk District Council Landscape Guidance (August 2015), which identifies the predominance of arable farming within the wider area and the small number of pasture areas which exist within it, which notably includes Baylham Common. Agricultural field patterns are still apparent and are considered a key feature of the landscape. Isolated halls and churches form dominant features and important landmarks within the it. The guidance identifies objectives within the Special Landscape Area as being the maintenance of the distinctive landscape and settlement pattern.
- 1.3 The site does not contain any listed buildings and is not located in close proximity to any listed structures. The closest would be the Church of St. Peter, listed at Grade II\* and located on the western edge of the main built-up area of the village of Baylham. It is a medieval church of the decorative style and composed of flint with freestone dressings and was modified during C14 and C15 with the latest additions likely to be made in the 1870s. The site does not form part of a conservation area.
- 1.4 The site lies within Flood Zone 1.

### **2. The Proposal**

- 2.1 The proposed development is the conversion of the existing stable to form one new residential dwelling consisting of a single storey, one bed dwelling.
- 2.2 The dwelling would create 75m<sup>2</sup> of new residential floorspace.
- 2.3 Adopted parking standards for a single bedroomed dwelling only requires the provision of a single vehicle parking space. Plans show parking spaces on site for two vehicles.
- 2.4 The density of development for the proposed site is 10 dwellings per hectare, however, this is due to the relatively small site area.

- 2.5 The scale of the building retains the height and form of the existing stable block. Part of the roof of the existing building will be reduced to match that of the rest of the building.
- 2.6 The dwelling is proposed to be supported by a small amenity area to be grassed.
- 2.7 The closest neighbouring property to the site is Tutton House, located on the northern side of Nettlestead Road and is over 100m from the site.
- 2.8 The existing stable is constructed of timber cladding with the store room constructed in fibrous cement. The proposed building is to be wholly finished in timber cladding with fibrous cement to be removed and disposed of. The roof is proposed to be composed of Zinc sheeting.
- 2.9 The overall site area is 0.10 hectares.

### **3. The Principle of Development**

- 3.1 The starting point for any planning decision 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. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
  - National Planning Policy Framework (NPPF, 2018)
  - National Planning Practice Guidance (NPPG, 2014)
  - Mid Suffolk Core Strategy Focussed Review (2012)
  - Mid Suffolk Core Strategy (2008)
  - Mid Suffolk Local Plan (1998)
- 3.3 Mid Suffolk benefits from a five-year housing supply. As such there is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight.
- 3.4 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.5 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.

- 3.6 Baylham is not listed within the policy and is designated as a countryside village. Further, the application site is not located in a position whereby it would be read as part of the settlement placing it firmly within the countryside for the purposes of CS1.
- 3.7 Consultation with the Parish Meeting identifies two recent planning decisions within Baylham, DC/1904496 and DC/18/04977. Both of these were refused and subsequently defended at appeal with both being dismissed. However, both applications dealt with the creation of new residential dwellings such that consideration of sustainable development was more prominent. There were also a number of other planning issues associated with each application.
- 3.8 Policy CS2 of the Core Strategy flows from CS1 and is concerned with development in the countryside, which is proposed within the development at hand. It states that development in the countryside will be restricted to defined categories including the re-use of rural buildings including their conversion.
- 3.9 Local Plan policy H09 sets out the requirements for conversion of rural buildings to dwellings. It requires that proposed conversion respect the structure, form and character of the original building, keeping important architectural features. Where proposed extensions are essential, they should not dominate the original building in either scale, use of materials or situation and should not detract from its appearance that makes it worthy of retention. The extent to which a residential conversion detracts from the original character of the building or its rural surroundings will be a material consideration.
- 3.10 Paragraph 79 of the NPPF deals with similar issues as H09. It requires that planning policies and decisions should avoid the creation of isolated homes in the countryside unless one or more of the following criteria apply:
- There is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
  - The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset.
  - The development would re-use redundant or disused buildings and enhance their immediate setting.
  - The development would involve the subdivision of an existing residential dwelling.
  - Or the development would be of outstanding architectural quality.
- 3.11 Paragraph 12 of the NPPF is useful in this instance. It reaffirms the position taken by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and states that the statutory status of the development plan is the starting point for decision making. Decisions may depart from the development plan, but only if material considerations (of which the NPPF is one) indicate otherwise.
- 3.12 With regards to this application, policies CS1, CS2 and H09 of the adopted development plan combine to support the conversion of rural buildings to residential uses. Given their very nature as rural buildings, it would not be reasonable to expect them to be located in such a manner that they could easily access services and facilities more commonly associated with villages and towns utilising sustainable transport methods.
- 3.13 Attention is drawn to the wording of paragraph 79 which requires that the building undergoing conversion be redundant. With regards to the stables at hand, comment from the applicant is clear that while the stable is still in use, this use is being wound down such that it will be redundant in the near future.



- 3.14 In summation, policy CS1 identifies the application site as forming part of the countryside. CS2 identifies that in countryside locations, consideration will be given to the re-use of rural buildings, including their conversion. Policy H09 sets out the specific criteria under which such an application may be considered. As such, it is considered that the principle of development is established.
- 3.15 Attention is also given to the Joint Local Plan which is currently at examination stage. The site would continue to be read outside of the settlement boundary of Baylham, such that it would continue to be located within the countryside. The Joint Local Plan identifies that the provisions of paragraph 79 and the emergent policy LP03 would replace the provisions of Local Plan H09. LP03 only deals with extensions and conversions within existing residential curtilages, so would not be applicable in this instance and paragraph 79 would be the relevant policy test against which similar applications would be tested in future.
- 3.16 Paragraph 79 of the NPPF in terms of application requires the building to be redundant or disused. The definition of redundant or disused is not defined within the NPPF or other planning legislation and so is taken in terms of its standard meaning.

Redundant is defined as “not or no longer needed or useful; superfluous”.

Disused is defined as “no longer being used”.

- 3.17 Paragraph 79 of the NPPF allows conversion of either disused or redundant buildings and does not set the criteria that both must apply. Taking “redundant” as a term, the building may be in use and also “no longer needed” or “superfluous”. This is a matter of intention and a choice of the applicant. There are no planning criteria in the NPPF or within the current or emerging Development Plan to challenge that position. There is not any requirement for the applicant to prove intent and decision maker must be mindful of the material consideration of the unrestricted ability of the applicant to also apply “disuse” immediately to the building as well.
- 3.17 The issue of the redundancy of the building aside, paragraph 79 does not set out any further policy tests to assess future similar applications beyond the need for them to enhance their immediate settings.

#### **4. Nearby Services and Connections Assessment of Proposal**

- 4.1 Baylham is categorised as a countryside village within the adopted Core Strategy which is reflective of the lack of facilities within Baylham which would serve to sustainably support residential development in the area. In terms of facilities, only St. Peters Church and the village hall are noted.
- 4.2 The closest schools and doctors' surgeries to the site are located within Needham Market some 3 miles northwest, or Ipswich which is located 6 miles southeast. Bus services to Baylham are provided by the number 87, 88, 89, 464, 929 and 987, from stops located on Lower Street, 1.8km northeast of the site and provide connection to Needham Market, Stowmarket and Ipswich. While Baylham is considered to lack facilities such that access to shops, schools and healthcare some connection to those facilities is possible utilising public transport options however, no made footpaths are apparent within Baylham to connect to these named settlements or the identified bus stops.
- 4.3 Member's attention in this regard is drawn towards a recent appeal decision (APP/W3520/W/19/3243146, a copy of which is appended to this report) within Baylham following on from refusal of application DC/19/04496 for the erection of new eco-home to allow for the servicing of horses kept on site. The appeal was dismissed, in particular because the site was not

well connected to services and facilities and likely to be reliant upon private car travel to meet their day-to-day needs.

## **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 Saved Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport. Its safety focus is also consistent with paragraph 108 of the NPPF which requires development proposals incorporate safe and suitable access that can be achieved for all users. Policy T09 requires that parking for new development meets with the adopted standards set out within the Suffolk Guidance for Parking document (2019).
- 5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 The proposed access to the site comes from Nettlestead Road and currently serves the stables. Supporting comments note a number of daily trips to and from the site at present time. Consultation with Suffolk County Council as the relevant Highway Authority note no issues with the use of the access for residential purposes subject to a number of improvements to the access.
- 5.4 Parking on the site is proposed in excess of what is required by adopted parking standards and sufficient space to enable vehicles to turn such that they would exit the site in a forward gearing is noted.

## **6. Design and Layout**

- 6.1 Chapter 12 of the NPPF seeks to achieve well-designed places which function well and add to the quality of places by responding to local character but without stifling innovation and change. In particular paragraph 127 of the NPPF requires planning decisions ensure that development:
  - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) Are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
  - d) Establish or maintain a strong sense of place, using the arrangement of street, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) Optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear or crime, do not undermine the quality of life or community cohesion and resilience.

- 6.2 With regard to the adopted Development Plan Local Plan policy GP1 states that proposals should maintain or enhance the character and appearance of their surroundings.
- 6.3 The proposed development would convert an existing stable building to a one bedroomed, single storey dwelling. The proposed dwelling would re-use the form of the existing stables and would incorporate a number of features typical of a stable building in order to retain the character of the original building. Additional glazing is proposed, particularly to the southern elevation, but not to a degree that it obstructs the reading of the building as a former rural stable.
- 6.4 The current extension to the stables is large and unsightly and is proposed to be replaced with something of the same footprint and designed to reflect the scale and finish to the existing stable.
- 6.5 With direct regard to the requirements of paragraph 127 of the NPPF, it is not considered appropriate to require a development of this scale to achieve all of the requirements set out within the paragraph. That being said, there is a clear design expressed within the submitted drawings and a desire to maintain the appearance of a rural building. This is considered to respond well to the local character as well as landscape setting of the area. It is therefore considered that the design of the converted dwelling meets the requirements of Chapter 12 of the NPPF and policy GP01.

## **7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 7.1 The site falls within the Rolling Valley Farmland Special Landscape Area (SLA), an area typified by sloping valley sides with good arable soil such that very few common pastures areas historically existed, although from aerial photography, grazing appears to be becoming more popular within the area. The Council's Landscape Consultants consider the site to be fairly typical of the characteristics of the SLA.
- 7.2 The application site is located within the valley floor and is not considered to be prominent in views across the landscape, especially as the stable is already in place and already impacts on these views. The fact that the design of the building informs the historic agricultural nature of the landscape is particularly helpful in this regard. In this instance the continued expression of the form of the building as a stable is noted.
- 7.3 That being said, the building would lead to the creation of a residential dwelling that is likely to be accompanied with the introduction of a range of domestic paraphernalia including parked vehicles, creation of garden space and lighting. While an element of car parking likely accompanies the existing stables, this is only likely to be in place for short periods of time, although the frequency of parking is likely to occur every day.
- 7.4 Existing hedgerow runs along the northern boundary of the site and would offer some screening to views of the site from the road and from the north and is typical of boundary hedgerow seen within the wider landscape around field boundaries. No landscaping appears to be proposed to the other boundaries of the residential area of the site. Consultation from the Council's Landscape Consultants recommend the imposition of a planning condition to require submission of a boundary landscaping scheme for the site, required to be agreed prior to any development on site. This condition would serve to identify, agree and set out a timetable for implementation of boundary landscaping within the site.
- 7.5 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(3) of the Conservation of Habitats and Species Regulations

2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."

- 7.6 A preliminary bat roost and bird nesting survey has been submitted in support of the application and has been subject to scrutiny from Place Services – Ecology. They recommend that the mitigation proposed within the report be secured on any positive determination by condition long with conditions to secure biodiversity enhancement and a scheme of lighting.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 With regards to land contamination, policy H17 seeks to keep residential development away from sources of pollution. Given the scope of the application and home buyer contamination report from Groundsure has been submitted.
- 8.2 The supporting report submitted identifies a low risk of contamination on the site such that no further invasive work is required. Consultation with Environmental Health team shows they are content that no further invasive work is required to test for land contamination at the site. This being said, they note that should unexpected contamination of the site be discovered later, legally, it would be required to be remediated at the expense of the developer.
- 8.3 The same report indicates issues with surface water drainage in the area although mapping prepared by the Environment Agency places the site wholly within flood zone 1. Looking in more detail at the Groundsure report, areas of concern at identified as being Nettlestead Road and is likely marked due to the impermeable surface. The application site is elevated some way above the road such that concerns are not applied to the site itself.

## **9. Heritage Issues**

- 9.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a listed building or its setting.
- 9.2 No heritage impacts are identified with regards to this application. St. Peter's Church is located some 500m to the east of the site and there is no direct intervisibility between the two. The stable is already a feature within the wider setting of the building such that its retention would not lead to harm in this regard.

## **10. Impact on Residential Amenity**

- 10.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings while saved policy H16 requires that development not materially reduce the amenity or privacy of adjacent dwellings.
- 10.2 The nearest neighbouring property is located some 100m away from the site and this development is not considered to give rise to issues of overshadowing or overlooking. It is considered that there would be no impact on the residential amenity of

## **11. Planning Obligations / CIL**

- 11.1 The application is liable to CIL which would be managed through the standard independent CIL process allowing for the expansion of facilities to accommodate the additional infrastructure pressure created by the development.
- 11.2 Comments from Natural England also note that the application lies within the 13km zone of influence of the Stour and Orwell estuaries special protection area and Ramsar site. The Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) requires that new residential development within the zone of influence provide a suitable contribution towards the management of the site. This can either be secured via a unilateral undertaking on the part of the applicant or an online payment.

## **12. Parish Meeting Comments**

- 12.1 The Parish Meeting object to the proposed development, noting its location is outside of the settlement boundary of Baylham and that it is located away from services and facilities such that it would be considered to be unsustainable when judged against the NPPF.
- 12.2 In particular they note two planning applications within Baylham which were refused and upheld on appeal. One, DC/19/04496, has already been detailed within this report while the other, DC/18/04977, deals with affordable housing to be delivered on a rural exception site to the edge of the village. The appeal (APP/W3520/W/19/3239991) however, does not address whether the site would be an acceptable one for residential development, dismissing the appeal on the basis of harm to the setting of St. Peters Church.
- 12.3 Both appeal sites are for fundamentally different forms of development than the one proposed here such that it is not possible to bring conclusions from the appeals across wholesale, however, conclusions regarding the sustainability of the site are considered to be pertinent to the application at hand and are noted within Section 3 of this report.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 Policies CS1, CS2 and H09 are the most important adopted development plan policies for determining the application. These policies are, to an extent, considered to be out of date due to inconsistencies with the NPPF such that they do not carry full material weight. Paragraph 79 of the NPPF deals with similar development to that proposed. With regards to the requirements of the paragraph the application seeks to re-use a redundant or disused building. The building is not redundant at the present time; however, it is understood that this use is being wound down such that it will come redundant in the near future.
- 13.2 The application site does not adjoin residential development and is located outside of an established settlement boundary and is seen within a rural context. This would continue to be the case if the application were to be considered under the provisions of the emergent Joint Local Plan. It is considered that were the application to be considered after adoption of the Joint Local Plan, the determinative policy in that case would be paragraph 79 of the NPPF.
- 13.3 Were such an application to be brought forward at that future time it would be required that the building be redundant or disused. Taking the comments made by the applicants at face value, it is considered that this would be the case.

- 13.4 The location of the scheme relative to services and facilities would do little to promote regular walking, cycling or public transport use. It would therefore fail to support sustainable transport methods and the health benefits associated with them which is an important aim of the NPPF. That being said, it would not be reasonable to expect a rural building associated with a rural use to be in a location whereby it would make easily connection to such services and facilities which are more commonly associated with a village or town.
- 13.5 It is not considered that the appearance of the building would detract from the surrounding valued landscape. It is already a feature of the landscape that speaks to its rural nature. The design of the proposed dwelling is such that it maintains the appearance of a stable and would be sympathetic to the local landscape character of the area. Some concern is raised through the creation of a domestic garden to serve the proposed dwelling and the introduction of domestic paraphernalia within the site; however, it is considered that landscaping could provide additional screening within the landscape to offset this impact.
- 13.6 With regards to the application, planning policies are considered to support the application. In terms of design, the application meets with the Council's requirements to appear as a rural building. It already has an impact on the appearance of the special landscape area and would not exacerbate issues in this regard. Consequently, the recommendation is to approve subject to the reasoning set out within this report.

## **RECOMMENDATION**

**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 and on the basis that payment of the Natural England RAMS contribution is made or secured via unilateral undertaking:**

- Time limit for development to commence (three years from date of grant).
- Development to be undertaken in line with submitted plans.
- Materials to be those shown on the approved plans.
- Ecology mitigation as shown in the supporting report to be carried out during development.
- Biodiversity enhancement within the site to be agreed and then implemented.
- Lighting within the site to be agreed such that it does not adversely affect wildlife or the landscape.
- Boundary landscaping to the site to be agreed and thereafter implemented.
- The access to the site shall be improved in line with highways standards.
- A method to prevent the discharge of water from the site to the highway shall be agreed and thereafter implemented.
- Visibility splays from the access shall be maintained at all times with nothing to be erected over 0.6m high within them.
- Surfacing for the access shall be in a bound material for a minimum of 5m from the access.
- The gradient of the access shall not be steeper than 1 in 20 for the first 5m from the access.
- Parking and turning facilities as shown on the approved drawings shall be implemented prior to occupation of the site.
- Refuse and recycling bins are to be provided to the site.
- Permitted development rights for extensions, alterations and improvements to the site are to be restricted.

