

Public Document Pack



COMMITTEE:	DEVELOPMENT CONTROL COMMITTEE A
DATE:	WEDNESDAY, 10 NOVEMBER 2021 9.30 AM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

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

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 you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATIONS OF PERSONAL SITE VISITS**
- 5 **NA/21/14 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 OCTOBER 2021**

To Follow.
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

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

2. 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, 8 December 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

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot Committee Services on: 01473 296376 or Email: Committees@baberghmidsuffolk.gov.uk

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

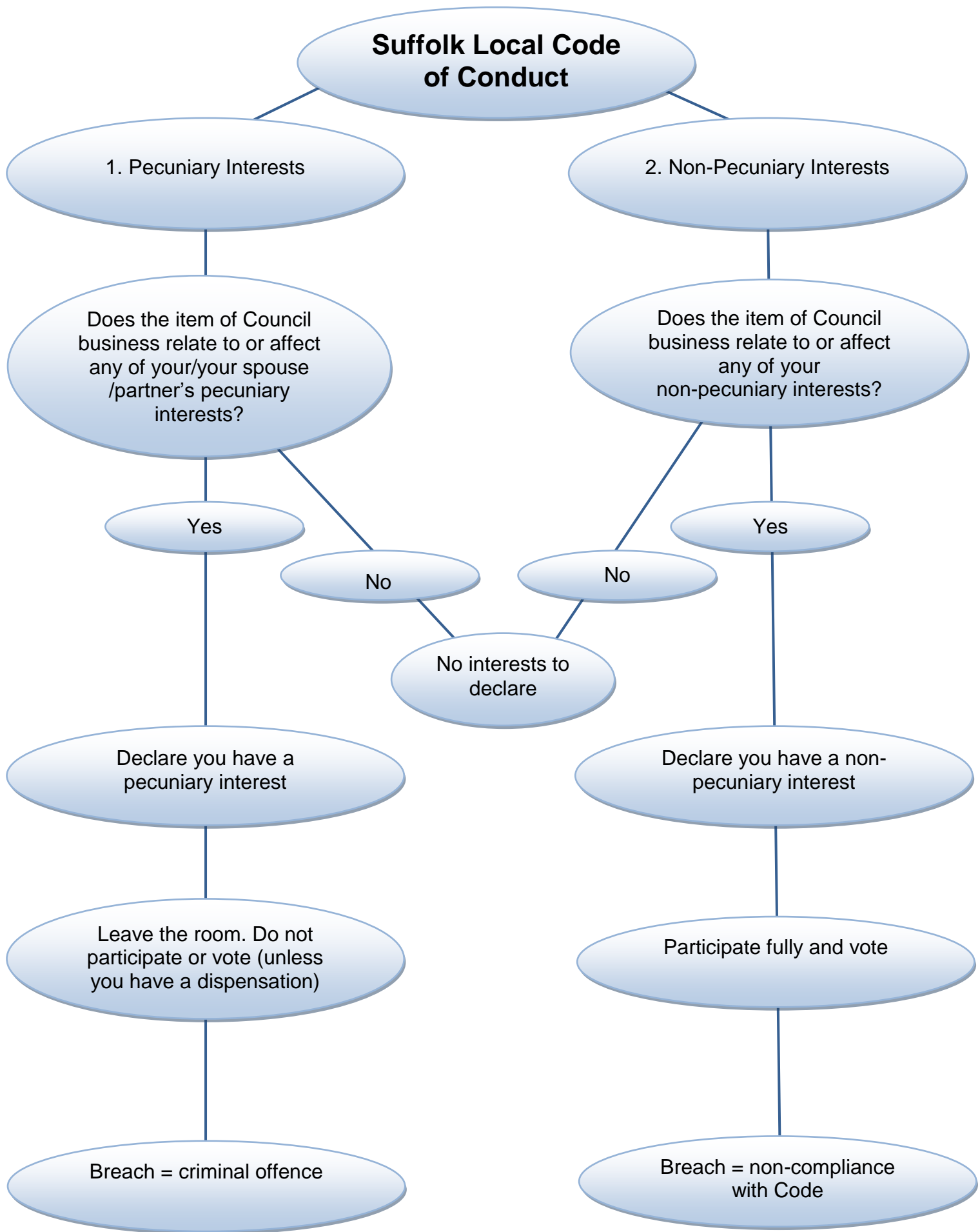
Housing Delivery – More of the right type of homes, of the right tenure in the right place

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 A

10 November 2021

INDEX TO SCHEDULED ITEMS

<u>ITEM</u>	<u>REF. NO</u>	<u>SITE LOCATION</u>	<u>MEMBER/WARD</u>	<u>PRESENTING OFFICER</u>	<u>PAGE NO</u>
7A	DC/21/01735	Wakelyns Farm, Metfield Lane, Fressingfield, Eye, Suffolk, IP21 5SD	Cllr Lavinia Hadingham / Fressingfield	Jasmine Whyard	13-102
7B	DC/21/03292	Land South of Birch Avenue, Bacton, Suffolk, IP14 4NT	Cllr Andrew Mellen/ Bacton	Bron Curtis	103-260
7C	DC/19/02299	Land South of the Street, Stonham Aspal, Suffolk, IP14 6AN	Cllr Suzie Morley/ Stonham	Daniel Cameron	261-274
7D	DC/21/03589	Land to the Rear of the Leas, Quoits Meadow Stonham Aspal, Suffolk	Cllr Suzie Morley/ Stonham	Alex Scott	275-342
7E	DC/21/00393	Boundary Lodge Farm, Cratfield Lane, Laxfield, Woodbridge, Suffolk, IP19 0DE	Cllr Julie Flatman/ Stradbroke and Laxfield	Mahsa Kavyani	343-382
7F	DC/21/00324	Land South West of Fairview, Circular Road, Baylham, Ipswich, Suffolk, IP6 8LE	Cllr Stephen Philips & Cllr Mike Norris/ Needham Market	Daniel Cameron	383-452

This page is intentionally left blank

BMSDC COVID-19 – KING EDMUND COUNCIL CHAMBER ENDEAVOUR HOUSE

Babergh and Mid Suffolk District Councils (BMSDC) have a duty of care to ensure the office and the space used by Members of the Public, Councillors and Staff are COVID-19 Secure and safe. But each person is responsible for their own health and safety and that of those around them.

The BMSDC space within Endeavour House has been assessed and the level of occupancy which is compatible with COVID-19 Secure guidelines reached, having regard to the requirements for social distancing and your health and safety. As a result, you will find the number of available seats available in the Council Chamber and meeting rooms much lower than previously.

You must only use seats marked for use and follow signs and instructions which are on display.

The following specific guidance must be adhered to:

Arrival at Endeavour House (EH) and movement through the building

- On arrival use the main entrance.
- If there are other people inside signing in, wait outside until the space is free.
- Whilst in EH you are now required to wear your face covering (unless you have an exemption) when inside in all parts of the building (including the access routes, communal areas, cloakroom facilities, etc.).
- You may only take off your mask once you are seated.
- Use the sanitizer inside the entrance and then sign in.
- Please take care when moving through the building to observe social distancing – remaining a minimum of 2m apart from your colleagues.
- The floor is marked with 2m social distancing stickers and direction arrows. Please follow these to reduce the risk of contact in the walkways.
- Do not stop and have conversations in the walkways.
- There are restrictions in place to limit the occupancy of toilets and lifts to just one person at a time.
- Keep personal possessions and clothing away from other people.
- Do not share equipment including pens, staplers, etc.

- A seat is to be used by only one person per day.
- On arrival at the desk/seat you are going to work at you must use the wipes provided to sanitize the desk, the IT equipment, the arms of the chair before you use them.
- When you finish work repeat this wipe down before you leave.

Cleaning

- The Council Chamber and meeting rooms at Endeavour House has been deep cleaned.
- General office areas including kitchen and toilets will be cleaned daily.

Fire safety and building evacuation

- If the fire alarm sounds, exit the building in the usual way following instructions from the duty Fire Warden who will be the person wearing the appropriate fluorescent jacket
- Two metre distancing should be observed as much as possible but may always not be practical. Assemble and wait at muster points respecting social distancing while you do so.

First Aid

- Reception is currently closed. If you require first aid assistance call 01473 264444

Health and Hygiene

- Wash your hands regularly for at least 20 seconds especially after entering doors, using handrails, hot water dispensers, etc.
- If you cough or sneeze use tissues to catch coughs and sneezes and dispose of safely in the bins outside the floor plate. If you develop a more persistent cough please go home and do not remain in the building.
- If you start to display symptoms you believe may be Covid 19 you must advise your manager, clear up your belongings, go home and follow normal rules of isolation and testing.
- Whilst in EH you are required to wear your face covering when inside

(unless you have an exemption) in all parts of the building (including the access routes, communal areas, cloakroom facilities, etc.). Re-useable face coverings are available from the H&S Team if you require one.

- First Aiders – PPE has been added to first aid kits and should be used when administering any first aid.
- NHS COVID-19 App. You are encouraged to use the NHS C-19 App. To log your location and to monitor your potential contacts should track and trace be necessary.

Agenda Item 7a

Committee Report

Item No: 7A

Reference: DC/21/01735

Case Officer: Jasmine Whyard

Ward: Fressingfield.

Ward Member/s: Cllr Lavinia Hadingham

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application. Change of use of part of land for siting up to 12 glamping pods and up to 6 mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Location

Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD

Expiry Date: 20/08/2021

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - All Other

Applicant: Wakelyns

Agent: Mr D Houchell

Parish: Fressingfield

Details of Previous Committee / Resolutions and any member site visit: Previously presented to members on the 18th August a site visit was subsequently supported and carried out on the 25th August

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- i) The Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning and the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

The following policies are considered the most important to the determination of this proposal. The policies are all contained within the adopted development plan for Mid Suffolk District which for the purposes of determining this application is comprised of: Mid Suffolk Core Strategy Focused Review (2012), Mid Suffolk Core Strategy (2008) and those saved policies from the Mid Suffolk Local Plan (1998). Having regard to the manner in which those most important policies operate in relation to the determination of this particular application, all policies are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF bearing in mind paragraph 219 of that policy document.

Core Strategy Focused Review 2012:

FC1 - Presumption in Favour of Sustainable Development

FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development

Core Strategy 2008:

CS1- Settlement Hierarchy

CS2 - Development in the Countryside & Countryside Villages

CS4- Adapting to Climate Change

CS5 - Mid Suffolk's Environment

Local Plan 1998:

GP1- Design and Layout of Development

HB1 - Protection of Historic Buildings

CL8- Protecting Wildlife Habitats

CL17 - Principles for Farm Diversification

CL18- Change of Use of Agricultural and Other Rural Buildings to Non-Residential Uses

H10- Dwellings for Key Agricultural Workers

H16- Protecting Existing Residential Amenity

H17- Keeping Residential Development Away From Pollution

T9 - Parking Standards

T10 - Highway Considerations in Development

Fressingfield Neighbourhood Plan 2020 (in so far as part of the site falls within the designated plan area):

FRES 1- Housing Provision

FRES 6- Landscape character

FRES 10- Design

FRES 13- New and existing businesses

FRES 15- Transport and highway safety

Emerging Joint Local Plan Policies

The emerging Joint Local Plan is currently at Regulation 22 (examination stage). The hearing sessions pursuant to that examination have been paused in order to allow the Councils to undertake further work regarding the plan's spatial distribution and the housing site selection process. The plan is considered to carry limited weight in the decision-making process on this application, such that it plays no determinative role.

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 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-taking purposes.

Consultations and Representations

During the course of the application consultation responses and representations from third parties have been received. All responses and representations received have been noted and taken into account, being summarised below. Given the lengthy nature of many of those comments, Members are directed to consider them in full.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Metfield Parish Council

Object on the basis of 1- impact on character of area, 2- detrimentally affect amenity of residents, 3- unacceptable increase in traffic, 4- pods and mobile homes being available for year-round use, 5- large numbers of people on site, 6- unclear why 6 mobile homes are required, 7- concern that mobile homes may be permanently occupied, 8- change of use of farmhouse to holiday let not included in application, 9- pods and caravans are unsightly, 10- insufficient parking on site as it's not shown on plans, 11- no waste storage provision, 12- no site manager, 13- hazard from fire bowls provided for each pod, 14- bringing in specialists from outside and not locally, 15- other accommodation such as B&Bs are located locally that could provide accommodation for visitors instead, 16- noise and disturbance to nearby dwellings, 17- inadequate infrastructure to support number of units including toilet facilities, 17- no disabled access considerations, 18- overdevelopment, 19- no local benefit and 20- retrospective, 21- why does one caravan have to be sited elsewhere. The site could be considered more beneficial with a holistic approach to the development of the farm with full time employees on standard contracts.

Mendham Parish Council

Continue to object to the proposal on the basis of 1- traffic generation along poor access roads, with no possibility of improvement which will increase on change over days, 2- incompatible with ecological stability and sustainability, including the impacts of visitors 3- pods are innovative but unnecessarily intrusive into the farm landscape and 4- mobile homes must be of a considerable size. A smaller scheme may be supported.

Fressingfield Parish Council

Supports the application as a benefit to the parish, it would make a positive contribution to the local economy. The amendments would mean the accommodation is screened from public footpaths and manage traffic.

National Consultee (Appendix 4)

Historic England

No comments.

Environment Agency

No objection.

Natural England

No comments.

British Horse Society

No objection, but public right of way nearby should be retained.

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

No objection, subject to conditions and support a condition for the creation of a passing place.

Travel Plan Officer

No comment as the application does not meet travel plan thresholds.

Flood and Water

Recommend approval.

Fire and Rescue

No objection subject to the development according with building regulations.

Internal Consultee Responses (Appendix 6)**Place Services- Ecology**

No objection subject to conditions.

Place Services- Landscape

No objection in principle but require further information on landscaping schemes as there could be a potential landscape impact and note that they would prefer mobile homes to be located close to existing development, that there may be a visual impact from parked cars and the glamping pods should be in keeping with the local vernacular.

Heritage

Support the proposals for farm diversification, the pods have now been moved away from the farmhouse and are suitably located. There would still be a level of harm to the setting of the listed building, however this harm would now be a 'below low' level of less than substantial harm.

Environmental Health – Noise/Odour/Light/Smoke

No objection but recommends foul water drainage informative.

Environmental Health – Sustainability

No objection.

Environmental Health – Air Quality

No objection.

Environmental Health- Land Contamination

No objection.

Licensing

Minimum of 6 metre spacing between mobile homes and raise potential concerns about insulation.

Waste Services

No objection.

B: Representations

Other 3rd party representations received- of which there has been considerable volume- are summarised in broad terms below, in no particular order.

Within the objections the following matters were raised:

- Increased traffic, highway safety concerns on road network
- Development already begun
- Noise pollution
- Inadequate on-site parking
- Health and safety
- Precedent setting
- No business model
- Security
- Landscape character
- Foul water management
- Wildlife impact
- Infrastructure impact
- Poor quality accommodation
- Light pollution
- Loss of residential amenity
- Destructive of rural charm
- Support from people outside of Suffolk
- Impossible to monitor
- Need to generate income is not a planning matter
- Large numbers of people on site

Within the supporting comments the following matters were raised:

- Objection comments made have no planning basis
- Support for a vital agricultural service
- Pods and homes needed for sustainability of business
- Support for young people in agriculture
- Support for local businesses and economy
- Supports short food chains

PLANNING HISTORY

REF: DC/20/01044

Application for Listed Building Consent-
Alterations to ground floor bathroom.

DECISION: GTD
07.08.2020

Conversion of first floor cupboard to bathroom including new door opening. New first floor shower room. New internal soil vent pipes in access ducts. New extraction fans to new bathroom/shower rooms.

REF: 0093/04/LB

INSTALLATION OF SOLAR WATER HEATING COLLECTORS TO SOUTH WEST ROOF SLOPE OF HOUSE TO PROVIDE UP TO 40% OF ENERGY NEEDS. USE EXISTING INTERIOR PIPES.

DECISION: REF
06.08.2004

REF: 1465/04/

ERECTION OF FARMYARD BUILDING FOR ADMIN & SEED PREPARATION. SINGLE STOREY TIMBER FRAMED & CLAD.

DECISION: GTD
12.01.2005

PART THREE – ASSESSMENT OF APPLICATION

1. Executive Summary

- 1.1. Following the committee site visit, several aspects of the application have changed to better clarify the development and change the proposed measures of control. On this basis this executive summary provides an overview of the changes and this refreshed report is provided to Members to be considered afresh.
- 1.2. The site location plan has been amended, reducing and moving the red line area of the site. The site now excludes the Grade II listed farmhouse, ancillary outbuildings (save for the bakery) and yard area. The area originally proposed for the siting of mobile homes has been reduced and pulled in from the south where there might have been glimpsed views available via a gap in the hedgerow. The area originally proposed for the glamping pods has also been pulled in from the eastern boundary. The proposed shutter doors to be installed on an ancillary outbuilding have been omitted from the application.
- 1.3. A justification and management statement has been submitted to collate and consolidate information previously provided to justify and demonstrate the need for the mobile homes and glamping pods to be on site.
- 1.4. A s106 agreement is proposed that would replace certain previously recommended conditions and introduce new measures to control operations. This proposed s106 agreement would secure the following matters, in headline terms:
 - Glamping pods and mobile homes shall meet the statutory definition of a caravan, with absolute limits on heights (with floor level no higher than 0.75m from the ground, and any roof pitch adding no more than 0.75m / 1.5m to internal floor to ceiling height, for pods and homes respectively).
 - The mobile homes and glamping pods shall only be permitted on site in connection with the operations of Wakelyns, if such operations were to cease both mobile homes and glamping pods would be required to be removed from site.

- The mobile homes shall only be occupied by those actively working on site within the agricultural and forestry operations and immediate relatives/ dependents.
- The mobile homes will be sympathetically screened along the eastern boundary to mitigate against visual impact and visibility from the adjacent Public Right of Way. [Such screening is understood to be proposed as natural and made from on-site materials, e.g. hazel or willow].
- A management plan shall *inter alia* provide information on visitor and site management, including parking, pre-booking, traffic management, inc. routing and phasing; community engagement; noise control; duty manager/ 24/7 contact; ensure that the glamping pods are a minimum of 75 metres distance from the Grade II listed farmhouse; locate the glamping pods at least 10 metres from each other; secure the rotation of each glamping pod into a different field in accordance with crop rotation; prevent any glamping pod being located on land being farmed; and ensure all mobile homes are at least 6m apart.
- Both the mobile homes and glamping pods shall be removed from site if they are not occupied for 12 consecutive months, irrespective of whether the operations on Wakelyns cease or not.
- There shall only ever be a maximum of 12 pods on site and 6 mobile homes at any one time.
- Mobile homes shall be kept in a well-maintained condition.
- Glamping pods and mobile homes shall only be sited within the areas shown on the approved plan.

2. The Site and Surroundings

- 2.1. The site is located at the northern end of Metfield Lane (a single-track lane with passing places) which ends at Wakelyns, a farm operating using agroforestry. Metfield Lane serves five other properties. The site sits within the countryside outside of any built-up area boundary. Fressingfield is located 2.4 miles (by road) south west of the site, Metfield is located 2.6 miles north east and Mendham is located 3.8 miles north.
- 2.2. There are two ponds on site and several unlisted ancillary agricultural buildings with the principal dwelling (Wakelyns Farmhouse) being Grade II listed. The unlisted outbuildings comprise an implement building, former pig building, tool shed, barn, former cow shed and an administration/ seed and training building. There is also a 10 kW solar PV array, ground source heating and biomass boiler on site (fuelled by hazel and willow from the site). The main agroforestry operations are located north and west of the dwelling and outbuildings, there are two parcels of land located east which comprise underutilised agricultural land. There is extensive mature vegetation screening the entirety of the site's boundary enclosing it from adjacent fields and the wider open countryside. The nearest dwelling (Metfield Lane Farm) is located 330 metres south west of the application site.
- 2.3. The application site extends to around 8 hectares, but the total farm and land ownership extends to 23 hectares and comprises one of the oldest organic agroforestry farms in the UK, established in the 1990s. There are 56 tree lines, separated by varying distances ranging between 12m, 15m and 18m, which creates the main agroforestry format of the operations. There are a vast array of tree species, including walnut, plum, pear, quince, apple, cherry, peaches, medlars and hazels to name but a few. The land is also subject to organic rotation agroforestry, with crops including lentils, chia, camelina and YQ 'population wheat'.
- 2.4. There is a Public Right of Way (footpath) wrapping around Wakelyns north, east and south, with the PRow running around the site for the mobile homes and glamping pods north and east. The site is wholly in Flood Zone 1 and is therefore at a very low risk of fluvial flooding and is also at a

low risk of pluvial flooding. The site does not fall within any designated landscape area (Special Landscape Area or Area of Outstanding Natural Beauty). There are no protected trees on site.

3. The Proposal

- 3.1. The application proposes the siting of twelve glamping pods and six static mobile homes on land and the retention of conversion works to the former pig building to form a bakery also functioning as an educational facility.
- 3.2. The glamping pods will be mobile, moving between fields in conjunction with crop rotations, all located between established tree lines. The pods measure 3.6m x 2.4m x 3m (height) and incorporate mono-pitched roofs. The pods will be occupied by short-term visitors to the site, specifically to visit and appreciate the farming operations and environment, with some attending agriculture/horticulture related courses/ events run during the summer months and participating in activities on site. Many of these visitors go to and from the site on several consecutive days when courses/ events are held as there is no short-term accommodation available on site.
- 3.3. The mobile homes would measure c.10.6m x 3m x 3m (height), which would conform with the standard definition of a caravan. The six mobile homes will provide rural workers who operate small scale rural enterprises on site and work on the land at Wakelyns with accommodation. The mobile homes will not be permanently fixed to the ground, connected only by services. The mobile homes will primarily be stationed east of the farmhouse, within the screened meadow, with one home sited to the western corner of the site.
- 3.4. The bakery has already been created on site and utilises a former pig building. The purpose of the bakery is to utilise produce grown on site which is not a large scale commercially viable crop to then sell locally in shops and via a subscription service to local people. Alongside this events and courses will run from the bakery in an educational and training capacity for visitors.

4. Principle of Development

- 4.1. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination 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) 2021.
- 4.2. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development, which for decision taking comprises two limbs 11(c) and 11(d). The '*presumption*' is underpinned by paragraph 8, which identifies the three objectives of sustainability (economic, social and environmental) that are independent and need to be pursued in mutually supportive ways. Paragraph 9 does on to state, however that they are not criteria against which every decision can or should be judged. Paragraph 11(c) states that development proposals in accordance with an up-to-date development plan should be approved without delay.
- 4.3. In view of paragraph 11(d) of the NPPF, it is necessary to consider how consistent the most important policies in the development plan are with the NPPF, in order to assess what weight should be attached to them. Paragraph 219 of the NPPF explains that due weight should be given to relevant policies according to their degree of consistency with the NPPF, the closer the policies in the plan to those in the NPPF, the greater the weight that may be given. Paragraph 219 makes explicitly clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF.

- 4.4. The NPPF does not specifically determine whether the tilted balance applies when 'one of' or 'any of' the most important policies are out of date. However, *Wavendon Properties Ltd v SSHCLG* [2019] EWHC 1524 (Admin) has made it clear that the most important policies should be viewed together in a 'basket of policies' and an overall, holistic judgement made as to whether the policies as a whole are out of date. Having regard to the specific nature of the application proposal and the manner in which the most important policies for its determination are engaged, taken in the round those policies are considered to be up to date.
- 4.5. In other circumstances policies CS1 and CS2 - relating to the provision of residential accommodation and development within the countryside - are considered to hold limited weight (typically where new homes are proposed adjacent to built up areas of existing settlements). However, in this case the application proposals relate to new isolated homes in the countryside as well as rural enterprise. In such circumstances the policies are consistent with national policy in steering appropriate types of development to the most sustainable locations, acknowledging that some forms of development may also be required within countryside locations, and recognising the intrinsic character and beauty of the countryside (which affords it a degree of protection). Both local and national policies are not expressly prohibitive of the types of development proposed in this case, subject to establishing adequate justification for them.
- 4.6. The Fressingfield Neighbourhood Plan (FNP) was recently adopted and forms part of the District's Development Plan. The policies in the FNP relevant to the application (FRES1, FRES6, FRES10, FRES13 and FRES15) are consistent with the NPPF and are afforded full weight. The remainder of the most important Core Strategy policies and Local Plan policies, as listed within the policy section of this report, are considered to be wholly consistent with the NPPF and as such hold full weight. Therefore, when considering the overall 'basket of policies' the 'tilted balance' as set out under paragraph 11d) of the NPPF, is not engaged and for the purposes of the determination of this application the development plan is thus up to date.
- 4.7. Having determined that the 'tilted balance' does not engage, it is left to determine the key issues and assess the proposal's performance against relevant policies in the context of those issues. The key issues are:
- a) The acceptability of the principle of development with regard to most important policies CS1, CS2, H10, CL17, CL18, FRES1 and FRES13
 - b) The impact of the development on the setting of the Grade II listed farmhouse with regard to policy HB1 and FRES 10
 - c) The impact of the development on landscape character, with regard to policies CS5 and FRES6
 - d) The impact of increased traffic generation on the local highway network and adequacy of on-site parking provision with regard to policies T9, T10 and FRES15
 - e) Economic development benefits to the rural economy with regard to policies CL17 and FRES13
 - f) The impact on local biodiversity with regard to policy CL8
- 4.8. Policy CS1 identifies a settlement hierarchy to steer development towards the most sustainable locations. To this end, nearby Fressingfield is designated as a Primary Village and Metfield and Mendham are both Secondary Villages. CS1 restricts development outside of settlement boundaries to certain types of development which are considered compatible with protecting and supporting the countryside. Policy CS2 works in conjunction with policy CS1 to identify types of development which are considered appropriate within the countryside, which includes agriculture and forestry development and agricultural workers dwellings. Policy FRES 1 works alongside CS1 to direct residential development (which would include mobile homes) to the Fressingfield settlement boundary, outside of the settlement boundary development is only permitted where it

accords with paragraph 80 of the NPPF or there is a local need. Paragraph 80 a) of the NPPF supports residential development within the countryside where it is for an agricultural worker as in this instance.

- 4.9. As the site is isolated and there is a claimed need for permanent workers on site, policies CS2 and H10 and paragraph 80 a) of the NPPF enable dwellings in the countryside for rural workers to live where there is a proven essential and immediate need for them to be located on or near to site. Planning Policy Guidance (PPG) sets out broad considerations that could be used in assessing the “essential need” for proposed isolated homes in the countryside where they relate to rural workers. In that regard it is important to note that neither that development plan nor NPPF provide instruction on this issue; as ever an exercise of planning judgement is required. The guidance is set out in full as follows:

“How can the need for isolated homes in the countryside for essential rural workers be assessed?”

Considerations that it may be relevant to take into account when applying paragraph [80]a of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

Paragraph: 010 Reference ID: 67-010-20190722

Revision date: 22 07 2019”

Clearly the above examples/ questions are non-exhaustive and are to be applied as a guide only. The final line of the PPG states, ‘*The need to accommodate seasonal workers will generally not be sufficient to justify building isolated rural dwellings*’. To this end the proposal passes this test (albeit they are not necessarily freestanding limbs) as the workers are not seasonal and have been demonstrated as being required on site on a more permanent and year-round basis. The applicant has provided a needs assessment (appended to this report) which follows the overall direction of the PPG. It is however noted that the PPG provides broad guiding examples for assessing need and is not a rule but is rather guidance instead. Workers are needed for a range of operations on site, ranging from growing crops to educating visitors and running events on site. Moreover, in light of proposed diversification, such workers are also required to run and manage tourism/ educational ventures. There are no nearby available properties that workers could be located at near to the site,

owing to the site's remote location and the cost of nearby properties in proportion to the workers' wages. Such accommodation is needed to ensure that the operations at Wakelyns can continue in a sustainable manner.

The mobile homes themselves are more temporary structures than dwellinghouses in the sense that they are not constructed from bricks and mortar; they are not buildings by definition. This sense of temporary construction prevents potential physical impacts on the land and ensures that in the event that such homes are no longer needed or the operations on Wakelyns cease, they can be easily removed from site, which is further secured via s106 agreement.

On reflection when viewing the proposal holistically, officers consider as matter of planning judgement that the needs assessment submitted demonstrates an essential and immediate need for rural workers to live on site. However, in the event that Members have any remaining concern or doubt as to the permanence of the need or viability of the site's operations, the proposed s106 agreement secures strict controls on their number, occupancy and their removal in the event that the operations on site cease/ that link to an "essential need" is severed.

- 4.10. It is intended that the mobile homes will provide accommodation in the long-term for workers and shall be occupied all year round. Whilst they will provide year-round accommodation they would likely be used flexibly for a variety of staff, with some sharing their time between the site and elsewhere, depending on business needs.
- 4.11. It is further important for the purposes of determination to understand that caravans and glamping pods do not in themselves constitute development and as such do not require planning permission, with regard to *The Caravan Sites and Control of Development Act 1960* as amended. The land upon which they are sited does however require planning permission for its change of use to accommodate their siting. Thus provided the mobile homes and glamping pods conform with the definition of a caravan in terms of their construction, dimension and transportability their individual appearance cannot be taken into account, but rather it is the overall acceptability of the change of use of land for the siting of mobile homes and glamping pods that must be considered. Lastly, it is important to note that mobile homes used only by seasonal agricultural and forestry workers would not typically require planning permission, and therefore provided that the units were placed at least 6 metres apart, then as many as were needed could be located anywhere on the land without a planning application and without any additional requirements or controls, such as for visual screening. This is considered to be a material consideration of some weight, albeit planning permission is required in this case because of the permanent as opposed to temporary nature of the accommodation. The s106 agreement provides a mechanism by which to apply strict control to the use of the land through the siting of that accommodation and its quantum.
- 4.12. Policy CL17 supports farm diversification subject to the following criteria:
- There is no materially detrimental effect on nearby residential amenity;
 - Proposals should benefit the rural economy by providing alternative or additional employment;
 - Proposals are compatible with the protection of the countryside in terms of its landscape, wildlife, natural resources and intrinsic recreational value;
 - Proposals do not involve the permanent loss of agricultural land of Grades 1, 2, and 3a
 - There is not excessive traffic generation or adverse effect on the free flow and safety of traffic;
 - The District Planning Authority will expect the proper use to be made of appropriate existing buildings, where proposals require the provision of new workspace;
 - Any new building(s) shall be ancillary to and used solely in connection with the use applied for.
 - Such buildings should be kept to a minimum size required to meet the operational needs of the new use and be well related to the existing buildings which are the subject of the proposal. In

considering the need for new building(s) the availability of existing farm buildings will be a material consideration.

A site management plan is to be secured via the s106 agreement which would mitigate against any undue residential amenity issues that could arise. It is important to note that under permitted development rights land can be used for temporary uses (including events etc as currently undertaken on site) for up to 28 days of the year without the requirement for any planning permission subject to accordance with Part 4 of *The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*. The regularisation and “control” of the activities to be undertaken on the land is considered to be positive and therefore material to the decision to be taken on this application (because such events as currently may be carried out under permitted development rights are not subject to such management controls). The proposal would support farm diversification and the sustainability of the business operations on site and would not result in the loss of agricultural land or compromise the countryside’s landscape value, owing to the enclosed nature of the site. Whilst the number of visitors may increase to the site overall, this would be negligible as the accommodation would likely reduce the vehicular movements required to the site daily by enabling people to stay on site without travelling to and from the site daily for work or events. SCC Highways have assessed the proposal and do not consider there to be any detrimental impact on the highway network’s capacity to warrant refusal.

- 4.13. The proposal is further supported and underpinned by paragraph 84 of the NPPF and specifically points a), b) and c) which state, *‘Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside;’*. Paragraph 85 states further that, *‘planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable’*.
- 4.14. Policy FRES 13 further states that the expansion of existing business will be supported provided they do not have a significant adverse impact on the character of the area, adjoining uses, or the amenity of local residents, through either their built form, proposed use or traffic generated. . For the reasons set out in this report, the development is considered to accord with this policy.
- 4.15. Policy CL18 enables the conversion of agricultural buildings to non-residential uses where they respect the character, amenity and use of the area. It is noted that policy CL18 states, *‘the need to accommodate rural businesses contributing to the local economy and employment will be a material consideration in deciding applications’*. Policy CL18 thus supports the conversion of an agricultural building to a bakery. It is noted that there are several rural enterprises also operating from the site which do not form part of this application and are thus not being directly considered. However, such enterprises are nonetheless considered suitable within an agricultural setting as per policy CL18 and would be permitted development under Part 3, Class R of *The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*.¹
- 4.16. In summary, the proposals constitute farm diversification to secure the future of Wakelyns Farm in a sustainable manner with year-round operations, activities, courses and events in an educational and tourism capacity. There are several small rural enterprises run by workers on site relating to

¹ Requires written notification up to 150 sqm or prior approval of over 150sqm of floor space.

farming, food and craft activities all relating to the wider operations of Wakelyns. Such workers are also actively working to support the forestry and agricultural operations alongside operational running of the site. The farm was originally set up during the 1990s as a trial and research activity into agroforestry. As this was an experimental venture, lessons have been learnt on how to successfully do agroforestry, however as Wakelyns was pioneering in this field, choices were made which have thus restricted the yields that could be achieved. This restricts Wakelyns ability to be commercially sustainable selling the produce from agroforestry alone. As Wakelyns was a pioneering agroforestry farm in the UK, it has subsequently become a farm which is educational in the field of agroforestry, alongside setting up more sustainable and newer ventures to utilise farm produce for visitors and local shops. The bakery is proposed to utilise produce from the farm to sell locally, provide visitors with food and host educational courses and events. The glamping pods and mobile homes are to accommodate those coming to and from the site to engage in activities, and for workers who flexibly work across the site to meet different demands at different times of the year, making it a year-round operation. It should be noted that many visitors and workers already visit the site regularly and their travel times and movements would be decreased by the provision of accommodation on site be it from glamping pods or mobile homes. Such accommodation would help those already working at and visiting the site and provide additional capacity for further growth and viability of farm diversification ventures. Through careful management, which can be controlled via s106 agreement, adverse impacts, that would otherwise be unacceptable, can be avoided.

- 4.17. The principle of the proposed accommodation and bakery as a farm diversification initiative, underpinned by rural enterprises and agroforestry operations, is supported by policy at the national, district and neighbourhood level. At a national level, the proposal gives direct effect to paragraphs 80, 84 and 85 of the NPPF. At the district level, farm diversification is permitted subject to a range of criteria, which officers consider are met. Moreover, with specific regard to the mobile homes, as a matter of planning judgement exercised by officers it is considered that sufficient need and justification for them has been demonstrated. At the neighbourhood level, in so far as the parts of the application that fall within the designated plan area, the FNP supports the expansion of businesses, whilst also positively encouraging new business for agricultural uses in rural areas. The principle of further diversifying the site, through rural workers' accommodation, tourism/educational related accommodation and the creation of a small-scale bakery, are considered acceptable.

5. Heritage Impact

- 5.1. Wakelyns Farmhouse is a GII listed building of special architectural/historic interest, which warrants every effort being made to preserve it. Where the application site relates to and falls within the setting of that asset, the statutory duties of the listed buildings Act apply; in particular s66 which requires that in: *'considering whether to grant planning permission for development which affects a listed building or its setting, the [decision taker] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses*. In practice, this means that the desirability of preserving the setting of a listed building must be treated as a matter of *'considerable importance and weight'*, with such duties regarded as presenting a *'strong presumption'* against a grant of planning permission where harm to a designated heritage asset is identified². Such a presumption is rebuttable but only where compelling countervailing factors and justification are present.
- 5.2. The Council's Heritage Team have reviewed the amended information, including the change to the location of the glamping pods and mobile homes and are satisfied that the previously identified

² *South Lakeland District Council v Secretary of State for the Environment and Another* [1992] 2 AC 141; *R (Barnwell Manor Wind Energy Ltd) v East Northamptonshire DC* [2014] EWCA Civ 137.

harm has been reduced to a 'below low' level of less than substantial harm to the setting of the listed building. The s106 agreement would further ensure that the pods and mobile homes are only located within the areas shown on the submitted plan (being at least 75 metres away) which would mitigate detrimental impact on the setting of the listed building that could arise from siting such units of accommodation closer to the listed building. A further requirement relating to the circulation/rotation of those pods around the designated area would ensure that their siting would be transient, which further assists in limiting the degree of harm posed.

- 5.3. As the level of identified heritage harm is deemed to be at a below low level of less than substantial when assessed against Local Plan policy HB1, in accordance with paragraph 200 of the NPPF clear and convincing justification for that harm is required with great weight given to the asset's conservation (para 199). In accordance with paragraph 202 such harm must be weighed against the public benefits of the scheme but with considerable importance and weight being attached to the harm identified, regardless of whether it is low, below low, or negligible. Such benefits include support of the rural economy, employment (specifically recruiting local young people) and the overall environmental sustainability aims of the site in accordance with policy CL17, CL18 and paragraphs 8 and 84 of the NPPF. In turn, supporting the sustainability of the site as a whole will also provide a level of assurance and support for the maintenance and continued optimum viable use of the Grade II listed farmhouse. These benefits are thus considered to outweigh this harm even where considerable importance is attached to it. The application therefore satisfies policy HB1 and the bundle of policies within Chapter 16 of the Framework. No other heritage assets would be affected by the proposal.

6. Landscape Character

- 6.1. Core Strategy policy CS5, Neighbourhood Plan policy FRES 6 and paragraph 174 of the NPPF seek to ensure development does not adversely affect the visual scenic value of the landscape and countryside surroundings, where it is important to recognise their intrinsic character and beauty. FRES 6 specifically identifies four views in the village that are sensitive to development. The site is not located near the four views and therefore the development is not in conflict with this element of the local character policy. Similarly, to Local Plan policy CL8, FRES 6 and paragraphs 131 and 174 of the NPPF also seek to ensure proposals avoid harm to, or loss of, irreplaceable habitats, such as ancient woodland and veteran trees. The proposal does not impact any ancient woodland or veteran trees.
- 6.2. The site is well contained as it is enclosed on all sides by mature tree planting, making it visually isolated and secluded. The development does not require any tree removal, with the structures to be located between tree lines. The mobile homes and glamping pods would be enclosed and not visible from the outside of the site, especially with specific mitigation screening around the mobile homes, reducing any localised visual impact from the Public Right of Way where the experience of those public routes would not be adversely affected.
- 6.3. Place Services Landscaping expressed a preference for the mobile homes to be located close to the existing buildings to restrict the creep of development on the land, however this would result in an increased impact on the setting of the Grade II listed farmhouse and is not possible to accommodate noting the proposed s106 agreement requirements. Notwithstanding this, officers are not convinced that this is required given such extreme modesty of the development scale, both in terms of building height, footprint, and number, coupled with the significant screening offered by the mature tree lines. Officers consider that any adverse character effects associated with the mobile homes will be less than 'significant' (and in fact effectively negligible), compliant with Policy FRES13. Both glamping pods and mobile homes are visually unobtrusive and will be tucked into the open lanes between the tree lines and within a well-screened field. In any instance the siting of

the mobile homes and glamping pods are sited as such to protect the availability and use of agricultural land. The removal of the southern field parcel from the proposal, where previously glimpsed views might have been available due to a gap in the boundary hedgerow/tree belt, is a positive amendment that will effectively eliminate the likelihood of the mobile homes being readily perceptible from the public realm.

- 6.4. Any adverse visual impact arising from the glamping pods and mobile homes on the character of the countryside will be extremely low and highly localised to within the site confines and adjacent PRoW (but with no adverse effect on the latter). The dominant rural setting is not compromised, rather, it is maintained. Place Services Landscaping recommend further information in respect of any additional areas associated with the mobile homes, however anything to be added on or around the mobile homes is likely to require planning permission separately and is not being considered under this application. Place Services Landscaping also raised concerns that the glamping pods are shown in a mixture of black weatherboard, and a yellow colour finish. They are confirmed as being coloured in heritage colours and based on their mobile nature, modest scale and the screening on site, officers do not consider it reasonable to control the colours of the glamping pods as they are not considered to have any overriding landscape harm.
- 6.5. The works undertaken to facilitate the bakery conversion relate to restoration, upgrading and repair works to an existing outbuilding and do not have any landscape impact.
- 6.6. The proposal complies with policies CS5, CL8, FRES6, FRES13 and paragraphs 131 and 174 of the NPPF.

7. Residential Amenity

- 7.1. As noted above the site is detached and secluded from neighbouring property, with the closest dwelling to the mobile homes and glamping pods located 330 metres south west. The few residents on Metfield Lane may experience a slight increase in local traffic, however any increase is well within acceptable amenity parameters and is unlikely to significantly and regularly go beyond the levels of traffic already experienced from existing visitors and staff driving to the site, especially as temporary events on site do not require planning permission. In any event a site management plan is to be secured via s106 agreement to ensure any potential real or perceived residential impacts are mitigated against. The proposal does not compromise existing residential amenity levels.
- 7.2. The proposal would thus accord with Local Plan policy H17 and paragraph 130 of the NPPF.

8. Highways Considerations

- 8.1. Local Plan policies T9 and T10 and paragraphs 110 and 111 of the NPPF requires consideration of a number of highway matters when determining planning applications, including parking provision, the provision of safe and suitable access for all users, the safe and free flow of traffic and pedestrian safety, the provision of adequate parking and turning for vehicles and capacity of the road network.
- 8.2. Many objectors are concerned with the use of Metfield Lane and the increase in traffic generation. There will no doubt be an increase in traffic on Metfield Lane from the proposed farm diversification, however the anticipated daily movements will not be significantly higher than those already experienced from existing events, activities and operations on site, especially in light of how there are already many vehicular movements made to and from the site by existing staff and visitors on a daily basis for existing operations. Furthermore, the Highway Authority does not raise an objection regarding the capacity of the lane to absorb the extra traffic that will be generated but welcome the

creation of a passing place. The overall highways impacts would be negligible. Nevertheless, the proposed management plan to be agreed would contain measures for the control of traffic including the pre-booking of events and phasing/routing of traffic. Such measures are positive and provide comfort that risk of conflict can be minimised.

- 8.3. Paragraph 111 of the NPPF states 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'*. In light of considering both the existing and potential movements that could arise from existing operations on site without the proposed pods, bakery and mobile homes, and given the Highway Authorities position, there is no evidence before officers to suggest that the threshold set out under paragraph 111 and supported by Local Plan policy T10 would be met.
- 8.4. Many residents are concerned with the absence of on-site car parking being shown on a plan. A plan has been provided showing parking areas that can be used, whilst the application site extends to some 8 hectares the whole of Wakelyns extends 23 hectares and thus there are ample areas for the parking of vehicles on the site, whether they be formal or informal areas, specifically noting the existing extent of hardstanding areas. The Highway Authority recommend a condition to ensure these areas are functionally available for parking prior to first use which is considered reasonable and is thus recommended by officers. Parking, its control and management can be dealt with by the proposed management plan. Moreover, a new condition has been recommended by the Highway Authority to secure the creation of a passing place on Metfield Lane as offered by the applicant, which is to be created within land that the applicant owns.
- 8.5. The Highway Authority previously recommended a condition relating to visibility splays and restricting any obstruction of visibility splays over 0.6 metres in height, this does not however meet the tests of a condition as set out under paragraph 56 of the NPPF as the junction between Metfield Lane and Fressingfield Road is not within the applicant's ownership and thus is an unenforceable condition. It has thus since been noted by the Highways Authority that the existing visibility splays do already meet the standards required by highways and would not cause any undue harm to either the highway network or its users.
- 8.6. The application responds positively to Local Plan policies T9 and T10 and paragraphs 110 and 111 of the NPPF. Therefore, there are insufficient highway safety grounds to justify a refusal on this basis.

9. Ecology

- 9.1 Place Services Ecology have reviewed the supporting ecology report and do not raise any objection subject to conditions requiring compliance with the submitted ecological appraisal recommendations and the submission of a wildlife sensitive lighting design scheme. Both of these conditions are recommended to be imposed.
- 9.2. Noteworthy is the fact the applicant has been working in conjunction with the Suffolk Wildlife Trust and RSPB, who have undertaken their own bird and pond surveys. As noted by the applicant, agroforestry is inextricably linked to the continued enhancement of the biodiversity values of the site. Biodiversity enhancement measures proposed include altering the mowing regime for the areas where the mobile homes are proposed which is supported by Place Services Ecology.

10. Parish Council Comments

- 10.1. The concerns raised by Metfield and Mendham Parish Councils have predominantly been considered in the above report, however for clarity several issues are confirmed below:
- There is nothing preventing the submission of a retrospective planning application.
 - The matters relating to the farmhouse being used as a holiday let, the events on site and rural enterprises are not directly being considered under this application as they do not form part of it.
 - Further clarification was sought on the matter of all units of accommodation to determine whether they are to be used for seasonal workers or as holiday lets. The glamping pods would provide short-term accommodation for those visiting the site, with some visitors actively participating in activities or events on site. The caravans would be for long-term year-round accommodation for those working on the site as part of their own individual rural enterprises, that are integrated into the operations of Wakelyns, and in the wider agroforestry operations on site. Based on the nature of agroforestry, which has varying harvest seasons and the year-round enterprises on site, defining specific seasonality of work is difficult which is why the units have been proposed for year-round use
 - Concerns are raised regarding the use of fire bowls. These are a commonplace domestic arrangement that do not require planning permission; nevertheless, such site practice matters and amenity considerations can reasonably form part of a site management plan (which would also include matters relating to noise/amplified music and times related to such etc.).

11. Other Matters

- 11.1. Insufficient local advertising of an application is noted as a concern of local residents. It is confirmed that the advertising of this application complies with the Councils' and national level requirements.
- 11.2. Similarly, whether the aspiration to become a tourist destination aligns with the original endeavour of Wakelyns' custodians is not a planning consideration to be given weight to as this application needs to be considered on its merits against current policy. The same applies to the location of where the owners may currently reside, the number of toilet facilities and the need to obtain food safety certification, which are again all non-material considerations in the planning process and where other regimes are expected to be relied upon to operate effectively.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.
- 12.2. The 'basket of policies' most important in determining the application, are up to date. The 'tilted balance' at paragraph 11d) of the NPPF therefore does not engage.
- 12.3. National and local planning policies expressly support farm diversification, specifically Local Plan policies CL17 and CL18 and paragraph 84 of the NPPF. The proposal will bring about local rural economy benefits through the diversification that is proposed. Accommodation for visitors engaging in tourism/educational/recreational activities is wholly consistent with the well-established use, considered incidental and complementary to it. Policies CS2 and H10 and

paragraph 80 a) of the NPPF outline the potential for rural workers to live on site in a more permanent fashion subject to sufficient and evidenced need and controls. Such need is assessed as a matter of planning judgement and is considered to have been demonstrated. This need is viewed in conjunction with a s106 agreement that further restricts and controls the permission.

- 12.4. The scale of development is extremely modest. Each structure is small and sited in a manner that will not compromise the landscape character of the area. Tucked into the open lanes between mature trees and enclosed field, they will have limited visibility beyond the confines of the site. Any adverse character and landscape impacts will be localised. Ecology impacts have been well considered and are inherently supported by the existing operations on site and through the submission of an ecology report.
- 12.5. The low level of less than substantial heritage harm identified to the Grade II listed farmhouse (against which considerable importance has been attached) is significantly outweighed by the public benefits identified through the support of the rural economy, employment and the environmental and economic sustainability of the site.
- 12.6. The glamping pods, mobile homes and bakery use would not affect the amenity of the nearest neighbour given the isolation of the site. In any event this is to be mitigated via site management plan as secured within the s106 agreement.
- 12.7. The Highway Authority does not object to the scheme whereby adequate parking provision and visibility splays can be provided on site to accommodate for any small-scale intensification of the highway network within the locality.
- 12.8. The proposal responds positively to the aims of relevant Development Plan policies, as well as national policies. The direction of the development plan taken as a whole is to grant planning permission. There are no material considerations that justify a departure from those policies or which indicate that a decision should be taken other than in accordance with the plan; permission should be granted without delay. In exercising a planning balance, the economic and environmental benefits that have been identified significantly and demonstrably outweigh the negligible localised landscape harm and an above low-level level of less than substantial harm to a designated heritage asset. There are no reasons indicating that planning permission should be refused. The grant of planning permission is therefore recommended.

RECOMMENDATION

1. That authority be delegated to the Chief Planning Officer to GRANT planning permission subject to the prior completion of a Legal Agreement pursuant to s106 of the Town and Country Planning Act 1990, or accepted Undertaking, to secure the following obligations and related terms to the Chief Planning Officer's satisfaction:
 - i. No more than 12 glamping pods and 6 mobile homes on site at any time
 - ii. Glamping pods and mobile homes shall meet the statutory definition of a caravan, with absolute limits on heights (with floor level no higher than 0.75m from the ground, and any roof pitch adding no more than 0.75m / 1.5m to internal floor to ceiling height, for pods and homes respectively).
 - iii. Mobile homes occupation/essential workers and dependent relatives tie;
 - iv. Register of the essential worker mobile home occupants to be recorded and made available for inspection by the Council at reasonable times;
 - v. Where need ceases / mobile home unoccupied for 12 months the relevant unit is removed
 - vi. Provision of screen fencing for mobile homes with details to be agreed
 - vii. Siting and management/rotation of glamping pods (including >10m separation distance between pods; no pod within 75m of farmhouse);
 - viii. Site and Operations Management Plan, including but not limited to the following matters:
 - a. Events / accommodation within site boundaries and designated areas only;
 - b. Parking arrangements;
 - c. No casual / tourist lets (i.e. glamping pods used in association with events only);
 - d. No touring caravans or motorhomes for guests;
 - e. Events involving more than 20 persons to be by pre-booking only;
 - f. Community / Parish notification / advertisement of upcoming events;
 - g. Traffic phasing (inc. control of entry / exit timings) and routing;
 - h. Duty manager with advertised 24/7 contact number;
 - i. Use of fire bowls;
 - j. Late night noise rules / amplified music control;
 - k. Utility connections, potable water, and waste treatment;
 - l. Landscape / boundary management;
 - m. Glamping pods maintenance;
 - n. Mobile homes maintenance.
2. And that such permission be subject to conditions including those set out below, to the satisfaction of the Chief Planning Officer:
 - Standard 3-year time limit for commencement
 - Development carried out in accordance with approved plans
 - Parking provision to be created as shown on plan
 - Passing place to be created along Metfield Lane
 - Ecology appraisal implementation
 - Wildlife sensitive lighting design scheme

3. And subject to the following informative notes as summarised and those as may be deemed necessary:
 - Pro-active working statement in line with NPPF
 - SCC Highways notes
 - SCC Floods notes
 - Any associated items that are attached to mobile homes (such as decking, hardstanding, paths etc) may require additional planning permission.
 - Environmental Health foul water drainage notes

4. And that in the event of the Legal Agreement or Undertaking referred to in Resolution 1 above not being secured or accepted to the satisfaction of the Chief Planning Officer that they be authorised to refuse planning permission for such reasons as may be appropriate.

23 September 2021

Steven Stroud
Strategic Projects and Delivery Manager
Mid Suffolk District Council

By email only

Dear Steven

Re: Application 21/01735 Wakelyns

We appreciate the time taken by members of the Planning Committee, Philip Isbell, Jasmine Whyard, and you in visiting Wakelyns and in discussing our planning application with us.

This letter sets out a series of amendments to the planning application, along with proposals for additional voluntary controls on activities at Wakelyns. They address the points made by consultees both about this planning application and about unconnected other things on site (including all the points made about impact on local amenity).

Amendments to planning application

Points have been made about the possible visibility of pods and mobile homes from the public footpath, and about their relationship with the listed Wakelyns farmhouse.

Attached to this letter is a replacement plan 19/029 MH-GP-A by which we have:

- (1) Reduced the area within which the mobile homes are to be sited to remove the Southern section, of which there might have been occasional views through gaps in the hedge. (As it happens, we will in any event undertake additional planting this winter to reinforce those and the other relevant hedge boundaries.)
- (2) Reduced the area (by adding a 25metre standoff from the Eastern boundary) within which the pods might be sited, thus ensuring they are entirely within our tree alleys (as to which see further below). (Again, we will in any event undertake further planting along that boundary.)
- (3) Reduced the area within which pods might be situated so that they will never be close to the listed farmhouse.

As noted further below, each mobile home will be also separated from the site boundary by bespoke visual screens made of natural materials (willow/hazel) from the Wakelyns site.

Those changes should completely remove any concerns about visibility or landscape impact. Independently of those amendments, can I also formally withdraw that element of the planning application which proposed changes to the 'East Block' area within the farmyard (as seen in 19/029/BP/E, 19/029/B-EW/1, 19/029/P/B-EW, 19/029/B-EW/2).

Those changes are also reflected in the attached replacement plan 19/029-SLP in amendments to the planning 'red line'.

Conditions/Section 106

We propose the following in addition to what has already been considered in the Committee Report:

1. Pods will be in accordance with the statutory definition of a caravan (which specifies the footprint and maximum internal floor-ceiling height) and with the floor no higher than 0.75m above the ground and with any roof pitch adding no more than 0.75m to the internal floor to ceiling height.
2. Pods will only be used within those cropping alleys which are in their 'fertility building ley' phase, within an organic rotation agroforestry system in which the tree lines are managed so that tree lines secure a visual barrier between adjacent tree lines.
3. Pods will always be placed at least 10 metres apart when in use.
4. Each pod will be moved at least every two months between April and September to ensure there is no material adverse impact on the organic rotation agroforestry farming.
5. Mobile homes will be in accordance with the statutory definition of a caravan (which specifies their footprint and the maximum internal floor-ceiling height) and with their floor no higher than 0.75m above the ground and with any roof pitch adding no more than 1.5m to the internal floor to ceiling height.
6. Visual screens made of natural on-site materials will be erected between mobile homes and any adjacent site boundary.
7. The section 106 agreement will secure a Management Agreement which will potentially cover the following topics (all of which we are/would be doing anyway, and little of which arises from the planning application):
 - a. Events involving more than 20 people will be by pre-booking only to allow visitor parking/routing/etc as below.
 - b. Arrangements will be put in place to notify local parish councils and others in advance of such events.
 - c. Parking for all events/activities will be entirely contained within the overall Wakelyns site. Areas will designated/signed in accordance with the pattern and requirements of the organic rotation.



- d. Consideration to be given for such larger events to vehicle phasing/timing.
- e. Consideration to be given for such larger events to routing all visitor vehicles via our field headlands to avoid visitor use of the section of Metfield Lane which serves neighbouring properties. (Although that is not something which vehicle volumes would justify or which has been asked for by the Highways Department, it is something we have successfully trialled and which we are happy to offer for consideration in response to the concerns of others.)
- f. Hedges on site boundaries to be managed and reinforced to ensure separation between areas for mobile homes and pods and the surrounding PROW.
- g. Potable (drinking) water supplies to pods/mobile homes will be from the mains supply via MDPE piping (as for normal farm/field activities)
- h. Foul water from pods/mobile homes will be disposed of in on-site waste treatment plants (which are to be regularly maintained/serviced).
- i. All other waste to be appropriately recycled/disposed of.
- j. Electrical supplies to pods/mobile homes to be via identified field distribution points.
- k. Rules for the use of fire bowls in conjunction with pods.
- l. Late night noise rules.
- m. 24/7 on-site duty phone contact advertised via web site and Google maps.

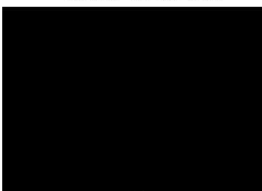
At the Planning Committee meeting, there was discussion about whether (as I had volunteered at that meeting) we should also be required to install a passing place on Metfield Lane. That work is being completed in the next few days in any event.

Mobile Homes

For completeness, I also attach a document which brings together in a single place the policy and factual explanation and assessment relating to the mobile homes which we have previously discussed in a more piecemeal way with council officers. We hope that will be of assistance.

Let me know if any of that needs further clarification or explanation.

Best wishes



David Wolfe





DO NOT SCALE - IF IN DOUBT ASK

Additional Notes
 Area for glamping pods to be min 75 m from Farmhouse.
 Area for glamping pods to be min 25 m from eastern boundary

KEY	
	Indicates area for mobile homes. (see Note 1)
	Indicates area for 1 mobile home. (see Note 1)
	Indicates area for glamping pods. (see Note 2)
	Denotes direction of flow - Farm drainage ditch

- NOTES**
- MOBILE HOMES - Up to 6 Number**
 10.668 x 3.048 m maximum external dimensions (average size)
 Internal floor to ceiling height not to exceed maximum of 3.05 m
 To be manufactured to be deliverable to site on a lorry, in no more than 2 no sections, and capable of removal.
 Not to be permanently affixed to the ground, and connected only be services
 - GLAMPING PODS - Up to 12 number**
 3.660 x 2.441 m (internal dimensions)
 Internal floor to ceiling height not to exceed maximum of 3.05 m

For the uses of the farm buildings see drawings 19/029/BP/E (as existing) and 19/029/BP/P (as proposed)

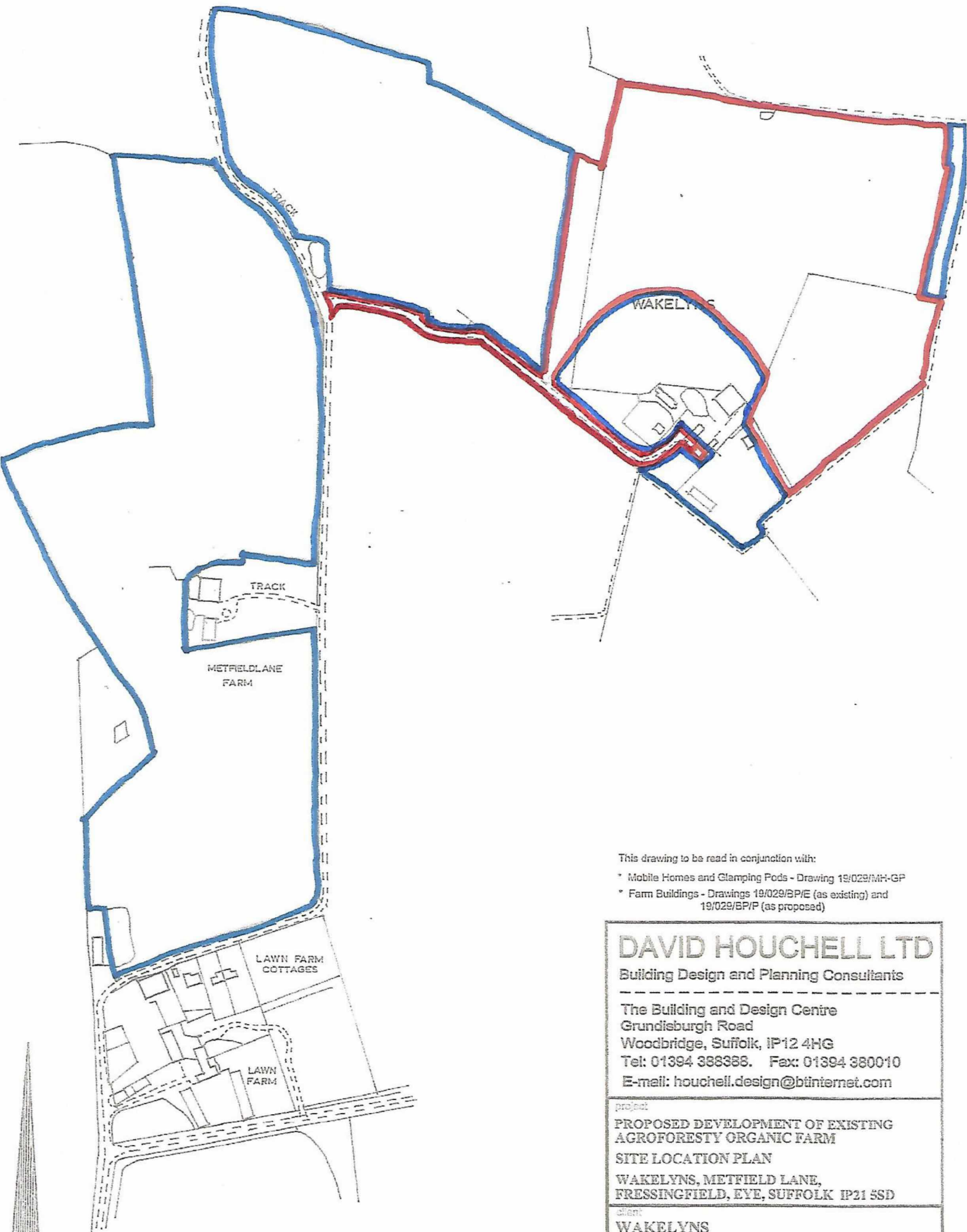
DAVID HOUCHELL LTD
 Building Design and Planning Consultants
 The Building and Design Centre
 Grundisburgh Road
 Woodbridge, Suffolk, IP12 4HG
 Tel: 01394 388388. Fax: 01394 380010
 E-mail: houchell.design@btinternet.com

project
PROPOSED DEVELOPMENT OF EXISTING AGROFORESTRY ORGANIC FARM
PROPOSED LOCATION OF MOBILE HOMES AND GLAMPING PODS
WAKELYNS, METFIELD LANE, FRESSINGFIELD, EYE, SUFFOLK IP21 5SD

client	WAKELYNS	
scale	date	drawing no
1 : 1250 @ A3	MARCH 2021	19/029/MH-GP _A

© This drawing is copyright

block plan
 scale 1:1250



site location plan
scale 1:2500

This drawing to be read in conjunction with:

- * Mobile Homes and Glamping Pods - Drawing 19/029/MH-GP
- * Farm Buildings - Drawings 19/029/BP/E (as existing) and 19/029/BP/P (as proposed)

DAVID HOUCHELL LTD

Building Design and Planning Consultants

The Building and Design Centre
Grundisburgh Road
Woodbridge, Suffolk, IP12 4HG
Tel: 01394 388386. Fax: 01394 380010
E-mail: houchell.design@btinternet.com

project

PROPOSED DEVELOPMENT OF EXISTING
AGROFORESTRY ORGANIC FARM

SITE LOCATION PLAN

WAKELYNS, METFIELD LANE,
FRESSINGFIELD, EYE, SUFFOLK IP21 5SD

client

WAKELYNS

scale

1:2500 @ A3

date

MARCH 2021

drawing no

19/029/SLP

Attachment: Mobile homes at Wakelyns

This document brings together the analysis and information previously discussed with MSDC planning officers. They have recommended the grant of planning permission.

Summary

Overall:

Wakelyns' Organic Agroforestry System is an internationally-renowned farming and scientific demonstration site which has inspired many farmers and policy makers globally. Everyone agrees it must be maintained and continued.

However, the agroforestry at Wakelyns was not planted in a way intended to make it operationally or financially sustainable. It relies on a subsidy of £25,000-£40,000 per year which previously came from my parents and from scientific research income. Those sources of subsidy are no longer available. But the costs (principally 5 contract agricultural workers/arborists) continue. Wakelyns needs to generate other income to cover the shortfall if those jobs and the organic agroforestry are to be sustained.

People staying in pods to attend courses and take part in other activities at Wakelyns are to be the main source of that other income.

The people who comprise the 6-12 enterprises which are to be hosted on site will be essential for running those courses and activities (including teaching on them and feeding attendees); also, for making better use of the produce from the organic agroforestry, and for ensuring the overall proper operation of the site.

Those enterprises will all be directly connected to and reliant on the farming and forestry at Wakelyns. They will provide significant additional employment and opportunities for rural businesses for the people involved. We are proud to be able to offer such opportunities as part of the overall Wakelyns proposal.

However, the operational requirements of those enterprises (for example in the very long hours worked by bakery staff and growers, or in the need to oversee and protect horticultural planting etc), and/or in the fact that none of them will generate sufficient income to allow the workers to rent accommodation in the local area, means that Wakelyns need to be able to offer many of the people involved the option of accommodation on site.

The people in question will all be involved in agriculture and/or forestry. As many mobile homes as were needed for seasonal agricultural or forestry workers could be placed anywhere at Wakelyns without planning permission. This planning application is only needed because the agricultural and forestry workers in question are more than seasonal.

The officer recommendation for the grant of planning permission (to allow use of mobile homes this way while the need for them continues) recognises that it fits with the applicable planning policies.

Permitted development rights for seasonal workers

Mobile homes used only by seasonal agricultural and forestry workers would not require planning permission. Provided that the units were placed at least 6 metres apart, then as many as were needed could be located anywhere on our overall farmland (including immediately adjacent to other houses) without a planning application and without any additional requirements or controls, such as for visual screening.

Each of the 6 units we propose here will be occupied by at least one person involved in agriculture or forestry. We only need planning permission because their usage will not just be 'seasonal'. However, their impact will be much less than would be that for seasonal workers accommodation because it will be in a screened area well away from any other properties (rather than potentially being dispersed across the farm as accommodation for seasonal workers could be).

The planning policy context

Much of the area we propose for mobile homes is within Fressingfield, such that policy FRES1 applies. Policies CS1, CS2, H10, and H11 of the MSDC Development Plan apply to the whole area.

All of them operate within the context of policy NPPF 80(a). That Government policy specifically allows for the development of homes in the countryside including where a rural worker needs to live at or near their place of work in the countryside.

The restriction it creates is most directly concerned with proposals to build permanent new homes. The situation here is clearly very different to that: what we propose is not the permanent building of new permanent homes, it is the siting of 'caravans' in circumstances where (as we have proposed) those caravans would be removed if the need for them no longer existed.

The imperative of sustaining the organic agroforestry at Wakelyns

In almost all instances where the policy considerations above are being applied, the "need" question arises from a choice by (for example) the farmer or landowner. Thus, for example, a farmer chooses to have pigs and then explains that, in the light of that choice, it is necessary to have on-site accommodation for rural workers.

The position here is very different. Our starting point is that the organic agroforestry at Wakelyns is long-established. We are not making a choice about whether to embark on agroforestry in the way that a farmer might be deciding to start or expand a pig operation.

That matters because the people who have commented on our plans agree that the Wakelyns organic agroforestry (and presumably the employment it sustains) needs to

continue and be secured for the future. It is a bit like inheriting a working antique windmill or steam museum with staff in a rural location: as everyone appears to agree, we must do what is required to keep operational what is essentially a heritage asset. And that requires further income streams at Wakelyns.

Wakelyns needs somehow to generate income to subsidise the organic agroforestry

The problem is that the Wakelyns organic agroforestry is not financially or operationally sustainable on its own. That arises because it was planted and run by my parents (from 1994) as a series of small experimental/demonstration sections of agroforestry. Each needs to be managed in a different way, which adds cost/complexity and reduces yields. Decisions were made about the planting (such as in planting some tree lines just 12 metres apart) which have turned out to add cost compared to what could now be achieved elsewhere, at scale.

Other farmers have come to Wakelyns from all over the world to look at, and learn from, its approach to commence agroforestry farming on a much bigger (and thus commercially successful) scale. Meanwhile, Wakelyns remains as the oldest most diverse agroforestry system anywhere, certainly in the UK and probably beyond.

The inescapable reality though is that, allowing for labour costs (we have two contract farm workers plus paid input from arborists and others), fuel, and other ongoing costs the Wakelyns organic agroforestry requires a financial subsidy of between £25,000 and £40,000 per year. When my parents were alive, that loss was met from their personal funds (because they set up Wakelyns as a personal project), and from research grant money associated with some of the scientific work being done here (including from scientists working on site).

But, with my parents' deaths, those other sources of income have fallen away.

Wakelyns itself now needs to generate income from other activities on site to subsidise the organic agroforestry to maintain the jobs and public benefit which arises from its continuation.

Applying that to NPPF 80(a)

Returning then to how to all that fits within the applicable Development Plan policies and NPPF 80(a), as above: None of those policies explains assessment of the need for rural worker accommodation, let alone of the kind we have in mind here.

Council officers have noted Annex A of PPS7. It set out a rigid set of criteria which, historically, all had to be exhaustively met when it came to similar issues in the past. However, PPS7 has long been superseded by the NPPF guidance in Government's Housing Needs PPG. Notably, the PPG replaces the exhaustive, criterion-based approach from PPS7 with much more general guidance giving examples of consideration that may be taken into account:

“Considerations that it may be relevant to take into account when applying paragraph [80]a of the NPPF could include: evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the

effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products); the degree to which there is confidence that the enterprise will remain viable for the foreseeable future; whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process; whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.”

Accordingly, none of those new considerations are set out as being a check list or set of requirements, let alone are then an exhaustive list of the ways of showing need for NPPF 80(a) purposes. That is a significant policy relaxation in approach from the position in the old PPS7 days of tightly drawn and exhaustive criteria, even when assessing a proposal for new permanent buildings (which is not the position here). The approach now to be taken is a notably flexible one.

Applying the policy considerations here

Turning then to consideration of such factors in the context of Wakelyns:

As above, to cover the financial losses of the Wakelyns organic agroforestry (and maintain the jobs involved), Wakelyns needs to make money from the rental of pods by people undertaking courses/events/activities at Wakelyns.

Most of those courses/events/activities will be dependent on the people involved in running enterprises to be based at Wakelyns. They will be providing courses (such as willow weaving, sourdough baking, natural dyeing) and/or providing food for the guests (whether in growing it, preparing it, cooking it or serving it, as the RealVeg CSA team and Wakelyns Bakery do).

Accordingly, without those planned on-site enterprises, Wakelyns will not be able to sustain the events and courses being attended by the people staying in the pods who, in turn, bring in the income needed to sustain the agroforestry.

Each of the enterprises will provide an opportunity for the people involved to establish and run their own business in a cost-effective way to make their own living from working in association with the farm/land/produce at Wakelyns. None of them would be doing that without these proposals.

Examples of what we offer (without charge) to the people/business already involved (albeit whose future depends on this planning application) include:

Use of the bakery, use of the fridge unit, Wakelyns flour, harvesting of the fruit trees and teaching space, for Henrietta and Maisie in the Wakelyns Bakery;

Use of organic growing alleys, water, use of storage units, use of the vegetable packing area and use of the fridge unit, for the RealVeg CSA growers;

Forestry in the Wakelyns agroforestry tree lines, the use of workshop space, the use of storage space and access to teaching space and facilities, for Fay, the Woodland Haberdasher;

Forestry in the Wakelyns willow and hazel coppicing areas, the use of workshop space, storage space and teaching space and facilities, for Emma & Adam, willow weavers; and

Use of Wakelyns agroforestry ley alleys and tree lines, and the use of storage facilities for Tilly, who is about to set up a small-scale egg/chicken operation at Wakelyns.

None of them could afford directly to pay for those facilities. We are proud to be supporting the development of small rural businesses and employment in that way.

All the enterprises based here will need to be directly connected to the farming, food or environment of Wakelyns; the people involved will all be significantly involved in agriculture and/or forestry. We have, for example, turned away someone who makes yurts whose activities would not have had those characteristics.

The people who run those enterprises will in turn provide the teaching and other support for activities such as courses on site. They will also (instead of paying to be here and use the facilities) provide Wakelyns with some of their time. That, in turn, will help manage and run the overall infrastructure at Wakelyns, including doing things like providing the 24/7 on-site on-call cover for which neighbours have asked.

As discussed, Wakelyns expects (and indeed needs, for the overall proposal to succeed) to grow to between 6 and 12 such enterprises (depending on precisely on each of their needs in terms of land/buildings and what they can offer in terms of support for courses and events).

That will amount to an average of at least two people per enterprise (sometimes, but not always, a couple). To test that: while Fay, the Woodland Haberdasher (whose work involves forestry) is a solo, the others are multiple people (the bakery/fruit picking is two people, but they are already talking about needing at least one more part time to secure operational stability during the week/year; the RealVeg CSA growers are three people (including one couple); the forester/willow weavers are a couple; and so on).

Accordingly, the number of extra workers based at Wakelyns is likely to be about 10-20 overall, on top of the existing 5 people undertaking the existing organic agroforestry (who are paid, thus creating the need for subsidy income).

All of those people/enterprises will be integral to the only identified solution for securing the future of the organic agroforestry at Wakelyns. Wakelyns does not make money directly from them, but they enable the income generation (principally from the pods) which is required to sustain Wakelyns overall.

The need for up to 6 of them to be accommodated on site arises from a combination of factors: all of them are operationally involved in providing the 24/7 'duty cover'; most have direct operational needs associated with their activities on site which require them immediate and/or long-hours access/oversight (thus, for example, the bakers work 12+ hour days on their 'baking days' and so cannot be expected to travel, and the RealVeg CSA team need 24/7 to supervise and respond to, among other things, weather/wildlife etc issues (particularly in the context of their growing caterpillars and tunnels; and all of that is all year round in practice).

Most also anyway have no other financially viable business option let alone accommodation option (their income level and its variable profile means that they simply cannot afford to live locally in any other way). Aside from a couple of them who happen to have close family immediately nearby, none of those mentioned above has been able to find accommodation anywhere nearby at anything like a rate they could afford and/or in circumstances in which a landlord would take them on given their self-employed status and unpredictable incomes. Henrietta thought she had found local accommodation at a price which was affordable (because it was at a significantly reduced rate through a family friend), but that fell away when she realised she could not afford even that reduced rent. Wakelyns cannot, in practice, maintain/attract the required people/enterprises without the option of on-site accommodation.

Overall

The officer recommendation for the grant of planning permission correctly recognises that the mobile homes in question are needed in the context of the proposed operations at Wakelyns.

Importantly, as above, that is not though a one-off evaluation (as would be the case if this were, say, an application for permission to build a house on a pig farm). Here, the position will be overseen by operation of conditions and/or section 106 agreements which recognise that – as above – the 'need' test is itself flexible and that the precise number/pattern of the enterprises will grow and may vary over time. Any uncertainty about the future of particular businesses, or the package of businesses overall, will be entirely covered by the operation of those conditions/agreements.

All of that is entirely consistent with NPPF paragraph 80 (etc) and the flexible approach now provided for in the PPG.

To summarise, 6 units of accommodation are needed by reference to the operational requirements of the proposed enterprises and Wakelyns overall, and/or the financial position of the enterprises involved. Those enterprises (and indeed other enterprises not calling for such accommodation) are a necessary overall to sustain the organic

agroforestry at Wakelyns. That need could not be met by reliance on 'permitted development' rights (for caravans for seasonal workers/foresters) because the people involved here are not simply seasonal; and, in any event, the finances (for them individually and overall) are not such as to make such an approach viable (nor would it provide the 24/7 on-site duty cover which has been asked for).

To regulate that (and inherent to answering the need question here), we suggest provisions which require that at least one person occupying each mobile home will be engaged full or part time in the agriculture, forestry, craft, baking/food preparation and/or educational/training activities arising from the organic agroforestry undertaken on site in circumstances where they need (for operational and/financial reasons arising from that activity) to live on site; and that any mobile homes not used or required for such a use for a period of 12 months will be removed from the site and the land on which they were situated will be remediated.

To put that in the context of the non-exhaustive list of considerations which the PPG says may be relevant: those workers are needing to live at or near their work for operational and/or financial reasons relating to their respective activities; considerations around the viability of those businesses are dealt with by the termination provision; it has not been suggested that we could/should turn existing farm buildings into accommodation on this scale; these are, in part, 'new enterprises', but if any were to fall away, we would need to replace them in the context of the overall site requirements, as above, and if that were not the case in overall terms, then the termination provision would bite.

David Wolfe

23 September 2021



Application No: DC/21/01735

Location: Wakelyns Farm, Metfield Lane,
Fressingfield

Page No.

Appendix 1: Call in Request	N/a	
Appendix 2: Details of Previous Decision	N/a	
Appendix 3: Town/Parish Council/s	Metfield Parish Council Mendham Parish Council Fressingfield Parish Council	
Appendix 4: National Consultee Responses	Historic England Environment Agency Natural England British Horse Society	
Appendix 5: County Council Responses	SCC Highways SCC Travel Plan SCC Floods and Water SCC Fire and Rescue	
Appendix 6: Internal Consultee Responses	MSDC- Ecology (Place Services) MSDC- Landscaping (Place Services) MSDC- Heritage	



Babergh and Mid Suffolk District Councils



	MSDC- Environmental Health (Noise, Odour, Light and Smoke) MSDC- Environmental Health- (Sustainability) MSDC- Environmental Health (Air Quality) MSDC- Environmental Health- (Land Contamination) MSDC- Licensing Team MSDC- Waste Services	
Appendix 7: Any other consultee responses	No	
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/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Jasmine Whyard

Consultee Details

Name: Mrs Lindsey Duckett (Parish Clerk)

Address: Hunters Lane Cottage, Hunters Lane, Metfield Harleston, Suffolk IP20 0LU

Email: Not Available

On Behalf Of: Metfield Parish Clerk

Comments

Re: Application 21/01735 Wakelyns

Metfield Parish Council have reviewed the latest information provided regarding the application which they understand does not supersede the original document, but is in addition to, despite it containing amendments. Therefore, these comments relate to specifics within the latest submitted document and do not change our response to the original submission.

Caravans/Mobile homes

It is still not clear why one caravan needs to be situated in a separate area this raises concern over development creep, as additional water and power lines will need to be laid.

In the original application a photograph of a large static caravan is supplied for illustrative purposes. The caravans currently in use (5 can be seen from the PROW), are all small touring caravans. This raises concern over the quality and suitability of the accommodation for long term occupation.

No permission has been requested for change of use for the farmhouse into holiday lets the house could have been used to provide suitable accommodation and avoid the need for mobile homes, but nowhere is it mentioned in the document submitted.

It should be noted that where a mobile home was installed on site at Hattons Farm Nurseries in Metfield (less than one 1 mile away) for agricultural occupancy, planning permission was required, and had to be renewed annually, until it was no longer required, as there was no farmhouse on the land.

Pods/Camping

Looking at the number of pods identified, and the area specified, it does not appear possible that the pods can be placed 10m apart and rotated every 2months within the given leys, if they are still

to be used for agriculture.

Is there to be a limit to how many hook-ups can be installed? As camping is also being advertised hook ups could be used by motor homes and touring caravans and so it turn into a full camp site if numbers are not controlled.

Numbers, Access and Parking

There is insufficient hard standing for parking a large number of cars, so use of fields is the alternative. This will only be suitable in the drier summer months. Any mud generated by parking on fields can only cause more problems on the local roads. A restriction to summer months would alleviate this problem.

The suggestion that a new route can be provided across headlands for large events demonstrates the point that the access route is not fit for purpose. The applicant may have considered the trial of this route a success, but the Parish Council received complaints regarding large numbers of headlights travelling across fields late at night, which frightened near neighbours.