**2) That in the event of the unilateral undertaking or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.**

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# Application No: DC/20/03328

## Location: Land at, Nettlestead Road, Baylham

Page No.

Appendix 1: Call In Request	<i>Cllr Norris</i>	
Appendix 2: Details of Previous Decision	<i>N/a</i>	
Appendix 3: Town/Parish Council/s	<i>Baylham Parish Meeting</i>	
Appendix 4: National Consultee Responses	<i>Natural England</i>	
Appendix 5: County Council Responses	<i>Highways</i>	
Appendix 6: Internal Consultee Responses	<i>Ecology Land Contamination Landscape</i>	
Appendix 7: Any other consultee responses	<i>N/a</i>	
Appendix 8: Application Site Location Plan	<i>Yes</i>	
Appendix 9: Application Plans and Docs	<i>Yes</i>	
Appendix 10: Further information	<i>Recent appeal decisions within Baylham: APP/W3520/W/19/3243146 and APP/W3520/W/19/3239991</i>	




Babergh and Mid Suffolk District Councils



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



**From:** Keven Thomas Baylham PM <[ktbaylham@btinternet.com](mailto:ktbaylham@btinternet.com)>  
**Sent:** 13 October 2020 17:35  
**To:** Daniel Cameron <[Daniel.Cameron@baberghmidsuffolk.gov.uk](mailto:Daniel.Cameron@baberghmidsuffolk.gov.uk)>  
**Subject:** Planning Application DC/20/03328 Pendles Field, Baylham

 **EXTERNAL EMAIL: Don't click any links or open attachments unless you trust the sender and know the content is safe. Click [here](#) for more information or help from Suffolk IT**

Dear Mr Cameron,

**Objection to Planning Application DC/20/03328 Pendles Field, Baylham**

Baylham Parish Meeting hereby objects to this application on the basis of an unsustainable location within a special landscape area (SLA), that it is also contrary to CS1, CS2 and the NPPF as a whole.

The district council should pay particular attention to appeal decisions DC/19/04496 and DC/18/04977. The council's decision should also be consistent with its refusal, within the terms of the current NPPF, to approve housing development within the SLA which is outside the settlement boundary, and more than a few hundred metres from the B1113.

Kind regards,

Keven Thomas

Chairman Baylham Parish Meeting  
4 Church Knoll  
Baylham  
Suffolk  
IP6 8LF

Date: 29 September 2020  
Our ref: 329137  
Your ref: DC/20/03328



Mid Suffolk District Council  
planningblue@babergmidsuffolk.gov.uk

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Daniel Cameron

**Planning consultation:** Full Planning Application - Conversion of existing stable block to 1 No residential dwelling and garaging.  
Location: Land At, Nettlestead Road, Baylham, Suffolk

Thank you for your consultation on the above dated 27 September 2020 which was received by Natural England on 27 September 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

**Habitats Regulations Assessment - Recreational Impacts on European Sites**

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

## Other advice

### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Amy Knafler  
Consultations Team

## Annex - Generic advice on natural environment impacts and opportunities

### Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

### Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

### Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### Protected landscapes

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

### **Landscape**

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [\*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites\*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

## **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

## **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).



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

Email: [planning@babberghmidsuffolk.gov.uk](mailto: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: Daniel Cameron

Dear Daniel,

**TOWN AND COUNTRY PLANNING ACT 1990**

**CONSULTATION RETURN: DC/20/03328**

**PROPOSAL:** Full Planning Application - Conversion of existing stable block to 1No residential dwelling and garaging.

**LOCATION:** Land At, Nettlestead Road Baylham Suffolk IP6 8JU

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: 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: 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: The use shall not commence until the area(s) within the site shown on Drawing No. COATHUPE SL 1 20-01 for the purposes of [LOADING, UNLOADING,] 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: 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) no means of frontage enclosure shall exceed 0.6 metres in height above the level of the carriageway of the adjacent highway.

Reason: In the interests of highway safety in order to maintain intervisibility between highway 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: 0345 6066171. 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



12 October 2020

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

By email only

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

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**Application:** DC/20/03328  
**Location:** Land At Nettlestead Road Baylham Suffolk  
**Proposal:** Full Planning Application - Conversion of existing stable block to 1No residential dwelling

Dear Dan,

Thank you for consulting Place Services on the above application.

**No objection subject to securing:**

- a proportionate financial contribution towards visitor management measures at the Stour and Orwell Estuaries SPA/Ramsar.**
- b) ecological mitigation and enhancement measures**

**Summary**

We have reviewed the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020), 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 protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We 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, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout.

This application also falls within the 13km Zone of Influence (ZOI) for the Stour and Orwell Estuaries SPA & Ramsar site. Consequently, the LPA is advised that a financial contribution should be sought, in line within the Suffolk Recreational Avoidance and Mitigation Strategy (RAMS), from the residential development within the 13 km ZOI specified. This will need to be secured by a legal agreement, following advice contained on the councils website: <https://www.midsuffolk.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/habitats-mitigation/>. The LPA will also need to prepare a HRA Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer contribution for delivery of the visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar site.

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. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 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 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. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

*“A Biodiversity Enhancement Layout for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020)*

*The content of the Biodiversity Enhancement Layout 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).

## **3. 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).



Please contact us with any queries.

Yours sincerely,

**Hamish Jackson ACIEEM BSc (Hons)**

**Ecological Consultant**

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

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

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

DC/20/03328 Land Contamination

Dear Daniel

**EP Reference : 281932**

**DC/20/03328. Land Contamination**

**Land at, Nettlestead Road, Baylham, IPSWICH, Suffolk.**

**Conversion of existing stable block to 1No residential dwelling and garaging.**

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.

Kind regards

Nathan

**Nathan Pittam** BSc. (Hons.) PhD

Senior Environmental Management Officer

**Babergh and Mid Suffolk District Councils – Working Together**

Email: [Nathan.pittam@baberghmidsuffolk.gov.uk](mailto:Nathan.pittam@baberghmidsuffolk.gov.uk)

Work: 07769 566988 / 01449 724715

websites: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



**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.*



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

02/03/2021

For the attention of: Daniel Cameron

**Ref: DC/20/03328; Land At, Nettlestead Road, Baylham, Suffolk**

Thank you for consulting us on the full planning application for the conversion of existing stable block to 1no residential dwelling. This letter sets out our consultation response on the landscape impact of the application and how the proposal relates and responds to the landscape setting and context of the site.

The site and existing building are located to the edge of an existing stable yard within a sloping, open grazing field; sub divided by post and rail fences to create a series of smaller meadows for horses. To the north and immediate west of the existing stable building is a mature existing hedgerow, screening the site from the single access road that serves the site.

The site is within a Special Landscape Area (SLA). Policy CL2 Special Landscape Areas of the Mid Suffolk Local Plan (1998) Saved Policies states that development proposals in Special Landscape Areas *"will only be permitted where they maintain or enhance the special landscape qualities of the area and ensure that the proposal is designed and sited so as to harmonise with the landscape setting."*

The Suffolk Landscape Character Assessment defines the landscape character types (LCT) for the site and the surrounding landscape. Key features of the LCT include; distinct areas of regular field patterns, flat or gently rolling arable landscape, small patches of straight-edged fields associated with the late enclosure of woods and greens and hedges of hawthorn and elm with oak, ash and field maple as hedgerow trees. The site is typical of this LCT.

**Review of submitted information**

The proposal seeks to convert an existing stable block into residential use. The application proposes to use the exiting building and footprint- without making any external changes. Parking and other external space also remains unchanged. No landscape or external works drawings have been submitted.

From a landscape perspective and without and with any changes to the external scale or proportion of the stable block we would consider these changes to have a minimal impact on the site and its surroundings and we have no objection to the proposals.

To safeguard the existing landscape character from inappropriate planting and/or boundary treatments which may occur as part of this development proposal, we recommend the following planning condition.

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPING SCHEME.**

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the surrounding area. A specification of soft landscaping, including proposed trees, plants and seed mixes must be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. This should be accompanied by a schedule, with details of quantity, species and size/type (bare root, container etc). Hard landscape details such as surface materials and boundary treatments must also be included.

If you have any queries regarding the matters raised above, please let me know.

Kind regards,

Ryan Mills BSc (Hons) MSc CMLI  
Senior Landscape Consultant  
Email: [ryan.mills@essex.gov.uk](mailto:ryan.mills@essex.gov.uk)

**Place Services provide landscape advice on behalf of Babergh and Mid Suffolk District Councils.**

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



## Appeal Decision

Hearing Held on 9 September 2020

Site visit made on 9 September 2020

**by Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 September 2020**

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**Appeal Ref: APP/W3520/W/19/3239991**

**Land adjacent: Greenbanks, Upper Street, Baylham, Suffolk IP6 8JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Max Short against the decision of Mid Suffolk District Council.
  - The application Ref DC/18/04977, dated 11 November 2018, was refused by notice dated 29 April 2019.
  - The development proposed is described as 'Erection of 4 affordable dwellings, access, landscaping and private drainage system'.
- 

### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for an award of costs was made by Mr Max Short against Mid Suffolk District Council. This application will be the subject of a separate Decision.

### Preliminary Matters

3. Both the Council and the appellant submitted late evidence prior to the hearing opening, which all parties taking part were made aware of. These submissions were not overly technical and were submitted in a timely manner and therefore no party was significantly prejudiced when I accepted them.
4. At the hearing I asked the appellant and Council to submit a draft of the condition they were recommending aimed at securing the occupation of the proposed houses by those with a local connection. The draft condition was submitted in accordance with the timetable I set out alongside a revised planning obligation, which the appellant had discussed with the Council.

### Background and Main Issues

5. The Council confirmed at the outset of the hearing that it no longer wished to pursue its fourth reason for refusal following the submission of a planning obligation by the appellant. Accordingly, as they are no longer a point in dispute, I have not addressed the matters raised in the Council's fourth reason for refusal as a main issue.
6. After a lengthy discussion at the hearing the Council also confirmed that it no longer wished to defend its first reason for refusal. In summary, the Council is

now of the view that there are two conflicting definitions of what constitutes an affordable housing exception site in the development plan and that this conflict should be resolved by giving greater weight to the broader, more up to date definition in the CS<sup>1</sup>, which supersedes the narrower approach in Policy H5 of the LP<sup>2</sup>. The implication being that the appeal site could, in principle, be a suitable location for an exception scheme when applying Policy CS2 of the CS.

7. The Council also belatedly submitted that the appeal scheme would amount to an entry level exception site as defined in Paragraph 71 of the National Planning Policy Framework (the 'Framework') and therefore the in principle support provided by the Framework<sup>3</sup> would, in this instance, be a material consideration that would outweigh any conflict with Policy CS2 of the CS or Policy H5 of the LP. Therefore, as this is also no longer a point in dispute, I have not considered the matters raised in the Council's first reason for refusal as a main issue.
8. Accordingly, the main issues in this appeal are:
  - Whether the appeal scheme would preserve the setting of the Grade II\* listed building known as St Peter's Church; and
  - The effect of the proposed development on the character and appearance of the area, including Baylham Common.

## Reasons

### *Whether the proposal would preserve the setting of St Peter's Church*

9. St Peter's Church was listed in 1955 and is medieval in origin with elements probably dating from the 11th Century. The church was added to and altered in the 14th and 15th Centuries, including the addition of the tower. Some of these alterations were unusual, such as the cavetto-moulded eaves sprockets. The Church was then 'restored' in the 19th Century by a local architect. The building therefore derives much of its significance from its architectural value.
10. That said, the Church is positioned on a slightly elevated promontory with a vista out over a shallow valley to the south. This sitting was probably planned in order to give the building a commanding presence in the rural, predominantly agrarian landscape. This would have been important given the Church's central function in the rural community and its high status as a place of worship. Moreover, historic mapping/photography also demonstrates that the church sat in a reasonably isolated rural setting until recently in its history. As such, there is significant historical and evidential value in experiencing the church in a rural context and from being able to appreciate as fully as is possible its visual and spatial connectivity to the surrounding landscape.
11. The valley is cross by lanes and footpaths that converge on the church. When walking along the footpath adjacent to the appeal site it is still possible to gain an impression of how the church once stood in a sparsely occupied rural landscape and how generations of villagers would have viewed it. This sense of

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<sup>1</sup> Mid Suffolk Core Strategy Development Plan Document 2008 (and the focussed Review in 2012)

<sup>2</sup> The Mid Suffolk Local Plan 1998

<sup>3</sup> Subject to the effect of the proposal on the protection given to assets of particular importance, such as designated heritage assets.

- continuity provides communal value. The bucolic setting south of the Church also has a rural charm which, perhaps fortuitously, provides aesthetic value.
12. The construction of housing in Glebe Close, Church Lane and Church Knoll to the north and east has cumulatively eroded the extent to which the Church is spatially and visually experienced in an open rural landscape. However, when approaching the Church from the south or west it is still possible to gain a semblance of how it once sat in the landscape. This is particularly the case at Viewpoint 5 (as defined in the appellant's Landscape and Visual Impact Assessment - LVIA), where views of the Church are unimpeded to a significant extent, thus allowing it to effectively be seen in isolation within the rural landscape, save for an awkwardly sited hay barn. It is also possible to experience this sense of rural isolation when in the church yard looking south. What remains of the open rural aspect to the south and west of the listed building is therefore particularly important to its setting.
  13. Consequently, the significance/special interest of the listed building, in so far as it relates to this appeal, includes the rural setting of the Church and its long-standing relationship with open countryside, which is still possible to discern from the south and west. This is because these features, and the values derived from them, are important to the way the building is understood, experienced and appreciated.
  14. The erection of four dwellings at the appeal site would introduce additional built form and domestic paraphernalia into the rural southerly aspect of the Church. The buildings would be highly prominent in various views along the footpath adjacent to the appeal site, including the area in the vicinity of Maisie's Seat and Viewpoint 5. It would also be possible to see the proposed development from the Churchyard. These impacts would meaningfully diminish the open rural aspect to the south of the Church. The proposal would therefore seriously harm the setting and significance of the listed building.
  15. This harmful impact would not be mitigated through the provision of landscaping, which would not fully screen the houses and would take time to mature. Moreover, it cannot be assumed that the landscaping would remain *in situ* for the life of the development as it could die or be removed. The latter could occur if, like at Church Knoll, future occupants wished to establish a view.
  16. The four dwellings would have some pleasant design features including chimneys, plinths, porch hoods and cottage style windows. In some respects, they would echo Victorian cottage architecture. In many locations this approach can soften the impact of new housing by providing a traditional rural aesthetic. However, in this instance the properties would not have historic proportions due to the height and depth proposed. Therefore, the dwellings would fail to convincingly appear as modest agricultural workers cottages. Even if they did, there would still be an inherently harmful impact on the significance of the Church because the open southerly aspect is particularly important to its setting.
  17. The appeal scheme would represent a continuation of the linear character of the village, but this is not a point in its favour in this instance because it would do so in a way that would harm the setting of the listed building. The appeal scheme would be close to Church Knoll, which has a strident appearance in views from the south, but this does not justify further cumulative harm. Furthermore, the proposal would be directly to the south of the Church

- whereas Church Knoll is not. Similarly, the presence of a very stark equestrian development west of the appeal site, which is further away from the Church than the appeal scheme would be and is not prominent in Viewpoint 5, does not justify the harm that would occur to the listed building's setting either.
18. The four houses would be set on land that is notably lower than the Churchyard and therefore the houses would be seen below the Church, as demonstrated by a CGI image submitted by the appellant. Accordingly, the appeal scheme would not directly block views of the church from the adjoining footpath. This siting would also enable the Church to retain a dominant presence in the wider landscape, including views from Circular Road. However, the housing would seriously alter the rural character of the site, which is prominent in the foreground of the church and important to its rural setting. The proposed development would also result in the Church being surrounded on three sides by housing. As such, the lower siting of the houses would not mitigate the harm that would otherwise occur to the local setting of the Church.
  19. Historic England has provided guidance on the setting of heritage assets in GPA3<sup>4</sup>. This document suggests that because Church's are often tall structures, their setting is unlikely to be affected by small-scale development if it does not compete with their scale. However, an assessment of the significance of an individual listed building will involve a discrete and specific appraisal. In this instance, the specific circumstances before me indicate that the proposal would harm the setting of the listed building for the reasons given and therefore the general guidance in GPA3 is not determinative. Moreover, Historic England have objected to the proposal due to the impact it would have on the setting of the Church. Although the Inspector of Historic Buildings and Areas that gave this advice did not apparently visit the appeal site, their comments are nevertheless supported by what I observed.
  20. The Council's Conservation Officer did not object to the proposal, being of the view it would not harm the setting of the Church. I do not share this view for the reasons already given. It is also a view unsupported by Historic England, the Suffolk Preservation Society, the Council's Planning Officer and the appellant and his historic buildings consultant, who all agree that the proposal would result in at least some harm. The appellant's Landscape Consultant (in the LVIA) also suggest the proposal would erode the scenic qualities of the setting of the church. This would harm those parts of the listed building's aesthetic value that are derived from its bucolic rural setting.
  21. The topography of the site and the design and landscaping proposed would soften the impact of the appeal scheme. But the houses would still be very stark and prominent and therefore the overall impact on the setting and significance of the listed building would be greater than the very modest level suggested by the appellant's historic buildings consultant.
  22. Overall, I conclude that the proposal would seriously harm the significance of the listed building given the importance of the open and rural southerly aspect to its setting. The proposal would therefore fail to preserve the setting of the St Peter's Church contrary to the expectations of the Act<sup>5</sup>. It would also be contrary to Policy HB1 of the LP, which requires particular attention to be given

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<sup>4</sup> The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3

<sup>5</sup> The Planning (Listed Buildings and Conservation Areas) Act 1990

to protecting the setting of listed buildings. Although this policy does not incorporate the balanced approach to heritage decision making in Paragraph 196 of the Framework, it is nevertheless broadly consistent with the expectations set out in Paragraphs 193 and 194.