As with parking, the use of fields would only work during dry weather and exacerbates the impact on the local community, making Metfield Lane Farm an island, and increases the possibility of traffic arriving from two different directions, at the same time, onto a blind corner. This also suggests an assumption that the land in question will no longer be used for farming.

A restriction on numbers and a limitation to the drier summer months only would be preferable.

Waste disposal

It is not clear if the toilet cassettes mentioned use chemicals if they do these will not be suitable for disposal via the digester system. This concern is echoed in the environmental response.

Viability

Wakelyns was always intended as a hobby research establishment. Now the research element has gone it has lost its scientific credibility and will require significant changes to turn it into a commercial venture.

An internet search failed to find Wakelyns under the Agroforestry Research Trust, Soil Association or Organic Research Council websites, or under Agroforestry in general. Without the late Professor Wolfes input this is no longer a site of scientific interest, as the science is continually moving on and developing, and Wakelyns is now simply being maintained.

Wakelyns was never intended as a viable business, it no longer has the scientific input, and although a wonderful place we would query the description of it being a heritage asset. Should the addition of the proposed activities be granted permission, including large-scale onsite accommodation, the nature of the farm will change completely. Wakelyns was never designed to be profitable, as it is too small. This application is to turn the farm into a completely new business which should be judged on its own merits, not based on preserving an outdated reputation.

Independent Enterprises and Agricultural tenancy

The need for diversification and use of redundant farm buildings is understood and supported.

However, those working within the enterprises are not contracted by Wakelyns (although they do benefit in kind) so there is no evidence to suggest that they require agriculture accommodation as employees of the farm. Wakelyns is offering accommodation as an option, not part of an employment contract. The argument, therefore, is that these are not agricultural workers, or employed by Wakelyns, and accommodation is being offered as an incentive, rather than a necessity. There are many examples in the local community of people working extremely long hours and having long commutes long hours are not a sufficient reason to grant planning permission for multiple caravans.

The need for 24/7 duty cover is for management of the occupancy of the accommodation. Does a veg box scheme really need on site occupancy, baking days have been quoted as maximum three per week. Where is the demonstrated need that these businesses will fail without onsite accommodation? The expectation that the enterprise owners living in the caravans can provide 24/7 cover for the accommodation element is viewed as the provision of unskilled and unpaid management in return for inferior quality accommodation. The Caravan Sites and Control Development Act of 1960 states that a fit and proper person must manage such a site full recognised training should be provided to fulfil this role as an absolute minimum.

There are currently 3 enterprises on site, with 5 caravans in-situ another nine businesses, not already identified, are being proposed. How many more people will be expecting to live on site, how many additional visitors will it create... this again could be development creep if numbers on site are not controlled.

Summary

This application would be viewed far more sympathetically if there was a more holistic approach to the development of the farm, with full time employees on formal contracts, and a more structured approach, providing greater stability for those working there and trained management on site. As it stands the additional information provided does not change the original response of objection.

Consultee Comments for Planning Application DC/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Alex Scott

Consultee Details

Name: Mrs Lindsey Duckett (Parish Clerk)

Address: Hunters Lane Cottage, Hunters Lane, Metfield Harleston, Suffolk IP20 0LU

Email: Not Available

On Behalf Of: Metfield Parish Clerk

Comments

Comments on Planning application DC 21/01735 Wakelyns Farm - OBJECTION

Wakelyns Farm, the property under consideration has an address of Fressingfield but is positioned significantly closer to the village of Metfield than Fressingfield and is in sight of outlying Metfield and Mendham properties.

Metfield Parish Council are happy to support new small-scale businesses appropriate to a rural area, particularly those that result in the reuse of redundant or unused historic or farm buildings, and new buildings to accommodate new business or agricultural uses but are concerned that this application will have a significant adverse impact upon the character of the area, the amenity of residents and result in an unacceptable increase in traffic generation.

There is no issue with the continued use of the land as a research establishment or making itself more environmentally sustainable with progressive farming methods and any associated education. Nor is there any issue with the addition of the bakery and potential for day events and craft courses, but the number of pods and mobile homes to be made available for occupation for 12mths of the year does raise concern. Considering a worst-case scenario, the site could be inhabited by an additional 80+ individuals (each of the 12 proposed glamping pods sleeps 4, each of the 6 mobile homes also sleep 4, and the farmhouse is to be let out as additional holiday accommodation, sleeping 12). Any day visitors and employees would be over and above this number. Although this scenario is highly unlikely, it needs to be considered should the venture prove extremely successful. The applicant suggests that all accommodation could be dual purpose being used for holiday accommodation as well as educational purposes, all year round.

The application form indicates an increase in staff numbers from 3 full time equivalents to 8 (4 of which would be part time) so it is not clear as to why 6 large mobile homes are now required (The picture in the planning application would indicate something similar to a static caravan, approx. 10m x3m). It also states that there is no gain or loss or change of use to residential/dwelling units but if these are to be for workers there is the potential for them to be permanently occupied, and there is a change of use to the farmhouse which will now be used for holiday accommodation, rather than being a private residence. The current application includes no mention of change of use of the farmhouse.

Following a site visit where the applicant was very helpful in describing his plans, he explained that electricity and water would lay permanently along the leys for the pods and /or caravans to be hooked up to similar to a caravan hook up. Most campsites in the area are restricted in occupancy both by number of units and hours/months of opening. Metfield Parish Council believe that this should be viewed as a campsite and that the same rules applied. The site of the single mobile home on the plans is on a piece of agricultural land they are unable to use for anything else (and situated directly under power lines) rather than a need for it to be sited in this location extending the area of use for accommodation. The remaining 5 mobile homes providing more permanent accommodation are to be sited on ancient meadowland. Both the pods and mobile homes were considered unsightly and would not blend with the immediate environment.

The application form indicates that 10 parking spaces will be made available, but these are not shown on the plans. It would appear that there will be insufficient parking for visitors, unless more is to be created on the grassland, but there is no mention of the impact of this in the environmental report from SWT, and such parking could be impossible in the winter (and occasionally summer) months if the land becomes very wet. Parking on the side on the single-track lane could impede access by emergency services.

There is no provision for storage or collection of waste, which will increase significantly with the expansion of the business.

There is undoubtedly going to be an increase in traffic down a narrow winding single-track lane (the last part currently being of poor-quality concrete) which transects an agricultural industrial unit where it leaves Fressingfield Road. Therefore, there is concern as to the free flow and safety of traffic and pedestrians related to the increase, the lane is also used as a footpath. The proposed permissive paths around the site would increase the number of pedestrians using the lane. Fressingfield Road itself is single track, and extensively used by large farm machinery. Provision of information about traffic generation to enable a full assessment of the impacts of the development is missing.

The proposed development could prejudice the amenities currently enjoyed by occupants of nearby properties by way of increased noise and disturbance associated with additional traffic movements and large numbers of people on the site at any one time. There have been issues with

noise in the past when gatherings have taken place on the site, but as these have been relatively isolated incidents no complaints have been made, but many in the village have been disturbed as noise carries easily from the site. The Wakelyns newsletter suggests that pods can be sited together for larger groups and so there is the potential for more regular disturbance if large gatherings take place. The Parish Council were informed that there are no plans for an overall manager to be present on site (each separate business unit being self-governed) so who would visitors or residents go to if issues should arise.

It should also be noted that the pods (3 are already constructed) and farmhouse are being advertised for potential lets in the Wakelyns newsletter dated March 21, before planning permission has been granted, and that the bakery is up and running, and has provided bread to local outlets, and is advertising a loaf subscription scheme to start 15/4/21.

The website also states that each pod will be provided with a fire bowl another potential hazard not mentioned in the application.

During the site visit Metfield Parish Council were informed that the mobile homes would provide semi-permanent accommodation for workers with a view to it becoming more permanent in the long term if required. They were described as subsidised accommodation for agricultural workers, but it was then suggested that the chefs from the bakery and one of those providing craft courses would be using them, which would indicate that the venture is bringing in specialists from outside, not providing employment for those living within a commutable distance.

There is a variety of local accommodation in the area such as B&Bs, pubs and self-catering lets who could benefit from an increased number of visitors, but not if they all stay on site so it is difficult to see what the benefit to the local community will be.

Metfield Parish Council object to this proposal on the basis that there is not the infrastructure to support the number of residential units quoted; there are inadequate toilet facilities (they were informed that the existing 2 treatment plants can cater for up to 40 people); the road is unsuitable for the potential number of additional vehicles; there is no information on traffic generation or flow; no detail of provision for parking or waste has been included in the plans; there has been no obvious consideration for disabled access.

It is considered an overdevelopment for the very rural location and of little benefit to the immediate local community and could have a significant adverse impact upon the amenity of residents.

Metfield Parish Council do not object to the continued use of the land as a research establishment or making itself more environmentally sustainable with progressive farming methods and any associated education, the addition of the bakery or day events and craft courses. They would be happy to consider a more sympathetic, smaller scale, seasonal provision of accommodation. They are disappointed that the application appears to be retrospective and would suggest that the planning office undertake a site visit to fully understand what is already in place. A separate application for change of use of the farmhouse to be used as a holiday let (there will be no permanent resident) needs to be submitted.

Consultee Comments for Planning Application DC/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Jasmine Whyard

Consultee Details

Name: Mendham Parish Council Mendham Parish Council

Address: Weston House Cottage, South Elmham Road, Mendham Harleston, Suffolk IP20 0PB

Email: Not Available

On Behalf Of: Mendham Parish Clerk

Comments

Despite considering some of the minor alterations to the proposed plans, Mendham Parish council continues to have serious concerns over many aspects of this planning application.

The primary concern is to the increased road traffic in Metfield village which already acts as a bottle neck to through traffic and the villages along the route. There is no possible way to improve or suggest an alternative route to access the site. The increased number of vehicles during construction, supply/delivery vehicles and on 'change over' days, through the village has been underestimated and the impact on the villagers.

There is also continued concern over the ecological impact of the plans and how the site and activities of the residents will be suitably managed on a daily basis.

The Parish Council's initial objection to this planning application remains unchanged.

Consultee Comments for Planning Application DC/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Alex Scott

Consultee Details

Name: Mendham Parish Council Mendham Parish Council

Address: Weston House Cottage, South Elmham Road, Mendham Harleston, Suffolk IP20 0PB

Email: Not Available

On Behalf Of: Mendham Parish Clerk

Comments

Mendham Parish Councillors visited Wakelyn's to assess the site and to discuss the proposals with the applicant.

We consider the plan, presented as an inclusive package, would significantly increase activity on the site, and along the very poor access roads.

We do not consider the proposal to be compatible with ecological stability or sustainability on this valuable area.

We consider the pods to be of innovative design, but necessarily intrusive in the calm landscape of the working areas of the farm.

The type of mobile homes is unclear, but as year round accommodation they must be of considerable size. Mention of motor homes is also made in the planning statements. We consider this part of the plan to be intrusive on another quiet area, with very poor access especially during winter.

We consider the plan overall to be harmful to landscape, environment and community We therefore place an objection to the plan.

We do consider however that a less ambitious project, brought to plan by close consultation with the three local communities would have a chance of gaining support.

Consultee Comments for Planning Application DC/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Jasmine Whyard

Consultee Details

Name: Mr Andy Parris

Address: The Stooks, New Street, Fressingfield Eye, Suffolk IP21 5PG

Email: Not Available

On Behalf Of: Fressingfield Parish Clerk

Comments

The council recommends that the district council approves this application.

The discussion among councillors acknowledge that changes were being suggested to the original application. These would screen the accommodation from the public footpath and actively manage the traffic, particularly during those events that will attract more visitors. The council regards the whole project as a benefit for the parish.

Consultee Comments for Planning Application DC/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Alex Scott

Consultee Details

Name: Mr Andy Parris

Address: The Stooks, New Street, Fressingfield Eye, Suffolk IP21 5PG

Email: Not Available

On Behalf Of: Fressingfield Parish Clerk

Comments

Fressingfield Parish Council supports this application.

This could be a positive contribution to the local economy. Councillors would like greater clarification on whether these units are for seasonal workers or holiday lets. The council recognises that an increase in traffic on this single-track road will need careful management.

From: East of England Region <e-east@HistoricEngland.org.uk>
Sent: 25 March 2021 22:06
To: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>
Subject: RE: MSDC Planning Consultation Request - DC/21/01735

Good afternoon,

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

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD
Application: DC/21/01735

Thank you for your letter dated 23rd March 2021 regarding the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Yours sincerely

Hannah

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

Our ref: AE/2021/126024/01-L01
Your ref: DC/21/01735
Date: 01 April 2021

Dear Alex

**CHANGE OF USE OF PART OF LAND FOR SITING UP TO 12NO GLAMPING PODS
AND UP TO 6NO MOBILE HOMES. RETENTION OF CONVERSION OF PART OF THE
FARM BUILDING TO CREATE EDUCATIONAL BAKING FACILITY**

WAKELYNS FARM, METFIELD LANE, FRESSINGFIELD, EYE, SUFFOLK, IP21 5SD

Thank you for your consultation dated 24 March 2021. We have reviewed the application as submitted and have no objections. We are including an informative on foul drainage below.

Foul Drainage

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

We trust this advice is useful.

Yours sincerely

Mr Liam Robson
Sustainable Places - Planning Advisor

Direct dial 020 8474 8923

Direct e-mail Liam.Robson@environment-agency.gov.uk

From: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Sent: 04 Oct 2021 02:22:20

To:

Cc:

Subject: FW: DC/21/01735 - Consultation response

Attachments:

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Sent: 04 October 2021 14:00

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

Subject: DC/21/01735 - Consultation response

Dear Sir/Madam

Application ref: DC/21/01735

Our ref: 369693

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

Loz Burrige
Natural England
Consultation Service
Hornbeam House
Crewe Business Park, Electra Way,
Crewe, Cheshire, CW1 6GJ

Enquiries line: 0300 060 3900

Email: consultations@naturalengland.org.uk

www.gov.uk/natural-england

Patron Her Majesty The Queen

The British Horse Society

Email enquiry@bhs.org.uk

Abbey Park,

Website www.bhs.org.uk

Stareton,

Tel 02476 840500

Kenilworth,

Fax 02476 840501

Bringing Horses and People Together

Warwickshire CV8 2XZ

The logo for The British Horse Society, featuring the text "The British Horse Society" in white on a dark red square background.

Alex Scott
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich
IP1 2BX
Via email

25th March 2021

Dear Sir/Madam,

RE: DC/21/01735 | Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility | Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

I am responding to this consultation on behalf of The British Horse Society, an equestrian Charity which represents the 3 million horse riders in the UK. Nationally equestrians have just 22% of the rights of way network. In Suffolk, they have just 18% of the rights of way network, increasingly disjointed by roads which were once quiet and are now heavily used by traffic resulting from development within the County. It is therefore important that these public rights are protected.

The British Horse Society has no objection to this application in principle but believes that historical evidence indicates Fressingfield Footpath 73 is under recorded as a footpath and there are unrecorded rights up along Green Lane to Hunter's Lane, these routes can be reasonably alleged to subsist at a minimum of bridleway status. This public right should be asserted and not be allowed to be subsumed within this development or anything beyond it. As identified and supported in the applicant's 'Public access taster' document showing "This section of the green lane (a PROW and historically a main route Metfield – Fressingfield)". An application to the County Council to have them recorded as such is likely to be forwarded in due course. The routes shown on the map below should be upgraded to at least Bridleway status if not Restricted Byway status as a condition of the permission being granted.

The British Horse Society is an Appointed Representative of South Essex Insurance Brokers Limited who are authorised and regulated by the Financial Conduct Authority.

Registered Charity Nos. 210504 and SC038516. A company limited by guarantee. Registered in England & Wales No. 444742



Yours sincerely

Charlotte Ditchburn (Miss.)
Access Field Officer, East Region

Your Ref:DC/21/01735
Our Ref: SCC/CON/4462/21
Date: 6 October 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

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

For the attention of: Jasmine Whyard - MSDC

Dear Jasmine

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/01735

PROPOSAL: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

LOCATION: Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD

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

The latest plans and submitted documents do not change the previous recommendations of the Highway Authority (dated 07/06/21).

Noted that the previously recommended visibility condition is not considered necessary, and accept that only the condition related to parking will be included if the proposal is permitted.

We would also support any additional conditions related to providing a passing bay and encouraging sustainable travel.

Yours sincerely,

Ben Chester

Senior Transport Planning Engineer

Growth, Highways and Infrastructure

Your Ref:DC/21/01735
Our Ref: SCC/CON/2427/21
Date: 7 June 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

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

For the attention of: Jasmine Whyard

Dear Jasmine,

TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION RETURN: DC/21/01735

PROPOSAL: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

LOCATION: Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD

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. 20/001/AD-VS with an X dimension of 2.4m and a Y dimension of 200m to the East and 180m to the South and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 19/029/BP/P 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.

Note: The proposals impact on the public highway is negligible as the vehicular access has adequate visibility splays to support the intensification of use the development would create. It must be noted that the private lane would benefit from widening and increased forward visibility.

Yours sincerely,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure

From: Chris Ward

Sent: 25 March 2021 07:31

Subject: RE: MSDC Planning Consultation Request - DC/21/01735

Dear Alex,

Thank you for consulting me about the proposed change of use application at Wakelyns Farm in Fressingfield. Having reviewed the application documents submitted, I have no comment to make, as the development does not meet the thresholds of requiring a Travel Plan in accordance with the Suffolk Travel Plan Guidance.

Kind regards

Chris Ward

Travel Plan Officer

Transport Strategy

Strategic Development - Growth, Highways and Infrastructure

Suffolk County Council

From: GHI Floods Planning

Sent: 25 March 2021 10:59

Subject: 2021-03-25 JS Reply Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD Ref DC/21/01735

Dear Alex Scott,

Subject: Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD Ref DC/21/01735

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/01735.

We have reviewed the following submitted document and we recommend **approval** of this application.

- Level 1 Flood Risk Assessment & Drainage Strategy Ref IE21/012 - FRA and Drainage Strategy

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

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council
Growth, Highway & Infrastructure

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

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

Your Ref:
Our Ref: FS/F180720
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 26/03/2021

Dear Sirs

Wakelyns Farm, Metfield Lane, Fressingfield Eye IP21 5SD
Planning Application No: DC/21/01735

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 Authority recommends (the use of an existing area of open water as an emergency water supply (EWS)).

Criteria appertaining to Fire and Rescue Authority requirements for siting and access are available on request from the above address.

/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: houchell.design@btinternet.com

Enc: Sprinkler information



15th April 2021

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

By email only

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

Application: DC/21/01735
Location: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD
Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Dear Alex,

Thank you for consulting Place Services on the above application.

No objection subject to securing ecological mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (SWT Trading Ltd, June 2020) submitted by the applicant, relating to the likely impacts of development on designated sites, protected and Priority Species & Habitats.

The Preliminary Ecological Appraisal (SWT Trading Ltd, June 2020) has advised that although there are no plans to remove any scrub or hedgerow, if mobile homes or glamping pods are sited close to the northern end of the eastern field, there could be an impact upon breeding turtle dove. Therefore, it has been recommended that the mobile homes are positioned towards the south of the eastern fields to reduce potential disturbance. In addition, the glamping pods should not be located close to the scrub/hedgerow during bird nesting season, which separates the fields from the agroforestry area containing hazel coppice.

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 Preliminary Ecological Appraisal (SWT Trading Ltd, June 2020) should be secured and implemented in full. This is necessary to conserve protected and Priority Species. Therefore, it is highlighted that

The Preliminary Ecological Appraisal (SWT Trading Ltd, June 2020) describes the hedgerows and rows of agroforestry trees as offering moderate suitability for foraging and commuting bats, with excellent connectivity and high invertebrate abundance associated with the water bodies. We therefore recommend that a Wildlife Friendly Lighting Strategy is implemented for this application, if external lighting is required. 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 <2700k. 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 170[d] & 175[d] of the National Planning Policy Framework 2019. This includes altering the mowing regime in the fields proposed for the siting of the mobile homes to improve the remaining grassland.

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 (SWT Trading Ltd, June 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 and enhance 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 (Priority habitats & species).

2. ACTION REQUIRED: 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 (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the 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

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.

Place Services
Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH
T: 0333 013 6840
www.placeservices.co.uk
[@PlaceServices](https://twitter.com/PlaceServices)



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

14/10/2021

For the attention of: Jasmine Whyard

Ref: DC/21/01735; Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD

Thank you for re-consulting us on the Application for Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

We reviewed the revised plans and documents dated 23/9/21 and the comments in committee report dated 18/08/21. Further to the additional information supplied regarding screening of the pods, colour palette, parking etc and clarification on the location of the mobile homes to reduce the likely impact on the designated heritage asset, we have no additional comments to make at this point.

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

Kind regards,

Kim Howell BA (Hons) DipLA CMLI
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.





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

05/07/2021

For the attention of: Jasmine Whyard

Ref: DC/21/01735; Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD

Thank you for consulting us on the Application for Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

We reviewed the following documents within the application package:

Planning statement	Document	21.03.2021	David Houchell
Glamping pods elevations	Drawing	19/029/GP/2	
Proposed Location of Mobile Homes And Glamping Pods	Drawing	19/029/MH-GP	David Houchell
Pre-Application advice	Document	26.02.2020	MSDC

We welcome the information supplied and are supportive of this application in principle, however in the event that approval of this application is forthcoming, the comments and recommendations below should be taken into account to ensure due consideration for landscape and green infrastructure has been given:

1. There is potential for visual impact from the erection of the mobile homes which will be semipermanent in nature. This is likely to be limited to the immediate vicinity such as when viewed from the PROW.
2. The intension is for the mobile homes to provide accommodation for seasonal workers means there will be associated features such as areas to sit out, paths, lighting etc. Measures to reduce the visual impact should be considered.
3. Also, in terms of the siting of the mobile homes we would prefer to see them located close to the existing buildings to restrict the creep of developed on the land.
4. The proposed Glamping Pods were shown in both black weather boarding and bright yellow. We would expect the exterior treatment to be in-keeping with the local vernacular of materials. As these features are intended to be movable we would seek clarification on any associated landscape elements.
5. The extensions to the existing building are unlikely to have a direct landscape impact. However we believe the proposal would have a number of indirect effects such as increasing the number of cars parked on site which would increase demand for hardstanding and inclusion of seating, signage etc.

In conclusion,taking the above into consideration we would ask that further information be supplied on the location and associated landscaping of the mobile homes, associated landscaping of the glamping pods, additional carparking location and materials, and any measures proposed to mitigate

the visual impact. Associated landscaping could include but not limited to paths, lighting, hard surfaced seating areas, car parking, clothes drying etc. These elements should give due consideration to their visual impact, ecological/environmental impact and be accessible/inclusive wherever possible.

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

Kind regards,

Kim Howell BA (Hons) DipLA CMLI
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.

Consultee Comments for Planning Application DC/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Jasmine Whyard

Consultee Details

Name: Paul Harrison

Address: BMSDC Heritage, Endeavour House, Ipswich IP1 2BX

Email: Not Available

On Behalf Of: Heritage Team

Comments

BMSDC Heritage consultation response

Jasmine

The area close to the listed farmhouse is now shown within the blue line, establishing a minimum distance between the mobile homes and pods and the listed building. This seems satisfactory in heritage terms although there may be a discrepancy between the two new plans in terms of scale.

In my view the impact of the proposal on the setting of the listed building would be similar but would result in a much lower degree of harm, below low. Accordingly I do not wish to offer further comment on the question of need.

Paul Harrison

BMSDC Heritage

15.10.2021

From: Paul Harrison <Paul.Harrison@babberghmidsuffolk.gov.uk>

Sent: 26 April 2021 16:50

To: Alex Scott <Alex.Scott@babberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Subject: DC 21 01735 Fressingfield

Heritage consultation response

Alex

The application is for change of use of land for glamping pods and mobile homes, and of a building for use in training in bakery.

The proposal was subject of a request for pre-application advice, but no approach was made to Heritage for pre-application advice. The request related to 6 mobile homes, glamping pods and use of part of the house. The advice was that existing buildings should be used, and the number of additional units required should be the minimum necessary, and should be sensitively located.

The application is now for 7 mobile units plus 12 glamping pods. This is in addition to accommodation in the house, which is not subject of this application.

Broadly I would support proposals for diversification of farming enterprises especially where the functional relationship between traditional rural buildings and the land is sustained. In my view the use of the existing building for baking and training in baking is unobjectionable in heritage terms.

The application does not appear to offer evidence to substantiate need for additional accommodation of the scale proposed, nor even to substantiate the need at all. By their own account, the enterprise has been operating for a not insignificant number of years, and presumably before that the farm operated possibly for centuries. Yet there is no evidence in the Council's record that on-site accommodation for permanent or seasonal agricultural workers has been necessary before now, and it is difficult to understand why this is so different now. Similarly, it is not explained why students from colleges in Norfolk and Suffolk would require accommodation. Notwithstanding these points, there is no explanation how the number of units was arrived at.

The block plan of areas proposed for the mobile homes and pods shows two large areas. It is not possible from this plan to understand what the impact on the setting of the listed farmhouse would be, but it does seem clear that, if approved, they could all be positioned as close to the listed farmhouse as possible and left there, and on this basis I consider that the application fails to establish that the proposal would cause no harm to the setting and significance of the farmhouse, or that harm would be avoided or minimised. The farmhouse benefits from surrounding agricultural land that preserves its original rural setting and allows its historic function to be readily appreciated.

In my view the proposal would result in harm to the setting of the listed farmhouse, at a level likely to be above low.

I recommend that the agent be asked to amplify why accommodation is needed, and why this number of units is needed. Notwithstanding this, I also recommend that any mobile homes and pods be located as far as practically possible from the farmhouse, and taking advantage of natural screening, so as to minimise their impact.

Paul

Paul Harrison

Heritage and Design Officer

Babergh and Mid Suffolk District Councils

T 01449 724677 | 07798 781360

E paul.harrison@babergmidsuffolk.gov.uk

E heritage@babergmidsuffolk.gov.uk

W www.babergh.gov.uk | www.midsuffolk.gov.uk

For our latest Coronavirus response please visit our website via the following link:

<https://www.midsuffolk.gov.uk/features/our-covid-19-response/>

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

Sent: 04 Oct 2021 02:21:32

To:

Cc:

Subject: FW: DC/21/01735 Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility.

Attachments:

From: Susan Lennard <Susan.Lennard@baberghmidsuffolk.gov.uk>

Sent: 04 October 2021 13:39

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

Cc: Susan Lennard <Susan.Lennard@baberghmidsuffolk.gov.uk>

Subject: DC/21/01735 Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility.

Dear Sirs

PLANNING APPLICATION NUMBER: DC/21/01735.

PLANNING PROPOSAL: Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility.

ENVIRONMENTAL PROTECTION COMMENTS REGARDING NOISE/LIGHT.SMOKE/ODOUR

LOCATION: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

I write with regard to the above planning application. I understand that this is a re consultation with regard to the additional information and amendments provided by the applicant. Having reviewed this information we would wish to make the following comments in addition to those recorded by this department previously;

ADVISORY NOTE

FOUL WATER DRAINAGE

Foul water is to be disposed of using cassette style toilets which will be emptied into the existing **Klargester Treatment Plant** on site. It is important that the applicant is aware of the need to ensure that both the capacity and the condition of this system is suitable for treatment of the additional foul water which would be generated as a result of this development.

We would wish to draw the applicants attention to the requirements of the updated Government General Binding Rules for small sewage discharge which must be met [General binding rules: small sewage discharge to a surface water - GOV.UK \(www.gov.uk\)](http://www.gov.uk) .

With Kind regards

Sue Lennard

Sue Lennard
Senior Environmental Protection Officer
Public Protection

Please note I am a part time officer working each Monday Tuesday and Wednesday each week.

Babergh and Mid Suffolk District Councils – Working Together

Page 79

Susan.lennard@baberghmidsuffolk.gov.uk

Thank you for consulting me on the above application for a change of use of land for siting 12 Glamping pods and up to 6 mobile homes.

I can confirm with regard to noise and other environmental health issues that I do not have any adverse comments and no objection to the proposed development.

David Harrold MCIEH
Senior Environmental Health Officer

Babergh & Midsuffolk District Councils
t: 01449 724718
e: david.harrold@baberghmidsuffolk.gov.uk

From: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Sent: 12 Oct 2021 10:30:56
To:
Cc:
Subject: FW: DC/21/01735
Attachments:

From: Simon Davison <Simon.Davison@baberghmidsuffolk.gov.uk>
Sent: 12 October 2021 08:42
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: DC/21/01735

Dear Jasmine,

APPLICATION FOR PLANNING PERMISSION - DC/21/01735

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility.

Location: Wakelyns Farm, Metfield Lane, Fressingfield, Eye Suffolk IP21 5SD.

Reason(s) for re-consultation: Revised plans submitted 23/09/21.

Many thanks for your request to comment on the application.

I have no objection to the Application DC/21/01735 and do not wish to request any conditions.

Kind regards

Simon Davison PIEMA
Senior Environmental Management Officer
Babergh and Mid Suffolk District Councils - Working Together

Mobile: 07874 634932
t: 01449 724728
email: simon.davison@baberghmidsuffolk.gov.uk
w: www.babergh.gov.uk www.midsuffolk.gov.uk

From: Jennifer Lockington <Jennifer.Lockington@baberghmidsuffolk.gov.uk>
Sent: 06 April 2021 13:17
To: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>
Subject: DC/21/01735, Fressingfield - Air Quality

Dear Alex

YOUR REF: 21/01735

OUR REF: 291021

SUBJECT: Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility
Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Please find below my comments regarding air quality matters only.

Thank you for your consultation on the above application.

I have no objections to make with regard to air quality.

Regards

Jennifer Lockington (Mrs)
Senior Environmental Management Officer
Babergh & Mid Suffolk District Councils - Working Together
tel: 01449 724706
www.babergh.gov.uk www.midsuffolk.gov.uk

Please note - I work Tuesdays and Wednesdays

Dear Alex

EP Reference : 291015

DC/21/01735. Land Contamination

Wakelyns Farm, Metfield Lane, Fressingfield, EYE, Suffolk, IP21 5SD.

Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility.

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.

Please could the applicant be made aware that we have updated our Land Contamination Questionnaire and advise them that the updated template is available to download from our website at <https://www.babergh.gov.uk/environment/contaminated-land/land-contamination-and-the-planning-system/>.

Kind regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babermidsuffolk.gov.uk

Work: 01449 724715

websites: www.babergh.gov.uk www.midsuffolk.gov.uk

Thank you for contacting us

We are working hard to keep services running safely to support and protect our residents, businesses, communities and staff through this period and beyond.

We will respond to your query as soon as possible. In the meantime, you can find the latest council information, including our response to Covid-19, on our website.



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.

From: Liz Keeble

Sent: 13 April 2021 15:56

To: Environmental Health <Environmental@babberghmidsuffolk.gov.uk>

Subject: RE: DC/21/01735 - Wakelyns Farm, Fressingfield - Saved to actions your WK 291013 (to Liz Keeble for info only)

Good morning

I do not appear to have received a consultation request. All consultation requests for the Caravan Licensing should be sent to the foodsafety@babberghmidsuffolk.gov.uk inbox in future to avoid being missed.

I have looked at the application and don't have any concerns as long as there is a minimum of 6 meter spacing between units, but was unsure about the mobile homes as to whether it will be for seasonal worker or permanent long term workers, which I would worry they would have enough insulation protection in the winter months. The planning site will not let me put my comments on as a consultee so I am letting you know by email.

It wasn't very clear.

Kind regards

Liz

Consultee Comments for Planning Application DC/21/01735

Application Summary

Application Number: DC/21/01735

Address: Wakelyns Farm Metfield Lane Fressingfield Eye Suffolk IP21 5SD

Proposal: Planning Application. Change of use of part of land for siting up to 12no glamping pods and up to 6no mobile homes. Retention of conversion of part of the farm building to create educational baking facility

Case Officer: Jasmine Whyard

Consultee Details

Name: Mr James Fadeyi

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

Email: Not Available

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

Comments

Good Afternoon,

Thank you for your email re-consultation on the reserved matters application DC/21/01735.

Waste services do not have no objection to this application.

Kind regards,

James Fadeyi

Waste Management Officer - Waste Services

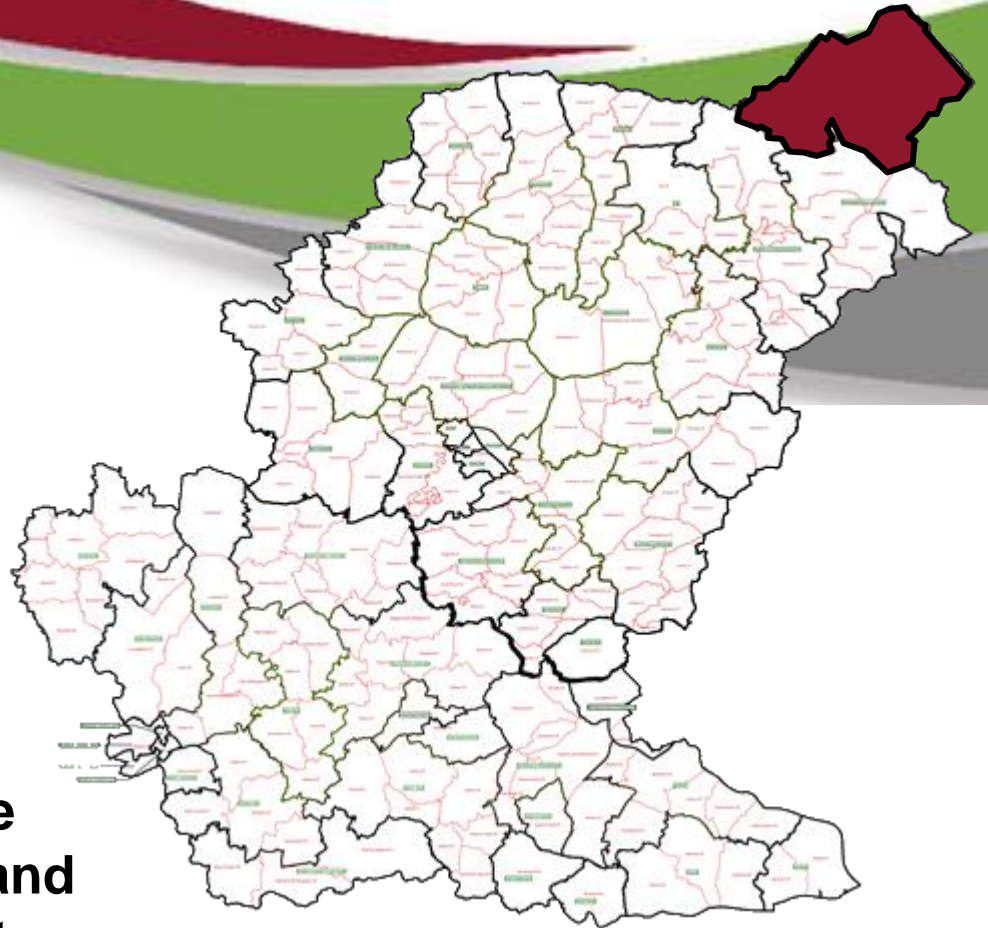
Application No: DC/21/01735

Address:

**Wakelyns Farm, Metfield Lane,
Fressingfield**

Proposal Type: Full

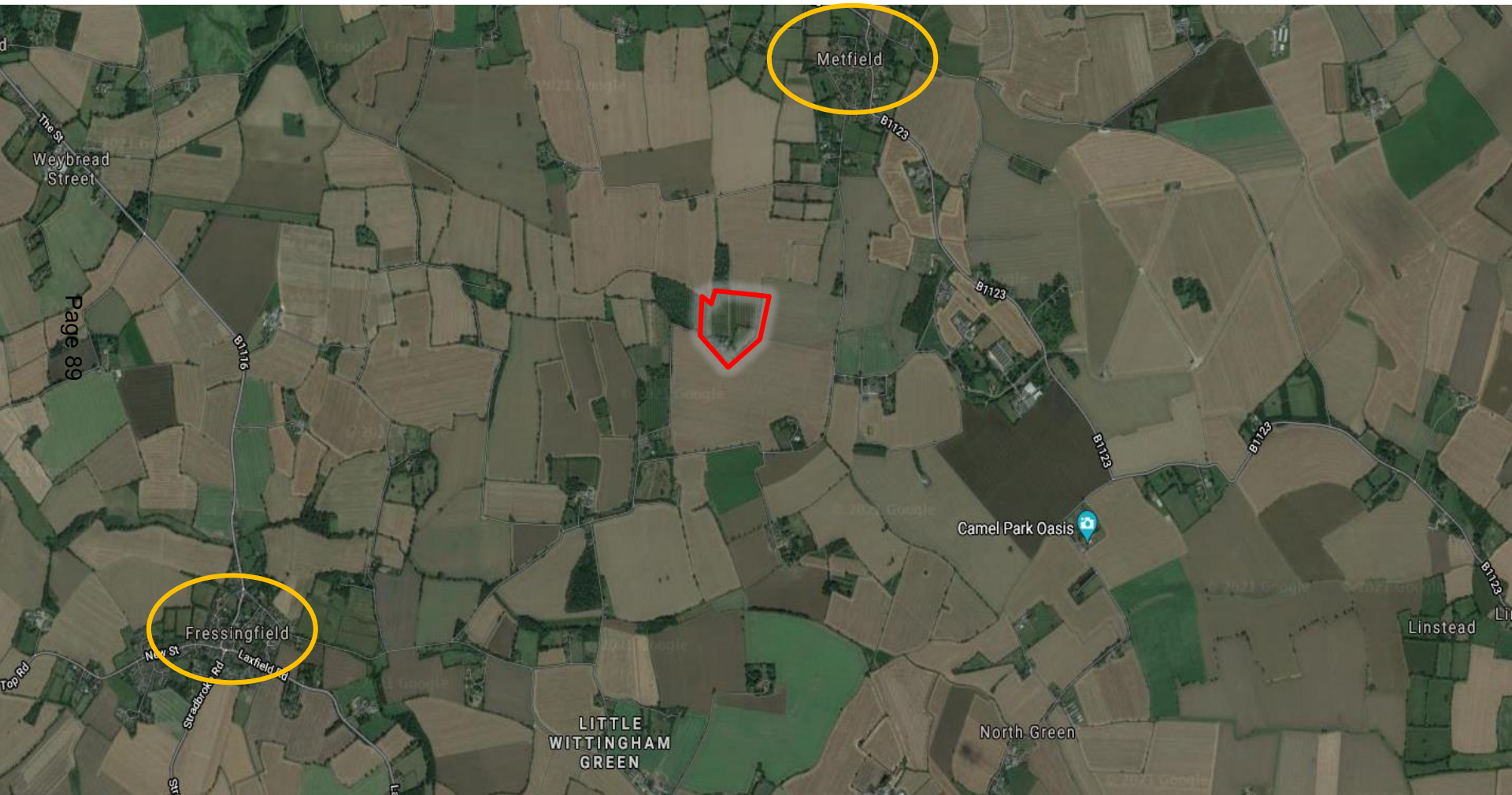
Proposal: Siting of 6 no. mobile homes, 12 no. glamping pods and retention of conversion works to create baking facility





This presentation is provided as a further visual and spoken accompaniment to the committee report and is not designed to supplant the information contained in that report.

It is intended to provide Members with an introduction to the application and a springboard for discussion of the information in the report, of points raised by speakers and in other representations



Site in Context

Slide 4

Page 90



Parish Location

Slide 5

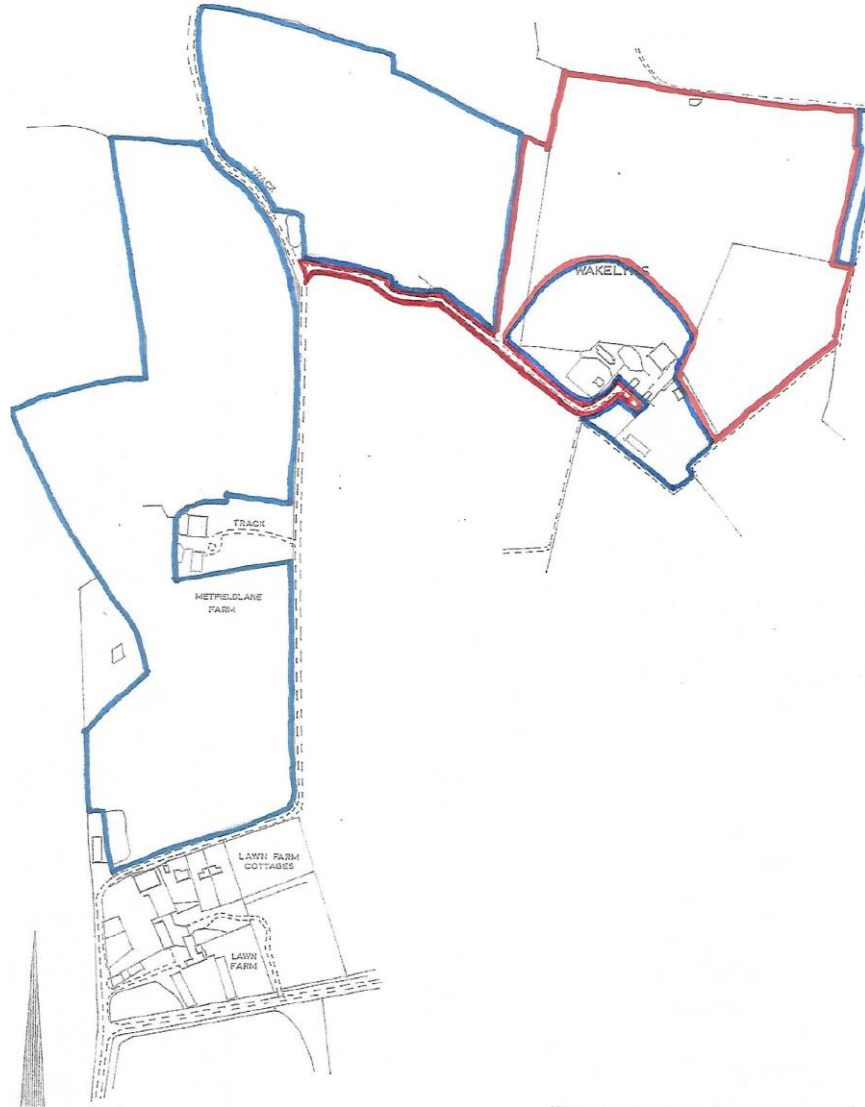


Page 91



Site Location Plan

Slide 6



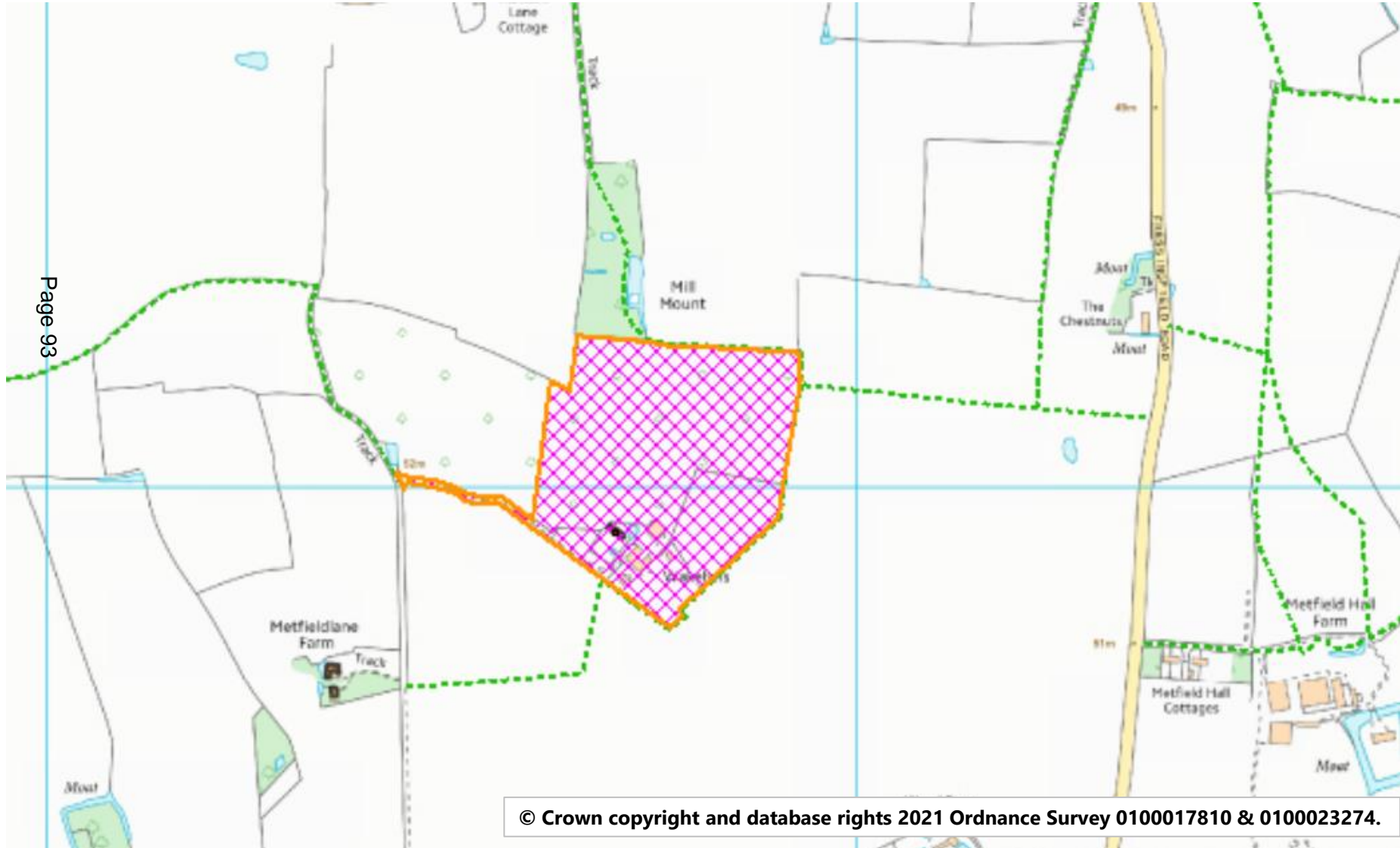
Constraints Map

Public Rights of Way

..... Footpath

Listed Buildings

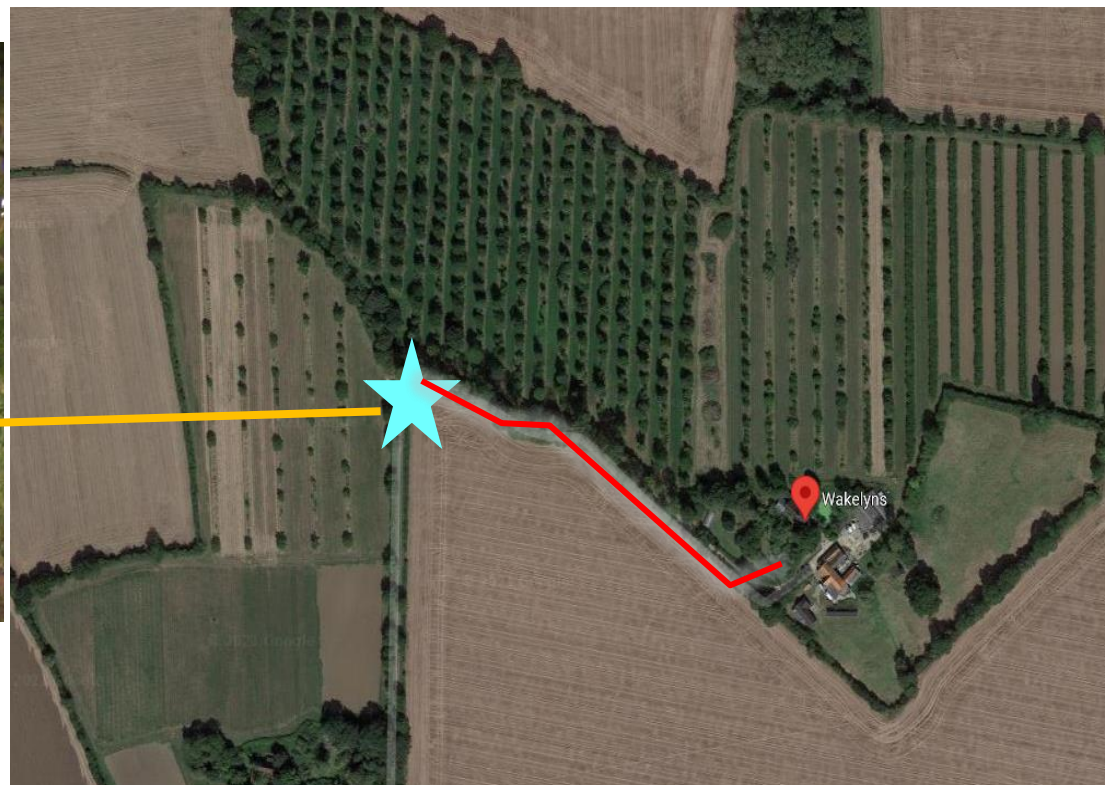
- Grade I
- Grade II
- Grade II*





Unmaintained highway

Slide 9

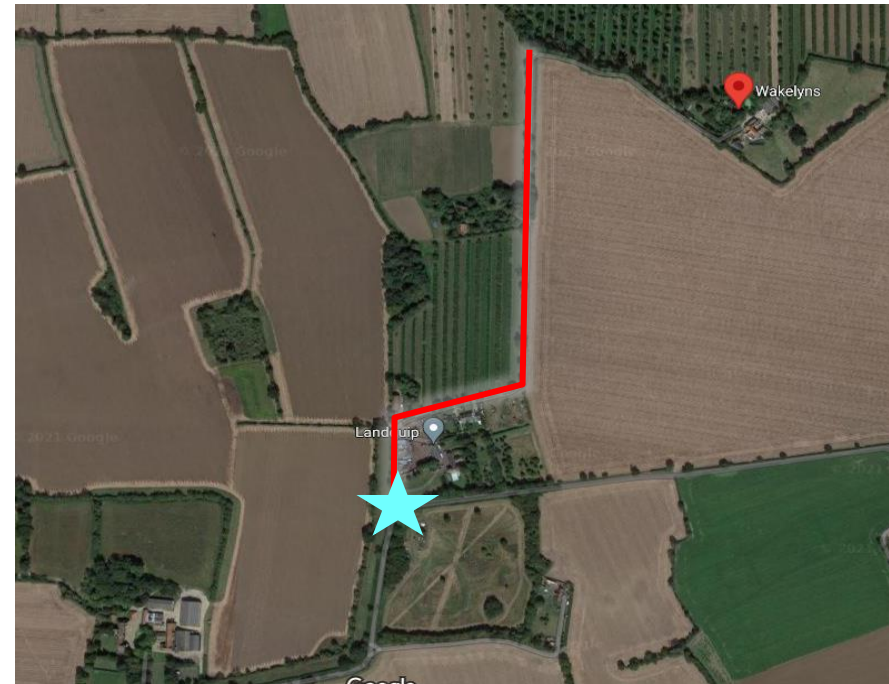


Metfield Lane and Fressingfield Road Junction

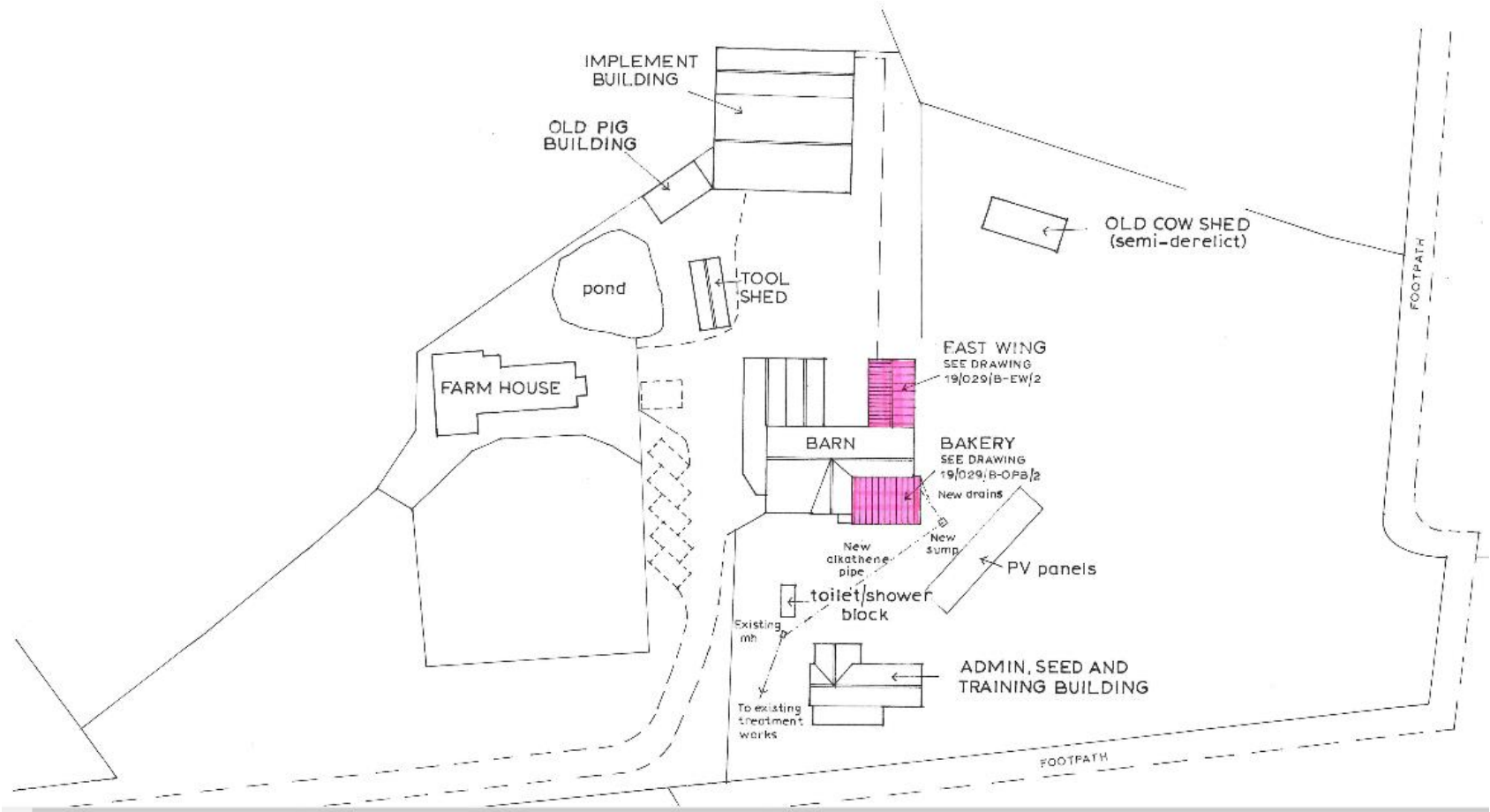
Slide 10



Page 96

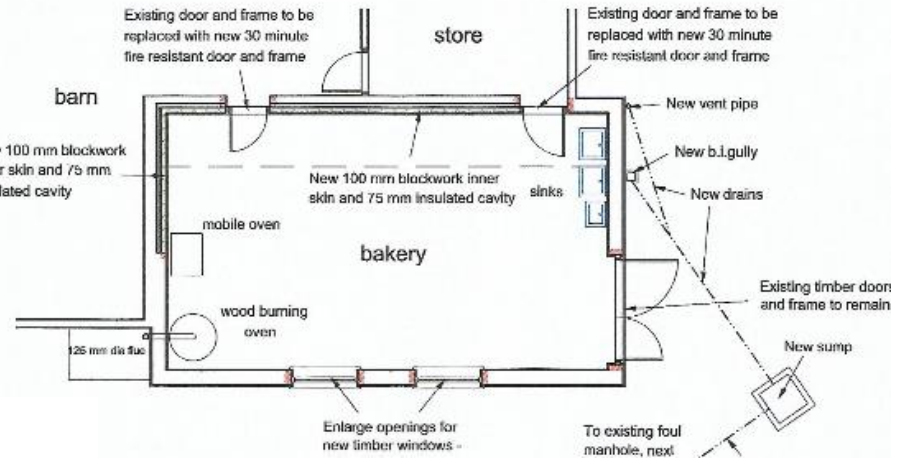
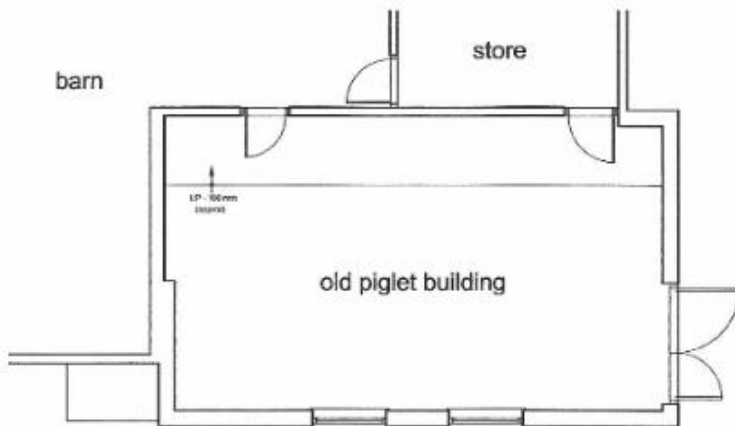
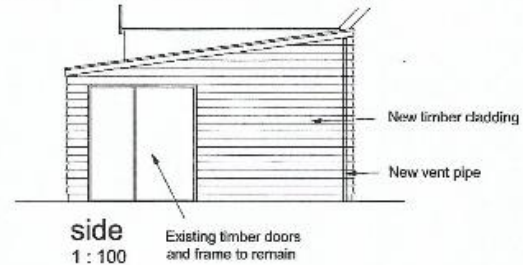
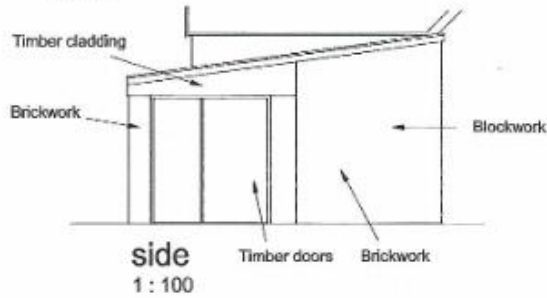
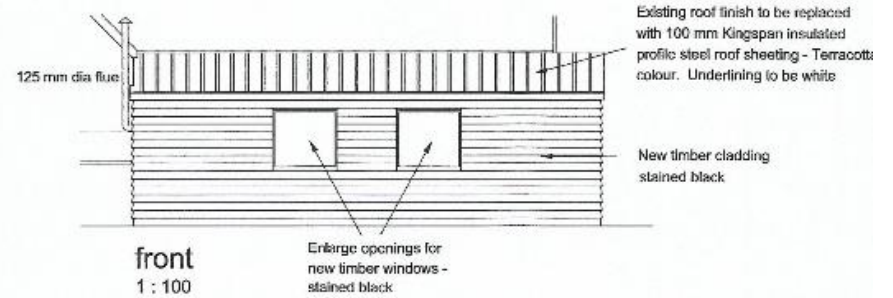
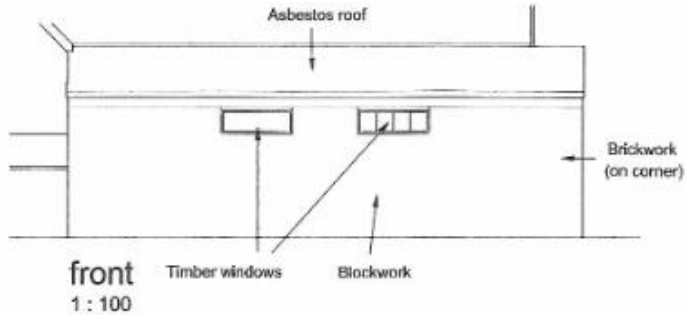


Site Plan



Retention of Bakery

Page 98



Original Building

Converted Building

Site Plan- Location of Glamping Pods and Mobile Homes



DO NOT SCALE - IF IN DOUBT ASK

Additional Notes
 Area for glamping pods to be min 75 m from Farmhouse.
 Area for glamping pods to be min 25 m from eastern boundary

Page 99

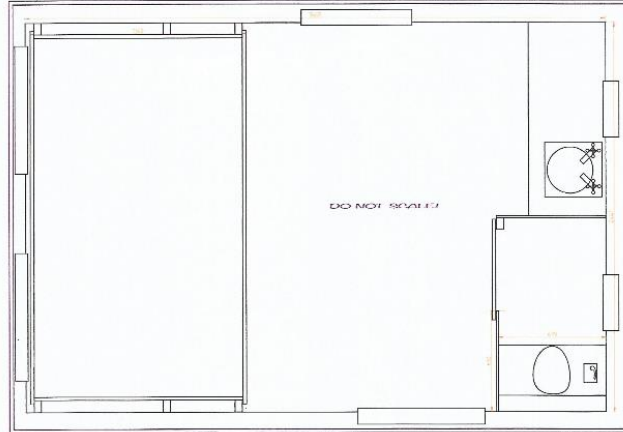
block plan
 scale 1:1250

A: 14.09.2021 Planni

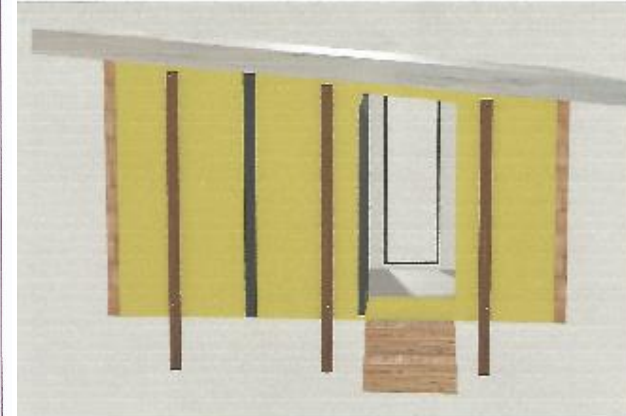
KEY	
	Indicates area for mobile homes. (see Note 1)
	Glamping pods to be spaced amongst the mobile homes. (see Note 2)
	Indicates area for 1 mobile home. (see Note 1)
	Indicates area for glamping pods. (see Note 2)
	Denotes direction of flow - Farm drainage ditch

Glamping Pods

Slide 14



Glamping Pod - Floor Plan
Internal Dimensions - 3.660m x 2.441m



Glamping Pod - Front Elevation



Glamping Pod - Front/Side Elevation

Mobile Homes

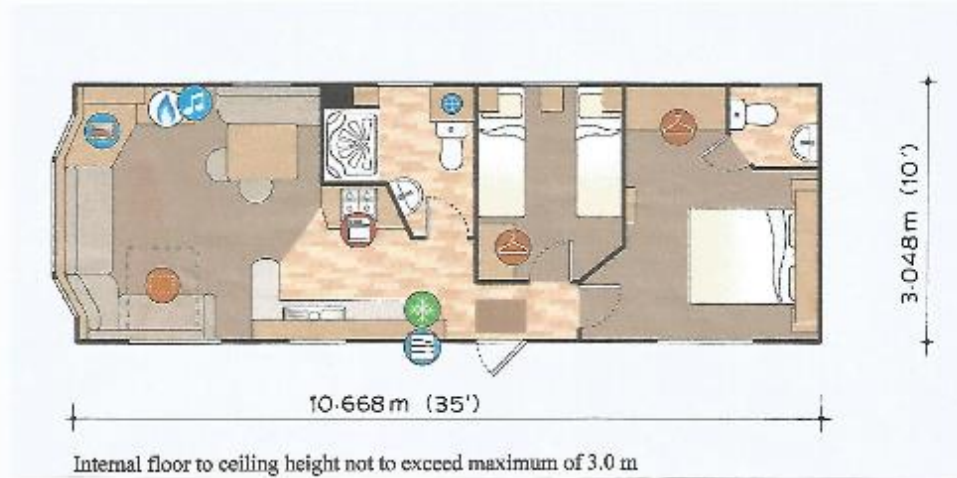


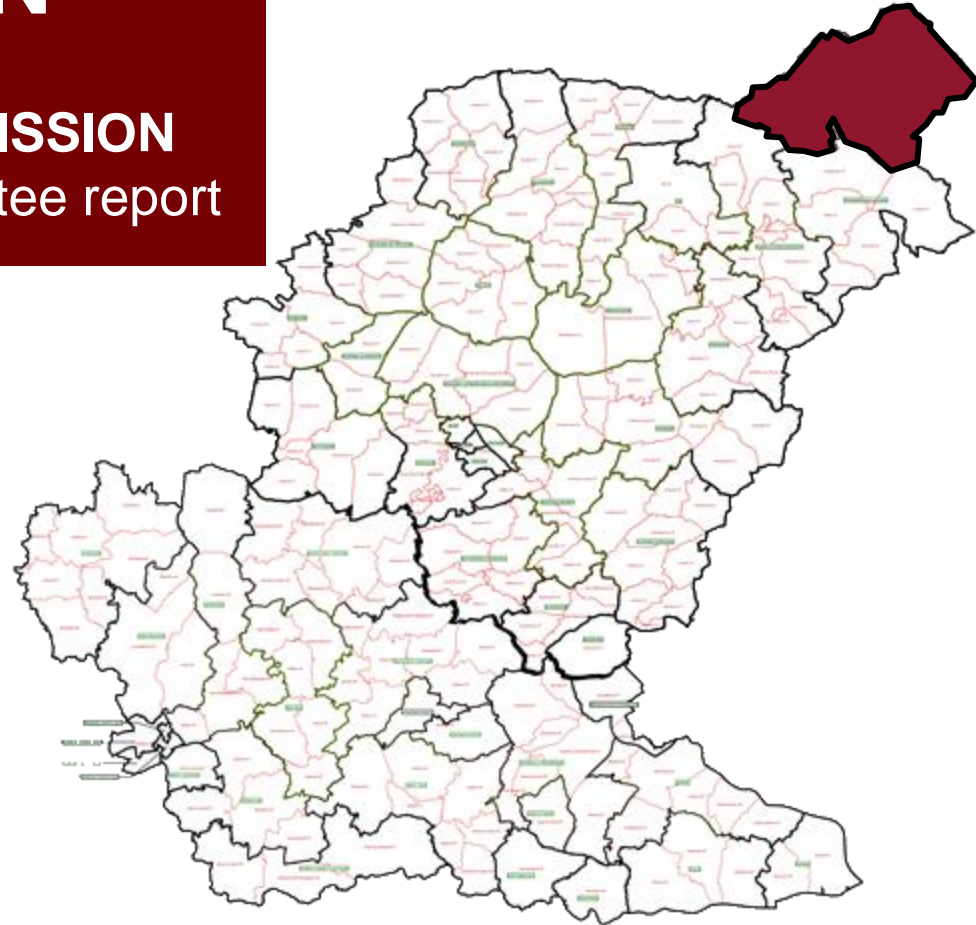
Figure 1 - Typical Floor Plan



Figure 2 - Typical Elevation

RECOMMENDATION

APPROVE FULL PLANNING PERMISSION
for the reasons set out in the Committee report



Agenda Item 7b

Committee Report

Item 7B

Reference: DC/21/03292

Case Officer: Bron Curtis

Ward: Bacton

Ward Member: Cllr Andrew Mellen.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Location

Land South of Birch Avenue, Bacton, Suffolk, IP14 4NT

Expiry Date: 10/09/2021

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Bellway Homes

Agent: Mr Sav Patel

Parish: Bacton

Site Area: 4.90ha

Density of Development:

Gross Density (Total Site): 17dph

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

The Committee has previously considered and granted outline planning permission for a development of the same nature and scale as is proposed here on this site. Please see the details of permission reference DC/18/05514 below.

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 (Reference DC/20/05112)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The proposal is an application for the provision of more than 15 dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development
FC2 - Provision And Distribution Of Housing

CS1 - Settlement Hierarchy
CS2 - Development in the Countryside & Countryside Villages
CS5 - Mid Suffolk's Environment
CS6 - Services and Infrastructure
CS9 - Density and Mix

GP1 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H7 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T9 - Parking Standards
T10 - Highway Considerations in Development
CL8 - Protecting wildlife habitats

Supplementary Planning and other documents:

Suffolk Adopted Parking Standards (2015)
Suffolk Design Guide

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

Bacton Parish Council (Appendix 3)

SUPPORT:

- Ask for assurance that the entry from Pulhams Lane will lead to a right of way.
- Request consideration be given to the siting of affordable homes.
- Seek confirmation that dwellings 78, 81 and 82 are single storey, as suggested in the previous outline permission, to avoid loss of amenity to current residents.

National Consultee (Appendix 4)

Anglian Water: Comments

- No AW assets within the site.
- Wastewater systems have capacity available.
- Preferred method of surface water disposal is SuDS.
- Refer to LLFA, EA and IDB.

British Horse Society: No objection

- Feel the development should make provision for equestrians as well as pedestrians and cyclists
- Query the accurate recording of the right of way to the west of the site on the Definitive Map.
- Condition to restrict use of the right of way to bridleway or by way.

Historic England: No objection

- No designated assets within the site or immediate locality.

Natural England: No comment

NHS England: Comment

- CIL has been requested to increase capacity at the Bacton branch of Mendlesham surgery and work is underway.
- No NHS mitigation required from this development.

County Council Responses (Appendix 5)

SCC Active Travel Officer: No comment

SCC Archaeology: Comment

- The area is of archaeological interest
- The development has high potential to disturb below ground assets
- Conditions recommended

SCC Developer contributions: Comments

- Efforts to address local concerns are noted.
- This scheme is an alternative to the outline permission previously granted which is a fallback position.
- Therefore, the obligations previously secured should be attached to this permission, if granted, by DoV.

SCC Floods: Comments

- Propose details are acceptable.

SCC Fire and Rescue: Comments

- Must comply with Building Regs
- Fire hydrants condition required
- Sprinklers recommended

SCC Highways: Comments

- Layout acceptable
- Conditions recommended
- New bus stops on Pound Hill required – to be agreed with and delivered by SCC

Further comments:

- New bus stops request will not be pursued for this application

SCC Rights of Way: Comments

- The site includes PROW 13 and a claimed route. Both are shown on the submitted plans.
- Proposal acceptable.
- Information relating to PROWs provided.

Internal Consultee Responses (Appendix 6)

MSDC Arboricultural officer: No objection

- Condition recommended to secure development in accordance with arboricultural report
- Small number of trees being removed are not of significant amenity value to be a constraint

MSDC Environmental Health – Air quality: Comments

- Not of a scale likely to compromise the good air quality of the area.

MSDC Environmental Health – Contamination: Comments

- No land contamination assessment submitted

MSDC Environmental Health – Noise / Odour, etc.: Comments

- Noise assessment shows an adverse impact on the dwellings closest to the railway line.
- Measures to mitigate the impact, by layout and acoustic attenuation, can be secured by condition.
- Conditions recommended

MSDC Environmental Health – Sustainability: Comment

- Condition recommended for sustainability and energy scheme

MSDC Heritage: Comments

- No assets within the site or close proximity.
- There is a cluster of listed buildings to the west forming the oldest part of the village including St. Mary's church, Church Farmhouse and Pretty's House.
- Tree and hedge cover prevent intervisibility between the site and assets.
- Due to the distance of assets from the site there will be no harm to designated assets.
- No objection.

MSDC Public Realm Officer: Comments

- Open space, LEAP and biodiversity enhancements are acceptable.
- No objection

MSDC Landscape: Comments

- Additional / amended information is welcome.
- Some further / alternative details are still required to effectively mitigate the development
- Conditions recommended.

MSDC Ecology: Comments

- No objection subject to mitigation
- Information submitted is sufficient for determination
- Mitigation in the ecological assessment should be secured
- Conditions recommended.

MSDC Housing Enabling Officer: Comments

- No objection
- 35% affordable housing
- Mix of tenure is slightly reduced and affordable ownership is less than 10%
- AH distribution is acceptable.
- Some concerns regarding non-compliance with tenure-blind design principles
- A greater number of smaller homes would be preferred by policy does not specify a mix.
- There is no information to confirm if the dwellings would comply with national space standards, although this is not currently adopted by the council it is in the emerging JLP.

B: Representations

At the time of writing this report at least 4 letters/emails/online comments have been received. It is the officer opinion that this represents 4 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Children have enjoyed playing on 'the hills' for years. This will be lost to the revised access arrangements and seems to be no replacement play space in the scheme.
- Housing mix has changed and does not include enough smaller homes to address needs of the community.
- This is a different scheme to the one previously agreed to.
- Planting of southern boundary needs to be better.
- Some areas of poor design and some suggestions for improvement.
- Acoustic fence is inadequate and a utilitarian feature that will not ensure amenity.
- The existing estate of dwellings is predominantly bungalows.
- Northern boundary planting is welcome but not enough to mitigate the impact of 2 storey dwellings and has been greatly reduced from that indicated on the outline application.
- The outline permission was for bungalows on the northern boundary in response to concerns from adjacent residents and to address local housing need.
- Bellway have disregarded the requirements in the s106.
- Loss of amenity, privacy and light to Pretyman Avenue dwellings and gardens due to 2 storey dwellings on the northern side of the site.
- New road layout will be far safer than that approved at outline.
- Suggest review of junction of Birch Avenue and Pound Hill where parked cars block visibility.

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

PLANNING HISTORY

REF: DC/18/05514

Outline Planning Application (some matters reserved) Residential development of up to 85 dwellings and access, siting for a new community building including an independent

DECISION: GTD
12.06.2020

access, and a children's play area.

REF: DC/21/03406

Application for consent to display an Advertisement(s) - Installation of 2no. flags and 1no. post mounted sign

DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The 4.90ha site is located to the south of an existing estate of dwellings comprising Birch Avenue, Pretyman Avenue and other residential roads on the southern side of the centre of Bacton village. Bacton is designated as a 'Key Service Centre'. The site's northern boundary adjoins the village's existing defined settlement boundary.

1.2. The site comprises agricultural land that has been in arable use. Residential development (Pretyman Avenue and Birch Avenue estate) is to the north, with the site's northern boundary bordered by the rear gardens of properties on Pretyman Avenue. A row of power lines run across the northern boundary. The site's western boundary is adjoined by a public right of way bridleway and a series of mature trees. The eastern boundary abuts the Norwich to London rail line. The southern boundary is open with further arable fields beyond. On the eastern side of the railway line are sports playing fields and a clubhouse for Bacton United FC.

1.3. The main vehicular access to this site is from the corner of Pretyman Avenue/Birch Avenue, passing in front of number 29 Birch Avenue and across an area of grassed land known as 'The Hills' and owned by MSDC.

1.4. The site is not in, adjoining or within proximity to a Conservation Area, nor is there a Conservation Area in Bacton. The site is also not in a Special Area of Conservation or Special Landscape Area. Listed buildings are clustered around Church Road and The Street, the closest being approximately 200m from the site.

1.5. The site is in Flood Zone 1, the lowest risk of flooding, and does not lie within a critical drainage area.

2. The Proposal

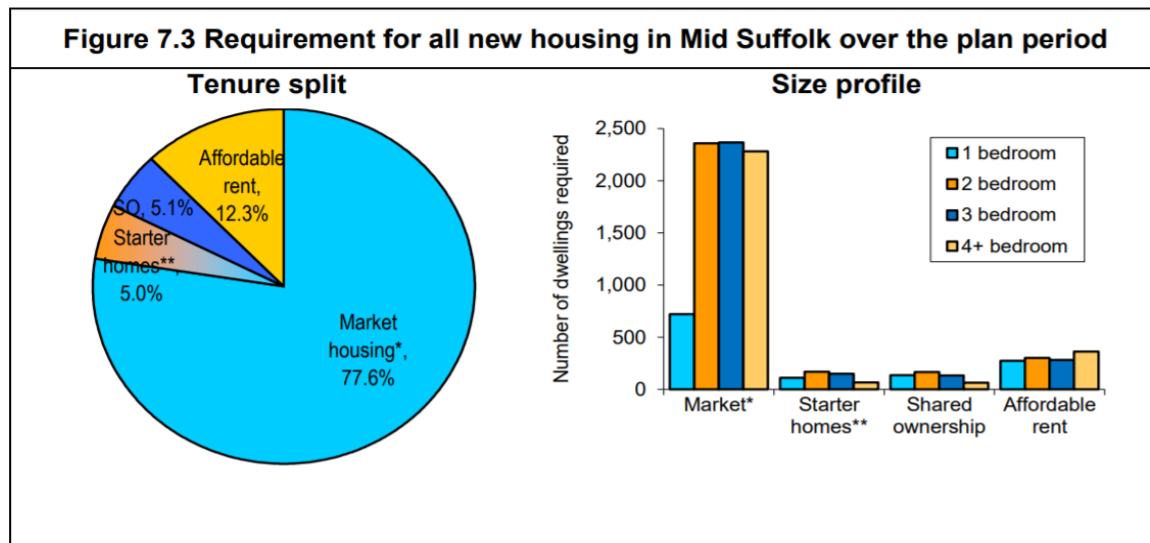
2.1. This application seeks permission for the development comprising the following key elements:

- Erection of 85 dwellings (including 30 affordable dwellings)
- Construction of a new vehicular access from Birch Avenue
- Construction of new internal roadways and footways
- Construction of footway links to Pretyman Avenue, Birch Avenue, footpath 13 and the track leading to Pulham's Farm.
- Use of land for recreational open space
- Installation of play area
- Provision of land within the site for a community building (the erection of the building itself is not part of this proposal)
- Installation of SuDS including an attenuation basin
- Provision of hard and soft landscaping and planting.

2.2 85 dwellings are proposed, including 30 affordable dwellings, arranged in an informal estate-type layout. Affordable dwellings are located in two areas on the eastern and western sides of the site and are interspersed / grouped with open market homes. Whilst the distribution of affordable dwellings is not the preferred 'pepper-potting' throughout the whole development the affordable dwellings are not clustered together or entirely separate from open market dwellings. The mix and tenure of dwellings is as follows:

Affordable rent	Shared ownership	Open market
2 x 1 bed maisonette	2 x 2 bed bungalow	3 x 2 bed bungalow
2 x 2 bed maisonette	5 x 2 bed house	4 x 2 bed house
3 x 2 bed bungalow	1 x 3 bed house	27 x 3 bed house
12 x 2 bed house		21 x 4 bed house
3 x 3 bed house		

2.3 It is acknowledged that there is a higher proportion of the larger (3 and 4 bed) house sizes within the market dwellings and not as many 2 bed dwellings as would represent a preferred mix of dwelling sizes, as set out in the joint authorities' Strategic Housing Market Assessment (SHMA), illustrated by the Figure 7.3 extract from that document below:



*Market housing includes both owner-occupied and private rented **Starter homes figures represent potential demand rather than a requirement

The market housing size mix for the development is as follows:

Size of dwelling	Number of dwellings	% of market housing element
1bed	0	0

2bed	7	12.7
3bed	27	49.1
4+bed	21	38.2

However, the proposal includes a range of house types, sizes and affordability at an appropriate density as well as on and off-site infrastructure as detailed below. The scheme is considered to reflect the objectives of CS9.