*The effect on the character and appearance of the area*

23. The appeal site is set towards the bottom of a shallow valley which is typical of the Rolling Valley Farmlands Landscape type as defined in the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015. The key characteristics and positive qualities of which include gentle valley sides, a rich mixture of woodland and arable fields and a sense of enclosure. These qualities are more evident in the landscape to the west of the village around the appeal site than to the east.
24. The landscape around Baylham is scenic, tranquil and reasonably intact when having regard to historic maps. As such, it is a valued landscape. Its local designation as part of a Special Landscape Area (SLA) is recognition of its quality and sensitivity. This is the case even though there have been some significant local detractors added to the landscape since the SLA was established, such as the proliferation of stark equestrian development and some stridently sited houses and buildings. The SLA is under review as part of the emerging Local Plan, but that does not alter the overall quality of the landscape or its standing as a valued landscape that should be protected.
25. The appeal site currently encompasses a small paddock, the northern boundary of which is with a small country lane and demarcated by a hedge. The remaining boundaries are otherwise open save for low level temporary fencing. As a result, the appeal site is visually contiguous with the surrounding paddocks. This affords the appeal site an undeveloped, rural and pastoral character that is clearly apparent in views from the south and from the lane. The appeal site therefore contributes positively to the value of the landscape.
26. The provision of housing, gardens, parking areas and domestic paraphernalia, such as fences and sheds, at the appeal site would significantly alter its rural pastoral character and erode the sense of rural tranquillity. It would result in a more built up and domestic appearance that would be clearly apparent and intrusive in the landscape, particularly when viewed from the adjacent footpath. Moreover, breaching the hedge in order to form tarmacked access points would be detrimental to the character of the rural lane.
27. However, the visual impact would be reasonably localised and additional planting would soften the form of the development. Breaching the hedgerow would be offset by the additional planting proposed. The use of appropriate high-quality materials could also have a softening effect. The housing would also have a linear character that would echo the grain of the village and would be viewed from the footpath in the context of Church Knoll and Greenbank. That said, the houses would be set apart from the village, being on the western side of the hay barn, and would not be viewed from the Church yard in the context of other domestic structures. In this respect the houses would be reasonably stark and appear as an intrusion into the countryside.
28. Overall, I broadly share most of the views of the appellant's landscape consultant in the LVIA, which is a well-constructed and balanced appraisal, that the proposal would have a minor adverse impact on landscape character and



that the visual impact would be medium adverse. The latter could drop to low adverse over time if the boundary vegetation is permitted to grow to maturity, but I have already set out my reservations in relying too much on landscape screening as a means of mitigating the harmful impacts of the proposal.

29. Limited information has been supplied regarding the history and extent of Baylham Common. It was apparently an historic feature in the landscape as an arable common focussed on the shallow valley that is skirted by Circular Road. However, there is little to distinguish it today from surrounding countryside and the Council's Landscape Guidance states that some former common arable land, such as Baylham Common, is known by name only. As such, the appeal scheme would not harm how this area is interpreted as a historic feature. This conclusion is consistent with that reached in a recent appeal decision<sup>6</sup> and the Council has not adduced substantive evidence to justifying a different finding.
30. In conclusion, the appeal scheme would result in a net adverse impact on the landscape, but this impact would not be of a high order. Nevertheless, the adverse impact would be moderately harmful and therefore the proposal would be contrary to Policies CL2 of the LP and CS5 of the CS, which seek to protect and conserve landscape qualities and safeguard the landscape quality of the SLA. These aims are broadly consistent with Paragraph 170 of the Framework.

### **Other Matters**

31. Various concerns have been raised by interested parties including reservations regarding highway safety. However, given my overall conclusion it has not been necessary for me to address these matters further. Similarly, given my overall conclusion that the appeal should fail, there would be no effect on any European Site/Special Protection Area and therefore it is also unnecessary to consider this matter further.
32. My findings are specific to the impacts and benefits the appeal scheme would have within the context of the unique setting of St Peter's Church. Accordingly, the Council's approval of other development elsewhere, including that consented under application reference DC/19/02401, is of very limited weight to my assessment. The Council's emerging Local Plan is still at a formative stage. From the evidence before me there is no certainty that the policies within it will be adopted in their current form and therefore it should be attributed very limited weight.

### **Heritage and Planning Balance**

33. The harm that would occur to the setting of the listed building would be serious but not severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. The Framework states that great weight should be given to the conservation of designated heritage assets and the more important the asset the greater that weight should be. In this case the church is Grade II\* listed and is therefore a more important asset.
34. The delivery of four entry level affordable homes would be a public benefit of the appeal scheme, particularly as no affordable housing has been built at the

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<sup>6</sup> APP/W3520/W/19/3243146

village in the last 50 years. The housing would be secured with a requirement that future occupants have a local connection to the area. This is a benefit that would be recycled in the future by requiring the initial discount to be passed on when the properties are sold. There is support in the Framework for the provision of affordable housing, including that to meet local needs, a point reinforced in a speech given by the Housing Minister in March this year and in a recent press release issued by the Ministry of Housing Communities and Local Government (dated 8 September 2020).

35. However, the appellant has not disputed figures suggesting that within three miles of Baylham there are around 238 affordable homes under construction with 178 granted planning permission. Some of these are apparently available with a 5% deposit and a minimum 40% equity share. This may well make them affordable to first time buyers currently residing in the village as an option for entering the housing market. Substantive evidence is not before me to demonstrate they would not be. In this context the delivery of the four affordable homes at Baylham would not be a significant benefit.
36. The Council confirmed that in the last year it had delivered around 130 affordable homes across the district, which modestly exceeds its target. Around half of these are for shared ownership and discounted market sale. This indicates a good rate of delivery that also includes some housing that would be suitable for those wishing to enter the housing market. However, the Council were unable to confirm to what extent the needs of first-time buyers and renters is being met in the district and the appellant has suggested that the needs of first-time buyers could be hidden, particularly at a local level. Thus, it is likely, from the evidence before me, that the specific needs of first-time buyers and renters, including those wishing to engage in a self-build project, are not being met. Accordingly, a modest scheme providing four entry level affordable homes would be a benefit of moderate weight.
37. The provision of four three-bedroom homes would boost housing land supply and choice. However, there is no dispute between the Council and the appellant that the Council are currently able to demonstrate a five-year housing land supply as required to by the Framework. The five-year housing land supply target is not a ceiling, but it presently being met is an indicator that the Council is significantly boosting the supply of housing and therefore, in this context, the delivery of four homes would be a modest benefit.
38. The construction and subsequent occupation of the properties would deliver modest economic benefits. It would also provide a limited boost to the vitality of the village. However, construction benefits would be short lived and substantive evidence is not before me that local services and facilities are failing for lack of patronage. Nor is there anything to suggest that village clubs, societies and organisations are in need of more members. Accordingly, the socio-economic benefits are of limited weight. Similarly, there is little to suggest the benefits to biodiversity would be more than modest. The financial contribution secured in the planning obligation would be mitigation and is not, therefore, a benefit of the proposal. It would be a neutral matter.
39. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the setting of a Grade II\* listed building<sup>7</sup>, I find that

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<sup>7</sup> See Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

the serious harm that would occur from the proposal would not be outweighed by its cumulative public benefits.

40. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have clear and convincing justification. The development would therefore fail to satisfy the requirements of the Act, the Framework and the development plan.
41. Given my findings in respect of Paragraphs 193, 194 and 196 of the Framework, there are clear reasons for refusing the development. Consequently, it is unnecessary to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when applying Paragraph 11 of the Framework. The proposal would also be at odds with Paragraph 71 of the Framework, which states that entry level housing should not compromise the protection given to designated heritage assets.
42. As the benefits of the proposal would not outweigh the harm to the setting of the listed building it follows that those benefits would not outweigh the totality of harm that has been identified either. This would be the case regardless of what weight I afford the conflict with Policies CS5 of the CS and CL2 of the LP.

### **Conclusion**

43. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*Graham Chamberlain*  
INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT

Mr Max Short LLB (Hons) LLM  
Mr Leslie Short BA (Joint Hons)  
MRICS MRTPI

Appellant  
Artisan Planning Property Services

### FOR THE LOCAL PLANNING AUTHORITY

Mr Daniel Cameron  
Miss Louise Barker CIHN  
Mr Vincent Pearce BA (Hons) MRTPI  
Amelia Powell  
Ms Sacha Tiller BA(Hons)  
Katherine Hale

Mid Suffolk District Council  
Mid Suffolk District Council  
Mid Suffolk District Council  
Mid Suffolk District Council  
Mid Suffolk District Council  
Mid Suffolk District Council

### INTERESTED PARTIES

Mr James Garner  
Cllr John Field  
James and Lorna Coathupe  
Matthew Bell  
Tim Richards  
David Coathupe  
Mrs Jo Clements

## **Documents Submitted After the Hearing**

Email dated 11 September from Mr Leslie Short outlining a draft condition.  
Email dated 11 September from the Council confirming agreement to the above.  
Planning Obligation dated 14 September 2020.



## Appeal Decision

Site visit made on 29 June 2020

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> July 2020**

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**Appeal Ref: APP/W3520/W/19/3243146**

**Land South West of Fairview, Circular Road, Baylham, Ipswich, Suffolk  
IP6 8LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Michael Heathcote against the decision of Mid Suffolk District Council.
  - The application Ref DC/19/04496, dated 19 September 2019, was refused by notice dated 20 November 2019.
  - The development proposed is described as 'building of eco home timber framed residential property to allow living and servicing of horses, grazing and agricultural land owned by applicant. Including change of use of parcel of agricultural land to recreational garden as part of the dwelling house'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter and Main Issues

2. In the interests of consistency, I have taken the appeal site address from the appeal form as this corresponds with the decision notice.
3. The main issues in this appeal are:
  - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy for housing in the development plan;
  - The effect of the proposed development on the character and appearance of the area, including Baylham Common; and
  - Whether any harm would be outweighed by other material consideration.

### Reasons

#### *Development plan policies*

4. In order to support existing communities by guiding development to settlements with the greatest range of services and facilities, Policy CS1 of the Mid Suffolk Core Strategy (CS) sets out a settlement hierarchy which defines and categorises the villages and towns in the district. The policy directs development to defined settlements listed as towns, service centres and villages and explains that the rest of the district, including settlements not listed in Policy CS1, is designated as countryside where development will be restricted to particular types.

5. Baylham is the nearest discernible settlement to the appeal site but it is not listed in Policy CS1. Even if it were, the appeal site is not physically part of this village due to the presence of an intervening shallow valley that encompasses fields and paddocks. Similarly, the appeal site is not physically part of Great Blakenham either, which is a Key Service Centre and thus the nearest settlement identified in Policy CS1 to the appeal site.
6. As the appeal site is not located within any of the settlements listed in Policy CS1 it is within the countryside for the purposes of applying the policies in the development plan. Policy CS2 of the CS flows from Policy CS1 and is specifically concerned with development in the countryside such as that proposed. It states that development in the countryside will be restricted to defined categories such as rural workers dwellings.
7. I have carefully considered the appellant's Agricultural Self-Reliance Statement, but this is not persuasive in demonstrating a need for someone to live permanently on site in connection with a rural enterprise. For example, only a few horses are kept, and they are not commercially breeding. The appellant intends to grow some of his own food, but it is not necessary to construct a dwelling to achieve this. Thus, the appeal scheme would not fall under any of the defined categories of development listed in Policy CS2 of the CS. There is a negative corollary that development which is not listed in the policy is contrary to it and should not be ordinarily permitted.
8. Policy H7 of the Mid Suffolk Local Plan 1998 (LP) exercises strict control over development in the countryside and states that new housing will normally form part of an existing defined settlement. The proposed dwelling would not be located within an existing settlement boundary and would therefore not form part of an existing settlement. The proposal would therefore be at odds with Policy H7 of the LP.
9. In conclusion, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for housing in the development plan and the public interest in having a planning system that is genuinely plan led.

*The accessibility of services and facilities*

10. There are public footpaths close to the appeal site that provide links with Baylham and Great Blakenham. There are very few facilities in the former, but the latter is better served and is itself linked to Claydon and Barham. There is a good range of services within this conurbation and some are an acceptable walking distance away from the appeal site as defined in guidance prepared by the Chartered Institution of Highways and Transportation. That said, the distance of some services is beyond a comfortable walk, particularly when considering return trips or those involving children or residents with mobility difficulties. The footpaths are also unmade and undulating in areas and therefore future occupants may not use them regularly in inclement weather or the winter months.
11. The alternative option is a more convoluted route along Circular Road and then the B1113, where there is a pavement. However, this is longer and would involve walking alongside an apparently busy road, making this a less attractive route. None of the walking routes are lit but this is not uncommon in the countryside. That said, the absence of lighting would make walking along unmade footpaths in the winter more hazardous.

12. Accordingly, it would be possible for some of the future occupants of the proposed dwelling to walk to local services if they are fit and able to. However, there are some inherent draw backs due to the distance involved and the walking environment. This would notably suppress the attractiveness and convenience of walking and therefore it is unlikely this mode of transport would be a universal or regular option to future residents of the appeal scheme.
13. The nearest bus stop to the appeal site provides a reasonably regular bus service to Needham Market, Stowmarket and Ipswich. Accordingly, public transport provides an alternative option to travel by private motorised transport. However, the bus stop is about a mile away from the appeal site and therefore it would not be particularly convenient to catch a bus if residents had to walk this distance first.
14. Cycling would be an option as a mode of travel from the appeal site because nearby settlements would be a short journey away by this mode. It is not inconceivable that Ipswich and Needham Market could be accessed in this way, where there are rail stations, services and employment. The appellant intends to cycle as much as possible, but he cannot be compelled to do this and may not always occupy the site. Thus, it cannot be relied upon that future occupants of the appeal scheme would have the high levels of confidence, fitness and proficiency to regularly cycle, which would likely include trips along busy roads. Moreover, the evidence before me does not demonstrate that cycling is a popular mode of transport amongst existing residents, which could otherwise be an indicator that cycling is a locally realistic alternative to car travel for trips such as commuting to work or school.
15. Given the foregoing, the appeal site is not well placed for most people to conveniently access services and facilities other than by using a car. That said, the trips by car could be short and therefore the overall impact would not be great, especially when accessibility in rural areas will be inherently more limited than urban settings. In addition, the appellant, who is likely to be the first occupier of the dwelling, currently drives to site to tend to his horses and therefore the proposal could offset some trips. Moreover, the opportunities available to walk or cycle on occasion would further qualify the harm as would the potential to use an electric vehicle. However, siting a dwelling in such a location would frustrate attempts to capture the health benefits gleaned from traveling regularly and conveniently by more sustainable means such as walking. Overall, the harm would not be of a high order. This would nevertheless result in conflict with an underlying aim of the CS to encourage sustainable transport.

*The effect on the character and appearance of the area*

16. The countryside around Baylham is gently undulating and is traversed by a network of narrow lanes flanked by hedges. It is attractive despite the proliferation of equestrian paddocks, fencing and paraphernalia. In recognition of this, the area is designated as part of a locally designated Special Landscape Area (SLA). The site is in an elevated position on the upper side of a shallow valley which contributes positively to the SLA.
17. The appeal site adjoins a recently constructed stables and an agricultural building. These structures are highly conspicuous in the landscape when viewed from Baylham and the footpath that runs north east from Walnut Tree Farm. I share the view expressed in representations that they sit rather

starkly and awkwardly on the upper part of the valley slope. The proposed dwelling would be located alongside this development and would likewise be very visible. Accordingly, it would harmfully intensify the extent of prominent development in a sensitive elevated position.

18. Unlike the existing buildings it would have a domestic appearance due to the fenestration, the establishment of a garden and domestic paraphernalia such as parked vehicles and lighting. A dwelling would appear out of place on this side of the valley as it would not be seen in the context of other homes, the nearest being screened by very thick and mature hedges and trees. This suggests that landscaping could soften the impact of the development, but any new landscaping would take a long time to mature to the point it screened the appeal site in the same way Fairview Cottage and Walnut Tree Farm are. In any event, it would not be appropriate in this instance to seek to hide harmfully prominent development behind landscaping as it could fail in the future or future residents may trim or remove it to take in the view or allow light in.
19. There are occasionally small hamlets and farmsteads scattered throughout the landscape but from what I saw these tended to be historic in nature and appearance with a mature settled presence. The appeal scheme would be seen as a stark addition to a stark grouping of buildings. Thus, the proposal would not nestle into the landscape or complement its high visual quality.
20. That said, the dwelling would be viewed as part of a small group of existing buildings and would have a simple agricultural aesthetic due to the use of timber boarding. Applying a dark colour to the boarding would lessen the impact due to the hedged backdrop and single storey scale. However, the existing stables is a good marker of how prominent the dwelling would be even when applying these design features as it is both boarded and single storey. These factors would mitigate to an extent the impacts of the proposal, but it would not extinguish them. Overall, the proposal would moderately harm the landscape of the SLA.
21. Limited information has been supplied regarding the history and extent of Baylham Common. It was apparently an historic feature in the landscape as an arable common focussed on the shallow valley that is skirted by Circular Road. However, there is little to distinguish it today from surrounding countryside and I note that the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015 states, in quoting the Landscape Character Assessment undertaken by Suffolk County Council, that some former common arable land such as Baylham Common is known by name only. Although this does not appear to be an adopted Supplementary Planning Document it is nevertheless useful guidance. As such, the appeal scheme would not harm how this area is interpreted as a historic feature.
22. Nevertheless, the proposal would still moderately harm the character and appearance of the area for the reasons already set out. The Council has not referred to a development plan policy in its second reason for refusal. However, the harm I have identified would be at odds with the guidance for development in the countryside set out in the Council's landscape guide, this being that development should be located to avoid upper valley slopes or where it would be visually intrusive.