2.4 All dwellings will comply with the accessible and adaptable dwellings standard and the affordable dwellings will all comply with the internal space standards set out in the Nationally Described Space Standards (2015). All dwellings have an area of private, enclosed garden space and on plot, or close-by allocated, parking. There are garages proposed on 21 plots. It is also notable that the design of the scheme has been informed by the submitted sustainability statement and includes air source heat pumps to every dwelling as well as almost entirely A+ green rated materials, water efficient fittings, electric vehicle charging to all dwellings with on-plot parking spaces, adaptable internal spaces to allow for home working and pollution and waste management measures.

2.5 Parking in accordance with the Suffolk County Council Parking Standards (2019) is proposed with a 30 bay car park and space for cycle parking within the community facility area (these details do not form part of this application and will be secured by a future planning application) and a total of 222 car parking spaces for the housing development distributed as follows:

Garage space	26
On-plot / at-hand parking	175
Visitor bay parking	21
Cycle store	1

2.6 The proposed facing materials for the dwellings are a mix of red, red mix and buff bricks, white render and cream or grey weatherboarding that are to be used across the development and are considered to be in keeping with of the Suffolk vernacular. Proposing roof tiles are a mix of red or red-orange coloured tile or a slate-like tile. The main access road would be black top and speed control / shared surfaces / parking areas would be block paved in contrasting colours to break up the visual dominance of the hard surfaces and add interest to the overall development. Fenestration will be white UPVc and rainwater goods black UPVc.

2.7 A detailed landscaping plan and planting proposal have been submitted which demonstrate the proposed boundary treatments, public side landscaping, tree planting and the mitigation of the railway and countryside boundaries. Specific landscape elements include:

- A planted landscape buffer to the northern boundary to mitigate impact son existing residents of Pretyman Avenue.
- Areas of informal space adjacent to the community facility and within the site
- Area for the provision of a LEAP play space
- Pedestrian footways around the areas of open space, along the route of the right of way and linking to Pretyman Avenue and the track to the west of the site
- Tree planting and grassed public areas including street trees.
- A landscaped attenuation basin is proposed to the west of the 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).

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 significantly and demonstrably outweigh the benefits. The age of policies alone does not cause them to cease to be part of the development plan or become “out of date”.

3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. Weight can be attributed to policies based on their consistency with the requirements of the NPPF.

3.4 The application site adjoins the existing settlement boundary of Bacton and lies within the countryside for the purposes of planning policy. Policy CS2 places strict control over development within countryside and seeks to prevent the creation of new market dwellings within it. Local Plan policy H7 has similar aims. The application is contrary to the principle of these policy objectives.

3.5 The NPPF similarly seeks to avoid the creation of isolated new homes within the countryside. Recent court decisions have clarified that the definition of isolation within the policy refers to physical isolation from a settlement. Given the proximity of this site to existing residential development and that the adjoins the settlement boundary the site is not considered to be isolated.

3.6 The relevant policies have been assessed for their consistency with the NPPF. In respect of the Focused Review, Core Strategy and Local Plan, it cannot be considered that the policies providing for the delivery of housing can be held in full accordance with the NPPF having regard to the circumstances of this application. Policies with regards to sustainability, in particular FC1.1, do however accord with the overarching principles of the NPPF and are given weight accordingly. Therefore, the weight attributed to those policies is limited and the identified conflict with these policies and fact the site lies outside of the existing settlement boundary is not considered to be fatal to the determination of this application.

3.7 Paragraph 11(d) of the NPPF states that if the most important Local Plan policies for determining a planning application are out of date, the application should be approved unless: policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (11.d.i.); or, the harms caused by the application significantly outweigh its benefits when assessed against the policies of the NPPF as a whole (11.d.ii). This latter limb is known as ‘the tilted balance’ where the NPPF presumption in favour of sustainable development can be given more weight in the assessment of applications. The tilted balance is itself broadly contained within the development plan under policy FC1.

3.8 Paragraph 11 (d) ii is engaged in the determination of this application as the most important Development Plan policies relevant to the delivery of housing in the countryside as in this case, being policies CS1, CS2 and H7, are out of date when considered in context with the NPPF . The principle of the proposed development is generally acceptable subject to the assessment of the severity of adverse impacts weighed against the benefits of the proposal, as set out below. Paragraph 11.d)i. is not engaged in this case i.e. there are no Framework policies, relating to protected areas or assets of particular importance, that provide a clear reason for refusing permission in this case.

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 consistent with the NPPF on promoting sustainable transport, and therefore is up-to-date and afforded full weight.

4.2. 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.

4.3. Access to the site is proposed from Birch Avenue as a continuation of that highway to the south into the site across a small area of grassed amenity land in the ownership of MSDC and known locally as 'The Hills'.

4.4. The access road leads onto a series of internal roadways serving the dwellings and associated parking and turning areas as well as a car park for a new community building.

4.5. The access arrangement is different to that considered by the Committee at the outline stage in which the development was to be accessed from Pretyman Avenue with a secondary access from Birch Avenue to serve the community facility. This change has been made in response to concerns raised by the local community regarding the impact of the access arrangements of parking and amenity.

4.5. The SCC Highways officer has confirmed that the details of the proposal are acceptable and they recommend conditions to secure details and provision of the access, road and footways, parking and turning areas, etc.

4.6. The SCC Developer Contributions officer had originally asked for additional bus stop provision within the village to be secured by this development but on further discussion have confirmed that they will not pursue this contribution by condition if permission is granted. For Members information, bus stops provision was not the subject of any of the conditions on the outline or the associated planning obligation and, as a CIL liable development this item of infrastructure can be delivered through the CIL bidding and funding process.

4.7. On the basis of the SCC advice there is not considered to be any unacceptable highway safety impacts where there would be no severe impact on the local highway network, and safe and suitable access can be secured for all users.

5. Design And Layout

5.1 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.

5.2 Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.

5.3 Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.

5.4 The design and layout of the proposal has been developed in response to community engagement, pre-application and consultation advice. Some concerns have been raised relating to the design of the proposal, in particular in relation to the dwellings along the northern side of the site, adjoining the rear gardens of dwellings on Pretyman Avenue.

5.5 Although scale, design and layout were matters reserved from the outline application the indicative details showed a planted buffer along the rear boundaries of the Pretyman Avenue dwellings and single storey dwellings on the northern side of the site. In granting the outline permission the Committee imposed a condition that there should be no buildings of more than single storey within 20m of the northern boundary of the site. The submitted plans show 14 proposed dwellings along the northern side of the development, 6 of which are two storey and all of these are sited 20m from the site boundary with only single storey dwellings and garages closer than this. The plans also show a proposed planted screening buffer and access strip between the rear gardens of the new dwellings and those of Pretyman Avenue.

5.6 The size, layout, architectural features and materials of the proposed dwellings are of a traditional style typical of newer developments permitted elsewhere in the village and the wider district. The appearance, size, layout and materials proposed are considered to be in keeping with the overall style of built development in the village which comprises a mix of house sizes, ages and materials.

5.7 The development is laid out in a small, informal estate arrangement, similar to the adjacent existing estate but with more features such as roadside planting and swales, contrasting surface materials, speed control measures which help to create interest in the design and layout of the scheme and to create a series of discrete but interlinked spaces to integrate the experiences of residents, visitors and recreational users. The scheme also includes a soft landscaped buffer to all boundaries, an area of informal recreational open space including a soft surfaced area for the provision of a LEAP play area and a SuDS attenuation basin. Collectively, the design features of the proposal serve to help mitigate the visual impact of the development and facilitate the transition of the site from village edge to open countryside.

5.8 Overall, the design and layout of the proposed development is considered to be in keeping with the character of the village and is acceptable.

6. Landscape and visual impact

6.1 Policy CS5 of the Core Strategy seeks to protect and conserve the environment of Mid Suffolk including the quality of the landscape. The NPPF similarly seeks to ensure decisions have regard to the importance of the landscape and the visual impact of new development.

6.2 The site is not within the boundary of a protected landscape but as an edge of settlement site open to views from footpaths and other public vantage points the site is fairly prominent within the landscape and the proposed development will result in an inevitable change in character from its current undeveloped condition.

6.3 The visual and landscape impacts are relatively localised and will not be significantly adverse. The development will be experienced in context with the existing estate development and wider built up area of the village to the north. The railway line to the east offers effective visual containment and serves as a natural development boundary along this edge of the site. The mix dwelling types, layout, sizes and styles are considered to be reflective of the visual character of the wider village and the development will continue the pattern of development in the existing estate by a less formal, 'village' style development. The dwellings are arranged within a buffer of soft landscape planting to the boundaries as well as the

drainage attenuation area to the west and public open space area to the east. These features enable the development to sit comfortably within the landscape whilst facilitating the visual transition from village edge to countryside. The proposal is considered to comply with policy objectives and the scheme does not represent overdevelopment.

6.4 The application is supported by a landscape and environmental management plan, landscaping master plan and full soft landscaping proposal that demonstrate the design approach to these elements of the proposal in mitigating visual impacts, assimilating the development into its setting and providing points of interest and visual sight lines throughout the development. These documents have been reviewed by your landscape officer who advises that the site has a medium sensitivity to change and that the overall visual impact will be moderate. The recommended landscape mitigation measures are supported some design refinements suggested that the applicant has responded to by amended plans. Some additional information is recommended which can be secured by condition as set out below.

6.5 Having regard to the fallback position of the outline permission and the relative similarity between the anticipated impacts of that scheme and the proposed development there is not considered to have any unacceptable visual or landscape impacts such as would warrant refusal of this application.

7. Land Contamination, Flood Risk, Drainage and Waste

7.1 The site has previously been assessed for contamination impacts by a Phase 1 Contaminated Land Survey. Your Environmental Health officer has raised no objection to the proposal.

7.2 The land is located in Flood Zone 1, the lowest risk of flooding and does not lie within a critical drainage area. The drainage functionality of the site will change as a result of the buildings and hard surfaces introduced by the development and, as such, the proposal includes details of a comprehensive SuDS strategy and installation comprising roadside swales draining into an attenuation basin on the western side of the site.

7.3 Amended plans and additional information has been submitted in response to issues raised by the SCC Floods team who have now confirmed the details are acceptable. Conditions as recommended below will secure the appropriate construction, implementation and maintenance of the SuDS to ensure adequate surface water drainage throughout the development.

7.4 The submitted plans show areas for the storage and presentation of bins for each property and confirm that the construction of the roads are suitable to enable access for a refuse collection vehicle.

7.5 On the basis of the above there are not considered to be any unacceptable contamination, flood risk, drainage or waste impacts.

8. Biodiversity

8.1 The undeveloped nature of the site means there is potential for the site to support protected species.

8.2 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

8.3 Your ecology officer advises that the submitted details are sufficient to enable determination of the application and to discharge the council's statutory duty. They further advise that there is no objection

to the proposal provided that appropriate mitigation measures are delivered. These can be secured by conditions as recommended below.

8.4 On the basis of the above the proposed details are considered to be acceptable in terms of biodiversity impacts.

9. Heritage

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. In this case the consideration of impact on setting is most relevant as there are no assets within the site itself. The preservation of setting as contributing to the overall character and significance of an asset is an important consideration afforded considerable weight in the presumption against allowing development that would result in harm to the significance of an asset.

9.2 The NPPF states that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

9.3 There are no designated or undesignated heritage assets within the site itself or within close proximity and the site does not lie within a designated Conservation Area. The nearest assets are the located within the oldest part of Bacton village that include the listed St. Mary's Church and surrounded listed buildings. The site does however lie within an area of archaeological interest.

9.4. Your heritage officer advises that having regard to the presence of existing intermediate tree and hedge cover intervisibility between the site and the listed buildings is prevented and this, in addition to the distance of the buildings from the site there will be no harm to these designated assets.

9.5. The SCC archaeology officer advises that there is high potential for below ground assets to be disturbed by the development and conditions to secure the appropriate investigation and recording of archaeological assets within the site are recommended in order to protect the significance of any such below ground assets.

9.6 On the basis of specialist advice the proposal is considered to accord with Policy HB1 and the NPPF and is therefore acceptable in respect of heritage impacts subject to the conditions as recommended below.

10. Impact On Residential Amenity

10.1. Policies H13 and H16 of the Local Plan seek to ensure new development protects the existing amenity of residential areas.

10.2 The application site adjoins the southern boundaries of existing dwellings on Pretymen Avenue and Birch Avenue. Concerns have been raised regarding impacts from the dwellings on the northern side of development on the amenity of residents occupying existing dwellings by way of overlooking, overshadowing, loss of outlook and view. There have also been some concerns regarding the amenity of proposed dwellings in proximity to the railway line on the eastern side of the site.

10.3. Overlooking impacts are primarily an issue from first floor windows within proximity of existing private residential areas, such as gardens, where there is insufficient screening and potential views are

more than indirect. As detailed above, the proposed dwellings on the north side of the site are proposed to be sited at least 20m from the site boundary and are separated from the boundary by a planted buffer and access strip. Having regard to the distance between the proposed and existing dwellings and the intermediate screening both existing and proposed there is not considered to be any unacceptable overlooking, overshadowing or dominance impacts on the amenity of existing residents

10.4 In respect of loss of view, there is no right to a view and this is not a material planning consideration although it is material to consider the amenity impact of new development in terms of outlook from a property. In this respect the spatial arrangement of the development, including gardens, parking areas and boundary planting and enclosures is such that is not considered to have an unacceptable impact on the outlook from any existing property.

10.5 Your Environmental Health officer is generally satisfied with the submitted noise assessment and other documents and they make recommendations for a series of mitigation measures that can be secured by condition as detailed below. The siting and layout of buildings, the provision of appropriate boundary treatments and private garden areas which are sufficient for sitting out, children's play and the drying of clothes are all features that are included in the proposal and ensure an acceptable level of amenity for the proposed dwellings.

10.6 The proposed development is such that there is no unacceptable loss of daylight or sunlight to existing properties and the amenity of proposed dwellings is considered to be acceptable by virtue of the siting, design and layout of buildings; the provision of appropriate boundary treatments; and private garden areas, which are sufficient for sitting out, children's play and the drying of clothes.

10.7 Subject to the conditions recommended below there is not considered to be any unacceptable residential amenity impacts and on this basis the proposal accords with local Policies H13 and H16.

11. Infrastructure and contributions

11.1 A s106 legal agreement that secures the same obligations the s106 associated with the outline permission is being prepared to ensure the same benefits are secured on the implementation of this development should Members be minded to grant permission.

11.2 The scheme provides an area of public open space and a play area. The maintenance and management of this space is to be secured by the s106 planning agreement. This public benefit for Bacton is supported by your Public Realm Officer. Additionally, the scheme includes provision of land for a community facility and associated car parking. It is understood that the Parish Council have expressed an interest in taking on the community land with a view to delivering a community facility.

11.3 Policy H4 of the Local Plan seeks to secure 35% affordable housing in new housing developments. The proposal provides 30 no. affordable homes, complying with this policy requirement. The delivery of affordable housing is to be secured by the s106.

11.4 The previous s106 also included a site specific contribution to education that will be secured by the s106.

11.5 The development is CIL liable and has been assessed by Suffolk County Council's Development Contributions Manager. It is likely that SCC will bid for CIL funding to contribute towards the following infrastructure:

- Provision of passenger transport
- Provision of library facilities

- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure

11.6 There are no unacceptable issues arising from the consideration of the application in relation to infrastructure and contributions.

12. Parish Council Comments

12.1 The matters raised by Bacton Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

13.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

13.2 The 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.

13.3 In assessing the impacts of the proposed development in terms of landscape, residential amenity, character, biodiversity, heritage, flood risk and highways the scheme is not considered to have any unacceptable impacts that would result in a conflict with policy objectives and which cannot be controlled by conditions on the grant of permission, as recommended below.

13.4 Although contrary to the Development Plan as a whole, on account of the conflict with policies CS1, CS2, and H7, the "tilted balance" of 11.d)ii. is engaged in the assessment of the proposal, which provides a presumption that planning permission should be granted despite the acknowledged conflict with the Development Plan because of the out of date status of those most important policies, as detailed above. The outcome of that balancing exercise is to direct that planning permission should be granted contrary to the direction of the development plan.

13.5 It is also a significant consideration that the principle of residential development of the same scale and nature has been established for this site by the previous grant of outline planning permission which remains extant and is a fallback position for an alternative development of the site. This scheme secures an improved access arrangement that responds to concerns raised by the local community. This latter consideration is a matter of great weight which reinforces the direction above; having accounted for all material considerations the planning balance falls decisively in favour of granting planning permission.

RECOMMENDATION

(1) That authority be delegated to the Chief Planning Officer to grant full planning permission subject to the following conditions and those as may be deemed necessary by the Chief Planning Officer:

- Time limit
- Approved plans
- Phasing
- Access layout
- Bin storage and presentation as approved plans
- Estate roads and footpaths
- Provision of footways
- Parking and turning areas as approved plans
- Cycle storage and EV charging details to be agreed
- Visibility splays
- Residents travel pack to be agreed and provided
- Sound attenuation measures
- Construction management plan
- No burning on site
- Dust control scheme
- Carry out in accordance with arboricultural report
- Delivery of landscaping
- Fire hydrants
- Sustainability and energy scheme to be agreed
- Archaeology
- Skylark mitigation
- CEMP
- Biodiversity enhancement
- Wildlife sensitive lighting
- Implementation of SuDS in accordance with details submitted

AND

(2) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

- Affordable housing
- On site open space provision and specification (including LEAP) delivery and management in perpetuity
- Community centre land
- Education

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

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles

(4) That in the event of the Planning obligation above not being secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.

This page is intentionally left blank



Application No: DC/21/03292

Location: South of Birch Avenue, Bacton

Page No.

Appendix 1: Call In Request	<i>N/a</i>	
Appendix 2: Details of Previous Decision	<i>DC/18/05514</i>	
Appendix 3: Town/Parish Council/s	<i>Bacton Parish Council</i>	
Appendix 4: National Consultee Responses	<i>Anglian Water British Horse Society Historic England Natural England NHS</i>	
Appendix 5: County Council Responses	<i>Active Travel Archaeology Developer Contributions Floods Fire and Rescue Highways Rights of Way</i>	
Appendix 6: Internal Consultee Responses	<i>Arboricultural Environmental Health – Air Quality Environmental Health – Land Contamination Environmental Health – Other Environmental Health – Sustainability Heritage Public Realm Landscape Ecology Housing</i>	
Appendix 7: Any other consultee responses	<i>N/a</i>	



Babergh and Mid Suffolk District Councils



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.



Comments for Planning Application DC/21/03292

Application Summary

Application Number: DC/21/03292

Address: Land South Of Birch Avenue Bacton Suffolk IP14 4NT

Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Case Officer: Bron Curtis

Customer Details

Name: Mrs Tina Newell

Address: 25 Shakespeare Road, Stowmarket, Suffolk IP14 1TU

Comment Details

Commenter Type: Parish Clerk

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Bacton Parish Council would like to offer SUPPORT to this application and would ask assurance is given that the entry from Pulhams Lane will lead to a public right of way, that consideration be given to the layout with attention to the siting of affordable homes and confirmation plots 78,81 and 82 will be single storey dwellings, as suggested in the outline application to avoid any loss of amenity to current residents.

Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email planningliaison@anglianwater.co.uk

AW Site Reference: 175856/1/0130931

Local Planning Authority: Mid Suffolk District

Site: Land South Of Birch Avenue Bacton Suffolk IP14 4NT

Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and pa

Planning application: DC/21/03292

Prepared by: Pre-Development Team

Date: 14 September 2021

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Bacton-Finingham La Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. 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. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

From: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Sent: 05 Jul 2021 02:52:11

To:

Cc:

Subject: FW: PLN-0124739 Planning application DC/21/03292

Attachments:

From: Planning Liaison <planningliaison@anglianwater.co.uk>

Sent: 05 July 2021 14:47

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

Subject: RE: PLN-0124739 Planning application DC/21/03292

Good afternoon

Thank you for your email regarding the above planning application.

Please find below our response:

Used Water

We have reviewed the submitted drainage documents for this application. Based on the Drainage Strategy, (1061-00-03 Rev A) the foul water from site will discharge via an onsite package treatment plant. We therefore have no comments to make regarding the foul water drainage strategy for this development. Should the proposed method of foul water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective foul water drainage strategy is prepared and implemented

Surface water

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. 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. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. <https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems>

Kind regards

Sandra



Sandra De Olim

Pre-Development Advisor

Mobile: 07929804300

Team: 07929 786 955

Email: planningliaison@anglianwater.co.uk

Website: <https://www.anglianwater.co.uk/developing/planning--capacity/>

Bradley Heffer
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich
IP1 2BX
Via email

15th June 2021

Dear Mr Heffer,

RE: DC/21/03292 | Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision | Land South Of Birch Avenue Bacton Suffolk IP14 4NT

I am responding to this consultation on behalf of The British Horse Society, an equestrian Charity with over **119,000** members representing the UK's **3 million** regular riders and carriage drivers. Nationally equestrians have just 22% of the rights of way network. In Suffolk, they have just **18%** of the rights of way network, increasingly disjointed by roads which were once quiet and are now heavily used by traffic resulting from development within the County. It is therefore important that these public rights are protected.

Increasing pressure for development of houses and industry is making even fewer of those bridleways and byways available. Ancient 'green lane' bridleways, byways and unsurfaced roads are being tarmacked as access roads or cycle tracks and engulfed by new development spreading into the countryside. Traffic increases with new development or change of use so roads become even less safe for riders and carriage-drivers (equestrians) to use to access any traffic-free routes there may be. Riders are also increasingly excluded from verges by creation of foot-cycleways – segregated provision for other vulnerable non-motorised users but equestrians are excluded and forced into the carriageway. Historically verges have provided a refuge and could, if mown, provide a segregated route.

Road Safety is a particular concern to equestrians, who are among the most vulnerable road users. Between November 2010 and February 2021, the BHS received reports of 5,784 road incidents, in which **441 horses and 44 people were killed**. Research indicates however that only 1 in 10 incidents are being reported to the BHS; in 2016-17 alone, **3,863** horse riders and carriage drivers in England and Wales were admitted to hospital after being injured in transport accidents. (NHS Hospital Episodes Statistics).

The BHS actively campaigns to improve road safety by making motorists aware of what to do when they encounter horses on the road (see <https://www.bhs.org.uk/our-work/safety/dead-slow> – we recommend taking a few minutes to watch the 'Dead Slow' virtual reality film for an impression of how vulnerable equestrians are in proximity to cars and lorries).

Because of the difficulties that equestrians encounter on roads, they avoid using them wherever possible. Road use is often unavoidable, however it is simply because people have nowhere else to exercise their horses. The main off-road access available to them is the network of Rights of Way (RoW). England and

Wales have over 140,000 miles of RoW, but only 22% of this network is available for horse riders (who may only use routes designated as Bridleways and Byways) and a mere 5% to carriage drivers (who only have access to Byways). An additional factor is that the network is fragmented, and roads are often the only available links between one RoW and the next.

The demand for safe access to the countryside for the health and well being of local residents who have been subjected to Covid 19 lockdown restrictions has increased tenfold. It is acknowledged that it is highly likely that the post Covid new 'norm' will see significant changes in the work / home lifestyle balance resulting in increased pressure on the rights of way network. During the pandemic, the value of horses has increased substantially with people spending more time at home looking to find enjoyable ways to exercise, they are able and want to own horses. It is highly likely that the need and demand for improved equestrian access is likely to rise.

Failure to accommodate the needs of these users would be contrary to National and Local Policies such as:

- **Highways England Accessibility Strategy** states:
'Our vision focuses on supporting our road users' journeys, pedestrians, cyclists, equestrians, those with disabilities (such as users with mobility or sensory impairments) and other vulnerable users – while delivering longer-term benefits for communities and users alike.
We want to address the barriers our roads can sometimes create, help expand people's travel choices, enhance and improve network facilities, and make everyday journeys as easy as possible.
This will be achieved by ensuring our network supports and contributes to accessible, inclusive and integrated journeys which are safe, secure, comfortable and attractive.'
- **NPPF policy 58 Requiring Good design**
Create safe and accessible environments.
- **Paragraphs 73 and 81 of the NPPF** require Local Authorities to plan positively for access to high quality open spaces for sport and recreation which can make important contributions to the health and wellbeing of communities and to plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation.
- **NPPF Section 8**
Promoting healthy communities
Policy 73 access to high quality open spaces for sport and recreation and can make important contribution to the health and wellbeing of communities.
Policy 75 Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users. For example by adding links to existing rights of way networks.
Policy 81 local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation.
- **The Suffolk Rights of Way Improvement Plan** – '2.3 Connectivity – 2.3.1 Take a whole highways approach when considering the journeys of vulnerable users.'
- **The British Horse Society's report Making Ways for Horses** – off-road Equestrian Access in England – Equestrian Access Forum August 2012, highlights the importance of horse riding for health and well being. Access for horse riders, which inevitably involves crossing roads, is central to riding activities without which the level of participation is likely to decline which will have a negative impact on the local economy (Making Ways for Horses – off-road Equestrian Access in England – Equestrian Access Forum August 2012).

Mitigation must therefore be considered for the equestrian community; The British Horse Society believes that this development provides great opportunities to provide safe off-road routes for all vulnerable road users including equestrians and we would welcome the opportunity to discuss these opportunities at the earliest stage. In order to maximise opportunities within Suffolk to help provide more off-road links for equestrians they should support the automatic inclusion of horse riders on shared off-road routes, unless there are specific reasons why this is not possible.

Conflict with cyclists is sometimes given as a reason for excluding horses from shared routes, but this rarely has anything to do with either the horse or the bicycle, simply the inconsiderate person who happens to be riding one or the other. Horse riders and cyclists as two vulnerable road user groups have more in common with each other than differences. This is illustrated by the work that the BHS are doing in partnership with Cycling UK in the current 'Be Nice, Say Hi!' campaign and with Sustrans in their 'Paths for Everyone' initiative.

The key to a successful shared route is the design: for example, rather than positioning a cycle path down the centre of a route with verges either side, the cycle path should be positioned to one side and the two verges combined to provide a soft surface for walkers, runners and horses on the other. (This also addresses the issue of horse droppings which, as research has confirmed, represent no danger to health and disperse quickly, particularly on unsurfaced paths.)

Historically, pedestrians and cyclists have been considered as the main vulnerable road users. Equestrians are however increasingly recognised as being part of this group: during the Parliamentary Debate on Road Safety in November 2018 Jesse Norman, Under Secretary of State for Transport, stated that:

“We should be clear that the cycling and walking strategy may have that name but is absolutely targeted at vulnerable road users, including horse-riders.”

It is essential that in projects such as this, every opportunity is taken to benefit as many people as possible including those least active in the population (NHS, 2019). Therapeutic and physical benefits of horse riding and carriage driving have been proven for people with disabilities (Favali and Milton, 2010). According to Church et al (2010) over 90% of equestrians are women and 37% of these are over 45 years of age and over a third would pursue no other physical activity. 'Horse riding induces physiologically positive effects such as muscle strength, balance...and psychologically positive changes' (Sung et al, 2015). In the current climate mental health is hugely important and horse riding and carriage driving play a large part in enhancing physical and psychological health therefore should be included in improving quality of life and wellbeing through an inclusive transport system accessible to all which emphasises sustainable and active travel.

Horse riding is a year-round activity which (along with associated activities such as mucking out and pasture maintenance) expends sufficient energy to be classed as moderate intensity exercise. The majority of those who ride regularly are women, and a significant proportion of riders are over 45. For some older or disabled people, being on horseback or in a horse-drawn carriage gives them access to the countryside and a freedom of movement that they would not otherwise be able to achieve. Most riders and carriage-drivers wish to take their horses out on bridleways and byways, away from motor traffic, for the physical and mental health benefits to animal and human, in exactly the same way as most walkers (with and without dogs) and cyclists. Many are unable to do so because the traffic on tarmac roads is too dangerous for such vulnerable road users, and there are generally so few traffic free routes available to equestrians. There are also considerable psychological and social benefits from equestrian activities, as the BHS is demonstrating through the [Changing Lives through Horses](#) initiative.

Equestrianism is a popular activity in this part of Suffolk, and one which contributes significantly to the local economy. The equestrian community in Suffolk currently has many difficulties in finding safe access within the area, as identified in Suffolk's policies. Many of these issues could be addressed and resolved through good planning of future routes. We hope therefore that the applicant will support this, and local equestrians affected by this development, and would be happy to support and facilitate consultation with the local equestrian community.

The British Horse Society has no objection to this application in principle but believes for this application to be compliant with National and Local Policies the proposals for proposed cycling and walking infrastructure throughout the site should be multi-user routes for all Non-Motorised Users including equestrians. The Design and Access Statement mentions several pedestrian and cycle links. Exclusion of equestrians from any safe access provision for cyclists is not only discriminatory and contrary to the ethos of the Equality Act 2010, but it also actually puts equestrians in increased danger. It is to be avoided. Safe access must be available all vulnerable road users. The applicant's proposals should include all vulnerable users not only pedestrians and cyclists.

The BHS believes that historical evidence indicates the route below is not recorded on the definitive map correctly with unrecorded equestrian rights, this routes can be reasonably alleged to subsist at a minimum of bridleway status. This public right should be asserted and not be allowed to be subsumed within this development or anything beyond it. The routes shown on the map below should be recorded at least Bridleway status if not Restricted Byway status as a condition of the permission being granted. An application to the County Council to have it recorded as such is likely to be forwarded in due course if this is not dedicated as a bridleway. The BHS strongly supports the proposals to dedicate the route shown on the map below as a Public Bridleway. If this route is dedicated as bridleway status and it is going to be used for access then the Applicant MUST take the following into account, and should note that regardless of whether planning permission is granted, separate permission for works on or over a Public Right of Way MUST be requested from Suffolk County Council's Rights of Way Team prior to any work commencing, and that permission may be refused. Any damage to a Public Right of Way resulting from works must be made good by the applicant. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988.



If you have any questions, or would like to discuss any aspect of this response further, please do not hesitate to contact me.

Yours sincerely

Charlotte Ditchburn (Miss.)
Access Field Officer, East Region



Mr Bron Curtis
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Direct Dial: 01223 582740

Our ref: **W:** P01431117

28 June 2021

Dear Mr Curtis

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

**LAND SOUTH OF BIRCH AVENUE, BACTON, SUFFOLK, IP14 4NT
Application No. DC/21/03292**

Thank you for your letter of 11 June 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



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



From: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Sent: 22 Sep 2021 09:27:03

To:

Cc:

Subject: FW: DC/21/03292

Attachments:

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Sent: 22 September 2021 09:19

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

Subject: DC/21/03292

Dear Sir/Madam

Application ref: DC/21/03292

Our ref: 367238

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
Consultations Team
Operations Delivery
Natural England
Hornbeam House, Electra Way
Crewe, Cheshire, CW1 6GJ

Enquiries line: 0300 060 8349

Email: consultations@naturalengland.org.uk

www.gov.uk/natural-england

Thriving Nature
for people and planet



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

Sent: 21 Jun 2021 11:02:37

To:

Cc:

Subject: FW: DC/21/03292 Consultee Response

Attachments:

From: Clarke, Julian <Julian.Clarke@naturalengland.org.uk>

Sent: 21 June 2021 11:00

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

Subject: DC/21/03292 Consultee Response

Dear Sir or Madam,

Application ref:DC/21/03292

Our ref:356851

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

Julian Clarke
Consultations
Natural England
Hornbeam House, Electra Way
Crewe Business Park
Crewe, Cheshire CW1 6GJ

tel 0300 060 3900

email consultations@naturalengland.org.uk

During the current coronavirus situation, Natural England staff are primarily working remotely to provide our services and support our customers and stakeholders.

Please continue to send any documents by email or contact us by phone to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Stay home. Protect the NHS. Save lives.

Sent: 16 September 2021 17:17

Subject: RE: MSDC Planning Re-consultation Request - DC/21/03292

Please be aware that due to the current situation at Mendlesham Health Centre and the work continuing to increase the patient capacity, the CCG will not be requesting CIL mitigation. The CCG would like to put on record their gratitude to the BMSDC Infrastructure Team for working with us in securing the funding for the project.

Kind Regards

CCG Estates Planning

Ipswich & East Suffolk CCG & West Suffolk CCG Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

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

Sent: 28 Jun 2021 02:49:11

To:

Cc:

Subject: FW: DC/21/03292

Attachments:

From: planning.apps <planning.apps@suffolk.nhs.uk>

Sent: 28 June 2021 14:43

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

Subject: DC/21/03292

Hi Bradley

The CCG has currently agreed CIL on increasing the capacity at the Mendlesham Surgery (its branch is in Bacton) and work is currently underway. Due to this fact, the CCG will not be requesting any further CIL mitigation from this planning application.

Regards

CCG Estates Planning

Ipswich & East Suffolk CCG & West Suffolk CCG

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

planning.apps@suffolk.nhs.uk



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

Sent: 09 Sep 2021 02:10:46

To:

Cc:

Subject: FW: MSDC Planning Re-consultation Request - DC/21/03292

Attachments:

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

Sent: 09 September 2021 13:00

To: Bron Curtis <Bron.Curtis@baberghmidsuffolk.gov.uk>

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

Subject: RE: MSDC Planning Re-consultation Request - DC/21/03292

Dear Bron,

Thank you for notifying me about the re-consultation. I have no further comment to make following on from my response dated 15th June 2021.

Kind regards

Chris Ward

Active Travel 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: Chris Ward

Sent: 15 June 2021 11:36

Subject: RE: MSDC Planning Consultation Request - DC/21/03292

Dear Bradley,

Thank you for consulting me about the proposed residential development at Land South of Birch Avenue in Bacton. On reviewing the planning application documents I have no comment to make, as there is no Travel Plan, or sustainable transport measures submitted, which is possibly a result of the rural location of the development that limits sustainable transport options.

Kind regards

Chris Ward

Active Travel Officer

Transport Strategy

Strategic Development - Growth, Highways and Infrastructure

Suffolk County Council

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
Web: <http://www.suffolk.gov.uk>

Our Ref: 2021_03292
Date: 5th July 2021

For the Attention of Bronwen Curtis

Dear Mr Isbell

Planning Application DC/21/03292/FUL – Land South of Birch Avenue, Bacton: Archaeology.

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). The site has had a first phase of archaeological excavation which excavated part of a Roman settlement dating from the 1st – 2nd century AD. The archaeological fieldwork has been completed for this and SCC Archaeological Service are currently awaiting the post excavation assessment report for the works undertaken to date. There is a second phase of excavation required for the Community Facility and associated carpark, archaeological features were identified in this area during the evaluation and archaeological features relating to the Roman settlement extended into the area of the community centre carpark.

As a result, there is high potential for the discovery of additional 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 three conditions would be appropriate:

[1]. No building shall be occupied within the residential development area until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation **approved under condition 18 of outline grant**

18/05514 and the provision made for analysis, publication and dissemination of results and archive deposition.

[2]. No development shall take place within the community facility development area 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.

[3]. No building shall be occupied within the Community Facility development area until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition [2] 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, 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 excavation will be required before any groundworks commence within the community facility development area.

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
Conservation Team

Our Ref: Bacton – Land South of Birch Avenue
Matter: 60162
Your ref : 21/03292/FUL
Date: 22 October 2021
Enquiries to: Isabel Elder
Tel: 01473 265040
Email: Isabel.elder@suffolk.gov.uk



Broncurtis@baberghmidsuffolk.gov.uk
planningyellow@baberghmidsuffolk.gov.uk

Dear Bron

Re: Bacton, Land south of Birch Avenue IP14 4NT (DC/21/03292/FUL)

I refer to our correspondence regarding bus stops on the planning application : Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision (2No 1 bed, 31No 2 bed, 31No 3 bed & 21No 4+ bed houses)

I write to confirm that SCC will not be pursuing bus stops or a contribution from this application

Yours Sincerely

Isabel Elder
Developer Contributions Consultant
Growth, Highways & Infrastructure

Cc Ben Chester SCC Highways

Our Ref: Bacton ; Land South of Birch Avenue 60162
Date: 5 October 2021
Enquiries to: Isabel Elder
Tel: [REDACTED]
Email: [REDACTED]



FAO [REDACTED]
planningyellow@baberghmidsuffolk.gov.uk

Dear Bron

Re: Bacton, Land south of Birch Avenue IP14 4NT (DC/21/03292/FUL)

I refer to the re-consultation on the planning application for : Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision (2No 1 bed, 31No 2 bed, 31No 3 bed & 21No 4+ bed houses)

My colleague James Cutting sent a response identifying SCC's infrastructure requirements in an email with attached letter on 11 July 2021. The letter unfortunately wasn't dated so I have attached this again for ease of reference. We have no further comments or up date to add at this time.

I can see from the file that my highways colleague Ben Chester has responded to you directly on 8 September with transport recommendations and that my colleague in the Floods department has sent a **holding objection** by email on 24 September

Yours sincerely

Isabel Elder
Developer Contributions Consultant
Growth, Highways & Infrastructure

Cc Ben Chester – highways
Jason Skilton – Floods GHI Planning

Your Ref: DC/21/03292/FUL
 Our Ref: 60162
 Enquiries to: James Cutting
 Tel: 01473 264803
 Email: james.cutting@suffolk.gov.uk



Bradley Heffer,
 Growth & Sustainable Planning,
 Babergh and Mid Suffolk District Councils,
 Endeavour House,
 8 Russell Road,
 Ipswich, Suffolk,
 IP1 2BX

Dear Bradley,

Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Location: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT

Thank you for consulting Suffolk County Council on 14 June 2021. The efforts made by the applicant to respond to local concerns by moving the access is noted.

This application is amending the proposal previously permitted in outline through ref: DC/18/05514. If this permission (18/05514) for 85 dwellings is still capable of being implemented, then this is considered as a fallback position and, therefore, the requirements secured through the planning obligation dated 11 June 2020 would remain and should be addressed through a deed of variation of the agreement to include reference to this application if permission were to be granted. The requirements of the obligation were:

S106	Education	
	- new primary school build cost	£411,831
	- secondary school transport contribution	£76,800

Regardless of whether the previous permission is capable of being implemented, the following contributions are likely to be required through CIL if the development is implemented:

CIL	Early Years	£138,144
	Education	
	- Secondary school expansion	£356,625
	- Sixth form expansion	£71,325
	Libraries	£18,360
	Waste Infrastructure	£9,605

If permission ref: 18/05514 is not capable of being implemented, a new s106 would be necessary with the following updated contributions:

S106	Education	
	- new primary school build cost	£430,668
	- secondary school transport contribution	£90,375

Early Years

Two of the 85 dwellings proposed are 1 bed houses, which are excluded from the calculation of Early Years, Primary, Secondary and Sixth form education contributions. The following calculations are based on the remaining 83 dwellings.

Previously, for permission reference 18/05514, there was an existing surplus of early years places. There is now a deficit of approximately 41 FTE places in Bacton.

With 8 Full Time Equivalent being generated by the proposal, the development is not of a sufficient scale to justify requiring a new setting by itself or in combination with other development locally.

In accordance with the Community Infrastructure Levy Expenditure Framework (March 2021), contributions towards expanding one or more of the existing settings would at a cost of £17,268 per place, would be sought from the Community Infrastructure Levy (and to be included in the Infrastructure Delivery Plan) totalling **£138,144**.

Education

Two of the 85 85 dwellings proposed are 1 bed houses, which are excluded from the calculation of Early Years, Primary, Secondary and Sixth form education contributions. SCC anticipates the following minimum pupil yields from a development of the 83 dwellings, namely:

- a) Primary school age range, 5-11: 21 pupils. Cost per place is £20,508 (2020/21 New School costs). Resulting in a total contribution of **£430,668** or £5188.77 per dwelling.
- b) Secondary school age range, 11-16: 15 pupils. Cost per place is £23,755 (2020/21 Expansion costs). Resulting in a total contribution of **£356,625** or £4296.69 per dwelling.
- c) Sixth form age range, 16+: 3 pupils. Costs per place is £22,755 (2020/21 Expansion costs). Resulting in a total contribution of **£71,325** or £859.34 per dwelling.

The local catchment schools are Bacton Primary School and Stowupland High School.

Bacton Primary School is currently forecast to exceed its 95% capacity and S106 contributions should be sought towards a new primary school in Bacton. [The latest \(September 2020\) Infrastructure Delivery Plan](#) identifies the need to build a new primary school, including relocation of the current primary school, on land allocation in the emerging joint local plan on site ref: LA046 / application ref: DC/17/03799.

Stowupland High School is currently forecast to exceed 95% capacity. CIL contributions will be sought for expansion.

Home- School Transport

The development is beyond three miles from the nearest available secondary school (the distance beyond which children aged eight would be eligible the Education Act 1996), therefore home-school transport costs are required. This was also the position for permission ref: 18/05514 but the cost multiplier has increased. School transport cost per pupil is now £1,205 annually. We have reconsidered the rounding (down from 15.3 instead of up) and could now accept 15 secondary-age pupils as a basis instead of 16 to reduce the overall cost in this case. £1205 x 15 pupils x 5 years = **£90,375**.

Transport, including Public Rights of Way

The requirements for Public Rights of Way will be set out in the response from Ben Chester on behalf of the Highway Authority.

Libraries

The [libraries and archive infrastructure provision topic paper](#) sets out the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought i.e. **£18,360**, which will be spent on enhancing provision at the nearest library.

Waste

SCC has a project underway to identify a new HWRC site for the Stowmarket catchment area. Likely cost of a new HWRC is between £3m and £5m. This is a priority site in the Waste Infrastructure Strategy and it is hoped that budget will be identified for this purpose. However, the Waste Service would expect CIL contributions of £113 per household from any significant development in this area. In this case a sum in the region of **£9,605** would be sought from Mid Suffolk's Community Infrastructure Levy.

Legal costs

SCC will require an undertaking from the applicant for the reimbursement of its reasonable legal costs associated with work on a S106A for site specific mitigation, whether or not the matter proceeds to completion.

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

Apart from the site-specific developer contributions for the build costs of the new primary school and the secondary school transport costs, the above will form the basis of a future bid to Mid Suffolk District Council's Community Infrastructure Levy receipts.

Yours sincerely,

James Cutting
Head of Planning
Growth, Highways & Infrastructure

From: GHI Floods Planning

Sent: 24 September 2021 13:16

Subject: 2021-09-24 JS Reply Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT Ref DC/21/03292

Dear Bron Curtis,

Subject: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT Ref DC/21/03292

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/03292.

The following submitted documents have been reviewed and we recommend maintaining our **holding objection** at this time:

- Flood Risk Assessment Ref AMA847 FRA Rev 0
- Drainage Report Ref 1061-00-001 Rev A
- Surface Water Drainage Strategy Ref 1061-00-03 Rev A
- Level Strategy Ref 1061-00-05 Rev A
- Landscape & Ecological Management Plan Ref GL1501 Issue 1
- Soft Landscaping Proposals Ref GL1501 03A

A holding objection is necessary because the applicant has not adequately addressed some of the points of the previous consultation reply.

The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection:-

1. Landscaping plans are to including the planting and establishment of all SuDs features for the first five (5) years.

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council
Growth, Highway & Infrastructure

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

Sent: 14 Sep 2021 08:36:54

To:

Cc:

Subject: FW: 2021-09-13 JS Reply Land South Of Birch Avenue, Bacton IP14 4NT Ref DC/21/03292

Attachments:

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

Sent: 13 September 2021 15:52

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

Cc: Bron Curtis <Bron.Curtis@baberghmidsuffolk.gov.uk>

Subject: 2021-09-13 JS Reply Land South Of Birch Avenue, Bacton IP14 4NT Ref DC/21/03292

Dear Bron Curtis,

Subject: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT Ref DC/21/03292

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/03292.

The following submitted documents have been reviewed and we recommend maintaining our **holding objection** at this time:

- Flood Risk Assessment Ref AMA847 FRA Rev 0
- Drainage Report Ref 1061-00-001
- Surface Water Drainage Strategy Ref 1061-00-03 Rev A
- Level Strategy Ref 1061-00-05 Rev A
- Landscape & Ecological Management Plan Ref GL1501 Issue 1
- Soft Landscaping Proposals Ref GL1501 03A

A holding objection is necessary because the applicant has not adequately addressed some of the points of the previous consultation reply.

The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection:-

1. Submit cross section drawings of the attenuation basin are to be submitted
2. Provide a designers risk assessment of all open SuDs features
3. Landscaping plans ae to including the planting and establishment of all SuDs features for the **first five (5) years**.
4. Flood Flow exceedance plan shall including were water goes when **the basins and swales exceed their design criteria**

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****

From: GHI Floods Planning

Sent: 15 June 2021 14:30

Subject: 2021-06-15 JS reply Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT Ref DC/21/03292

Dear Bradly Heffer,

Subject: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT Ref DC/21/03292

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/03292.

The following submitted documents have been reviewed and we recommend a **holding objection** at this time:

- Flood Risk Assessment Ref UK18.4013b Issue 2
- Surface Water Drainage Strategy Ref 181091
- Surface Water Drainage Strategy Ref 1061-00-03 Rev A
- Level Strategy Ref 1061-00-05 Rev A
- Landscape & Ecological Management Plan Ref GL1501 Issue 1
- Drainage Report pertaining to Bellway Homes Ltd Eastern Counties application for: Land at Birch Avenue, Bacton, Suffolk Ref No 1061

A holding objection is necessary because the submitted information regarding flood risk and surface water drainage is considered to be out of date and need updating and reissuing with the most up to date information regarding flood risk and surface water drainage. Any proposed surface water drainage strategy shall utilise above ground open Suds for collection, conveyance, storage and discharge utilising the four pillars (quality, quantity, biodiversity and amenity) whilst providing biodiversity net gains.

Any basin shall be as shallow as possible and shall be significantly overlooked by properties which following the following design criteria 1:4 side slopes (max) 1.5m wet/dry benches every 0.6m depth of water, 300-500mm of freeboard and a 3m width maintenance strip.

The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection:-

1. Resubmit a updated assessment of flood risk utilising the latest flood maps.
2. Resubmit the surface water drainage strategy utilising the latest policy and guidance, both nationally and locally for the propose number of dwellings.
 - a. Note the original strategy was written for a outline planning application, whereby this is a full application

Document Submitted	Document Description
Flood Risk Assessment (FZ3 or Site >1Ha)	Evaluation of flood risk (fluvial, pluvial & groundwater) to the site – will guide layout and location of open spaces. (SCC may require modelling of ordinary watercourse if EA Flood Maps not available)
Drainage Strategy/Statement (less detail required for Outline)	Document that explains how the site is to be drained using SuDS principles. Shall include information on:- <ul style="list-style-type: none"> • Existing drainage (inc adjacent roads) • Impermeable Area (Pre and Post Development) • Proposed SuDS • Hydraulic Calculations (see below) • Treatment Design (i.e. interception, pollution indices) • Adoption/Maintenance Details • Exceedance Paths
Contour Plan	Assessment of topography/flow paths/blue corridors
Impermeable Areas Plan	Plan to illustrate new impervious surfaces
Evidence of any third party agreements to discharge to their system (i.e. Anglian Water agreement or adjacent landowner)	Evidence of any permissions or permits being obtained.
Detailed Development Layout and SuDS Provision Plan (including landscaping details)	Dimensioned plans showing the detailed development layout including SuDS components, open spaces and exceedance corridors.
Full SI Report	Detailed assessment of ground conditions – leading on from initial testing <ul style="list-style-type: none"> • Widespread coverage of trial pits to BRE 365 • Contamination/Pollution check • Groundwater Monitoring
Detailed Drainage Scheme Plan	Dimensioned plan showing main aspects of the drainage infrastructure. Plans should ref:- <ul style="list-style-type: none"> • SuDS details (size/volume) • Pipe Numbers/Sizes/Levels • Outfall & Permitted Discharge (if applicable)
Detailed SuDS Drawings (Open SuDS)	Dimensioned plans of proposed SuDS components i.e. scaled cross sections/long sections
Full hydraulic calculations (MicroDrainage “Network” output)	At this stage, SCC require simulations of the drainage network inc SuDS components. MicroDrainage Network should be submitted for 1,30 and 100yr+CC storms. (Source Control files are useful but not enough on their own)
Discharge Agreements	Evidence of any permissions or permits being obtained.
Health and Safety Risk Assessment	Where deep open SuDS (water level >0.5m) are proposed a H&S file will be required.

3. Landscaping plans ae to including the planting and establishment of all SuDs features for the first five (5) years.
 - a. Suffolk SuDs Palette <https://www.suffolk.gov.uk/assets/Roads-and-transport/Flooding-and-drainage/Suffolk-Suds-Palette-002.pdf>
4. Flood Flow exceedance plan shall including were water goes when the basins and swales exceed their design criteria

Note further information may be required

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council

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

Sent: 07 Sep 2021 10:33:31

To:

Cc:

Subject: FW: MSDC Planning Re-consultation Request - DC/21/03292

Attachments:

-----Original Message----- From: Water Hydrants Sent: 07 September 2021 09:40 To: BMSDC Planning Area Team Yellow Subject: FW: MSDC Planning Re-consultation Request - DC/21/03292 Fire Ref: F221560 Good Morning, Thank you for your letter informing us of the re-consultation for this site. Please be advised that the Suffolk Fire & Rescue Service has made comment, which we note has been published. This can Remain in Place for the re-consultation and follow the build to its conclusion. We will require a condition in the Decision Notice for the installation of Fire Hydrants. If you have any queries, please let us know, quoting the Fire Ref. number. Kind regards, A Stordy Admin to Water Officer Fire and Public Safety Directorate, SCC 3rd Floor, Lime Block, Endeavour House Russell Road, IP1 2BX Tel.: 01473 260564 Team Mailbox: water.hydrants@suffolk.gov.uk Our Mission Statement: We will make a positive difference for Suffolk. We are committed to working together, striving to improve and securing the best possible services. Our Values: Wellbeing, Equality, Achieve, Support, Pride, Innovate, Respect, Empower

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/F221560
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 17/06/2021

Dear Sirs,

Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT

Planning Application No: DC/21/03292

**A CONDITION IS REQUIRED FOR FIRE HYDRANTS
(see our required conditions)**

I refer to the above application.

The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

/continued

OFFICIAL

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Sprinklers Advised

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

Yours faithfully

Water Officer

Suffolk Fire and Rescue Service

Enc: Hydrant requirement letter

Copy: sav.patel@struttandparker.com

Enc: Sprinkler information

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: F221560
Enquiries to: Water Officer
Direct Line: 01473 260486
E-mail: Angela.Kempen@suffolk.gov.uk
Web Address: www.suffolk.gov.uk

Date: 17/06/2021

Planning Ref: DC/21/03292

Dear Sirs,

RE: PROVISION OF WATER FOR FIRE FIGHTING
ADDRESS: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT
DESCRIPTION: 85 DWELLINGS
HYDRANTS REQUIRED

If the Planning Authority is minded to grant approval, the Fire Authority require adequate provision is made for fire hydrants, by the imposition of a suitable planning condition at the planning application stage.

If the Fire Authority is not consulted at the planning stage, or consulted and the conditions not applied, the Fire Authority will require that fire hydrants be installed retrospectively by the developer if the Planning Authority has not submitted a reason for the non-implementation of the required condition in the first instance.

The planning condition will carry a life term for the said development and the initiating agent/developer applying for planning approval and must be transferred to new ownership through land transfer or sale should this take place.

Fire hydrant provision will be agreed upon when the water authorities submit water plans to the Water Officer for Suffolk Fire and Rescue Service.

Where a planning condition has been imposed, the provision of fire hydrants will be fully funded by the developer and invoiced accordingly by Suffolk County Council.

Until Suffolk Fire and Rescue Service receive confirmation from the water authority that the installation of the fire hydrant has taken place, the planning condition will not be discharged.

/continued

OFFICIAL

Should you require any further information or assistance I will be pleased to help.

Yours faithfully

Water Officer

Suffolk Fire and Rescue Service

Created: September 2015

Enquiries to: Fire Business Support Team
Tel: 01473 260588
Email: Fire.BusinessSupport@suffolk.gov.uk



Dear Sir/Madam

Suffolk Fire and Rescue Service – Automatic Fire Sprinklers in your Building Development

We understand from local Council planning you are considering undertaking building work.

The purpose of this letter is to encourage you to consider the benefits of installing automatic fire sprinklers in your house or commercial premises.

In the event of a fire in your premises an automatic fire sprinkler system is proven to save lives, help you to recover from the effects of a fire sooner and help get businesses back on their feet faster.

Many different features can be included within building design to enhance safety and security and promote business continuity. Too often consideration to incorporate such features is too late to for them to be easily incorporated into building work.

Dispelling the Myths of Automatic Fire Sprinklers

- Automatic fire sprinklers are relatively inexpensive to install, accounting for approximately 1-3% of the cost of a new build.
- Fire sprinkler heads will only operate in the vicinity of a fire, they do not all operate at once.
- An automatic fire sprinkler head discharges between 40-60 litres of water per minute and will cause considerably less water damage than would be necessary for Firefighters tackling a fully developed fire.
- Statistics show that the likelihood of automatic fire sprinklers activating accidentally is negligible – they operate differently to smoke alarms.

Promoting the Benefits of Automatic Fire Sprinklers

- They detect a fire in its incipient stage – this will potentially save lives in your premises.
- Sprinklers will control if not extinguish a fire reducing building damage.
- Automatic sprinklers protect the environment; reducing water damage and airborne pollution from smoke and toxic fumes.
- They potentially allow design freedoms in building plans, such as increased compartment size and travel distances.
- They may reduce insurance premiums.
- Automatic fire sprinklers enhance Firefighter safety.

OFFICIAL

- Domestic sprinkler heads are recessed into ceilings and pipe work concealed so you won't even know they're there.
- They support business continuity – insurers report 80% of businesses experiencing a fire will not recover.
- Properly installed and maintained automatic fire sprinklers can provide the safest of environments for you, your family or your employees.
- A desirable safety feature, they may enhance the value of your property and provide an additional sales feature.

The Next Step

Suffolk Fire and Rescue Service is working to make Suffolk a safer place to live. Part of this ambition is as champion for the increased installation of automatic fire sprinklers in commercial and domestic premises.

Any information you require to assist you to decide can be found on the following web pages:

Suffolk Fire and Rescue Service

<http://www.suffolk.gov.uk/emergency-and-rescue/>

Residential Sprinkler Association

<http://www.firesprinklers.info/>

British Automatic Fire Sprinkler Association

<http://www.bafsa.org.uk/>

Fire Protection Association

<http://www.thefpa.co.uk/>

Business Sprinkler Alliance

<http://www.business-sprinkler-alliance.org/>

I hope adopting automatic fire sprinklers in your build can help our aim of making 'Suffolk a safer place to live'.

Yours faithfully

Mark Hardingham
Chief Fire Officer
Suffolk Fire and Rescue Service

Your Ref:DC/21/03292
Our Ref: SCC/CON/4096/21
Date: 8 September 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

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

For the attention of: Bradly Heffer - MSDC

Dear Bradly

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/03292

PROPOSAL: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

LOCATION: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT

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

Since the previous highways response dated 23/06/21 some amendments to the layout and landscaping drawings are noted, but these do not address the comments relating to potential road adoption. Therefore, whilst the proposal is acceptable for the purposes of planning, there may be complications, delays or non-adoption of estate roads with the proposed layout.

Recommended Conditions:

Condition: The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 1061-00-101 Rev A; and made available for use prior to first 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 areas to be provided for storage of Refuse/Recycling bins as shown on drawing number BW233EC_PL-06_A Refuse 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.

Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Condition: The use shall not commence until the area(s) within the site shown on BW233EC_PL-04_A Parking Layout 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: Before the development is commenced details of the areas to be provided for secure cycle storage and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to occupation of the dwelling they serve.

Reason: To ensure the provision of cycle storage and EV charging infrastructure in accordance with Suffolk Guidance for Parking (2019).

Condition: Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

Condition: All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall 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 period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic.

Notes:

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

SCC Travel Plan team recommended condition:

Condition: 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) in accordance with the requirements in the Travel Plan (dated December 2018). 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).

Note: The Resident Travel Pack should be produced in accordance with Suffolk County Council's Travel Plan Guidance

(www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers)

SCC Passenger Transport Comments / Contribution Request:

CONTRIBUTIONS PUBLIC TRANSPORT – A pair of new stops are required on Pound Hill near the western junction of Pretyman Way. The stops need wheelchair accessible kerbs (there should also be a suitable pedestrian crossing point to the bus stop on the north side). Ideally, these works could be carried out under a S278 agreement with SCC however, if not, the county may consider a contribution for these improvements; estimated cost is £25,000 towards these works.

Recommended condition if Bus Stops provided by S278 Agreement works:

Condition: Before the development is commenced details of improved Bus Stop infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to occupation of the first dwelling.

Reason: To ensure the provision of passenger transport infrastructure improvements.

SCC PROW Team Comments:

PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE

REF: Land South Of, Pretyman Avenue, Bacton – DC/21/03292

Thank you for your consultation concerning the above application.

The proposed site does contain a public right of way (PROW): Footpath 13 Bacon. The Definitive Map for Bacton can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Bacton.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

The proposed site also contains claimed PROW. This is where a formal claim has been made for routes to be added to the Definitive Map, but it has yet to be investigated and determined by Suffolk County Council. It is important that a claimed route is treated as if it is a recorded PROW until the claim has been fully investigated and determined. This is to avoid a situation arising where a claimed route is obstructed by development and is later confirmed as a PROW, which could be very contentious and costly for the landowner to resolve.

We do not object to this proposal, however we would strongly suggest that the Applicant contacts the Definitive Map Team (DefinitiveMaps@Suffolk.gov.uk) to ascertain the legally recorded alignment of FP1, and the routes of the claimed PROW.

Yours sincerely,

Ben Chester

Senior Transport Planning Engineer

Growth, Highways and Infrastructure

Your Ref: DC/21/03292
Our Ref: SCC/CON/2747/21
Date: 23 June 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

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

For the attention of: Bradly Heffer - MSDC

Dear Bradly

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/03292

PROPOSAL: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

LOCATION: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT

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

The proposal to relocate the access from the previously approved development in this location (DC/18/05514) is acceptable to the Highway Authority. It is accepted that the impact upon on the highway is not significantly different enough to warrant a new Transport Assessment.

The proposed development layout is acceptable to the Highway Authority (subject to the planning conditions listed below), although it should be noted that as proposed, the estate roads may not be suitable for adoption by the Highway Authority. The shared surface roads do not illustrate service strips for the provision of utilities or street lighting, and there are a number of proposed trees shown less than 5 metres from the road edge that may obscure visibility and/or overhang or cause root damage to roads and footways. If the developer wishes to have the estate roads adopted, slightly amended layout and landscaping plans should be submitted.

Recommended Conditions:

Condition: The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 1061-00-101 Rev A; and made available for use prior to first 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 areas to be provided for storage of Refuse/Recycling bins as shown on drawing number BW233EC_PL-06_00 Refuse 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.

Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Condition: The use shall not commence until the area(s) within the site shown on BW233EC_PL-04_00 Parking Layout 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: Before the development is commenced details of the areas to be provided for secure cycle storage and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to occupation of the dwelling they serve.

Reason: To ensure the provision of cycle storage and EV charging infrastructure in accordance with Suffolk Guidance for Parking (2019).

Condition: Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

Condition: All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall 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 period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV

Notes:

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

SCC Travel Plan team recommended condition:

Condition: 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) in accordance with the requirements in the Travel Plan (dated December 2018). 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).

Note: The Resident Travel Pack should be produced in accordance with Suffolk County Council's Travel Plan Guidance (www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers)

SCC Passenger Transport Comments / Contribution Request:

CONTRIBUTIONS PUBLIC TRANSPORT – A pair of new stops are required on Pound Hill near the western junction of Pretymen Way. The stops need wheelchair accessible kerbs (there should also be a suitable pedestrian crossing point to the bus stop on the north side). Ideally, these works could be carried out under a S278 agreement with SCC however, if not, the county may consider a contribution for these improvements; estimated cost is £25,000 towards these works.

SCC PROW Team Comments:

SCC Public Rights Of Way team will provide comments in due course.

Yours sincerely,

Ben Chester

Senior Transport Planning Engineer

Growth, Highways and Infrastructure

From: GHI PROW Planning

Sent: 08 September 2021 15:04

Subject: RE: MSDC Planning Re-consultation Request - DC/21/03292 *Land South Of Birch Avenue, Bacton

PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE

REF: DC/21/03292

Thank you for your consultation concerning the above application.

As the developer is aware from previous correspondence, the proposed site does contain a public right of way (PROW): Bacton Public Footpath 13 and also a claimed route. Both are depicted on site plans.

We accept this proposal but ask that the following is taken into account:

1. PROW are divided into the following classifications:
 - Public Footpath – only for use on foot or with a mobility vehicle
 - Public Bridleway – use as per a public footpath, and on horseback or by bicycle
 - Restricted Byway – use as per a bridleway, and by a ‘non-motorised vehicle’, e.g. a horse and carriage
 - Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.
3. **The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW.** It **DOES NOT** give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:
 - To apply for permission to carry out work on a PROW, or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and->

[responsibilities/](#) or telephone 0345 606 6071. **PLEASE NOTE** that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

- To apply for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

4. **To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible** to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> **PLEASE NOTE** that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.
5. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.
6. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.
7. **There may be a requirement to enhance the PROW network relating to this development. If this is the case, a separate response will contain any further information.**

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/.

Thank you for taking the time to consider this response.

Public Rights of Way Team
Growth, Highways and Infrastructure
Suffolk County Council

From: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Sent: 29 Jun 2021 03:14:20

To:

Cc:

Subject: FW: MSDC Planning Consultation Request - DC/21/03292

Attachments:

From: GHI PROW Planning <PROWplanning@suffolk.gov.uk>

Sent: 29 June 2021 15:05

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

Cc: David Falk <david.falk@suffolk.gov.uk>; Sharon Berry (MSDC) <Sharon.Berry@babberghmidsuffolk.gov.uk>; Ben Chester <Ben.Chester@suffolk.gov.uk>; Sam Trayton <Sam.Trayton@suffolk.gov.uk>

Subject: RE: MSDC Planning Consultation Request - DC/21/03292

PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE

REF: Land South Of, Pretyman Avenue, Bacton – DC/21/03292

Thank you for your consultation concerning the above application.

The proposed site does contain a public right of way (PROW): Footpath 13 Bacon. The Definitive Map for Bacton can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Bacton.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

The proposed site also contains claimed PROW. This is where a formal claim has been made for routes to be added to the Definitive Map, but it has yet to be investigated and determined by Suffolk County Council. **It is important that a claimed route is treated as if it is a recorded PROW until the claim has been fully investigated and determined.** This is to avoid a situation arising where a claimed route is obstructed by development and is later confirmed as a PROW, which could be very contentious and costly for the landowner to resolve.

We do not object to this proposal, however we would strongly suggest that the Applicant contacts the Definitive Map Team (DefinitiveMaps@Suffolk.gov.uk) to ascertain the legally recorded alignment of FP1, and the routes of the claimed PROW. The Applicant MUST also take the following into account:

1. PROW are divided into the following classifications:
 - Public Footpath – only for use on foot or with a mobility vehicle
 - Public Bridleway – use as per a public footpath, and on horseback or by bicycle
 - Restricted Byway – use as per a bridleway, and by a ‘non-motorised vehicle’, e.g. a horse and carriage
 - Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

2. **PROW MUST remain open, unobstructed and safe for the public to use at all times**, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed as per point 4 below.
3. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.
4. **The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT** give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of

a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- To apply for permission to carry out work on a PROW, or seek a temporary closure –<https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. **PLEASE NOTE** that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- To discuss applying for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

5. **To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible** to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> **PLEASE NOTE** that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.
6. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.
7. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/

Thank you for taking the time to consider this response.

Public Rights of Way Team

Growth, Highways and Infrastructure

Suffolk County Council

Phoenix House, 3 Goddard Road, Ipswich IP1 5NP

PROWplanning@suffolk.gov.uk

From: David Pizzey
Sent: 18 June 2021 11:20
Subject: DC/21/03292 Land South Of Birch Avenue, Bacton

Hi Bron

I have no objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this purpose. Although a small number of trees are proposed for removal they are of limited amenity value and/or poor condition and are not of sufficient importance to warrant being a constraint.

Please let me know if you require any further input.

Regards

David Pizzey FArborA
Arboricultural Officer

From: Nathan Pittam
Sent: 20 September 2021 11:40
To: BMSDC Planning Area Team Pink
Cc: Bron Curtis
Subject: DC/21/03292. Air Quality

EP Reference: 297836
DC/21/03292. Air Quality
Land South of, Birch Avenue, Bacton, STOWMARKET, Suffolk.
Erection of 85no dwellings (including 30no Affordable Housing dwellings)
including vehicular access from Birch Avenue, open space provision,
community facility provision, soft landscaping, biodiversity enhancements

I can confirm that the scale of development, at 85 dwellings, is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site. When assessing the impacts of developments we give regard to the existing air quality at the site as provided by DEFRA background concentrations and also the number of likely vehicle movements. DEFRA and the Institute of Air Quality Management provide benchmarks of the scale of development that *may* start to cause a deterioration of air quality that requires further assessment. IAQM indicate that concerns may start to occur on developments which generate 500 vehicle movements a day – this development falls short of this threshold and as such further investigation is not warranted.

For details regarding how Babergh and Mid Suffolk District Councils approaches Air Quality including current reports and data, please view our website at <https://www.babergh.gov.uk/environment/air-quality/>. It should be noted that any documentation submitted in relation to a planning application should be sent directly to the Development Management Team and not the Environmental Protection Team as this may lead to delays in the planning process

Kind regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

From: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Sent: 25 Jun 2021 02:26:42
To:
Cc:
Subject: FW: DC/21/03292. Air Quality
Attachments:

From: Nathan Pittam <Nathan.Pittam@baberghmidsuffolk.gov.uk>
Sent: 24 June 2021 08:41
To: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Cc: Bron Curtis <Bron.Curtis@baberghmidsuffolk.gov.uk>
Subject: DC/21/03292. Air Quality

EP Reference : 294305
DC/21/03292. Air Quality
SH, Street Record, Birch Avenue, Bacton, STOWMARKET, Suffolk.
Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft –

I can confirm that the scale of development, at 85 dwellings, is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site. When assessing the impacts of developments we give regard to the existing air quality at the site as provided by DEFRA background concentrations and also the number of likely vehicle movements. DEFRA and the Institute of Air Quality Management provide benchmarks of the scale of development that *may* start to cause a deterioration of air quality that requires further assessment. IAQM indicate that concerns may start to occur on developments which generate 500 vehicle movements a day – this development falls short of this threshold and as such further investigation is not warranted.

For details regarding how Babergh and Mid Suffolk District Councils approaches Air Quality including current reports and data, please view our website at <https://www.babergh.gov.uk/environment/air-quality/>. It should be noted that any documentation submitted in relation to a planning application should be sent directly to the Development Management Team and not the Environmental Protection Team as this may lead to delays in the planning process

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
Work: 01449 724715
websites: www.babergh.gov.uk www.midsuffolk.gov.uk

From: Nathan Pittam
Sent: 20 September 2021 11:47
To: BMSDC Planning Area Team Pink
Cc: Bron Curtis
Subject: DC/21/03292. Land Contamination

EP Reference : 297838
DC/21/03292. Land Contamination
Land South of, Birch Avenue, Bacton, STOWMARKET, Suffolk.
Erection of 85no dwellings (including 30no Affordable Housing dwellings)
including vehicular access from Birch Avenue, open space provision,
community facility

Many thanks for your request for comments in relation to the above application. I can confirm that I have no cause to amend my comments made during the consultation period which remain valid.

Kind regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

From: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Sent: 25 Jun 2021 02:26:36
To:
Cc:
Subject: FW: DC/21/03292. Land Contamination
Attachments:

From: Nathan Pittam <Nathan.Pittam@baberghmidsuffolk.gov.uk>
Sent: 24 June 2021 08:54
To: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Cc: Bron Curtis <Bron.Curtis@baberghmidsuffolk.gov.uk>
Subject: DC/21/03292. Land Contamination

EP Reference 294301
DC/21/03292. Land Contamination
SH, Street Record, Birch Avenue, Bacton, STOWMARKET, Suffolk.
Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility -

Having reviewed the application as submitted I note that the applicant has failed to submit the required information to demonstrate that the site is suitable for the proposed end use and has failed to meet our Local Validation Requirements – however I am aware that there may have been previous applications for the site for which the required information has been submitted however we have to determine based on the information presented.

For a development of this size we require that the applicant submits a Phase I desk study undertaken by an appropriately qualified Geoenvironmental consultant that complies with BS 10175: 2011+A1:2013 “Investigation of potentially contaminated sites - Code of practice and CLR11 “Model procedures for the management of land contamination”. The simplified Envirocheck-type report and Land Contamination Questionnaire is not considered appropriate for a development of this scale. This report should comprise of an overview of previous uses of the site as well as current site conditions as demonstrated through a site walkover and an assessment of risk by a technically competent person. Please see our advice note which will provide further information <https://www.babergh.gov.uk/assets/Environment/Advice-Note-1.pdf> which will hopefully provide sufficient clarity to enable the applicant to get their application to a point where a reconsultation is possible.

Should the applicant wish to source the appropriate documents to support their application then we may be in a position to review our recommendation but we would require formal notification of newly submitted information quoting the above EP Reference number. It should be noted that any documentation submitted in relation to a planning application should be sent directly to the Development Management Team and not the Environmental Protection Team as this may lead to delays in the planning process.

For details regarding how Babergh and Mid Suffolk District Councils approaches Land Contamination, including templates for planning submissions, please view our website at <https://www.babergh.gov.uk/environment/contaminated-land/>.

Kind regards

Nathan

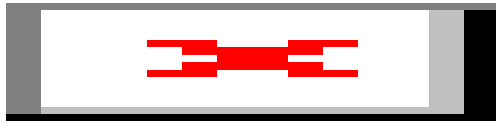
Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@baberghmidsuffolk.gov.uk

Work: 01449 724715

websites: www.babergh.gov.uk www.midsuffolk.gov.uk



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

Sent: 10 Sep 2021 08:26:39

To:

Cc:

Subject: FW: DC/21/03292 re consultation

Attachments:

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

Sent: 09 September 2021 17:17

To: Bron Curtis <Bron.Curtis@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>

Subject: DC/21/03292 re consultation

Environmental Health -
Noise/Odour/Light/Smoke

APPLICATION FOR PLANNING PERMISSION - DC/21/03292

Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Location: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT

Reason(s) for re-consultation: Documents dated 31.08.2021

Thank you for reconsulting me

I have no further comments to make in addition to those I have already submitted

Andy

Andy Rutson-Edwards, MCIEH AMIOA

Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together

Tel: 01449 724727

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

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

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

Sent: 30 Jun 2021 08:34:30

To:

Cc:

Subject: FW: DC/21/03292

Attachments:

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

Sent: 29 June 2021 17:34

To: Bradly Heffer <Bradly.Heffer@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>

Subject: DC/21/03292

Environmental Health -
Noise/Odour/Light/Smoke

APPLICATION FOR PLANNING PERMISSION - DC/21/03292

Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Location: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT

Thank you for consulting me on this application. I have reviewed the L F Acoustics Noise and Vibration assessment and mitigation scheme (Bacton Noise r1.1 010621.docx) dated June 2021, submitted in support of this application I have the following comments to make:

The report indicates that with the layout proposed, noise from passing trains will have an adverse impact on dwellings closest to the railway line. However, this can be mitigated by the building layout i.e. placing the bedrooms of the maisonettes on the West side of the building and ensuring that suitable, acoustic double glazing/trickle ventilation as proposed in section 7.3 of the previously mentioned report are installed to provide acceptable internal noise levels within habitable rooms

A 3.5 metre acoustic fence along the Western boundary of the development and railway line is also proposed to achieve acceptable external noise levels for amenity.

As such I would recommend that the following conditions are attached to any permissions granted:

1. All bedrooms and living rooms on the facades highlighted in section 7.3 and shown in Figure 3, of the L F Acoustics Noise and Vibration assessment and mitigation scheme (Bacton Noise r1.1 010621.docx) dated June 2021, for the residential development at Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT shall be constructed with the relevant glazing scheme as specified in section 7.3
2. All other facades in the development shall be fitted with double glazing to ensure that WHO and BS8233 internal values are being met.
3. Prior to first occupation, a sample of dwellings, the number and location of which shall be agreed by the LPA and the developer, shall be independently tested to ensure that WHO and BS8233 internal values are being met.

If the internal levels are in excess of BS8233 levels an alternative passive ventilation will be required. Layout details and details of any alternative passive ventilation shall be submitted for approval by the LPA prior to occupation

(Note: any form of ventilation installed must comply with the Noise Insulation Regulations 1975 and Approved Document F [Ventilation Regulations])

4. A 3.5 metre acoustic fence along the Western boundary of the development and railway line shall be constructed and maintained throughout the lifetime of the development to achieve acceptable external noise levels for amenity.

5. Construction Hours

The hereby permitted development/use shall only operate between the hours of 08.00 and 18.00hrs Mondays to Fridays and between the hours of 09.00 and 16.00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

6. Prohibition on burning.

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

7. Dust control

The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

8. Construction Management Plan

No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours (to include hours for delivery)
- Details of the scheduled timing/phasing of the development for the overall construction period
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- protection measures for footpaths surrounding the site
- Loading and unloading of plant and materials
- Wheel washing facilities
- Lighting
- Location and nature of compounds, pottraloos and storage areas (including maximum storage heights) and factors to prevent wind-whipping of loose materials
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Method of any demotion to take place, including the recycling and disposal of materials arising from demolition.
- Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling) and;
- Litter and waste management during the construction phases of the development. Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demotion and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP

Reason – To minimise detriment to nearby residential amenity.

From: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Sent: 07 Sep 2021 01:10:15
To:
Cc:
Subject: FW: DC/21/03292
Attachments:

From: Simon Davison <Simon.Davison@baberghmidsuffolk.gov.uk>
Sent: 07 September 2021 12:35
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: DC/21/03292

Dear Bron,

APPLICATION FOR PLANNING PERMISSION - DC/21/03292

Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision.

Location: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT.

Reason(s) for re-consultation: Documents dated 31.08.2021.

Many thanks for your request to comment on the application.

The Sustainability Statement provided by the Applicant provided a reasonable outline of how the development will meet and, in some cases, exceed current energy and building fabric requirements and therefore no conditions are required.

Kind regards

Simon Davison PIEMA
Senior Environmental Management Officer
Babergh and Mid Suffolk District Councils - Working Together

Mobile: 07874 634932
t: 01449 724728
email: simon.davison@baberghmidsuffolk.gov.uk
w: www.babergh.gov.uk www.midsuffolk.gov.uk

From: Simon Davison
Sent: 28 June 2021 10:22
Subject: DC/21/03292

Dear Bradley,

APPLICATION FOR PLANNING PERMISSION - DC/21/03292

Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision.

Location: Land South Of Birch Avenue, Bacton, Suffolk, IP14 4NT

Many thanks for your request to comment on the application.

The council declared a climate emergency in 2019 and has an aspiration to become Carbon neutral by 2030, it is encouraging all persons involved in developments and activities in the district to consider doing the same. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability.

It is therefore requested that the following condition be placed on any grant of permission:

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be 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 construction and 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.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, and NPPF) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day).

The Sustainability and Energy Strategy should indicate the alternative fabric energy efficiency measures required for the properties on the development to achieve the future compliance standards as indicated in the recent Future Homes Consultation response. Namely to comply with the interim uplift of Part L 2021, the Future Homes Standard 2025 and net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage rather than retrofit at a later date. The applicant may wish to do this to inform future owners of the properties.

Details as to the provision for electric vehicles has been included however please see the Suffolk Guidance for Parking, published on the SCC website on the link below:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/parking-guidance/>

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO₂ reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Clear commitments and minimum standards should be declared and phrases such as 'where possible, subject to, where feasible' must not be used.

Evidence should be included where appropriate demonstrating the applicants previous good work and standards achieved in areas such as site waste management, eg what recycling rate has the applicant achieved in recent projects to show that their % recycling rate commitment is likely.

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

Guidance can be found at the following locations:

<https://www.midsuffolk.gov.uk/environment/environmental-management/planning-requirements/>

Kind regards

Simon Davison PIEMA
Senior Environmental Management Officer
Babergh and Mid Suffolk District Councils - Working Together

From: Laura Johnson - Built Heritage Consultant
Sent: 20 September 2021 18:10
To: Bron Curtis
Subject: Re-consultation: DC/21/03292

Hi Bron,

Thank you for re-consulting Place Services on this application following the submission of additional documentation. At this stage I have no further comments to make, please refer to my original consultation response regarding the impact of the development upon heritage assets within the vicinity of the Site.

Kind regards,

Laura

Laura Johnson BA (Hons) MSc
Built Heritage Consultant

FAO: Planning Department,
Babergh and Mid Suffolk District Councils



Ref: DC/21/03292
Date: 05/07/2021

BUILT HERITAGE ADVICE

Dear Sir / Madam,

RE: Land South of Birch Avenue, Bacton, Suffolk, IP14 4NT

This application proposed the construction of 85 dwellings, vehicular access from Birch Avenue, open space provision, community facility provision, landscaping and other associated works.

There are no designated heritage assets within the site, and none in immediate proximity. The site is located to the south of Birch Avenue, a twentieth century housing development on the south eastern edge of the village. There are a cluster of listed buildings to the west of the site which represent the oldest sections of the village, including St Marys Church, Grade I listed and dating from the fourteenth century (list entry number: 1032755). Church Farmhouse (list entry number: 1032713) and Pretty's House (list entry number: 1032712), both Grade II listed, are the designated assets located closest to the site and are north east of the proposed development, separated by areas of garden and agricultural land. Tree cover and established hedgerow prevent intervisibility between the site, Church Farmhouse and Pretty's Cottage.

Due to the distance from the site and the designated heritage assets, there is no objection to the proposals from a built heritage perspective. The setting of the assets described above will not be harmed as a result of the proposals.

Yours sincerely,

Laura Johnson
Historic Environment Team
Place Services

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

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

From: BMSDC Public Realm Consultation Mailbox >

Sent: 01 July 2021 15:38

Subject: RE: MSDC Planning Consultation Request - DC/21/03292

Public Realm Officers consider the provision of open space, location of the LEAP and biodiversity enhancements as detailed in the three soft landscaping proposals drawings are acceptable and we would not wish to offer any objections to the detailed proposals

Regards

Dave Hughes
Public Realm Officer

Place Services
Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH
T: 0333 013 6840
www.placeservices.co.uk
[@PlaceServices](https://twitter.com/PlaceServices)



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

02/09/2021

For the attention of: Bron Curtis

Ref: DC/21/03292; Land South of Birch Avenue, Bacton, Suffolk, IP14 4NT

Thank you for re-consulting is on the Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision.