*Other considerations*

23. Policies CS1, CS2 and H7 are the most important policies for determining the locational suitability of the appeal scheme. The Council and appellant agree that these policies, as a collective basket, are out of date due to their inconsistency with The National Planning Policy Framework (the 'Framework'). I have no reason to disagree, particularly as this conclusion flows from a reasonably recent appeal decision<sup>1</sup>. In such circumstances, Paragraph 11 d) of the Framework is relevant and states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.
24. As an adverse impact, the location of the appeal scheme relative to services and facilities would do very little to promote regular walking, cycling and public transport use. It would therefore fail to promote sustainable transport and the health benefits associated with such modes of travel. These are important aims of the Framework. Moreover, Policies CS1, CS2 and H7, although out of date overall, outline a spatial strategy that chimes with these objectives.
25. The foregoing is a point of note because the appeal scheme would not glean direct support from Paragraph 78 of the Framework, which seeks to deliver rural housing where it would enhance or maintain rural communities and settlements or provide an opportunity for a village to grow and thrive. This is because in this instance, the appeal site, although in the broad vicinity of some dwellings, is not physically part of a discernible settlement, rural community or village, the nearest being Baylham. Thus, in the context of this appeal, the development plan is not preventing housing that would otherwise be clearly supported by the rural housing policies of the Framework. The conflict with the development plan therefore still carries moderate weight.
26. The appeal site does not adjoin residential development, is clearly outside a village, hamlet or discernible group of dwellings and is seen in a rural context and therefore it is debateable whether the site is isolated or not. However, even if I shared the view of the Council and appellant that the site is not isolated due to its proximity to a stable and open sided barn, it would make little difference as the Framework does not state that a residential development in the countryside must be isolated to be resisted.
27. The proposal would also harm the character and appearance of the area. This would include harm to an SLA, which is a valued landscape. The Framework advises that valued landscapes should be protected, and that development should be sympathetic to local character and landscape setting. The moderate harm that would occur is a matter of moderate weight in this regard.
28. Weighed against this, the spend from future residents may modestly support local businesses and services. That said, evidence has not been provided to suggest they are suffering for lack of patronage and the onsite stables are already in place thereby supporting the equestrian industry in a modest way.. Similarly, the support to the construction industry would be limited in scale as would any revenue generated for the Council. There is little to suggest local clubs or societies are suffering for want of community capital

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<sup>1</sup> APP/W3520/W/19/3222557

29. The provision of a self-build windfall dwelling would benefit housing land supply and choice. However, the Council can currently demonstrate a five-year housing land supply and is therefore presently in the process of significantly boosting the supply of housing. The delivery of a single home would therefore be a limited benefit in this context.
30. The proposal's very simple appearance would not amount to outstanding or innovative architecture. That said, it would have a high environmental performance by incorporating several energy saving measures such as extra insulation, 'A rated' appliances, air source heat pumps and solar panels. Energy would be exported to the national grid and water recycled. This would reduce and partially mitigate the environmental impacts of the development as is therefore more of a neutral matter than a benefit. There is little evidence demonstrating that the construction of the proposed dwelling would reduce crime. The proposal would involve landscaping, bird boxes and rock piles which could provide some modest gains to biodiversity.
31. Overall, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh its limited benefits. This is not a material consideration that indicates the appeal should be determined otherwise than in accordance with the development plan.
32. The appellant has referred to other appeal decisions, but most of these relate to sites in other settlements where the circumstances are not the same. In particular, the proposal at Claydon<sup>2</sup> was for a home closer to facilities (especially schools) with no harm to the character and appearance of the area. Similarly, no harm was identified to the character and appearance of the area in the Creting St. Mary decision<sup>3</sup>. As the circumstances are different, there would be no inconsistency between my findings and those of the other Inspectors. Reference has also been made to the approval of residential development in Baylham and Creting St Mary by the Council but, unlike the appeal scheme, these relate to infilling or more discrete sites.

### **Other Matters**

33. The Council has suggested that the appeal scheme would have a significant in combination adverse effect on the integrity of the Stour and Orwell Estuaries Special Protection Area (SPA) without mitigation. However, given my overall conclusion, the proposal would have no effect on the SPA and therefore I have not considered this matter further.

### **Conclusion**

34. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*Graham Chamberlain*  
INSPECTOR

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<sup>2</sup> APP/W3520/W/19/3222557

<sup>3</sup> APP/W3520/W/19/3232511

## MEMBER REFERRAL TO COMMITTEE

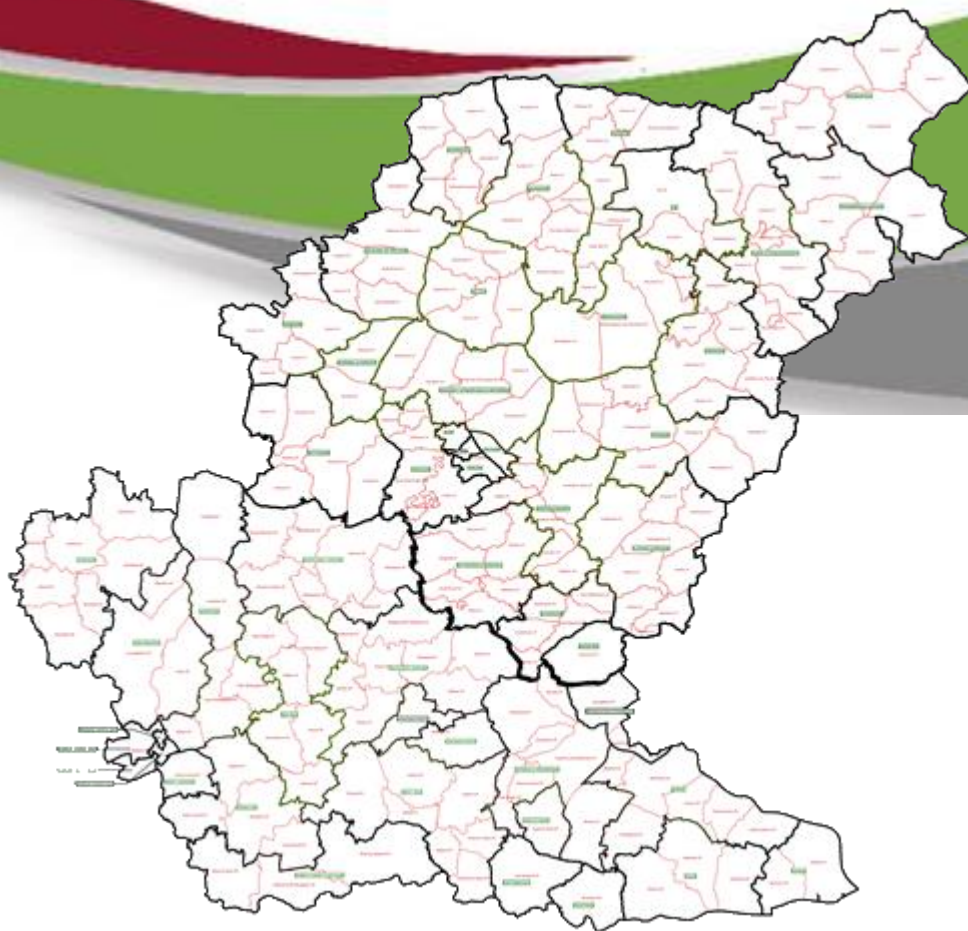
(Completed form to be sent to Case Officer and Chief Planning Officer – Sustainable Communities)

Planning application reference	DC/20/03328. Conversion of existing stable block to 1No. residential dwelling. Land at Nettlestead Road, Baylham.
Parish	Baylham
Member making request	Mike Norris, Joint Ward Member, Needham Market Ward
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	Application site is in an unsustainable location, and contravenes Local Plan Policies CS01 Settlement Hierarchy, and CS02 Development in the Countryside and Countryside Villages, and is located in a Special Landscape Area.
Please detail the clear and substantial planning reasons for requesting a referral	The proposed application is for conversion of a stable block to a residential dwelling, which will have impact on a Special Landscape Area. It is also in an unsustainable location, not served by public transport and requiring the use of a car.
Please detail the wider District and public interest in the application	Please see the above responses.
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	
Please confirm what steps you have taken to discuss a referral to committee with the case officer	I have discussed this planning application with the case officer Daniel Cameron by telephone. Should the decision be that the case officer is minded to refuse the application I am content that the application is determined at delegated officer level.

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**Application No:**  
DC/20/03328

**Address:**  
Land At  
Nettlestead Road,  
Baylham

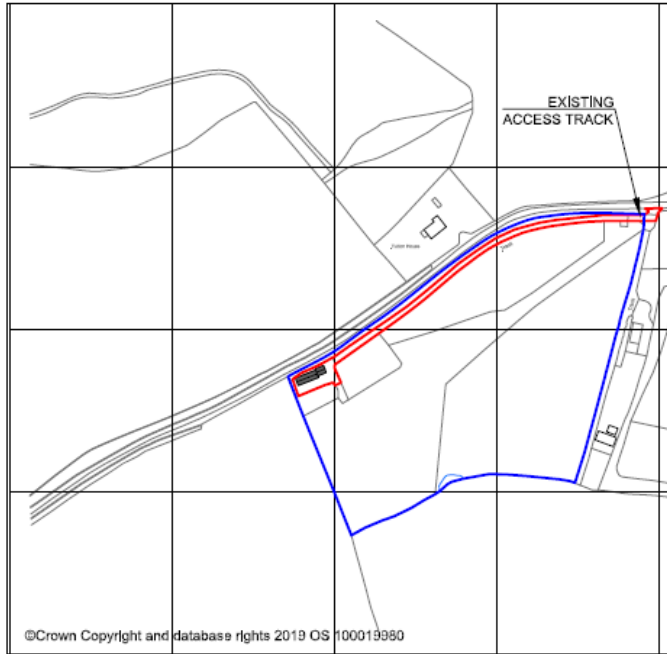




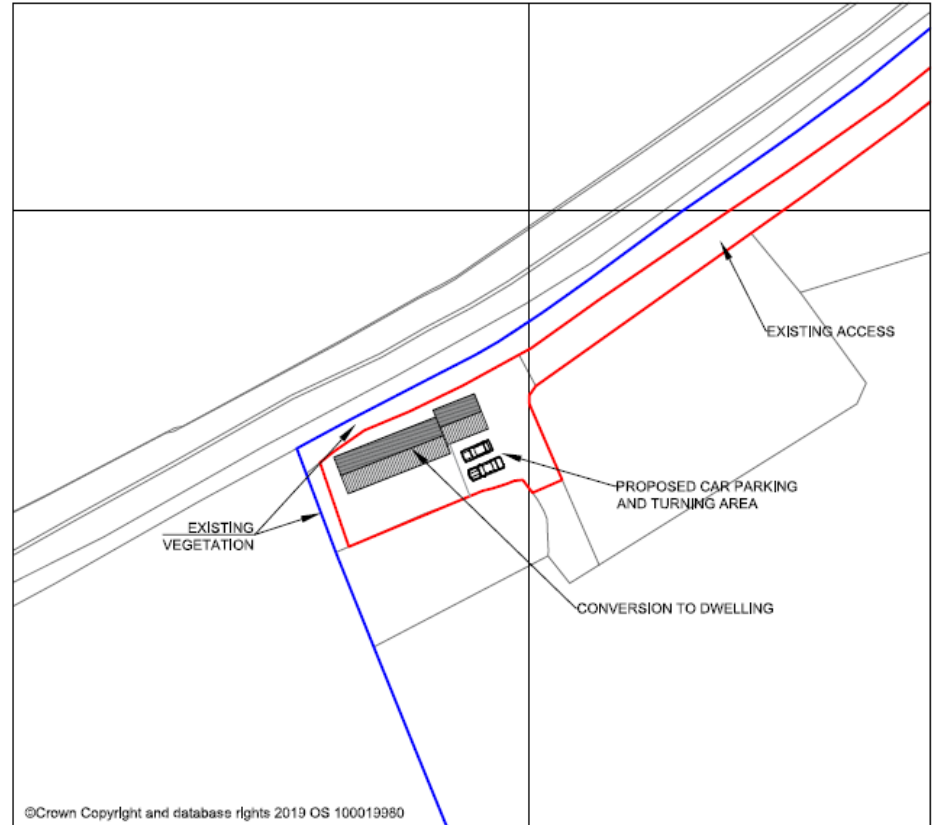
## Aerial Map – wider view

Slide 3





SITE LOCATION  
SCALE 1:2500



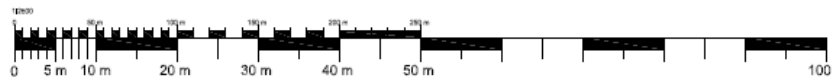
BLOCK PLAN  
SCALE 1:500

PROJECT CONVERSION TO DWELLING  
 ADDRESS PENDLES  
 POSTCODE IP6 8JU  
 FOR COATHUPE  
 DRAWING NO. S1 20-01  
 SCALE A3 • 1:2500+1:500 DATE 21/07/20 DRAWN BY EB