This response is in relation to additional information submitted 31st August 2021. We welcome the changes to date, however we have the following comments and recommendations:

There was insufficient information in the submitted documents relating to the paved or otherwise hard surfaced areas including the materials, colour and surface finish. There were also no details of finished levels or contours.

We note the comment from Strutt & Parker regarding the requirement to comply with Highways guidance on placement and species of street trees. The amended plans now also indicate a swale located along the spine road with trees planted within it. While it is possible to combine these features, we believe the species selected are inappropriate due to tolerance of waterlogging, mature size and use along a highway. We would recommend that the species are careful re-considered to select more appropriate species such as Acer campestre, Amelacheir, Betula nigra, Frans Fontaine cultivar of Carpinus etc

The buffer planting to the northern boundary has been strengthened by additional trees, however we continue to recommend that the buffer be located outside of the plot allocation (with the 1.8m high larch lap fence to the south of the buffer) to enable it to be under the control of the Management company, as part of the public realm. This is to ensure that adequate provision is in place for its establishment, maintenance and long-term retention.



The aesthetic appeal of the attenuation area plays an important role in ensuring it is integrated within green open spaces and provides multiple benefits. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. While technical information and a planting plan has been supplied for the attenuation basin, no details of the aesthetics of the inlet or outlet were forthcoming.

No details of the play equipment or landscaping within the LEAP were provided.

If minded for approval we recommend the following conditions for consideration:

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
LANDSCAPE SCHEME.**

Prior to commencement of landscape works hereby approved, details comprising plans and particulars shall be submitted to the Local Planning Authority showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show the existing trees, shrubs, and hedgerows on the site where to be retained and shall include details of:

- A specification of soft landscape works, include a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted.
- Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment.
- Paved or otherwise hard surfaced areas including the extent and specification for footways and kerbing, together with the type and specification of all permeable paving and asphalt surfaces.
- Existing and finished levels shown as contours with cross-sections, if appropriate.
- All means of enclosure and all boundary treatments between individual plots, all boundary treatments around the perimeter of the site and all boundaries adjacent to the service road.
- Details relating to the protection and enhancement of the existing trees and hedgerows on the site and any ongoing management over the lifetime of the proposed use.

Such details as may be agreed, shall be implemented in their entirety during the first planting season (October to March inclusive) following approval, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in an agreed location, in the first available planting season following removal.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity.

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
ADVANCED PLANTING.**

Before any works commence on site, details of advance planting to the site boundaries shall be submitted and approved by the Local Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Reason - In order to ensure 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.

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF LANDSCAPING WORKS:
PLAYSPACE PROVISION**

Details of the onsite children's playspace provision contained within the proposed play spaces, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing.

The details shall include the:

- a) location, layout, design of the playspace; and
- b) equipment/ features.

The playspace and equipment/features shall be laid out and installed prior to the first occupation of the development.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity.

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
SUSTAINABLE URBAN DRAINAGE SYSTEM (SUDS) DETAILS**

Prior to the commencement of the construction of the dwellings details of SuDS shall be submitted to and approved in writing by the Local Planning Authority. This should include; detailed topographical plans, a timetable for their implementation and a management and maintenance plan.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity.

If you have any queries regarding the matters above, please do not hesitate to contact me.

Kind regards,

Kim Howell BA (Hons) DipLA CMLI
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.



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

02/08/2021

For the attention of: Bron Curtis

Ref: DC/21/03292; Land South of Birch Avenue, Bacton, Suffolk, IP14 4NT

Thank you for consulting is on the Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision.

This site was previously granted outline permission with reserved matters (DC/18/05514). The current application has had significant changes to the layout resulting in the applicant's decision to submit a separate full application. This is our landscape response to the scheme proposed in this FULL planning application.

The information submitted as part of this application was insufficient for us to fully comment, however we have the following observations and recommendations:

1. An LVIA was provided for the previous Outline Application however it was not included in this application. We suggest that it is revised, or an addendum added to reflect this new proposal.
2. The buffer planting to the north looks to be approx. 3m deep and comprised of shrubs and specimen trees. In our opinion this is not robust enough to provide adequate screening for the existing properties to the north.
3. The rear garden of Plot 1 looks too small on the soft landscape plan. Ideally there would be a minimum of 50 sqm of private amenity space for a 1 or 2 bedroom dwelling and additional 10 sqm for every extra bedroom there after.
4. While the provision of a path to access the existing gardens along the northern boundary allows access for the residents it may make the rear gardens more easily accessible to intruders. We suggest the layout be reviewed and advice be sought from the Secure by Design officer.

5. There is some incomplete information provided for hard landscape materials, however a hard landscape layout plan showing the location of different surface treatments and features such as street furniture and play equipment was missing. As were construction details of the hard landscape elements.
6. Some information was supplied on the style of domestic boundary treatments, however an enclosure plan is still required. It should clearly showing all fences, walls and other means of visual and physical enclosure.

A soft landscape scheme was included with the submission but lacked details on planting specification such as staking, shelter/guards, root protection barriers and details of any advanced planting. We also have the following recommendations:

7. Street trees should be located within the public realm and not in private ownership. This will ensure trees remain and that management and maintenance is undertaken to a reasonable standard.
8. A flowering lawn mix should be used for all grass areas within the public realm. Flowering lawns provide visual interest, improve biodiversity value, establish quickly and are easy to maintain long-term.
9. The native hedge to the southern boundary should be amended to the following mix:
 - 60% Hawthorn (*Crataegus monogyna*)
 - 20% Field maple (*Acer campestre*)
 - 10% Hazel (*Corylus Avellana*)
 - 5% Trees (wild cherry, oak or hornbeam)
 - 5% made of holly, spindle, crab apple, dogwood, blackthorn and guelder rose (only a few % each IF they are present in the locality).
10. Planting information was supplied for the attenuation basin; however, it was unclear if the aesthetic appeal of inlet and outlets had been considered. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided.
11. The LEMP submitted had adequate landscape information but requires further comment from the Ecology Officer.

If minded for approval we recommend the following conditions for consideration:

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
LANDSCAPE SCHEME.**

Prior to commencement of landscape works hereby approved, details comprising plans and particulars shall be submitted to the Local Planning Authority showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show the existing trees, shrubs, and hedgerows on the site where to be retained and shall include details of:

- A specification of soft landscape works, include a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted.
- Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment.
- Paved or otherwise hard surfaced areas including the extent and specification for footways and kerbing, together with the type and specification of all permeable paving and asphalt surfaces.
- Existing and finished levels shown as contours with cross-sections, if appropriate.
- All means of enclosure and all boundary treatments between individual plots, all boundary treatments around the perimeter of the site and all boundaries adjacent to the service road.
- Details relating to the protection and enhancement of the existing trees and hedgerows on the site and any ongoing management over the lifetime of the proposed use.

Such details as may be agreed, shall be implemented in their entirety during the first planting season (October to March inclusive) following approval, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in an agreed location, in the first available planting season following removal.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity.

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
ADVANCED PLANTING.**

Before any works commence on site, details of advance planting to the site boundaries shall be submitted and approved by the Local Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Reason - In order to ensure 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.

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF LANDSCAPING WORKS:
PLAYSPACE PROVISION**

Details of the onsite children's playspace provision contained within the proposed play spaces, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing.

The details shall include the:

- a) location, layout, design of the playspace; and

b) equipment/ features.

The playspace and equipment/features shall be laid out and installed prior to the first occupation of the development.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity.

**ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT:
SUSTAINABLE URBAN DRAINAGE SYSTEM (SUDS) DETAILS**

Prior to the commencement of the construction of the dwellings details of SuDS shall be submitted to and approved in writing by the Local Planning Authority. This should include; detailed topographical plans, a timetable for their implementation and a management and maintenance plan.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity.

If you have any queries regarding the matters above, please do not hesitate to contact me.

Kind regards,

Kim Howell BA (Hons) DipLA CMLI
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.



22 September 2021

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

By email only

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

Application: DC/21/03292
Location: Land South Of Birch Avenue Bacton Suffolk IP14 4NT
Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Dear Bron,

Thank you for re-consulting Place Services on the above application.

No objection subject to ecological mitigation measures and enhancement measures

Summary

We have reviewed the Ecological Impact Assessment – rev b (Southern Ecological Solutions Ltd, August 2021) provided by the applicant, relating to the likely impacts of development on designated sites, protected and Priority Species & habitats.

In addition, we have reviewed the revised Soft Landscape Proposals Rev A, GL1501 01 - 03 (Golby + Luck landscape architects, June 2021) and the Landscape & Ecological Management Plan - GL1501 (Golby + Luck landscape architects, May 2021), relating to the soft landscaping specifications and aftercare of these features for the development.

We are still satisfied that there is sufficient ecological information available for determination and we support the varied landscaping proposals.

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 Ecological Impact Assessment – rev b (Southern Ecological Solutions Ltd, August 2021) should be secured and implemented in full, this is necessary to conserve protected and Priority species. Therefore, the measures should be secured via Construction Environmental Management Plan to be secured as pre-commencement condition of any consent. However, it is also recommended that a Skylark Mitigation Strategy will be required as a pre-commencement condition of any consent to secure the delivery, management and monitoring of the four Skylark plots to be secured in blue line boundary land to the south of the site.

A wildlife friendly lighting scheme should be provided for this application as indicated within the Ecological Impact Assessment, to be secured as a condition of any consent prior to occupation. This should follow ILP & BCT Guidelines¹. Therefore, it is highlighted that a professional ecologist should be consulted to advise the lighting strategy for this scheme. In addition, the following measures should be indicated to avoid impacts to foraging and commuting bats:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Environmentally Sensitive Zones should be clearly established within the development, where lighting could potentially impact important foraging and commuting routes for bats (i.e. boundary hedgerows)
- Illumination should be directed away from Environmentally Sensitive Zones. This should preferably demonstrate that the boundary features and Environmentally Sensitive Zones are not exposed to lighting levels of approximately 1 lux via Isolux Diagrams and contour plans.
- Warm White lights should be used preferably at <3000k adjacent to Environmentally Sensitive Zones.
- Avoid lighting which emit have a high ultraviolet light or that have a blue spectral content, as theses have a high attraction effects on insects, which 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 significant horizontal lighting spillage (e.g. cowls, hoods, reflector skirts or shields).

It is indicated that we support the soft landscaping scheme for this development, including the planting specifications / schedules and aftercare measures. However, we do encourage the developer to demonstrate that measurable biodiversity net gains will be achieved for this application. This is because the NPPF 2021 sets out that projects should provide biodiversity net gains, under paragraphs 174[d] and 180[d]. As a result, a Biodiversity Net Gain Assessment could be submitted to the local planning authority which uses the DEFRA Biodiversity Metric 3.0 (or any successor). The Biodiversity Net Gain Assessment should inform the soft landscape proposals and should follow the Biodiversity Net Gain Report & Audit Templates (CIEEM, 2021)².

¹ Bat Conservation Trust and Institute of Lighting Professionals (2018) Guidance Note 08/18: Bats and artificial lighting in the UK. ILP, Rugby

² <https://cieem.net/wp-content/uploads/2021/07/CIEEM-BNG-Report-and-Audit-templates2.pdf>



In addition, it is indicated we support the proposed reasonable biodiversity enhancement measures, as outlined within the Soft Landscape Proposals. However, we recommend that heights of the bird and boxes should be provided, as well as any aftercare measures for the reasonable biodiversity enhancement measures. This could be secured in a revised copy of the Soft Landscape Proposals (Golby + Luck landscape architects, June 2021) and the Landscape & Ecological Management Plan (Golby + Luck landscape architects, May 2021) or secured as a Biodiversity Enhancement Strategy to be secured as a condition of any consent prior to occupation.

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

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

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

Recommended conditions

1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, following the details contained in the Ecological Impact Assessment (Southern Ecological Solutions Ltd, June 2021).

The CEMP (Biodiversity) shall include the following.

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

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the 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).

2. ACTION REQUIRED: SKYLARK MITIGATION STRATEGY

"A Farmland Bird Mitigation Strategy shall be submitted to and approved in writing by the local planning Authority.

The Farmland Bird Mitigation Strategy shall include the following:

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

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

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

3. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives (including heights of bat and bird boxes);*
- c) persons responsible for implementing the enhancement measures;*
- d) details of initial aftercare and long-term maintenance (where relevant).*

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

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

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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



All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

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

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Ecological Consultant

placeservicesecology@essex.gov.uk

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

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



02 August 2021

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

By email only

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

Application: DC/21/03292
Location: Land South Of Birch Avenue Bacton Suffolk IP14 4NT
Proposal: Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Dear Bron,

Thank you for consulting Place Services on the above application.

No objection subject to ecological mitigation measures and enhancement measures

Summary

We have reviewed the Ecological Impact Assessment (Southern Ecological Solutions Ltd, June 2021) provided by the applicant, relating to the likely impacts of development on designated sites, protected and Priority Species & habitats.

In addition, we have reviewed the Soft Landscape Proposals - GL1501 01 – 03 (Golby + Luck landscape architects, June 2021) and the Landscape & Ecological Management Plan - GL1501 (Golby + Luck landscape architects, May 2021), relating to the soft landscaping specifications for the application.

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 Ecological Impact Assessment (Southern Ecological Solutions Ltd, June 2021) should be secured and implemented in full, this is necessary to conserve protected and Priority species. Therefore, the measures should be secured via Construction Environmental Management Plan to be secured as pre-commencement condition of any consent. However, it is also recommended that a Skylark Mitigation Strategy will be required as a pre-commencement condition of any consent to secure the delivery, management and monitoring of the four Skylark plots to be secured in blue line boundary land to the south of the site.

A wildlife friendly lighting scheme should be provided for this application as indicated within the Ecological Impact Assessment, to be secured as a condition of any consent prior to occupation. This should follow ILP & BCT Guidelines¹. Therefore, it is highlighted that a professional ecologist should be consulted to advise the lighting strategy for this scheme. In addition, the following measures should be indicated to avoid impacts to foraging and commuting bats:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Environmentally Sensitive Zones should be clearly established within the development, where lighting could potentially impact important foraging and commuting routes for bats (i.e. boundary hedgerows)
- Illumination should be directed away from Environmentally Sensitive Zones. This should preferably demonstrate that the boundary features and Environmentally Sensitive Zones are not exposed to lighting levels of approximately 1 lux via Isolux Diagrams and contour plans.
- Warm White lights should be used preferably at <3000k adjacent to Environmentally Sensitive Zones.
- Avoid lighting which emit have a high ultraviolet light or that have a blue spectral content, as these have a high attraction effects on insects, which 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 significant horizontal lighting spillage (e.g. cowls, hoods, reflector skirts or shields).

It is indicated that we support the soft landscaping scheme for this development, including the planting specifications / schedules and aftercare measures. However, we do encourage the developer to demonstrate that measurable biodiversity net gains will be achieved for this application. This is because the NPPF 2021 sets out that projects should provide biodiversity net gains, under paragraphs 174[d] and 180[d]. As a result, a Biodiversity Net Gain Assessment could be submitted to the local planning authority which uses the DEFRA Biodiversity Metric 3.0 (or any successor). The Biodiversity Net Gain Assessment should inform the soft landscape proposals and should follow the Biodiversity Net Gain Report & Audit Templates (CIEEM, 2021)².

In addition, it is indicated we support the proposed reasonable biodiversity enhancement measures, as outlined within the Soft Landscape Proposals. However, we recommend that heights of the bird

¹ Bat Conservation Trust and Institute of Lighting Professionals (2018) Guidance Note 08/18: Bats and artificial lighting in the UK. ILP, Rugby

² <https://cieem.net/wp-content/uploads/2021/07/CIEEM-BNG-Report-and-Audit-templates2.pdf>



and boxes should be provided, as well as any aftercare measures for the reasonable biodiversity enhancement measures. This could be secured in a revised copy of the Soft Landscape Proposals (Golby + Luck landscape architects, June 2021) and the Landscape & Ecological Management Plan (Golby + Luck landscape architects, May 2021) or secured as a Biodiversity Enhancement Strategy to be secured as a condition of any consent prior to occupation.

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

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

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

Recommended conditions

1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, following the details contained in the Ecological Impact Assessment (Southern Ecological Solutions Ltd, June 2021).

The CEMP (Biodiversity) shall include the following.

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

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the 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).



2. ACTION REQUIRED: SKYLARK MITIGATION STRATEGY

"A Farmland Bird Mitigation Strategy shall be submitted to and approved in writing by the local planning Authority.

The Farmland Bird Mitigation Strategy shall include the following:

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

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

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

3. PRIOR TO OCCUPATION: 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

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 (including heights and orientations of bat and bird boxes);*
- c) persons responsible for implementing the enhancement measures;*
- d) details of initial aftercare and long-term maintenance (where relevant).*

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

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

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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



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

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

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Ecological Consultant

placeservicesecology@essex.gov.uk

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

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

MID SUFFOLK DISTRICT COUNCIL

MEMORANDUM

To: Bron Curtis – Planning Officer

From: Robert Feakes – Housing Enabling Officer

Date: 20 September 2021

Subject: Updated Planning Application Documents - DC/21/03292

Proposal: Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Location: Land South Of Birch Avenue Bacton Suffolk IP14 4NT

Key Points

1. Background Information

This memo provides an update on earlier comments, following provision of updated documentation in support of the proposal.

No objections remain, but this note sets out comments in respect of:

- 10% affordable home ownership
- Open market housing mix

2. Affordable Housing Requirements

2.1 The initial response, dated 28 June 2021, raised a number of points. These are detailed below, along with highlighting a change to the affordable housing mix.

2.2 Affordable Housing Mix

The development provides 35% affordable housing. The mix of units set out in the original application documents was supported, but has changed slightly, with the tenure of some of the bungalows changing as follows:

Plot Number	Previous Tenure	Revised Tenure	Change Y/N?
2	Shared Ownership	Shared Ownership	N
3	Affordable Rent	Shared Ownership	Y
4	Affordable Rent	Affordable Rent	N
5	Shared Ownership	Affordable Rent	Y
6	Shared Ownership	Affordable Rent	Y

This is a minor change but needs to be considered in light of paragraph 65 of the NPPF. The overall result is a reduction in the number of affordable home ownership units from 9 to 8, which puts the proportion of the site offering an affordable home ownership option below 10%.

2.3 Affordable Housing Distribution

In response to a comment made in the previous response, the applicant has moved two affordable units away from the South East corner of the site (plots 35 and 35, near the railway) to the North West (plots 13 and 14). It is acceptable in light of the Council's practice to avoid clusters of more than 15 units. Whilst it does not represent 'pepper-potting', it is not considered reasonable to request any further changes.

2.4 Storey Heights and the Nationally Described Space Standard

Confusion regarding the floorspaces and heights of the maisonette units (plots 44-47 inclusive) has been resolved.

All affordable units meet the gross internal floor space requirements of the Nationally Described Space Standard. This is supported.

2.5 Tenure blind design

Concerns regarding the differences in design between the affordable and open market units appear not to have been resolved. This is disappointing, and not consistent with the description of a well-designed place, as set out in the National Design Guidance.¹

3. Open Market Units

3.1 Mix of Units – Comment

There does not appear to be any changes to the open market housing mix, so the comment on this point (as set out on 28 June) remains the same; that it would be welcomed if a greater proportion of the open market units came forward as smaller (1- and 2-bed) dwellings. Mid Suffolk policy does not specify a particular mix.

3.2 Nationally Described Space Standard - Comment

No further information has been received in respect of whether the open market units meet the nationally described space standard. The Council does not have an adopted policy on the national space standard, though such a policy is included in the Joint Local Plan currently being examined.

¹ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf, paragraphs 116 and 119.

MID SUFFOLK DISTRICT COUNCIL

MEMORANDUM

To: Bron Curtis – Planning Officer

From: Robert Feakes – Housing Enabling Officer

Date: 28 June 2021

Subject: Application for planning permission - DC/21/03292

Proposal: Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Location: Land South Of Birch Avenue Bacton Suffolk IP14 4NT

Key Points

1. Background Information

An application for 85 units including a policy compliant 30 affordable homes.

The proposed affordable housing mix is acceptable, although some matters need to be clarified, including unit sizes and storeys.
--

The distribution of affordable housing is not satisfactory.

2. Housing Need Information:

2.1 The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2019, confirms a continuing need for housing across all tenures and a growing need for affordable housing.

2.2 The 2019 SHMA indicates that in Mid Suffolk there is a need for 127 new affordable homes per annum. The Council's Choice Based Lettings system currently has 7 applicants registered for affordable housing with a local connection to Bacton, as of June 2021, with many more on the Housing Register with a connection to Mid Suffolk.

3. Preferred Mix for Affordable Housing

3.1 Mid Suffolk policy is for relevant development to provide 35% affordable housing. For a development of 85 units, this equates to 30 affordable units, which is reflected in the applicant's proposals.

3.2 It is understood that the applicant is submitting an entirely new application, rather than a reserved matters application to implement outline permission DC/18/05514. However, for the sake of being thorough, the Section 106 agreement for the outline, permission for 85 dwellings secured 35% of those units affordable housing, with 73% of those units to be rented dwellings and 27% to be affordable home ownership. The mix of unit sizes was to be agreed through a separate Affordable Housing Scheme.

3.3 The proposed affordable housing mix, derived from the Accommodation Schedule is as follows:

Tenure	Number	Beds	Type	Size (M ²)
Affordable Rent	2	1	Maisonette*	51.1
	2	2	Maisonette*	65
	2	2	Bungalow	76.9
	12	2	House	81.4
	3	3	House	95.3
<i>Sub Total:</i>	21			
Shared Ownership	3	2	Bungalow	76.9
	5	2	House	81.4
	1	3	House	95.3
<i>Sub Total:</i>	9			
Total	30			

3.4 The proposed mix is considered acceptable, and the inclusion of bungalows is welcomed.

3.5 The applicant needs to confirm a potential discrepancy on the Accommodation Schedule. The unit types named as 'The Souter' and 'The Glover', marked with red diagonal hatching and occupying plots 44-47, are described on the right hand side of the plan as being maisonettes and the Storey Heights Plan shows them as being 2 storey. However, the table on the accommodation schedule describes them as being single storey units. Presumably this is an error on the Accommodation Schedule, but the applicant should confirm the number of storeys, not least as it affects the required gross internal floor area.

3.6 The units have not been described in a format which allows for a firm comparison against the Nationally Described Space Standards, in that they do not set out the proposed number of occupants. Furthermore, it is not clear how many storeys are expected for plots 44-47. Assuming that those units are 2-storey maisonettes, **the Nationally Described Space Standard has not been met**. These units should be a minimum of 58m² for the 1-bed units and 79m² for the 2-beds.

3.7 The layout of the affordable housing is not acceptable. It is noticeable that the units closest to the railway line are all proposed to be affordable housing, as are the units closest to the substation. The maximum number of affordable units which is acceptable

* See potential discrepancy on the accommodation schedule, described in the memo, to be resolved.

in one cluster is 15; this development proposes 17 units (plots 34-35 and 44-58) in one cluster, with a further 2 units (plots 40 and 41) in very close proximity.

3.8 A balance needs to be struck between clustering for effective management purposes and creating a mixed community to enable social interaction. Some units should be moved away from the railway line, reducing the size of that cluster.

3.9 The Planning Statement (paragraphs 3.22 and 5.26) commits to tenure-blind design, but whilst the materials plan indicates that there is a mix of different colours through the development, between market and affordable dwellings, it is noticeable that the affordable units are almost exclusively of different types to the market dwellings. With the exception of the 'Woodcarver' bungalows, the affordable units are all of different types to the market units. It is difficult to describe this as tenure-neutral design.

3.10 It needs to be confirmed that the eventual Registered Provider will not be subject to sharing any unreasonable ongoing costs for highway maintenance. As such, please confirm that all the affordable units will be directly accessible from adoptable highway or, where the affordable units are accessed off a separate private drive which may not be adopted by the Highway Authority, that the drive will be accessed from adoptable highway, delivered to adoptable standard and transferred to the RP. Any costs incurred from maintainable roads should be included in service charges, paid by leaseholders / renters of the affordable units.

3.11 A phasing plan will need to be agreed and secured, to ensure that affordable homes are delivered alongside market homes.

3.12 The impacts of the railway line on residential amenity will need to be assessed; it is understood that the previous permission required bunding as noise attenuation. **I would be grateful if appropriately qualified colleagues could confirm the acceptability of the measures described in paragraph 5.58 of the planning statement**, relating to noise impacts on the maisonette units.

3.13 Other relevant information on the affordable housing is as follows:

- The Affordable Housing must be promptly transferred to an appropriate Registered Provider, acceptable to, and with the agreement, of the District Council.
- Properties must be built to current Homes England and Nationally Described Space Standards 2015.
- All maisonettes to be installed with a level access shower rather than a bath. Development to meet Part M (4) category 2 of the Building Regulations would also be welcomed.
- The Council is to be granted 100% nomination rights to all the affordable units on initial lets and 100% thereafter.
- Adequate parking provision, cycle storage and shed provision must be made for the affordable housing units.
- The Council will not support applications for grant funding to deliver these affordable homes.

4. Open Market Mix: -

4.1 The open market dwellings proposed are as follows:

Type	Number
2-bed bungalow	3
2-bed house	4
3-bed house	27
4-bed house	21

4.2 The SHMA (2019, part 2) indicates the market housing requirements for the district as a whole. This may not represent a directly and specifically appropriate mix in the circumstances of a development, but it offers a guide as to how the development contributes to meeting overall needs. The table below suggests that the current proposal delivers too many larger (3+ bed) homes, and an insufficient number of smaller (1 – 2 bed) homes.

Size of unit (bedrooms)	Current proposal	Split to meet district-wide requirement ⁱ	Difference
1	0	4	-4
2	7	19	-12
3	27	16	+11
4+	21	16	+5

4.3 Data from the 2011 Census shows significantly higher levels of under-occupation in Bacton (83.9%) than both Mid Suffolk (80.8%) and England as a whole (68.7%), again indicating potential demand for smaller homes to enable downsizing.

4.4 On the basis of these sources and with regard to Policy CS9 of the Mid Suffolk Core Strategy, **the applicant is asked to reconsider this mix in order to deliver a larger proportion of smaller dwellings.** This would also aid affordability.

4.5 The inclusion of three units as bungalows is welcomed.

4.6 Information on the unit size (gross internal floor areas) of the market units appears not to have been included with the application. **Please could the applicant provide this information, in order to advise on consistency with national standards?**

Appendix: Size of new owner-occupied accommodation required in Mid Suffolk over the next 18 years

Source: Ipswich Strategic Housing Market Assessment Part 2 Partial Update (January 2019)

Table 4.4e (using the 2014-based projections)

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 more bedrooms	12,208	14,303	2,096	29.2%
Total	32,502	39,688	7,186	100.0%

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

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

Correspondence Address:

Cheffins Planning
Clifton House
1 - 2 Clifton Road
Cambridge
CB1 7EA

Applicant:

Ms Ros Howe
C/o Agent

Date Application Received: 17-Dec-18

Application Reference: DC/18/05514

Date Registered: 03-Jul-19

Proposal & Location of Development:

Outline Planning Application (with access with all other matters reserved) Residential development of up to 85 dwellings and access, siting for a new community building including an independent access, and a children's play area.

Land South Of, Pretyman Avenue, Bacton, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 005a received 28/06/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Tree Protection Plan 18-035-TS01 - Received 17/12/2018
Defined Red Line Plan 005 a - Received 28/06/2019
Site Plan 5587 003 M - Received 16/08/2019
Tree Protection Plan 18-035-TS02 - Received 17/12/2018
Tree Protection Plan 18-035-TS03 - Received 17/12/2018
Tree Protection Plan 18-035-TS04 - Received 17/12/2018

Section B:

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

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

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

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

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

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

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

3. APPROVED PLANS & DOCUMENTS

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

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

4. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF PHASING OF DEVELOPMENT

Before any development is commenced, and concurrently with the submission of reserved matters, a scheme for the carrying out of the development in successive phases shall be submitted to the Local Planning Authority for approval. No development forming part of any phase other than the first, of any scheme subsequently approved in writing, shall be commenced until 75% of the development in the preceding phase has been occupied.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development provided in appropriate phases to ensure minimal detriment to residential

amenity, the environment and highway safety prior to the commencement of such development.

5. ACTION REQUIRED CONCURRENT WITH RESERVED MATTERS: MIX AND TYPE OF HOUSING

Concurrent with the submission of the first reserved matters application(s) details of the mix and type of housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the details of the housing type and mix are provided to inform each reserved matters stage.

6. ACTION REQUIRED PRIOR TO DEVELOPMENT ABOVE SLAB LEVEL: PROVISION OF PARKING FOR NEIGHBOURING RESIDENTS

Prior to the commencement of any development above slab level the parking provided for use by neighbouring residents as detailed on plan 5587 003 M shall be made available for use and thereafter retained as such and used for no other purpose.

Reason: To provide parking for neighbouring residents to limit the impact of on-street parking.

7. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: PROVISION OF ROADS AND FOOTPATHS.

Before the development is commenced, details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage and a timetable for said works, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety in accordance with the timetable agreed.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

8. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS.

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details.

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

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

Prior to the commencement of development details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into first use/occupied and shall be retained thereafter and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and used for no other purpose.

Reason - To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway. This condition is required to be implemented prior to the commencement of any other part of the approved development to ensure highway safety is secured early for the development. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety should proper layout not be achieved.

10. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS TO ACCESS:
HIGHWAYS - SURFACE WATER DISCHARGE PREVENTION DETAILS REQUIRED.

Prior to the commencement of any works to the access, 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 and maintained thereafter in its approved form.

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

11. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION REQUIREMENTS

Before the development hereby permitted is commenced a Construction Management Plan shall be 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.

The Construction Management Plan shall include the following matters:

- . Haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- . Provision of boundary hoarding and lighting
- . Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- . Details of proposed means of dust suppression
- . Details of measures to prevent mud from vehicles leaving the site during construction
- . Details of deliveries times to the site during construction phase
- . Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- . Programme of works (including measures for traffic management and operating hours)
- . Parking and turning for vehicles of site personnel, operatives and visitors
- . Loading and unloading of plant and materials
- . Storage of plant and materials
- . Details of any protection measures for footpaths surrounding the site

- . Details of any means of access to the site during construction.
- . Details of the scheduled timing/phasing of development for the overall construction period.
- . Details of the siting of any on site compounds and portaloos.
- . Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.

The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason: In the interest of 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 and in the interests of neighbouring residential amenity.

12. ACTION REQUIRED PRIOR TO OCCUPATION: TRAVEL PLAN

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.

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) in accordance with the requirements in the Travel Plan (dated December 2018).

Reason: In the interest of sustainable development as set out in the NPPF, and Strategic Objectives S03 and S06 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012). Note: The Resident Travel Pack should be produced in accordance with Suffolk County Council's Travel Plan Guidance (www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers)

13. ACTION REQUIRED PRIOR TO OCCUPATION: TRAVEL PLAN WEBSITE

Prior to first occupation of any dwelling, a suitable website that provides the sustainable transport content identified in the Travel Plan Addendum (dated February 2019) must be implemented.

Evidence of the implementation of this website with details of how it will be managed and funded for a minimum of five years must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the publication of the website.

Reason: In the interest of sustainable development as set out in the NPPF, and Strategic Objectives S03 and S06 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

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

Prior to the first occupation of the development details of the areas to be provided for storage of Refuse/Recycling bins and any associated collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas for each dwelling(s) shall be provided in their entirety before the first occupation of the associated dwelling 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.

15. ACTION REQUIRED: RESERVED MATTERS SURFACE WATER DRAINAGE

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 and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 5.5l/s for all events up to the critical 1 in 100 year rainfall events- including climate change as specified in the FRA;
- c. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- d. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no 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;
- e. Topographical plans depicting all exceedance flowpaths 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;
- f. details of the implementation, 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.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

16. ACTION REQUIRED: DETAILS OF SUDS

The development hereby permitted shall not be occupied until details of all Sustainable Urban 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 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.

17. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION SURFACE WATER MANAGEMENT PLAN

No development shall commence until 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 shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses

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

No development shall take place within the area of residential development and associated works/landscaping [as shown on Dwg 5587-003M Site Plan] until implementation has been secured of the programme of archaeological work set out in the approved Written Scheme of Investigation for this area [ref RPS 2020; report no. 26309 - "Area A"], and details of the archaeological contractor and works timetable have been provided to the LPA in a supplementary Area-specific Specification. Work in Area A will be undertaken in accordance with the approved Written Scheme of Investigation.

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.

REASON:

To safeguard archaeological assets within the approved residential 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).

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

No building shall be occupied within the residential development 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 Specification 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 residential 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).

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

No development shall take place within the area of the Community Building and associated works/landscaping [as shown on Dwg 5587-003M Site Plan] until implementation has been secured of the programme of archaeological work set out in the approved Written Scheme of Investigation for this area [ref RPS 2020; report no. 26309 - "Area B"], and details of the archaeological contractor and works timetable have been provided to the LPA in a supplementary Area-specific specification. Work in Area B will be undertaken in accordance with the approved Written Scheme of Investigation.

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.

REASON:

To safeguard archaeological assets within the approved Community Building 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).

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

No building shall be occupied within the Community Building development area 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 Specification 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 Community Building 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).

22. ACTION REQUIRED: ARBORICULTURAL REPORT IMPLEMENTATION

The recommendations from the arboricultural report submitted with this application shall be implemented in full accordance with the details set out therein.

Reason: To ensure appropriate arboricultural protection, works and mitigation.

23. UNEXPECTED CONTAMINATION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.

The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

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

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority.

The fire hydrants shall be implemented in accordance with these 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.

25. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: SUSTAINABILITY MEASURES

Prior to the commencement of development a scheme for sustainability efficiency measures, including but not limited to renewable energy, low carbon energy, insulation and electric charging points, shall be submitted to and approved in writing by the Local Planning Authority.

Such measures as may be agreed shall be implemented in full prior to the first occupation of each dwelling.

Reason: To provide sustainable energy and low carbon development in accordance with the requirements of CS3 and the NPPF.

26. 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 Ecological Impact Assessment (Greenlight Environmental Consultancy Ltd, December 2018) 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 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).

27. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior 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 organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason: To 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).

28. PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to the first use or occupation of the site 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) 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).

29. 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 (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

30. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: ACOUSTIC BUND AND FENCING

Prior to the first occupation of the hereby permitted development the acoustic bund and fencing to the eastern boundary of the site adjoining the railway line shall be implemented in full accordance with the details submitted.

Reason: To ensure protection of residential amenity.

31. LIMITATION ON HEIGHT OF DEVELOPMENT

No housing in full or in part, unless single storey only, shall be proposed at any point within 20 metres of the northern site boundary.

Reason: To protect neighbouring residential amenity.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats

NOTES:

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

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application.

2. . 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 2003
. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be 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 section 50 license under the New Roads and Street Works Act

3. Informative Notes

The granting of planning permission is separate to any consents that may be required in relation to Public Rights of Way, including the authorisation of gates.

These consents are to be obtained from the Public Rights of Way & Access Team at Suffolk County Council, as the Highway Authority.

To apply to carry out work on the Public Right of Way or seek a temporary closure, visit <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-of-way/> or telephone 0345 606 6071.

To apply for structures, such as gates, on a Public Rights of Way, visit <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 606 6071.

4. The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

Please note the email sent by PROW team regarding the existing footpath network and 'Claim' footpaths in the area. No works are to be undertaken on any PROW without gaining permission from Suffolk County Council.

5. Orientation of Properties at Reserved Matters

As detailed during the planning committee the layout at reserved matters should have regard to paragraph 148 to 150 of the NPPF with particular regards to considering the orientation.

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

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

This relates to document reference: DC/18/05514

Signed: Philip Isbell

Dated: 12th June 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.

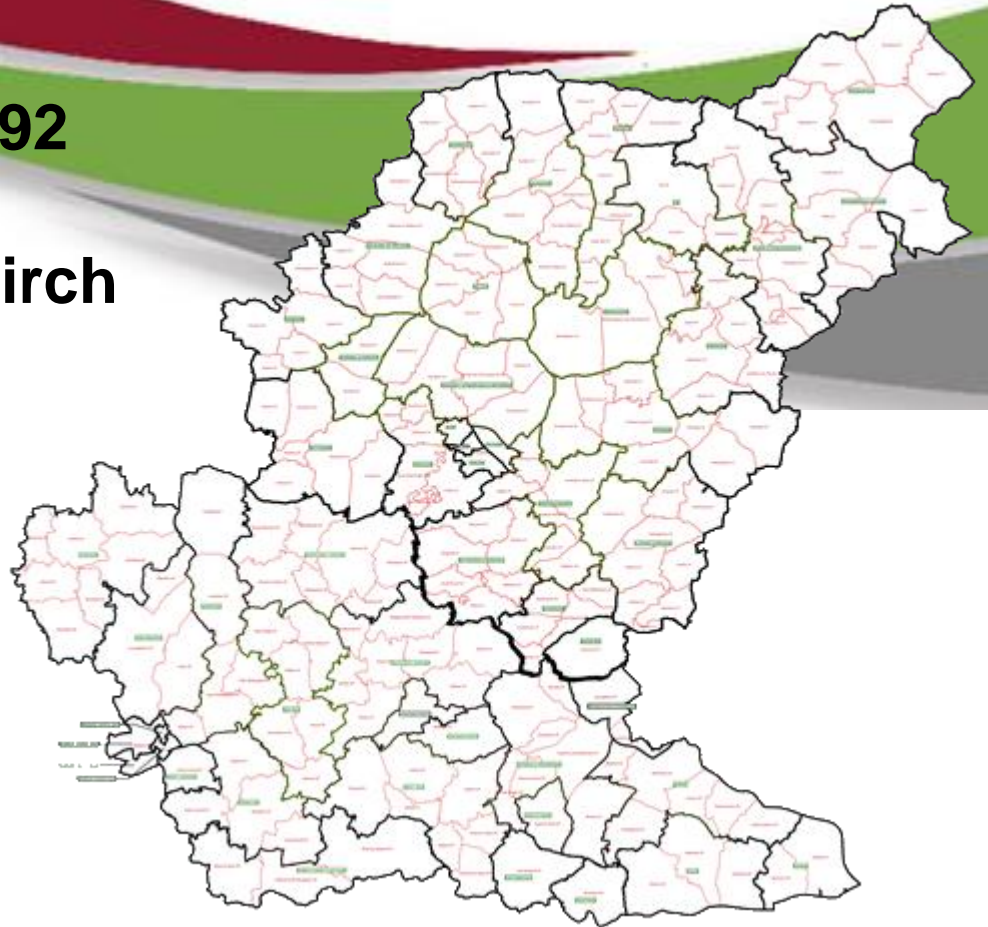
2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any 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.