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1:500





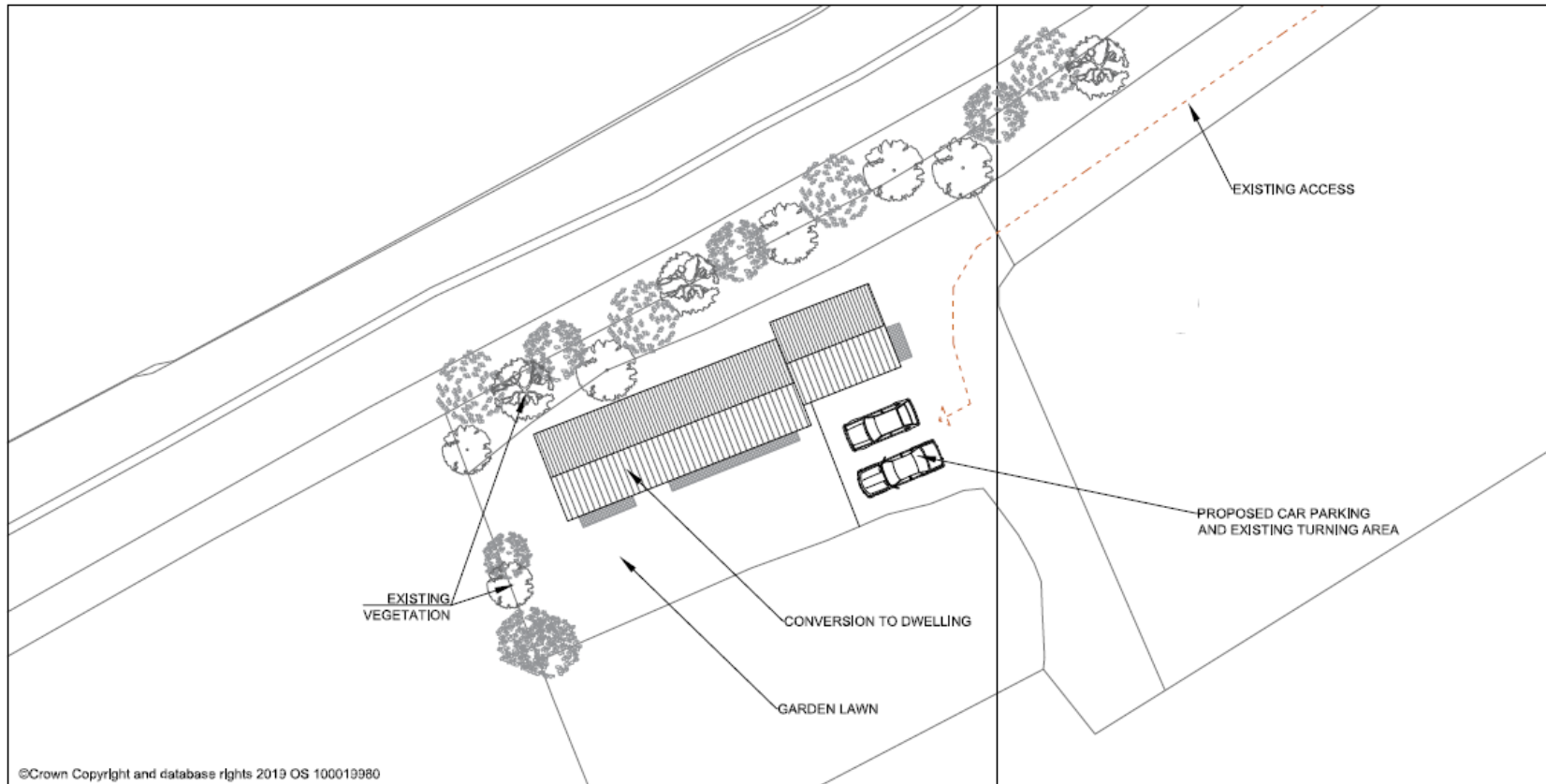
# Constraints Map

-  Grade II\*
-  Built Up Area Boundaries
-  Footpath

Slide 5

Page 225





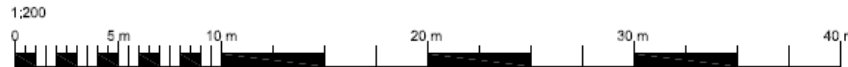
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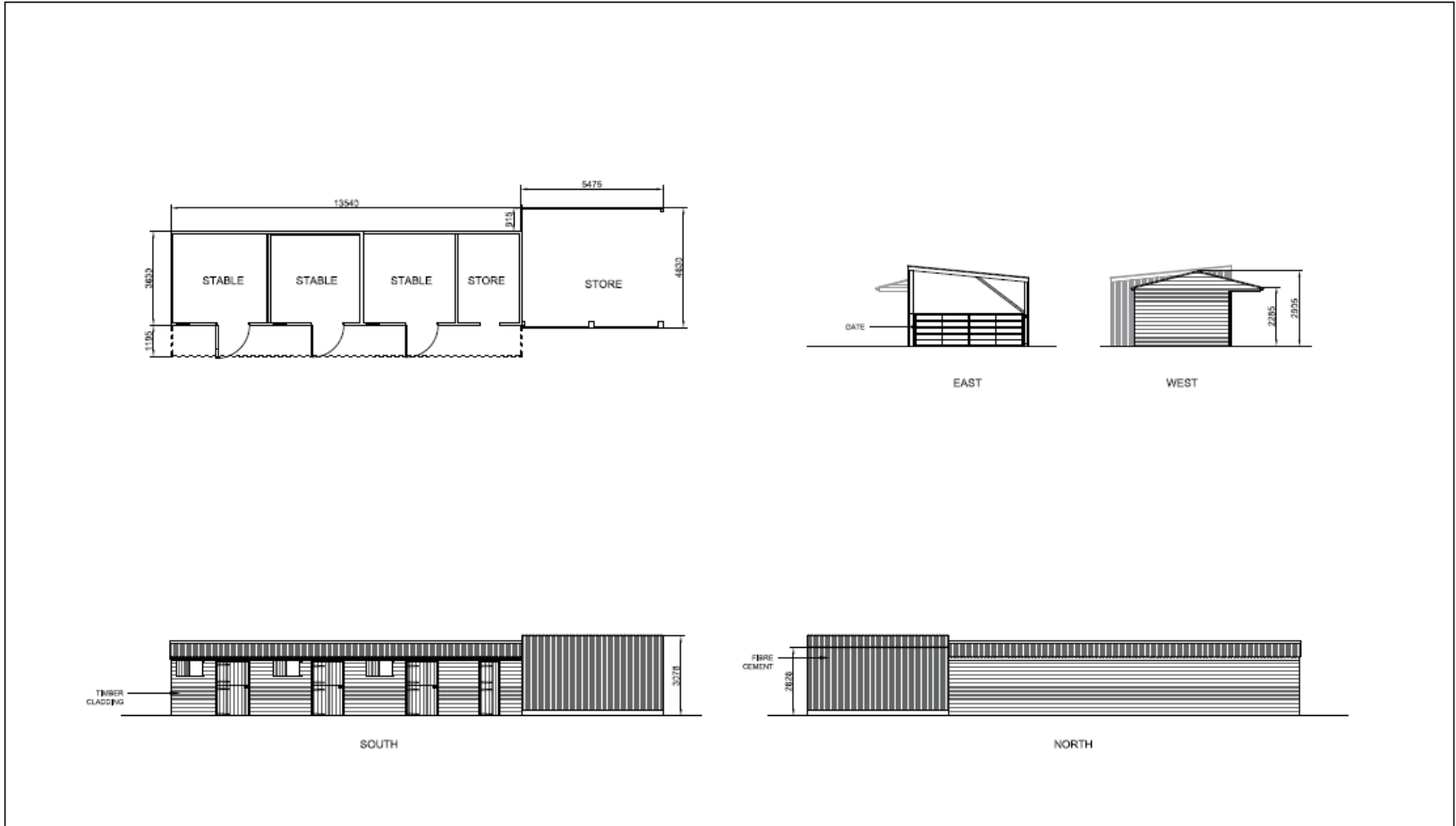
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PROJECT CONVERSION TO DWELLING  
ADDRESS PENDLES  
POSTCODE IP6 8JU  
FOR COATHUPE  
DRAWING SITE LOCATION +BLOCK PLAN  
DRAWING NO. COATHUPE SL1 20-01  
SCALE A3 • 1:200 DATE 29/07/20 DRAWN BY EB




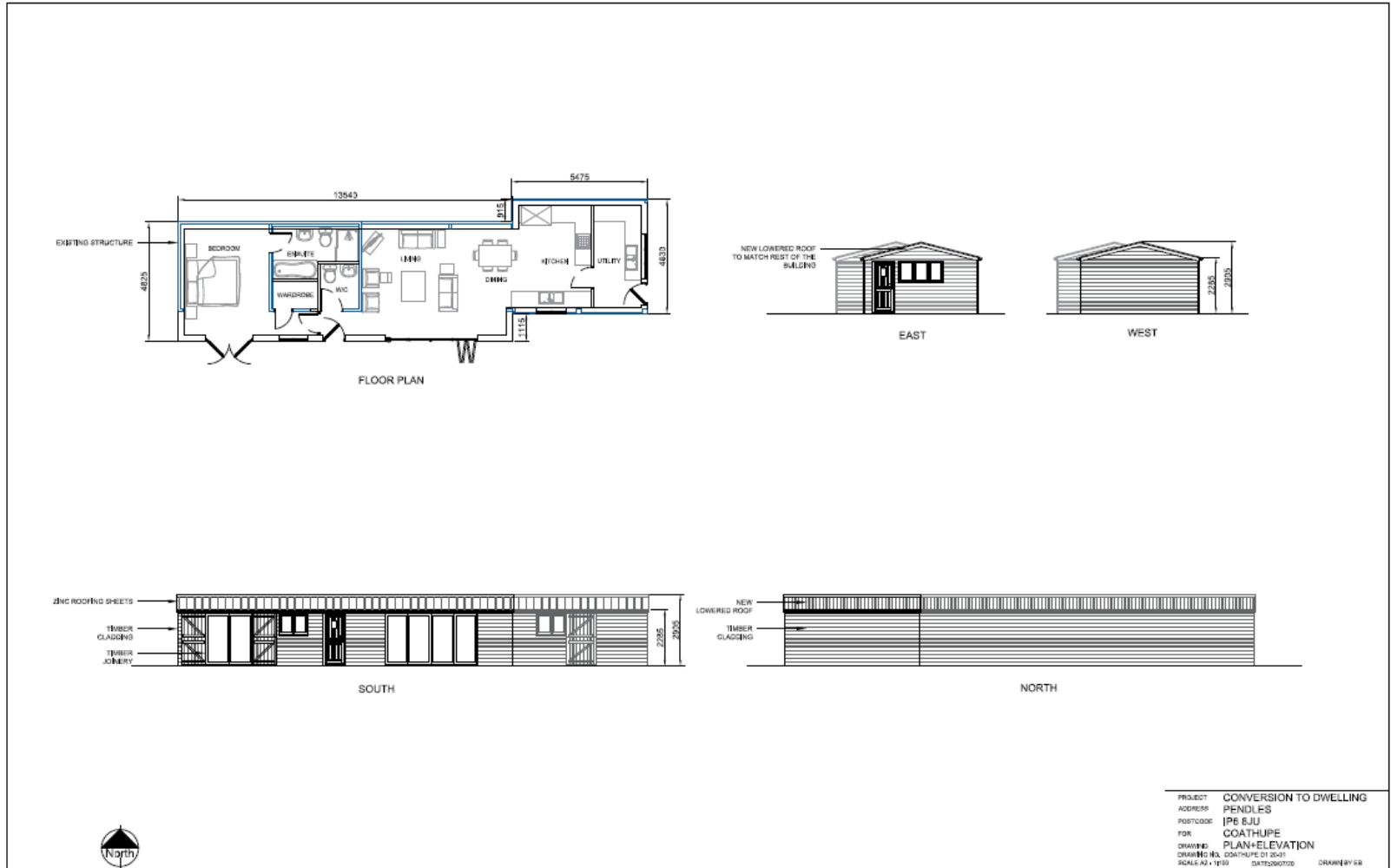


  
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 NOT BEEN IDENTIFIED.  
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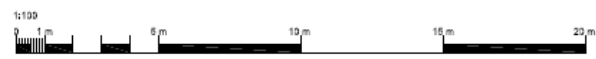
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 POSTCODE: IP6 8JU  
 FOR: COATHUPE  
 DRAWING: SURVEY DRAWINGS  
 DRAWING NO: COATHUPE\_E03-23-01  
 SCALE: A3 + 1/100 DATE: 26/07/20 DATE DRAWN: 04/08

  
 Chartered Surveyors and Planning Consultants  
 The Old Mill Office, 10 Noyes Street, Bury St Edmunds, IP30 3AA  
 01384 242071 www.acorusrps.co.uk



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PROJECT: CONVERSION TO DWELLING  
ADDRESS: PENDES  
POSTCODE: IP6 5JU  
FOR: COATHUPE  
DRAWING: PLAN+ELEVATION  
DRAWING No. COATHUPE 01 2021  
SCALE: A2 - 1:150 DATE: 26/07/2020 DRAWN BY: GR



Chartered Surveyors and Planning Consultants  
The Old Manor Office, 15 Abbotsgate Street, Bury St Edmunds, IP30 3AA  
01384 730271 www.acorusrps.co.uk

# Agenda Item 7d

## Committee Report

Item 7D

Reference: DC/20/05572

Case Officer: Daniel Cameron

Ward: Bacton.

Ward Member/s: Cllr Andrew Mellen.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION**

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### **Description of Development**

Full Planning Application - Erection of 1 no dwelling on plot 1 including access and creation of separate access for plot 2 forming part of a phased development approved under Outline Planning Permission DC/19/00851.

### **Location**

The Bungalow, Church Road, Bacton, Stowmarket Suffolk IP14 4LJ

**Expiry Date:** 02/02/2021

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Ms Jane Ottaway

**Agent:** Mr Gary Johns

**Parish:** Bacton

**Site Area:** 0.0425ha (425m<sup>2</sup>)

**Density of Development:** 23.5 dwellings per hectare

**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, a copy of the call in request is appended to this report.

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

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

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

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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## **Summary of Policies**

NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
CS01 - Settlement Hierarchy  
CS05 - Mid Suffolk's Environment  
GP01 - Design and layout of development  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
CL08 - Protecting wildlife habitats  
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)**

##### **Bacton Parish Council**

Bacton Parish Council wish to make the following comments on the proposed development.

The building has four upstairs rooms and has a total floor area of 130m<sup>2</sup>. It should therefore be considered a four-bedroom dwelling. As there is no garage, there should be space for the parking of three cars, with sufficient room to enable manoeuvring so that vehicles can exit onto the road in forward gear. Although in a 30m.p.h. zone, Church Road is busy, especially at school times and visibility sprints will be compromised by parked cars.

The outline permission is for a 1 ½ storey building. The proposed building appears to be 2 storeys. Although the ridge height is stated as 6m. it is achieved by a very shallow pitch roof, less than 20 degrees. This is out of character with typical Suffolk roofs which, because of the predominance of thatched roofs in the past, typically have pitches in excess of 45 degrees. Part of the rear elevation has a pent roof so appears as a flat roof. Together with the grey cladding and the large area of paving at the front, the building has an 'industrial' appearance totally out of keeping with all other properties in the vicinity.

Despite the 2.4m high fence at the rear, there is significant impact on the amenity of the neighbouring property Morfa Nefyn.

The property will be the first building after open farmland as one approaches Tailors Green and the

Grade 1 listed Church of St.Mary and will have a serious detrimental impact on its setting.

The Parish Council urge the District Council to REFUSE the application, for the reasons stated.

#### **National Consultee (Appendix 4)**

N/A

#### **County Council Responses (Appendix 5)**

##### **Archaeological Service**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), close to the medieval Church of St Mary (BAC 014) and Taylor's Green. The site is also close to a medieval moated site (BAC 009) and a Grade II listed aisled house which dates from the late 13th or early 14th century (BAC 030; National Reference No. 1032753). As a result, there is high potential for the discovery of belowground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

##### **Fire & Rescue**

No objection.

##### **Highways**

No objection subject to conditions to control aspects of the access and parking.

#### **Internal Consultee Responses (Appendix 6)**

##### **Environmental Health - Land Contamination**

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 phased 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.

##### **Heritage Team**

I consider that the proposal has the potential to cause a low level of less than substantial harm to a designated heritage asset because the proposed dwelling would contribute to the harm previously identified at Outline Stage to the Church and the Manor House in relation to the density of development. However, there is likely limited scope for further mitigation in this regard at this stage. Separately, the proposal may also cause harm to an important view of the Church, although more information is required in this regard before this can be determined. There is likely more scope for amendment in this regard, if required.

## **B: Representations**

At the time of writing this report at least 8 letters/emails/online comments have been received. It is the officer opinion that this represents 7 objections, 0 support and 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:

- Additional accesses from the site to the public highway would increase risk of accidents. The road along the site frontage sees a lot of on street parking and crossings to and from school and parking restrictions are in place along Tailors Green.
- The design of the dwelling is modern and does not reflect existing dwelling styles in the area.
- Development appears cramped and is not in keeping with prevailing character of the area.
- Development exceeds height restriction placed upon the outline planning permission.
- Development has four bedrooms and higher degree of parking is required to support this.
- Design places four high level windows in the rear elevation that would create overlooking impacts.
- Impacts on listed buildings and on important views of the Church.

General comments were received with regards to the drainage of the site and the infilling of ditches elsewhere which has created a situation whereby a piped section of drainage in the area is insufficient to deal with water at times of extreme need.

The location of the piped section does not form part of this site, but does form part of the wider outline site.

(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**

<b>REF:</b> DC/19/00851	Outline Planning Application (some matters reserved) -Erection of 3No dwellings including access and layout (existing bungalow to be retained)	<b>DECISION:</b> GTD 16.04.2019
<b>REF:</b> DC/18/05371	Outline Planning Application (all matters reserved except for Access and Layout) - Erection of 4No dwellings, including layout and access (existing dwelling to be retained)	<b>DECISION:</b> REF 14.02.2019
<b>REF:</b> 0215/86/OL	Severance of east side garden for erection of dwelling and construction of access.	<b>DECISION:</b> GTD 01.10.1986
<b>REF:</b> 0216/86/OL	Severance of west side garden for erection of dwelling and construction of a joint access.	<b>DECISION:</b> GTD 01.10.1986
<b>REF:</b> 0851/85	Retention of access required to be stopped up by Cond.2 of 452/84 and Cond.6 of OL/49/84	<b>DECISION:</b> GTD 28.01.1986

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1 The application site is located on the south side of Church Road, Bacton. The site currently forms part of the domestic garden of an existing dwelling, The Bungalow, and is laid to grass. Fencing and hedgerow are apparent to the site frontage and boundaries and a ditch is also noted to run along the site frontage.
- 1.2 The application site is located within Bacton's settlement boundary and would continue to be within the settlement boundary of the village within the emergent Joint Local Plan.
- 1.3 The character of the area is predominantly residential with ribbon development apparent on both sides of Church Road. A number of developments arranged around cul-de-sacs are noted to the east of the site as well as a large estate style development, also to the east. Houses in the immediate area are predominantly finished in red brick and notable for their traditional styling while some properties feature more vernacular elements, these are not particularly common. More modern developments located to the east of the site display more modern elevations.
- 1.4 In terms of planning constraints, a number of Grade II listed buildings are noted in the surrounding area with The Manor listed at Grade II\* and St Mary's Church listed at Grade I. The site does not lie within the Bacton Conservation Area but does lie adjacent to it. The site is not affected by any landscape designations and located in flood zone 1.

### **2. The Proposal**

- 2.1 This application seeks full planning permission for the erection of one new dwelling with access to Church Road. It also proposes the creation of a second access to serve a neighbouring development site. Outline planning permission was previously given on the site and allows for the erection of up to three dwellings.
- 2.2 The proposed dwelling would deliver a two-storey dwelling, creating 130m<sup>2</sup> of internal floorspace split between the ground and first floors of the proposed dwelling.
- 2.3 A parking area is located to the property frontage and shows parking for two vehicles with sufficient space such that they could manoeuvre within the site such that they could enter and leave the site in a forward gearing.
- 2.4 Given the size of the site, the density of development would equate to 23.5 dwellings per hectare. This is considered to be reflective of the density development visible along Church Road.
- 2.5 The proposed dwelling is 6m to the ridge of its roof, the same as the height of the bungalow to the immediate east of the site. The height of dwellings approved under the outline planning permission restricts the height of dwellings on the site to be no more than one- and one-half stories in height. However, it should be noted that this application is a full application and is therefore not limited by the conditions applied to the outline permission.
- 2.6 A good sized garden is provided to the rear of the dwelling. In this respect it is reflective of the character of the surrounding area, although aerial photography of the area does show dwellings with more generous gardens. In this instance it is not likely that additional garden land could be found to serve this dwelling.

- 2.7 The rear boundary of the site is angled so measurements from the rear elevation of the proposed dwelling to its boundary range between 9.2m and 11.2m. The site looks out towards to the rear gardens of residential dwellings located to the immediate south of The Bungalow, although is orientated in such a way that no direct views to the rear of those properties is possible.
- 2.8 The materials of the proposed dwelling include both vertical and horizontal cladding which is proposed to be grey in colour. The rest of the building is to be finished in brick with the specific detail to the agreed at a later point and would be subject to agreement via planning condition.
- 2.9 The total site area is noted as 425m<sup>2</sup>. This equates to 0.0425 hectares.

### **3. The Principle of Development**

- 3.1 The starting point for any planning decision 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. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
- National Planning Policy Framework (NPPF, 2018)
  - National Planning Practice Guidance (NPPG, 2014)
  - Mid Suffolk Core Strategy Focussed Review (2012)
  - Mid Suffolk Core Strategy (2008)
  - Mid Suffolk Local Plan (1998)
- 3.3 Mid Suffolk benefits from a five-year housing supply. As such there is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight.
- 3.4 The NPPF requires the approval of proposals that accord with an up-to-date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.5 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. For the purposes of the development plan, Bacton is a Key Service Centre, intended to be the main focus for development outside of the towns of Stowmarket, Needham Market and Eye.
- 3.6 The application site is located within the settlement boundary of Bacton and continues to be shown within the settlement boundary of Bacton for the purposes of the emergent Joint Local Plan.

Therefore, the site would continue to be read in such a manner that supported residential development as policy SP03 of the emergent Joint Local Plan accepts the principle of residential development within established settlement boundaries.

- 3.7 Attention is also drawn to the planning history of the site. Outline planning permission was granted for the erection of up to three new dwellings under reference DC/19/00851. This planning permission accepts the principle of residential development on the site. This permission is still live and an application for reserved matters could come forward.
- 3.8 Given the above considerations, it is considered that the principle of residential development on the site is established and would continue to be given the direction of travel indicated within the emergent Joint Local Plan.

#### **4. Nearby Services and Connections Assessment of Proposal**

- 4.1 Bacton is well served by a range of local services and facilities, as expected for a settlement designated as a Key Service Centre. The village facilities include a village hall and primary school as well as public house, shop and post office and a petrol station.
- 4.2 These are located within walking distance of the application site, although made footpaths do not exist for the entirety of the route. That being said, verges are apparent on either side of Church Road such that pedestrians are able to take refuge from traffic.
- 4.3 Bus services are available from the village shop along the 320 and 387 routes. Route 320 only operates on Wednesdays and only operates two daytime services between Eye and Bury St. Edmunds. Route 387 operates between Gislingham and Stowmarket and only operates multiple services on Thursdays although the service would allow a return workday connection to Stowmarket Railway Station.

#### **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 Access to the property is proposed to be taken from Church Road and in this respect is similar to that approved under the outline application. However, that application secured only two connection points with one access serving the dwelling to come forward on plot 3 as well as the existing dwelling and another access to be shared between plots 1 and 2. This scheme seeks a separate access for plots 1 and 2, such that if approved would result in three access points to Church Road.
- 5.4 The access arrangements have been considered by the Highways Authority. They offer no objection to the scheme subject to the imposition of conditions to control the access and parking areas shown within the submitted drawings.

- 5.5 Concern is raised about the proposed floorplan of the development which may result in the creation of an additional bedroom serving the property and would create a need for an additional parking space to serve the property. With regards to the room itself, it is not necessarily considered that it would come under pressure to be used as a bedroom, however, the parking area to the frontage is likely sufficient to allow for a third car to be parked at the property if necessary.

## **6. Design and Layout**

- 6.1 Chapter 12 of the NPPF seeks to achieve well-designed places which function well and add to the quality of places by responding to local character but without stifling innovation and change. In particular paragraph 127 of the NPPF requires planning decisions ensure that development:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) Are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
  - d) Establish or maintain a strong sense of place, using the arrangement of street, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) Optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.2 With regard to the adopted Development Plan Local Plan policy GP1 states that proposals should maintain or enhance the character and appearance of their surroundings.
- 6.3 The proposed development would deliver one dwelling, of similar scale and footprint to the existing bungalow on the site. The submitted elevational drawings have been altered during the course of the application to better reflect the more traditional elements seen within the surrounding built form of the area, while retaining some of the more modern features of the design.
- 6.4 Concerns have been raised with regards to the modern appearance of the proposed dwelling, its height, its layout and the number of bedrooms proposed.
- 6.5 With direct regard to its appearance, there is a mix of styles presented within the streetscene, with more modern development seen further to the east of the site and more traditional design sitting to the north side of Church Road. It is considered that the architectural approach is such that the dwelling should not be read as either and should instead be read separately from the more historic and traditional forms of development in the area.
- 6.6 The height of the dwelling has been determined to fit with the scale of the bungalow on the site. In providing a two-storey dwelling, a slacker roof pitch is required, which is a modern element of the design. Were a one- and one-half storey dwelling to come forward on the site it is not considered that the proposed dwelling would necessarily be at a reduced height and living space would likely be provided within the roof in any event, although a more traditional roof pitch would be achieved. However, given the modern design of the dwelling, a slacker roof pitch is not considered to be

unusual or so harmful to the appearance of the streetscene so as to be detrimental to the application.

- 6.7 The layout of the site at present achieves a good-sized dwelling that meets the required space standards, provides a good-sized garden and delivers a parking and turning area. While other development within the area benefits from more generous plot sizes, the plot size in this instance is already set and there is no likelihood of being able to increase it unless land adjacent to the site becomes available. It is not considered to be reasonable to refuse the application on this basis especially given the outline planning permission previously granted on the site.
- 6.8 With regards to the floorplans of the development, concern is raised with regards the study shown on the first floor which may be converted to a bedroom, which may in turn increase the requirement for parking on site. With regards to the room shown as the study, it is not considered that it would be able to contain anything other than a single bed and would only be served by a north facing window, offering limited amenity. Given the experience over recent lockdowns, having a separate space for home working is likely to be desirable for most occupants.
- 6.9 With direct regard to the requirements of paragraph 127 of the NPPF, it is not considered appropriate to require a development of this scale to achieve all of the requirements set out within the paragraph. That being said, there is a clear design ethos expressed within the submitted drawings and there is a desire to mirror to the character of development in the surrounding area without necessarily being a copy of it. This is considered to respond well to the local character as well as landscape setting of the area. It is therefore considered that the design of the converted dwelling meets the requirements of Chapter 12 of the NPPF and policy GP01.

## **7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 7.1 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, blanket protection for the natural or historic environment as espoused by Policy CS5 is not consistent with the Framework and is afforded limited weight.
- 7.2 Paragraph 170 of 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.
- 7.3 The application site is currently part of a domestic garden serving another property and as such is not considered to strongly contribute to any particular aspect of the character of the area. The use of the land has previously been tied to the domestic use of The Bungalow and it is not considered that this would change owing to the application at hand. There would be a change in so far as the site would contain a dwelling, however, this would likely occur in any event given the outline planning permission on the site.
- 7.4 Submitted plans show boundary planting to the side and rear boundaries of the site as well as to its frontage. In that respect, the site would mirror existing ribbon development seen on the north side of Church Road.
- 7.5 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." Given the site is an existing garden laid to grass and there is an extant planning permission on the site, it is unlikely that there would be any adverse

impact any statutory or non-statutory designated sites of nature conservation in the vicinity of the site.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 The application has been assessed by the Council's Environmental Health team who have identified no issues with regard to land contamination. They recommend an informative is applied to any positive decision on the site to make clear the responsibilities of the developer with regards to the discovery of unexpected land contamination during development.
- 8.2 The site is located within flood zone one, at the lowest probability of flooding and is not required to be accompanied by a flood risk assessment. A general comment received in response to the application notes an issue with the existing drainage arrangement along the boundary of the site adjacent to plot 3. The issue appears to be that the piped drainage along the between it and neighbouring site is insufficient to deal with extreme amounts of rainwater. As the pipe does not fall within the current application site, it is not considered to be appropriate to require the developer to remedy this issue at present, however, it is considered appropriate to require this should a reserved matters application of the other plots come forward or on individual applications as the case may be.

## **9. Heritage Issues**

- 9.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving a listed building, its setting or other architectural or historic features from which it draws significance. In practice, a finding of harm to the historic fabric of a listed building, its setting or any special features it possesses gives rise to a presumption against the granting of planning permission.
- 9.2 In this instance the heritage concern relates to the potential impact of the development on the setting of Tailors Cottages, a Grade II mid C16 house, now subdivided, to the south, the Grade I Listed C14-C15 Church of St Mary, to the east, and the Manor House Christian Rest Home, a Grade II\* Listed c.1720-1730 red brick former manor house to the west.
- 9.3 Consultation with the Council's Heritage Team notes no issue with the proposed design or materials proposed within the application and do not consider these details to be harmful to the significance of any heritage asset subject to conditions to control the quality of external materials to be utilised within the development. Overall, the level of harm is identified by the Heritage Team as being a low level of less than substantial harm which was previously identified when considering the outline planning permission now granted on the site.
- 9.4 A finding of less than substantial harm triggers the test set out at paragraph 196 of the NPPF whereby the level of harm should be weighed against the public benefits of the development. In making this judgement, paragraph 193 of the NPPF should be noted in so far as it gives great weight to the conservation of a heritage asset. With regards to public benefits weight should be given to the delivery of housing through the application along with the economic benefits that accompany both the construction and occupation of said dwelling. While the level of these benefits to be accrued from a single dwelling is slight, it is nonetheless considered to be sufficient to outweigh the level of less than substantial harm identified.

- 9.5 Attention is drawn to the consultation response from the Suffolk Archaeological Service with regards to the need for pre-commencement investigation into the site. While the site lies in an area of archaeological significance, they are clear that this should not be a reason to refuse the application subject to the imposition of condition to secure the investigation of the site and the recording of any finds. This accords with the policy direction given within Local Plan policy HB14 and with the directives of the NPPF.

## **10. Impact on Residential Amenity**

- 10.1 Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 10.2 Concern has been raised with regards to the position of first floor rear windows within the proposed elevations. Three of these windows serve bedrooms with one serving a hallway. The orientation of the proposed dwelling does not provide direct views to the rear elevations of any neighbouring dwellings. That being said, views across the ends of the rear gardens of neighbouring dwellings would be possible but these avoid the immediate rear of these gardens close to the dwellings where the expectation of the occupiers would be for a higher level of privacy. A 2.4m high boundary fence is proposed to the rear boundary of the site and planting is also proposed to delivery an element of screening.
- 10.3 Based on the above consideration, as well as the fact that a reserved matters application could be made for the site that results in one- and one-half storey development on the site, it is not held that the proposed development would result in an adverse impact on the residential amenity of the neighbouring properties.

## **11. Community Infrastructure Levy (CIL)**

- 11.1 The site does create any requirements for planning contributions that would need to be secured via a Section 106 Agreement. The site does create a requirement for CIL.

## **12. Parish Council Comments**

- 12.1 Bacton Parish note an objection to the proposed development and raises a number of points examined elsewhere within this report. With regards to their comments, their concerns are not upheld when examined with benefit of consultation from relevant consultees.

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# **PART FOUR – CONCLUSION**

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## **13. Planning Balance and Conclusion**

- 13.1 The application is for full planning permission and would be built out in place of third unit approved under the outline planning permission on the site. As such it is not bound by the conditions applied to that permission. If approved, it would mean that only two of the dwellings approved under the outline would be able to come forward as part of the reserved matters.
- 13.2 However, the fact that outline permission was granted on the site gives a strong presumption in favour of the principle of development. That being said, the site falls within the settlement boundary of Bacton, a Key Service Centre, in both the current development plan as well as the emergent

Joint Local Plan. The site would have good pedestrian access to the services and facilities within the village.

- 13.3 Concern is raised with regards to the design, layout, parking, heritage impact and residential amenity. These have been assessed with the benefit of consultee comments and against the provisions of current development plan and NPPF. These issues are explored in more detail within the report, however, the officer recommendation is that the scheme performs well against these considerations and should be granted planning permission subject to the conditions listed below.

### **RECOMMENDATION**

That the application is GRANTED planning permission and includes the following conditions and informatives:

#### Conditions:

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Materials to be agreed prior to development above slab level on the site (as required through consultation with the Heritage Team)
- Archaeology to be investigated prior to commencement of development (as required by SCC Archaeological Service)
- Highways conditions to control the access and parking within the site (as required by SCC Highways)
- Scheme of biodiversity enhancement within the site

#### Informatives:

- Pro active working statement
- SCC Highways notes
- Requirements should unexpected contamination be discovered





Application No: DC/20/05572

Location: The Bungalow, Church Road,  
Bacton, Suffolk IP14 4LJ

		Page No.
Appendix 1: Call In Request	<i>Cllr Mellen</i>	
Appendix 2: Details of Previous Decision	<i>N/a</i>	
Appendix 3: Town/Parish Council/s	<i>Bacton Parish Council</i>	
Appendix 4: National Consultee Responses	<i>N/a</i>	
Appendix 5: County Council Responses	<i>Archaeology Fire &amp; Rescue Highways</i>	
Appendix 6: Internal Consultee Responses	<i>Land Contamination Heritage</i>	
Appendix 7: Any other consultee responses	<i>N/a</i>	
Appendix 8: Application Site Location Plan	<i>Yes</i>	
Appendix 9: Application Plans and Docs	<i>Yes</i>	
Appendix 10: Further information	<i>N/a</i>	



Babergh and Mid Suffolk District Councils



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



## BACTON PARISH COUNCIL

Chairman: Councillor Richard Peaty  
Clerk: Tina Newell  
25 Shakespeare Road, Stowmarket,  
Suffolk IP14 1TU.

email:parishclerk@bacton-pc.gov.uk  
telephone: 07767 163706

---

Application Summary: DC/20/05572

### Consultee Details:

Name: Bacton Parish Council

Address: 25 Shakespeare Road, Stowmarket, Suffolk IP14 1TU

Email: parishclerk@bacton-gov.co.uk On Behalf Of: Bacton Parish Council

### Comments:

Bacton Parish Council wish to make the following comments on the proposed development.

The building has four upstairs rooms and has a total floor area of 130 m<sup>2</sup>. it should therefore be considered a four bedroom dwelling. As there is no garage, there should be space for the parking of three cars, with sufficient room to enable manoeuvring so that vehicles can exit onto the road in forward gear. Although in a 30m.p.h. zone, Church Road is busy, especially at school times and visibility splays will be compromised by parked cars.

The outline permission is for a 1 ½ storey building. The proposed building appears to be 2 storeys. Although the ridge height is stated as 6m. it is achieved by a very shallow pitch roof, less than 20°. This is out of character with typical Suffolk roofs which, because of the predominance of thatched roofs in the past, typically have pitches in excess of 45°. Part of the rear elevation has a pent roof so appears as a flat roof. Together with the grey cladding and the large area of paving at the front, the building has an 'industrial' appearance totally out of keeping with all other properties in the vicinity.

Despite the 2.4m<sup>2</sup> high fence at the rear, there is significant impact on the amenity of the neighbouring property Morfa Nefyn.

The property will be the first building after open farmland as one approaches Tailors Green and the Grade 1 listed Church of St.Mary and will have a serious detrimental impact on its setting.

The Parish Council urge the District Council to REFUSE the application, for the reasons stated.

Growth, Highways and Infrastructure  
Bury Resource Centre  
Hollow Road  
Bury St Edmunds  
Suffolk  
IP32 7AY

Philip Isbell  
Corporate Manager - Development Manager  
Planning Services  
Babergh and Mid Suffolk District Councils  
Endeavour House  
8 Russell Road  
Ipswich IP1 2BX

Enquiries to: Matthew Baker  
Direct Line: 01284 741329  
Email: [Matthew.Baker@suffolk.gov.uk](mailto:Matthew.Baker@suffolk.gov.uk)  
Web: <http://www.suffolk.gov.uk>

Our Ref: 2020\_05572  
Date: 5<sup>th</sup> January 2021

For the Attention of Daniel Cameron

Dear Mr Isbell

**Planning Application DC/20/05572/FUL – The Bungalow, Church Road, Bacton: Archaeology**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), close to the medieval Church of St Mary (BAC 014) and Taylor's Green. The site is also close to a medieval moated site (BAC 009) and a Grade II listed aisled house which dates from the late 13<sup>th</sup> or early 14<sup>th</sup> century (BAC 030; National Reference No. 1032753). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

**REASON:**

*To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2019).*

**INFORMATIVE:**

*The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.*

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

Please do get in touch if there is anything that you would like to discuss or you require any further information.

Yours sincerely,

Matthew Baker

Archaeological Officer  
Suffolk County Council Archaeological Service

Growth, Highways and Infrastructure  
Bury Resource Centre  
Hollow Road  
Bury St Edmunds  
Suffolk  
IP32 7AY

Philip Isbell  
Corporate Manager - Development Manager  
Planning Services  
Babergh and Mid Suffolk District Councils  
Endeavour House  
8 Russell Road  
Ipswich IP1 2BX

Enquiries to: Matthew Baker  
Direct Line: 01284 741329  
Email: [Matthew.Baker@suffolk.gov.uk](mailto:Matthew.Baker@suffolk.gov.uk)  
Web: <http://www.suffolk.gov.uk>

Our Ref: 2020\_05572  
Date: 5<sup>th</sup> January 2021

For the Attention of Daniel Cameron

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There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

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Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

Please do get in touch if there is anything that you would like to discuss or you require any further information.

Yours sincerely,

Matthew Baker

Archaeological Officer  
Suffolk County Council Archaeological Service

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/F221435  
Enquiries to: Water Officer  
Direct Line: 01473 260588  
E-mail: Fire.BusinessSupport@suffolk.gov.uk

Web Address: <http://www.suffolk.gov.uk>

Date: 21/12/2020

Dear Sirs

**The Bungalow, Church Road, Bacton, Stowmarket IP14 4LJ**  
**Planning Application No: DC/20/05572/FUL**

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), 2019 Edition, 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, 2019 Edition.

**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 or appoint Approved Inspector 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: [gary@johnsarchitects.co.uk](mailto:gary@johnsarchitects.co.uk)  
Enc: Sprinkler information

Your Ref:DC/20/05572  
Our Ref: SCC/CON/5023/20  
Date: 17 December 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](mailto: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/20/05572**

**PROPOSAL:** Full Planning Application - Erection of 1No dwelling on Plot 1 including access and creation of separate access for plot 2 forming part of a phased development approved under Outline Planning Permission DC/19/00851.

**LOCATION:** The Bungalow Church Road Bacton Suffolk IP14 4LJ

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: Before the access is first used visibility splays shall be provided as shown on Drawing No. 03 Rev. D with an X dimension of 2.4m and a Y dimension of 90m 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.

Condition: The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01 and with an entrance width of 3m and made available for use prior to occupation.

Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 03 Rev. D 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 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.

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: 0345 6066171. 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:** Andy Rutson-Edwards  
**Sent:** 09 December 2020 10:44  
**To:** Sarah Scott **Subject:** DC/20/05572

Environmental Health - Land Contamination  
**APPLICATION FOR PLANNING PERMISSION - DC/20/05572**

**Proposal:** Full Planning Application - Erection of 1No dwelling on Plot 1 including access and creation of separate access for plot 2 forming part of a phased development approved under Outline Planning Permission DC/19/00851.

**Location:** The Bungalow, Church Road, Bacton, Stowmarket Suffolk IP14 4LJ

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 phased 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**

## Consultation Response Pro forma

<b>1</b>	<b>Application Number</b>	DC/20/05572 The Bungalow, Church Road, Bacton	
<b>2</b>	<b>Date of Response</b>	07/01/2021	
<b>3</b>	<b>Responding Officer</b>	Name:	Thomas Pinner
		Job Title:	Heritage and Design Officer
		Responding on behalf of...	Heritage Team
<b>4</b>	<b>Summary and Recommendation</b>	<p>1. I consider that the proposal has the potential to cause</p> <ul style="list-style-type: none"> <li>• A low level of less than substantial harm to a designated heritage asset because the proposed dwelling would contribute to the harm previously identified at Outline Stage to the Church and the Manor House in relation to the density of development. However, there is likely limited scope for further mitigation in this regard at this stage. Separately, the proposal may also cause harm to an important view of the Church, although more information is required in this regard before this can be determined. There is likely more scope for amendment in this regard, if required.</li> </ul>	
<b>5</b>	<b>Discussion</b>	<p>The application proposes a Full Planning Application for the erection of one of the three dwellings approved under Outline Planning Permission DC/19/00851, which included details of access and layout, with other matters reserved. The heritage concern relates to the potential impact of the development on the setting of Tailors Cottages, a Grade II mid C16 house, now subdivided, to the south, the Grade I Listed C14-C15 Church of St Mary, to the east, and the Manor House Christian Rest Home, a Grade II* Listed c.1720-1730 red brick former manor house to the west.</p> <p>At Outline stage I identified harm arising from the proposal to the significance of the Church of St Mary and the Manor House from the scale of development, and the potential for further harm to the significance of the Church of St Mary through erosion of an important view of the church tower, although this was dependent upon Reserved Matters details. I noted that limiting the height of the new dwellings may avoid harm in this latter regard.</p> <p>My main concern at this stage is whether the proposed dwelling would further obscure/distract from the view of the church tower from the west, beyond the impact of</p>	

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

		<p>the existing bungalow. The proposed dwelling would be two-storey, or at least one-and-a-half storey, but is of a similar footprint to the existing bungalow and it is stated in writing, in the Design and Access Statement (p.6), that the building would be “6m high in order to tie in with the ridge height of the existing bungalow.” This is encouraging, but I consider that this needs to be further illustrated through additional measured drawings, in the form of proposed street scenes and/or site section drawings, showing the proposed dwelling in relation to the bungalow (see further information). This should confirm whether the proposed dwelling would have any additional negative impact upon the views of the church.</p> <p>N.B. Similar drawings are likely to be requested in relation to any further applications for the other plots agreed at Outline Stage.</p> <p>In relation to the scale of development, given that the number of dwellings has already been approved, I consider there is likely only limited scope for mitigating this aspect of harm at this stage, e.g., by reducing the scale of the dwelling. Nonetheless, the additional drawings requested above may also clarify whether amendment in this regard is warranted/worthwhile.</p> <p>Given the nature of existing surrounding development, I have no issue with the proposed design or materials of the proposed dwelling in isolation. I do not consider that these details would harm the significance of any heritage assets, subject to condition.</p> <p>Due to a lack of information on the potential impact of the works, I cannot currently support the proposal. Nonetheless, following the submission of further information, I would reconsider the proposal.</p> <p><i>Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i></p>
6	<p><b>Amendments, Clarification or Additional Information Required</b></p>	<ul style="list-style-type: none"> <li>- Further information on the scale of the proposed dwelling relative to the scale of the existing bungalow and the existing view of the church tower, to include proposed street scene/site section drawings, at appropriate scales.</li> </ul>

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7	<b>Recommended conditions</b>	<p>Following the submission of suitable further information, the following condition is requested:</p> <ul style="list-style-type: none"> <li>- Prior to the commencement of works, manufacturer's details of proposed external facing bricks (to ensure appearance of the building does not detract from the view of the church from Church Road).</li> </ul>
---	-------------------------------	--

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## MEMBER REFERRAL TO COMMITTEE

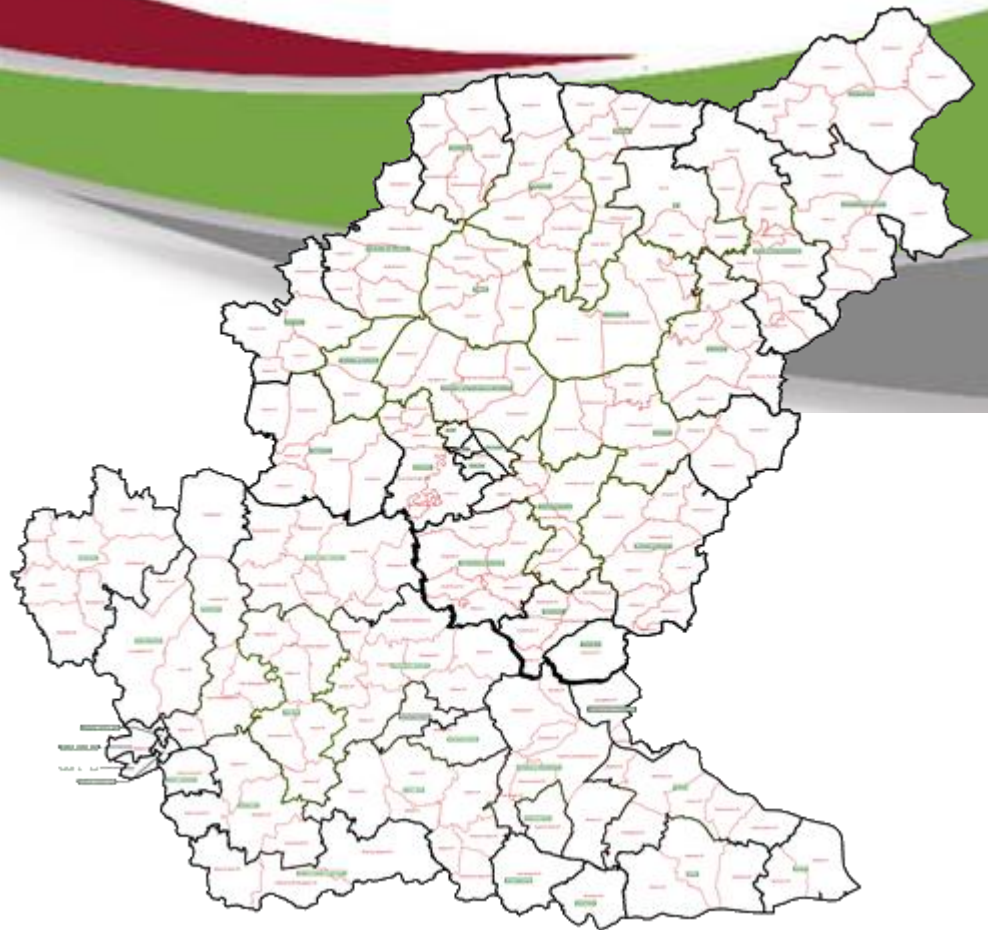
See Planning Charter for principles. Paragraph references below link to Planning Charter.

Planning application reference	DC/20/05572
Parish	Bacton
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 application is for a single detached dwelling and access following outline permission DC/19/00851. However, this is new full application not a reserved matters application and as such, this application seeks to overturn some of the conditions reasonably imposed by the outline consent.</p> <p>Policy H16 of the Mid-Suffolk 1998 Local Plan protects the privacy of adjacent dwellings from new development. Policy HB1 of the 1998 Local Plan provides that the local planning authority will pay particular attention to the protection of the setting of a listed building</p>
13.4 Please detail the clear and substantial planning reasons for requesting a referral	<ol style="list-style-type: none"> <li>1. This application is for a 2 storey house (albeit with a low pitched roof) whereas the outline permission conditions only a 1.5 storey house. The height and rear windows would have a negative effect on the amenity of the neighbouring property to the rear</li> <li>2. The outline permission detailed a shared access driveway for this plot and the adjacent one, this application applies for a separate access for each plot which would result in insufficient space for vehicles to turn, and may result in vehicles entering the highway in reverse gear. Given that the road frontage here is used by parents at the start and end of the school day, road safety is a particularly sensitive issue here.</li> <li>3. From the west, this property would be the first seen when approaching Tailors Green, and would appear directly in front of the tower of the grade 1 listed St Mary's church. It would have a significant impact on the setting of that building, particularly as the design of the proposed house would be modern, with a substantial amount of grey cladding on that west-facing elevation, inappropriate to this location.</li> </ol>
13.5 Please detail the wider District and public interest in the application	The application had prompted a letter of objection from the residents of the neighbouring property to the rear, and has also been discussed at the parish council who have requested a refusal on various grounds..
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 Daniel Cameron

**Application No:**  
DC/20/05572

**Address:**  
The Bungalow,  
Church Road,  
Bacton





## Aerial Map – wider view

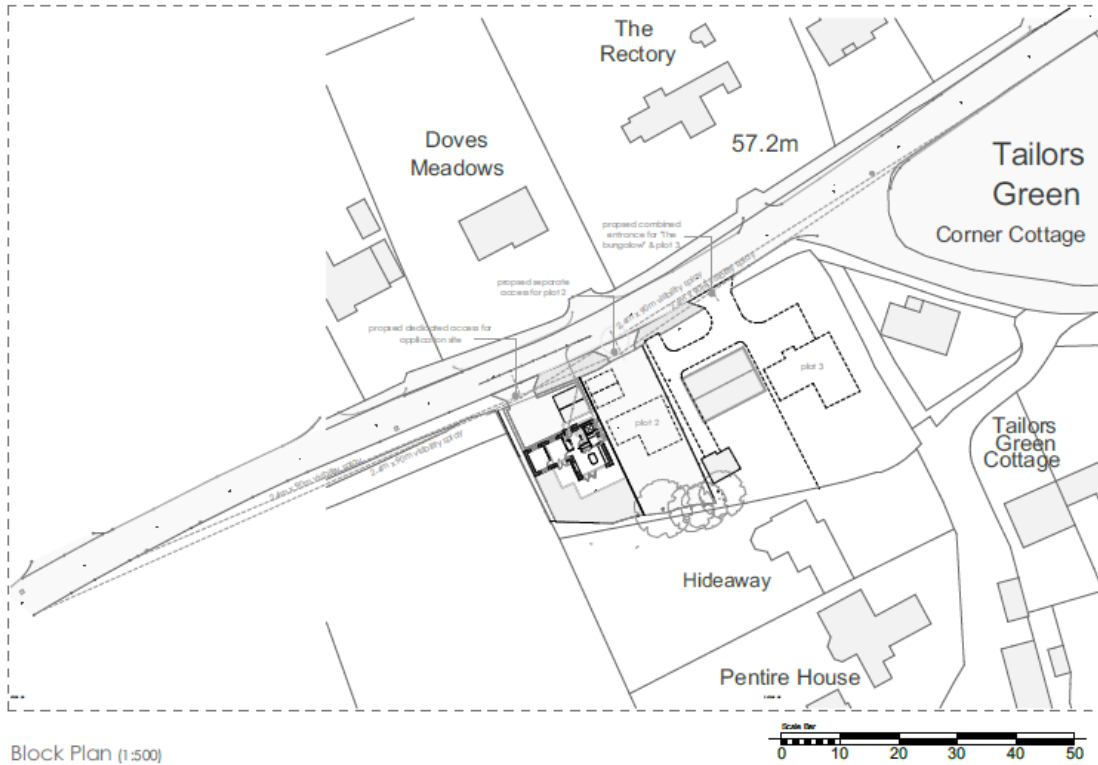
Slide 3



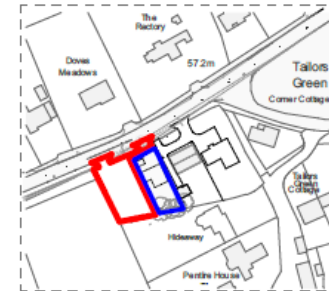
# Site Location Plan

Slide 4

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Block Plan (1:500)



Location Plan (1:1250)

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Rev. No.	Revision Description	Date	Checked	Released
01		08/03/2020		
02		08/03/2020		

Change No.	Change Description	Change Date	Checked
01		08/03/2020	



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CLIENT  
 Ms. Jane Ottaway

PROJECT  
 New Dwelling  
 The Sungalow, Church Road, Section  
 Stowmarket, Suffolk IP14 4LJ

DRAWING TITLE  
 Location and Block Plan As Proposed






DRAWING STATUS	DRAWING SCALE @ A3
planning	1:500, 1:1250

DRAWN BY	REVIEWED BY	DATE OF FIRST ISSUE
GJ	AD	30-12-20

PROJECT NUMBER	WORK STAGE	DRAWING NUMBER	REVISION
20-734	3	01	02



# Constraints Map

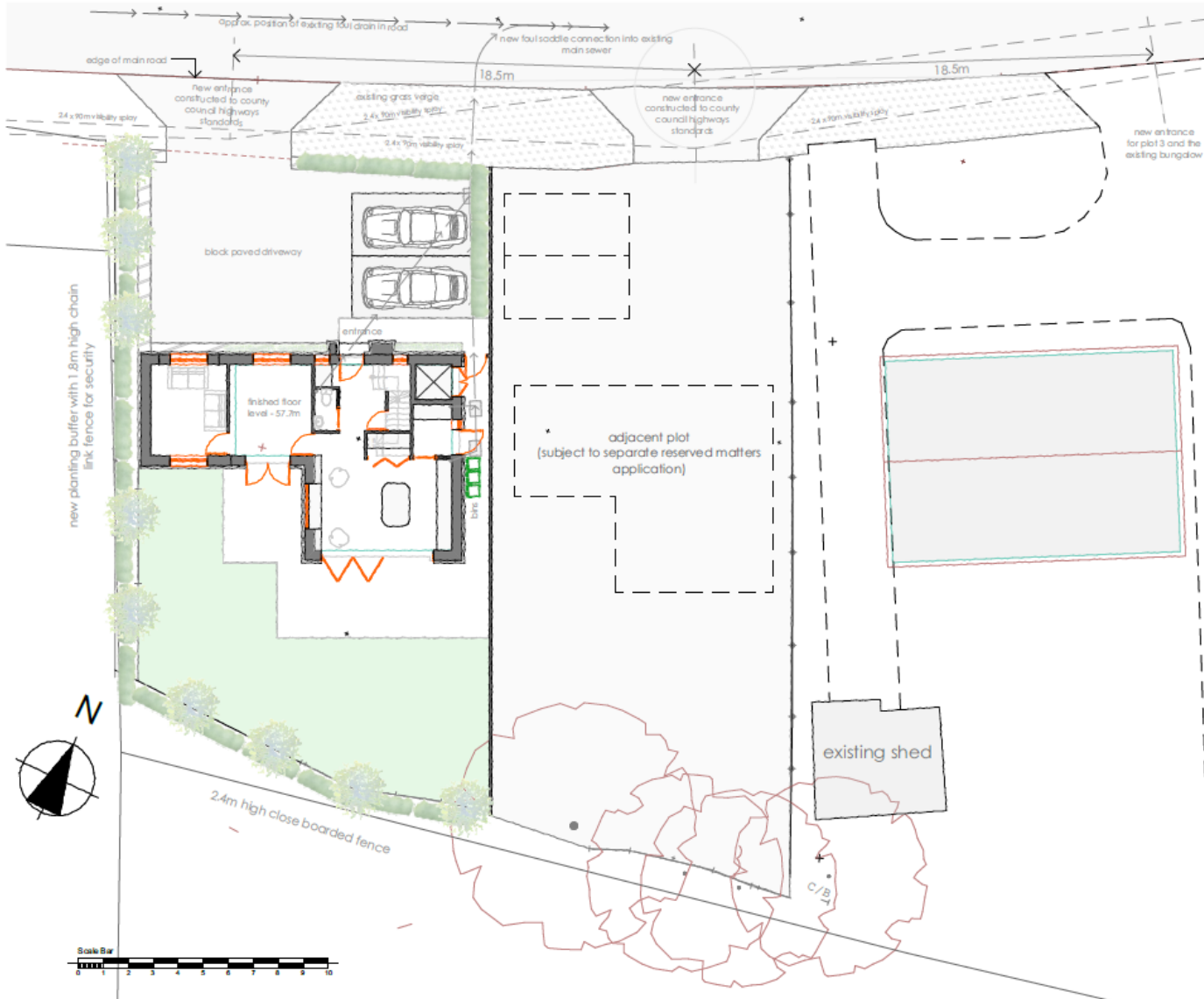
-  Grade I
-  Grade II
-  Grade II\*
-  Built Up Area Boundaries
-  Footpath

Slide 5

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# Site Plan



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Rev. No.	Revision Description	Date	Checked	Reviewed
A	Change to building level	20/10/20		
B	Change to driveway	27/10/20		
C	Change to driveway	27/10/20		
D	Change to driveway	28/10/20		

Change No.	Change Description	Change Date	Checked
1/20	Issue for planning application	13/10/20	

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 Ms. Jane Ottaway

PROJECT  
 New Dwelling  
 The Bunglow, Church Road, Section  
 Stowmarket, Suffolk (IP14 4LJ)

DRAWING TITLE  
 Site Plan As Proposed

DRAWING STATE	DRAWING SCALE @ A3
planning	1:100

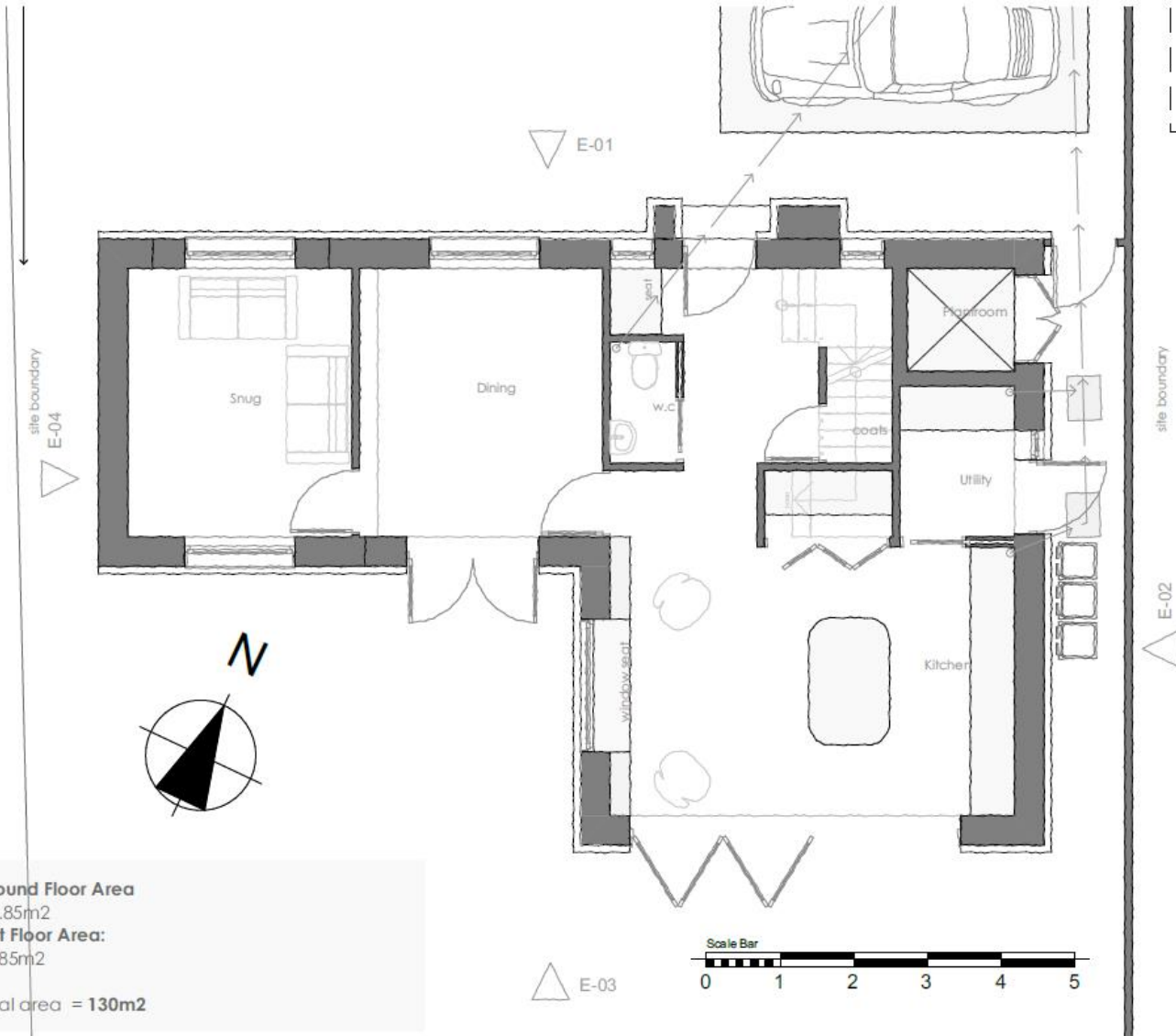
DRAWN BY	REVIEWED BY	DATE OF FIRST ISSUE
G.J.	A.D.	19-10-20

PROJECT NUMBER	WORK STAGE	DRAWING NUMBER	REVISION
20-734	3	03	D



# Ground Floor Plan

Page 265



Ground Floor Area  
64.85m<sup>2</sup>  
First Floor Area:  
64.85m<sup>2</sup>  
Total area = 130m<sup>2</sup>

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ID	Revision Description	Date	Checked	Released
A	Changes following client meeting	20/10/2020	GJ	
B	Client change	22/11/2020	GJ	GJ
C	Client change	05/12/2020	GJ	GJ

ID	Change Description	Date	Checked
Ch-01	Window numbers added	01/12/2020	GJ

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CLIENT  
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PROJECT  
New Dwelling  
The Bungalow, Church Road, Bacton  
Stowmarket, Suffolk IP14 4LJ

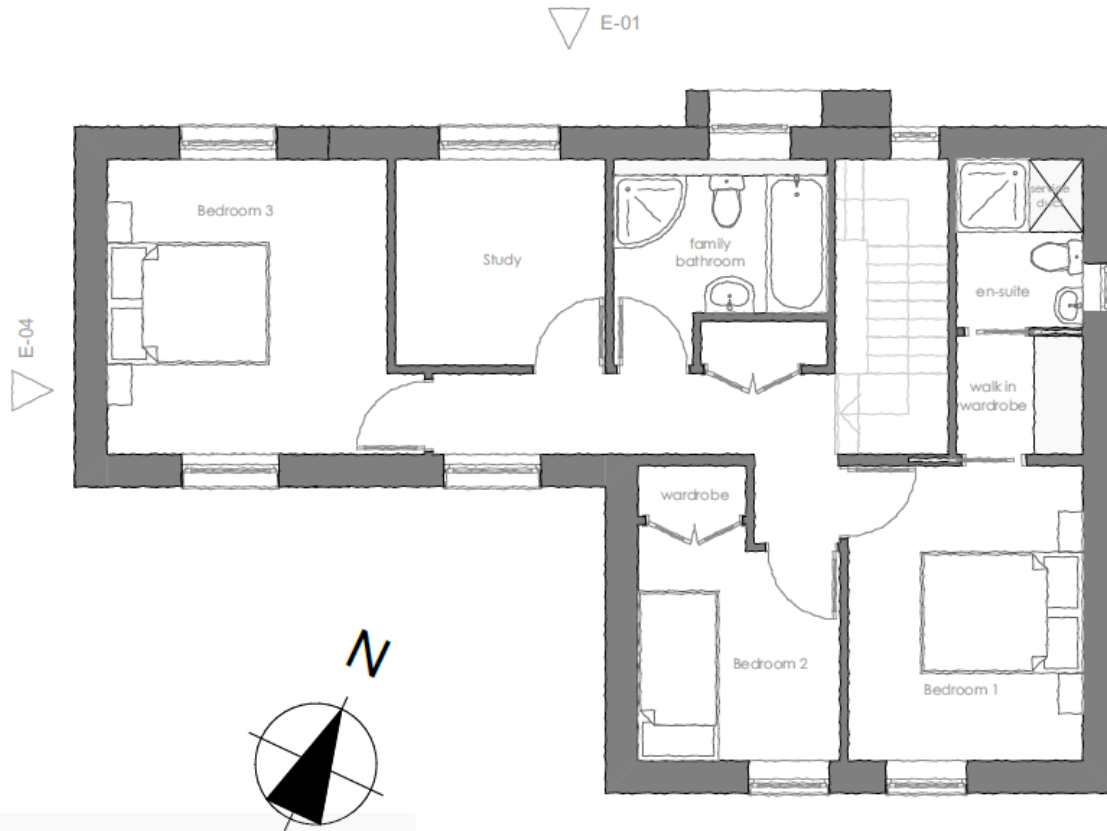
DRAWING TITLE  
Ground Floor Plan As Proposed

DRAWING STATUS  
planning

DRAWING SCALE (1:50)

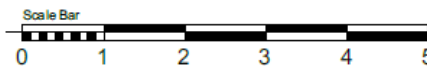
DRAWN BY	REVIEWED BY	DATE OF FIRST ISSUE
G.J	A.D	19-10-20

PROJECT NUMBER	WORK STAGE	DRAWING NUMBER	REVISION
20-734	3	05	C



Ground Floor Area  
64.85m<sup>2</sup>  
First Floor Area:  
64.85m<sup>2</sup>

Total area = 130m<sup>2</sup>



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ID	Revision Description	Date	Checked	Reviewed
A	Changes following client meeting	08/10/2020	GJ	
B	Client changes	02/11/2020	GJ	GJ
C	Client changes	01/12/2020	GJ	GJ

ID	Change Description	Date	Checked
Ch-07	alcove markers added	01/10/2020	GJ



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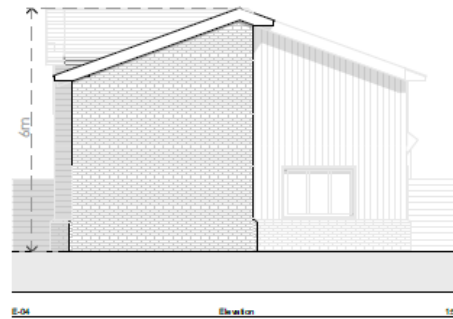
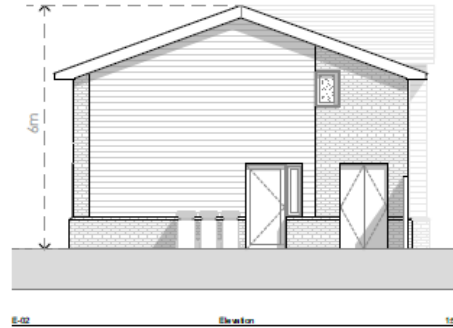
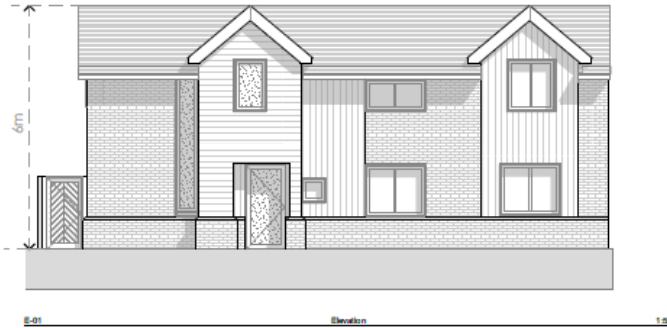
CLIENT  
Ms. Jane Offaway

PROJECT  
New Dwelling  
The Bungalow, Church Road, Bacton  
Stowmarket, Suffolk IP14 4LJ

DRAWING TITLE  
First Floor Plan As proposed

DRAWING STATUS		DRAWING SCALE @ A3	
planning		1:50	
DRAWN BY	REVIEWED BY	DATE OF FIRST ISSUE	
G.J	S.H	19-10-20	
PROJECT NUMBER	WORK STAGE	DRAWING NUMBER	REVISION
20-734	3	06	C

# Elevations






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No.	Description	Rev.	Date	By

Client	Project Name	Location	Date

### Legend

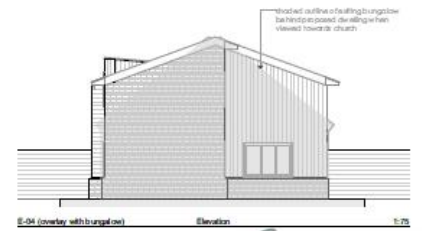
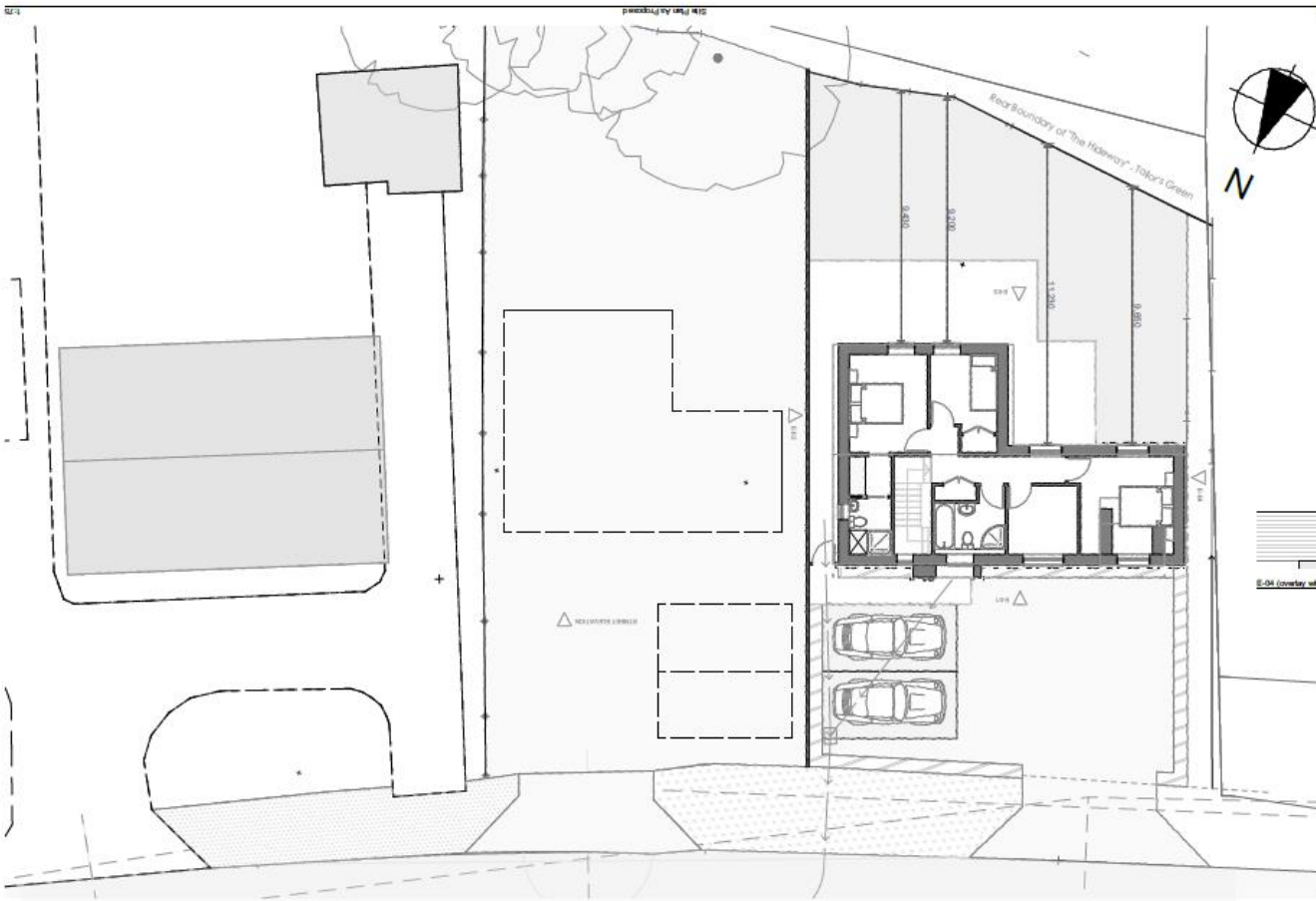
-  Horizontal Cedar Click Cladding, colour Grey
-  Vertical Cedar Click Cladding, colour Slate Grey
-  Facing bricks with white cement and lime mortar joints. Bricks to be confirmed.

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NO.	DATE	BY	REVISION



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 02017  
 Ms. Anna Orloway

PROJECT: New Dwelling, The Longstone, Church Road, Boston, Cambridgeshire, Suffolk, PE14 6JZ

REVISIONS:

NO.	DATE	BY	REVISION

PROJECT NUMBER: 20-734 | SHEETS: 3 | DRAWING NO: 10