Application No: DC/21/03292

**Address: Land South Of Birch
Avenue, Bacton**

Page 225





Page 226

Aerial Map – wider view

Slide 3

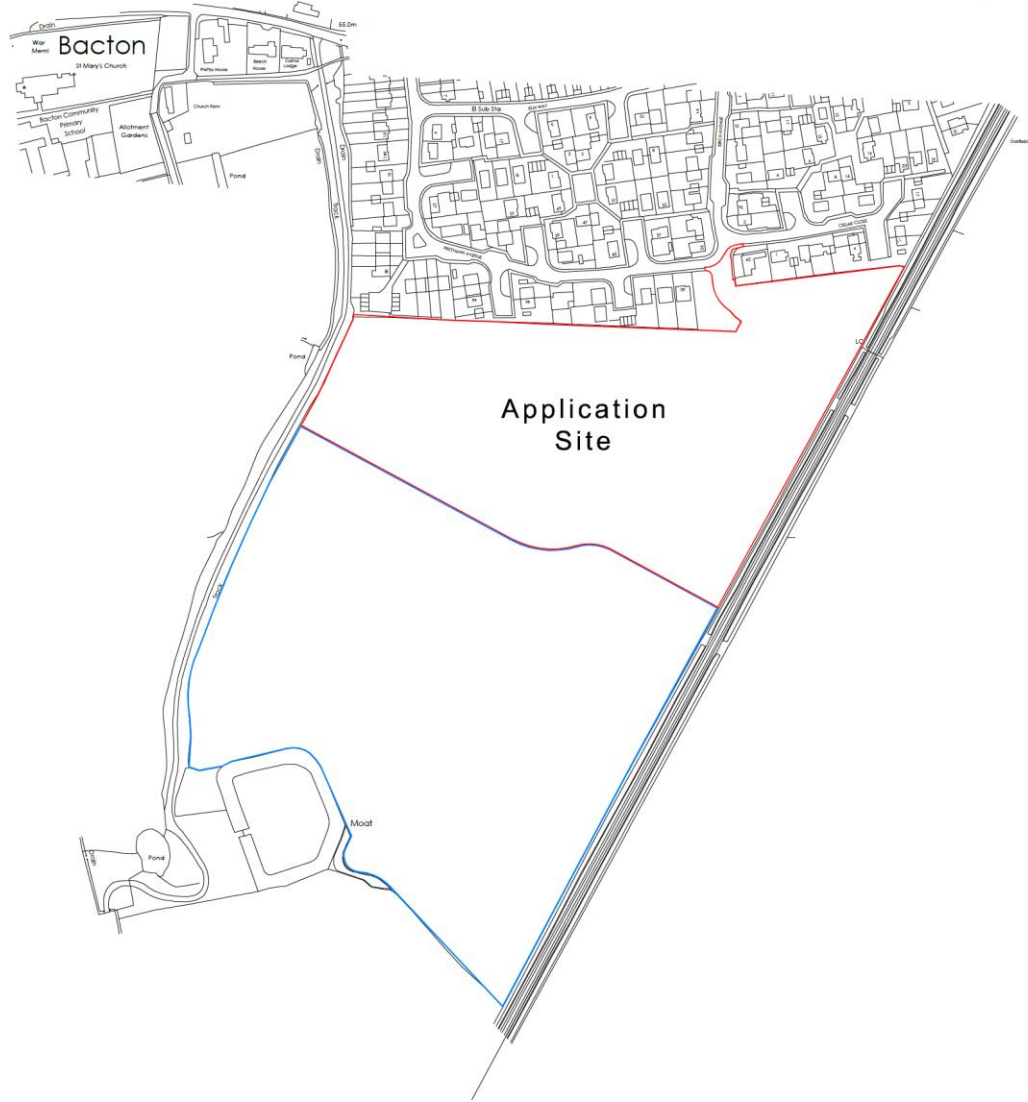


Page 227


© Getmapping Plc and Bluesky International Limited 2021.

© Crown copyright and database rights 2021 Ordnance Survey 0100017810 & 0100023274.


Site Location Plan




Constraints Map

 Built Up Area Boundaries


Public Rights of Way


 Footpath

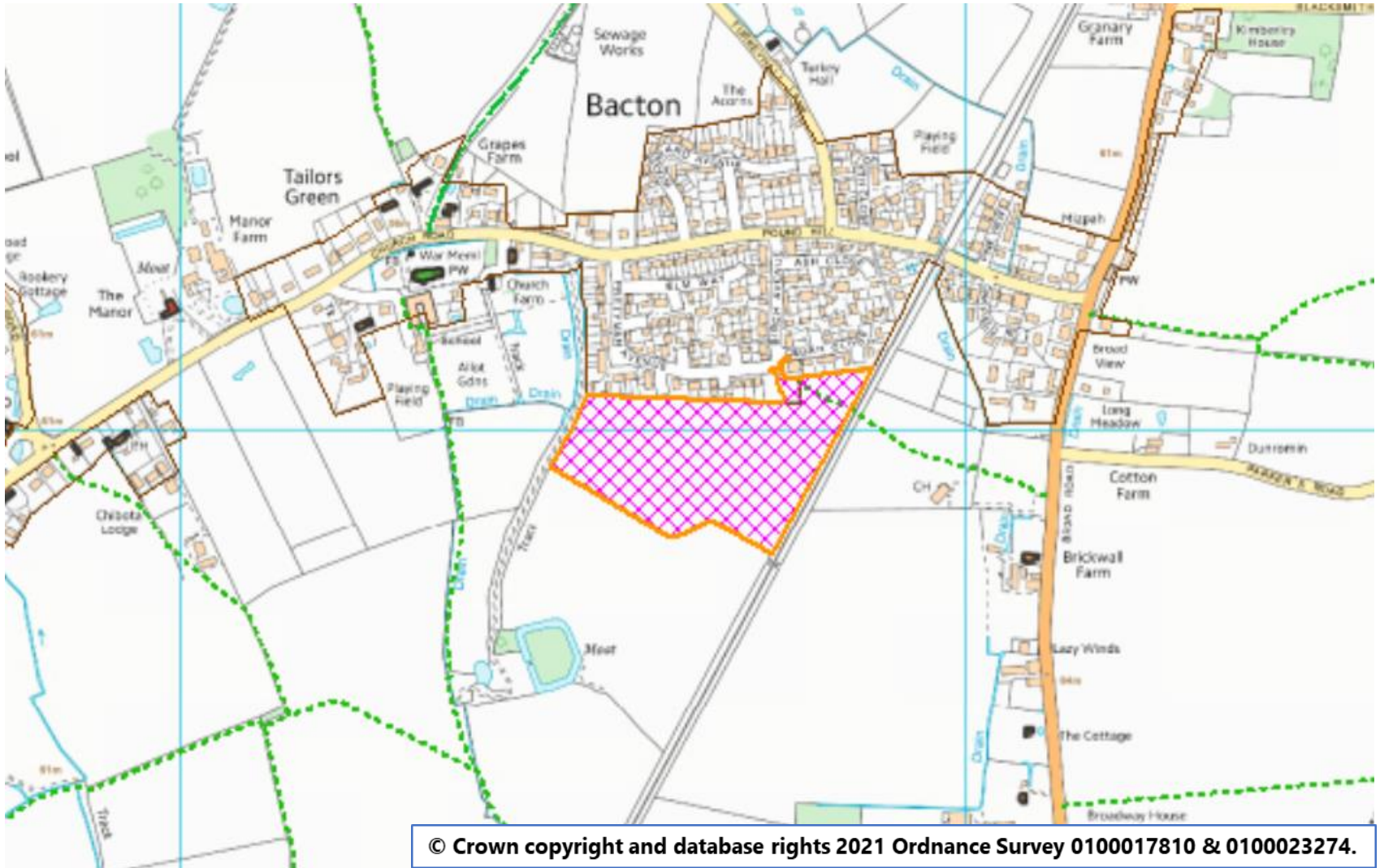
 Bridleway

Listed Buildings

 Grade I

 Grade II

 Grade II*





Detailed Development Layout

Slide 8

JCN DESIGN & PLANNING
Pond



Legend

- 1500 sqm
- Allotment for Nurseries
- 2000 sqm Housing
- 2000 sqm parking spaces
- 1000 sqm Public
- Allotment parking spaces
- 3000 sqm Public Building
- 2000 sqm Public
- 2000 sqm Public
- 2000 sqm Public
- 2000 sqm Public
- 2000 sqm Public
- 2000 sqm Public

Page 232

0 25 50 metre

Bellway

12th Floor, 12th Avenue,
London, EC1A 3BB
Tel: 020 7461 1000
www.bellway.co.uk
© Bellway 2012
Detailed Development Layout
Rev 001
10/10/2012

Parking Layout

Slide 9

JCN DESIGN & PLANNING



Legend

- Sw Private Park Number
- Sw Accessible Path Network
- Accessible Parking
- Disabled Car Parking (P900)
- Street Parking
- Reserved parking spaces

Bellway

LAND DEVELOPMENT
RESIDENTIAL
COMMERCIAL
INDUSTRIAL

1, The
Bentley, Newmarket,
Suffolk

01206
334444

01206
334444

01206
334444

01206 334444

01206 334444

01206 334444



Legend

- Six Storey
- Ten Storey

Page 234

Bellway

20/08/2014
3rd of Birch Avenue
Ipswich
Storey Heights Plan

01206 22221 01206 33000
www.bellway.co.uk
0800 5 700 700

Colour of Materials Layout

JCN DESIGN & PLANS INC
Pond



Materials Legend

- Sluice**
- 01 - Brickwork
- 02 - Brickwork
- 03 - Brick
- Roof**
- 04 - Slate
- 05 - Asphalt
- 06 - Asphalt
- 07 - Asphalt
- 08 - Asphalt
- Roofing**
- 09 - Asphalt
- 10 - Asphalt
- 11 - Asphalt
- 12 - Asphalt
- 13 - Asphalt
- 14 - Asphalt
- 15 - Asphalt
- 16 - Asphalt
- 17 - Asphalt
- 18 - Asphalt
- 19 - Asphalt
- 20 - Asphalt
- 21 - Asphalt
- 22 - Asphalt
- 23 - Asphalt
- 24 - Asphalt
- 25 - Asphalt
- 26 - Asphalt
- 27 - Asphalt
- 28 - Asphalt
- 29 - Asphalt
- 30 - Asphalt
- 31 - Asphalt
- 32 - Asphalt
- 33 - Asphalt
- 34 - Asphalt
- 35 - Asphalt
- 36 - Asphalt
- 37 - Asphalt
- 38 - Asphalt
- 39 - Asphalt
- 40 - Asphalt
- 41 - Asphalt
- 42 - Asphalt
- 43 - Asphalt
- 44 - Asphalt
- 45 - Asphalt
- 46 - Asphalt
- 47 - Asphalt
- 48 - Asphalt
- 49 - Asphalt
- 50 - Asphalt
- 51 - Asphalt
- 52 - Asphalt
- 53 - Asphalt
- 54 - Asphalt
- 55 - Asphalt
- 56 - Asphalt
- 57 - Asphalt
- 58 - Asphalt
- 59 - Asphalt
- 60 - Asphalt
- 61 - Asphalt
- 62 - Asphalt
- 63 - Asphalt
- 64 - Asphalt
- 65 - Asphalt
- 66 - Asphalt
- 67 - Asphalt
- 68 - Asphalt
- 69 - Asphalt
- 70 - Asphalt
- 71 - Asphalt
- 72 - Asphalt
- 73 - Asphalt
- 74 - Asphalt
- 75 - Asphalt
- 76 - Asphalt
- 77 - Asphalt
- 78 - Asphalt
- 79 - Asphalt
- 80 - Asphalt
- 81 - Asphalt
- 82 - Asphalt
- 83 - Asphalt
- 84 - Asphalt
- 85 - Asphalt
- 86 - Asphalt
- 87 - Asphalt
- 88 - Asphalt
- 89 - Asphalt
- 90 - Asphalt
- 91 - Asphalt
- 92 - Asphalt
- 93 - Asphalt
- 94 - Asphalt
- 95 - Asphalt
- 96 - Asphalt
- 97 - Asphalt
- 98 - Asphalt
- 99 - Asphalt
- 100 - Asphalt

Page 235

0 25 50 metre

Affordable Housing Location Plan

JCN DESIGN & PLANNING



Accommodation Schedule

- 1-2 Bed Flat
- 3 Bed Flat
- 4 Bed Flat
- 5 Bed Flat
- 6 Bed Flat
- 7 Bed Flat
- 8 Bed Flat
- 9 Bed Flat
- 10 Bed Flat
- 11 Bed Flat
- 12 Bed Flat
- 13 Bed Flat
- 14 Bed Flat
- 15 Bed Flat
- 16 Bed Flat
- 17 Bed Flat
- 18 Bed Flat
- 19 Bed Flat
- 20 Bed Flat
- 21 Bed Flat
- 22 Bed Flat
- 23 Bed Flat
- 24 Bed Flat
- 25 Bed Flat
- 26 Bed Flat
- 27 Bed Flat
- 28 Bed Flat
- 29 Bed Flat
- 30 Bed Flat
- 31 Bed Flat
- 32 Bed Flat
- 33 Bed Flat
- 34 Bed Flat
- 35 Bed Flat
- 36 Bed Flat
- 37 Bed Flat
- 38 Bed Flat
- 39 Bed Flat
- 40 Bed Flat
- 41 Bed Flat
- 42 Bed Flat
- 43 Bed Flat
- 44 Bed Flat
- 45 Bed Flat
- 46 Bed Flat
- 47 Bed Flat
- 48 Bed Flat
- 49 Bed Flat
- 50 Bed Flat
- 51 Bed Flat
- 52 Bed Flat
- 53 Bed Flat
- 54 Bed Flat
- 55 Bed Flat
- 56 Bed Flat
- 57 Bed Flat
- 58 Bed Flat
- 59 Bed Flat
- 60 Bed Flat
- 61 Bed Flat
- 62 Bed Flat
- 63 Bed Flat
- 64 Bed Flat
- 65 Bed Flat
- 66 Bed Flat
- 67 Bed Flat
- 68 Bed Flat
- 69 Bed Flat
- 70 Bed Flat
- 71 Bed Flat
- 72 Bed Flat
- 73 Bed Flat
- 74 Bed Flat
- 75 Bed Flat
- 76 Bed Flat
- 77 Bed Flat
- 78 Bed Flat
- 79 Bed Flat
- 80 Bed Flat
- 81 Bed Flat
- 82 Bed Flat
- 83 Bed Flat
- 84 Bed Flat
- 85 Bed Flat

Accommodation Schedule

No.	Apartment Number	Bed	Rate	ST	ST	Total
1	101	2	1	200	200	400
2	102	2	1	200	200	400
3	103	2	1	200	200	400
4	104	2	1	200	200	400
5	105	2	1	200	200	400
6	106	2	1	200	200	400
7	107	2	1	200	200	400
8	108	2	1	200	200	400
9	109	2	1	200	200	400
10	110	2	1	200	200	400
11	111	2	1	200	200	400
12	112	2	1	200	200	400
13	113	2	1	200	200	400
14	114	2	1	200	200	400
15	115	2	1	200	200	400
16	116	2	1	200	200	400
17	117	2	1	200	200	400
18	118	2	1	200	200	400
19	119	2	1	200	200	400
20	120	2	1	200	200	400
21	121	2	1	200	200	400
22	122	2	1	200	200	400
23	123	2	1	200	200	400
24	124	2	1	200	200	400
25	125	2	1	200	200	400
26	126	2	1	200	200	400
27	127	2	1	200	200	400
28	128	2	1	200	200	400
29	129	2	1	200	200	400
30	130	2	1	200	200	400
31	131	2	1	200	200	400
32	132	2	1	200	200	400
33	133	2	1	200	200	400
34	134	2	1	200	200	400
35	135	2	1	200	200	400
36	136	2	1	200	200	400
37	137	2	1	200	200	400
38	138	2	1	200	200	400
39	139	2	1	200	200	400
40	140	2	1	200	200	400
41	141	2	1	200	200	400
42	142	2	1	200	200	400
43	143	2	1	200	200	400
44	144	2	1	200	200	400
45	145	2	1	200	200	400
46	146	2	1	200	200	400
47	147	2	1	200	200	400
48	148	2	1	200	200	400
49	149	2	1	200	200	400
50	150	2	1	200	200	400
51	151	2	1	200	200	400
52	152	2	1	200	200	400
53	153	2	1	200	200	400
54	154	2	1	200	200	400
55	155	2	1	200	200	400
56	156	2	1	200	200	400
57	157	2	1	200	200	400
58	158	2	1	200	200	400
59	159	2	1	200	200	400
60	160	2	1	200	200	400
61	161	2	1	200	200	400
62	162	2	1	200	200	400
63	163	2	1	200	200	400
64	164	2	1	200	200	400
65	165	2	1	200	200	400
66	166	2	1	200	200	400
67	167	2	1	200	200	400
68	168	2	1	200	200	400
69	169	2	1	200	200	400
70	170	2	1	200	200	400
71	171	2	1	200	200	400
72	172	2	1	200	200	400
73	173	2	1	200	200	400
74	174	2	1	200	200	400
75	175	2	1	200	200	400
76	176	2	1	200	200	400
77	177	2	1	200	200	400
78	178	2	1	200	200	400
79	179	2	1	200	200	400
80	180	2	1	200	200	400
81	181	2	1	200	200	400
82	182	2	1	200	200	400
83	183	2	1	200	200	400
84	184	2	1	200	200	400
85	185	2	1	200	200	400

Bellway

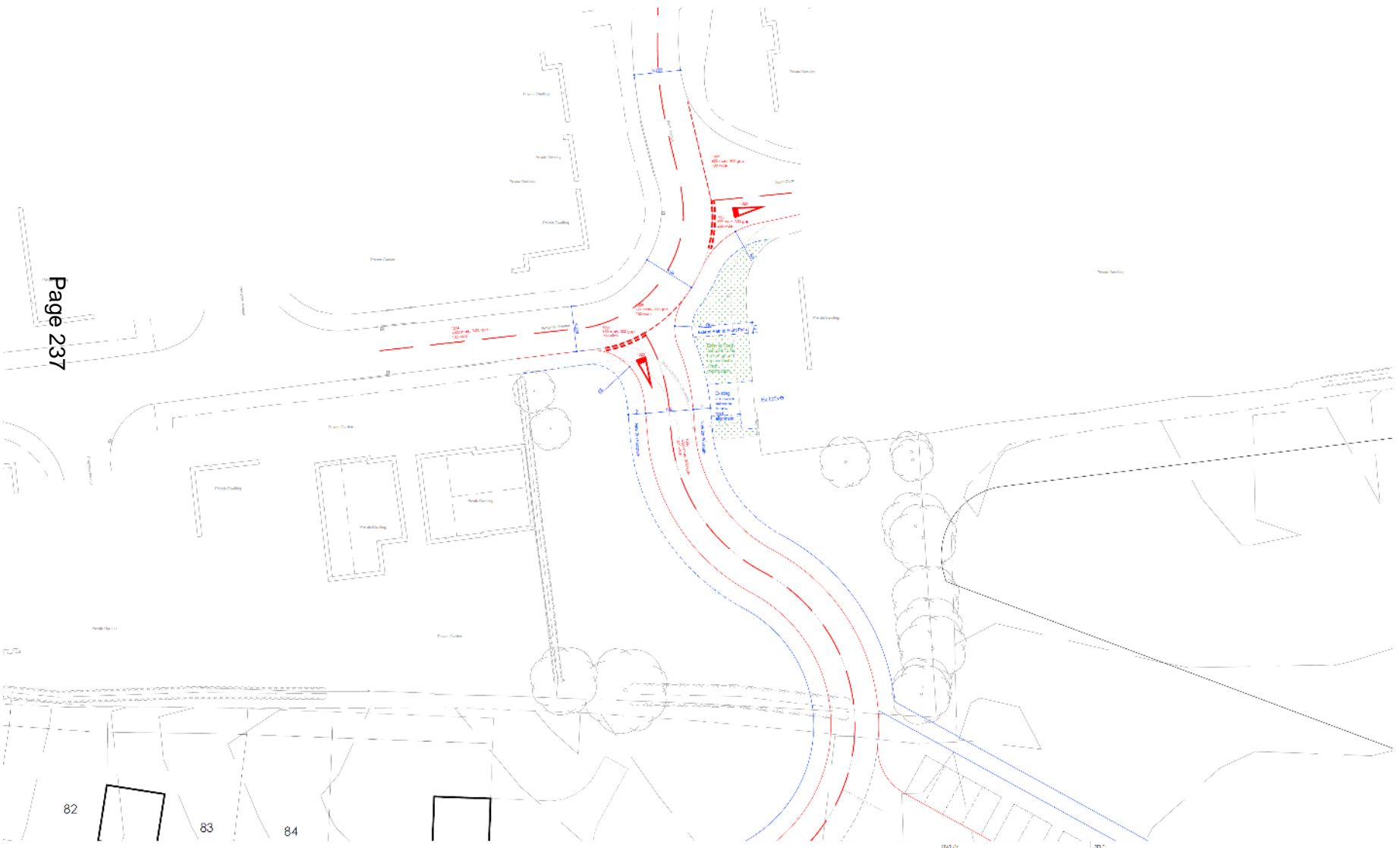
Mid Suffolk District Council
Planning Department

Affordable Housing Location Plan

Scale: 1:1000
Date: 10/10/2023



Birch Avenue Access



Page 237

82 83 84

Street Elevations 'A'



Street Elevations 'B'



Street Elevations 'C'



Page 239





Front Elevation

Side Elevation

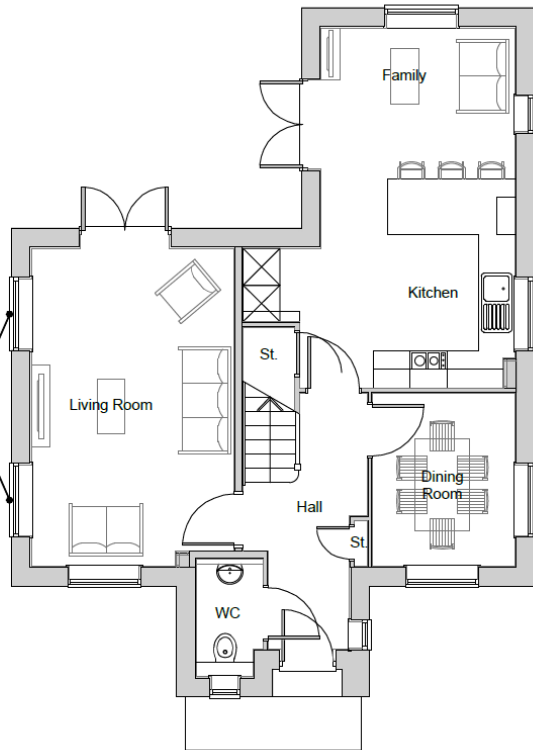


Rear Elevation

Side Elevation

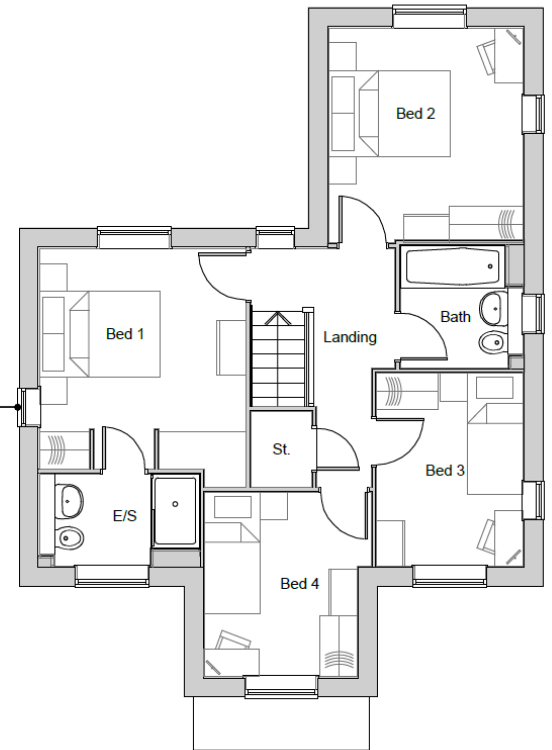
Page 241

Additional windows to plots 21, 22, 26, 27 & 29 Only.



Ground Floor Plan

Additional windows to plots 21, 22, 26, 27 & 29 Only.



First Floor Plan

Proposed Elevations - Woodcarver

Slide 18

Page 242



Front Elevation



Side Elevation

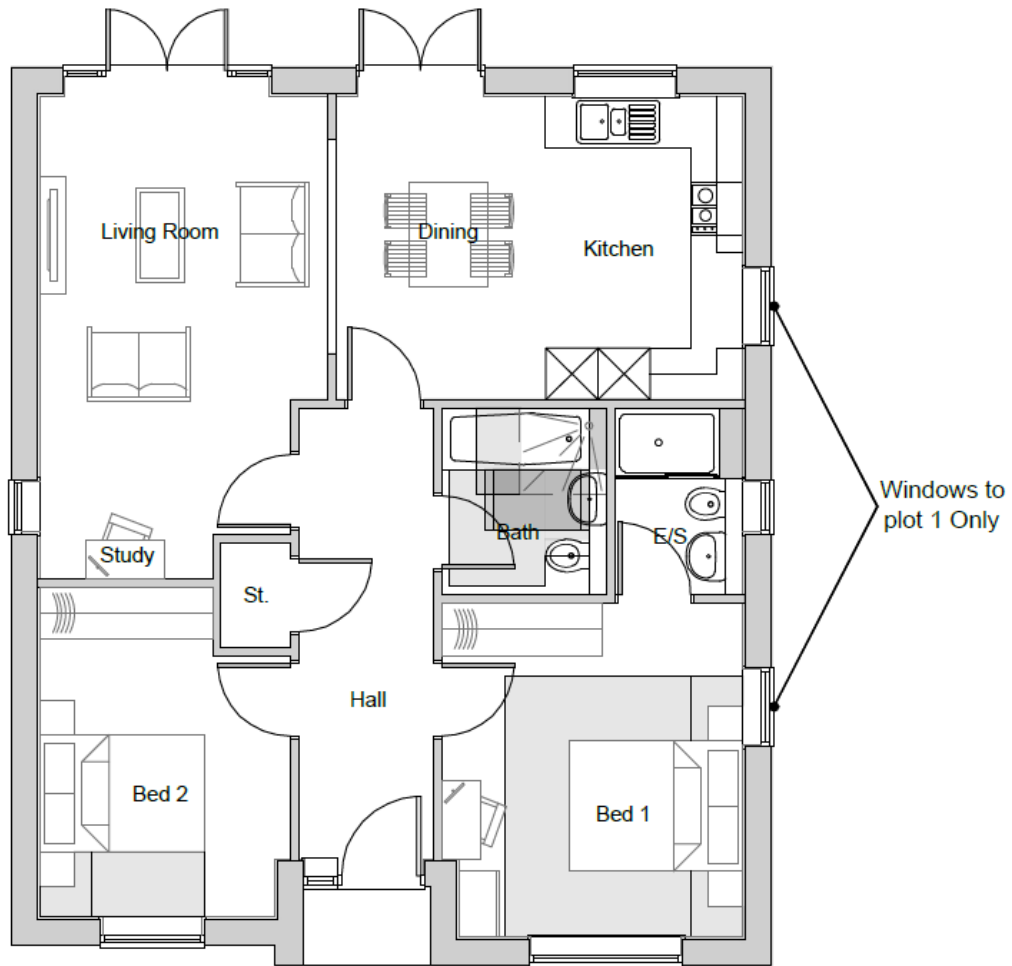
Additional windows
to plot 1 Only



Rear Elevation



Side Elevation



Ground Floor Plan



Front Elevation



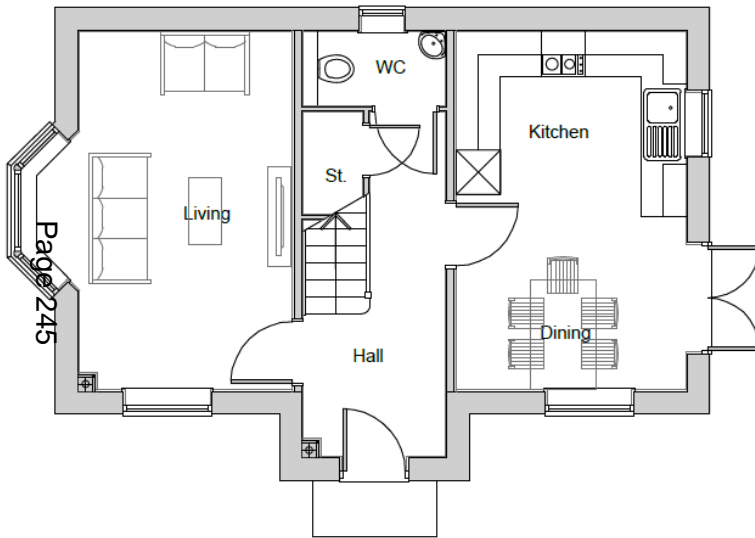
Side Elevation



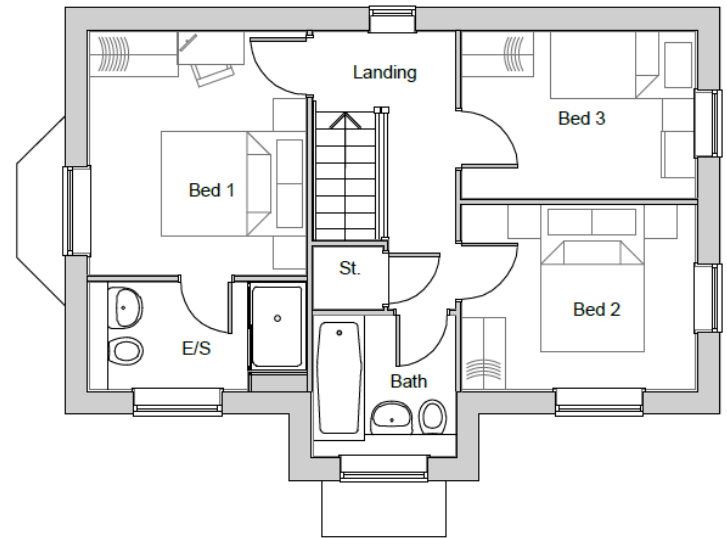
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan



Front Elevation



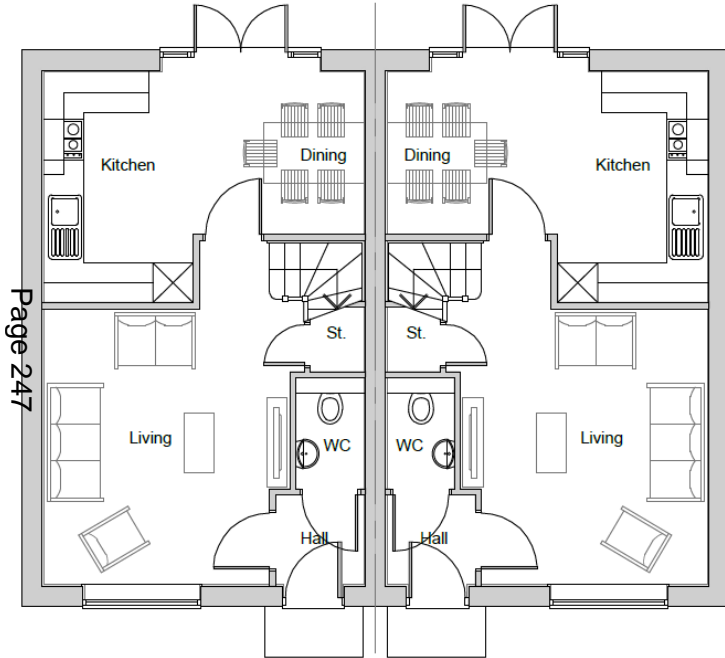
Side Elevation



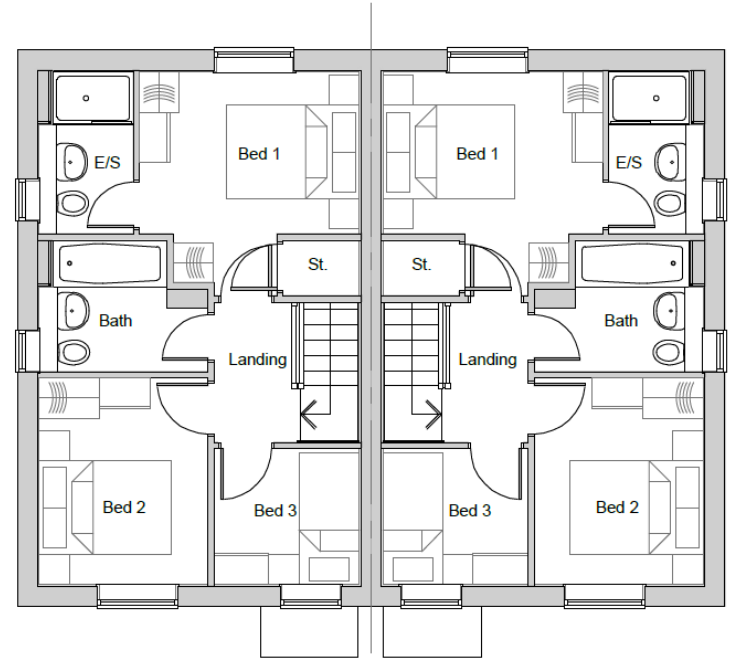
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan



Front Elevation



Side Elevation

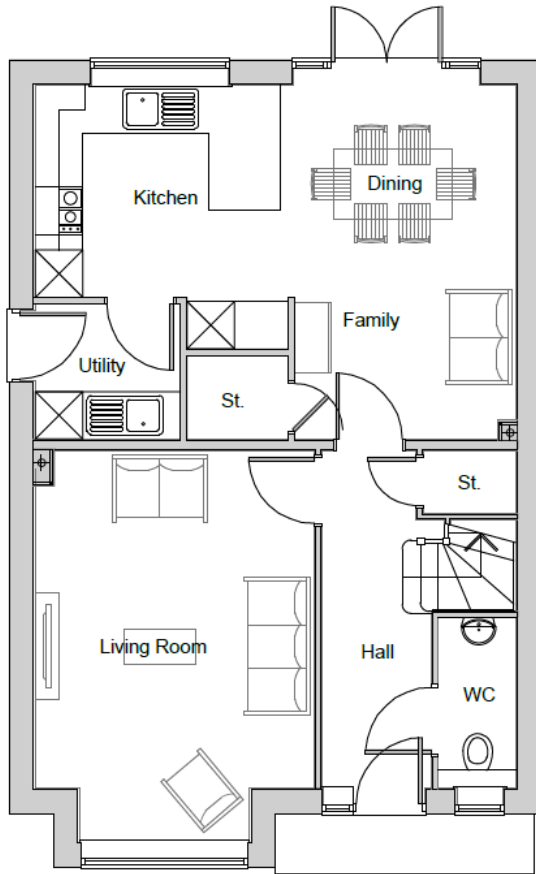


Rear Elevation

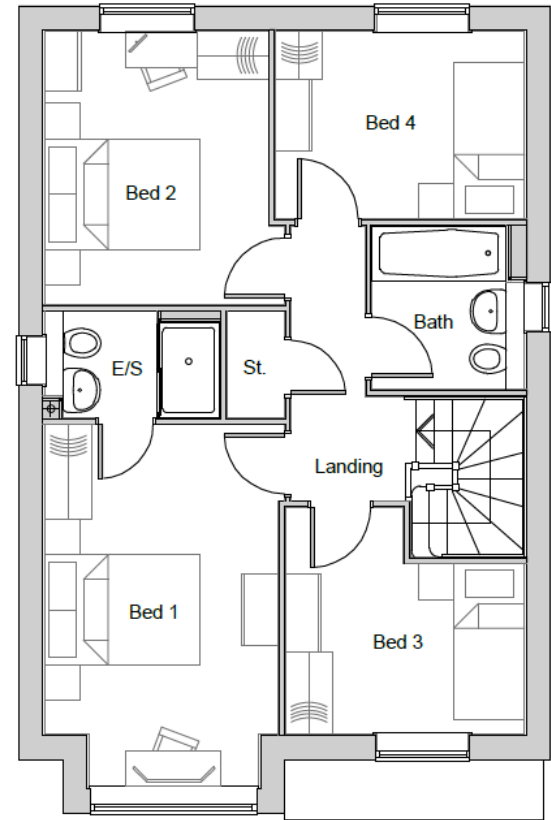


Side Elevation

Page 249



Ground Floor Plan



First Floor Plan



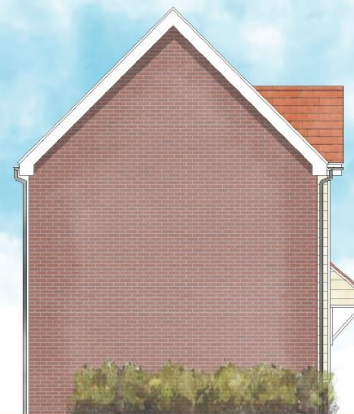
Front Elevation



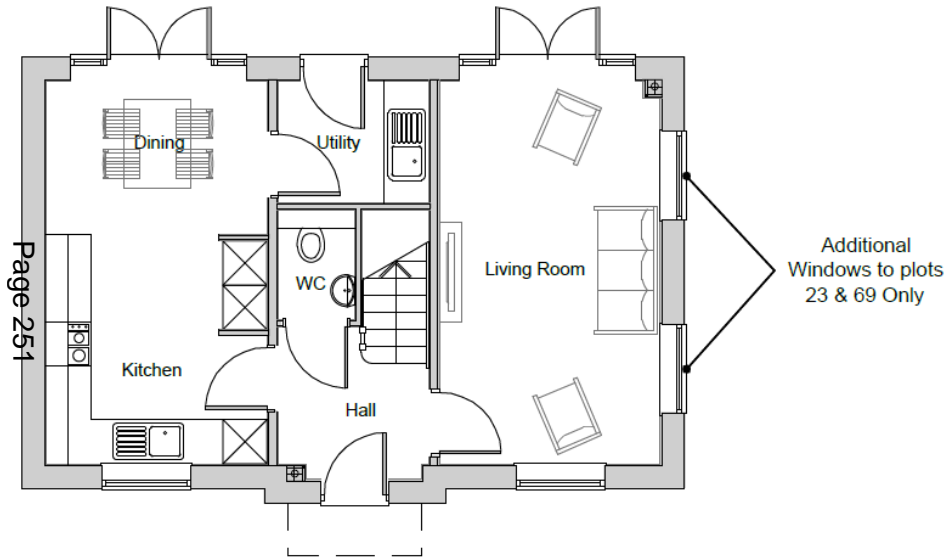
Side Elevation



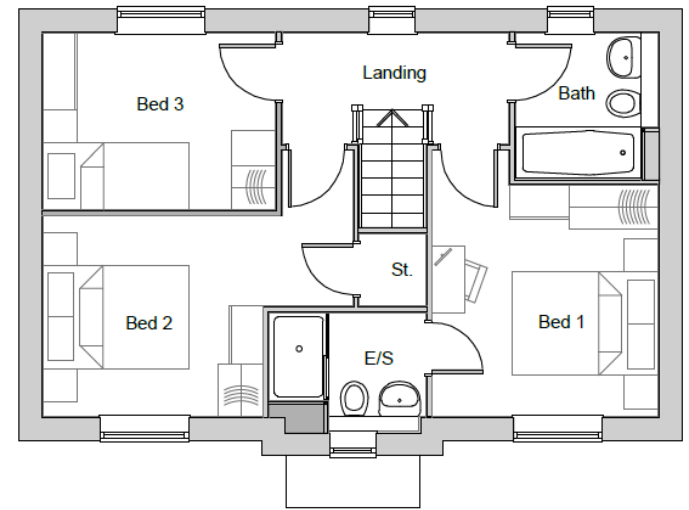
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan



Front Elevation

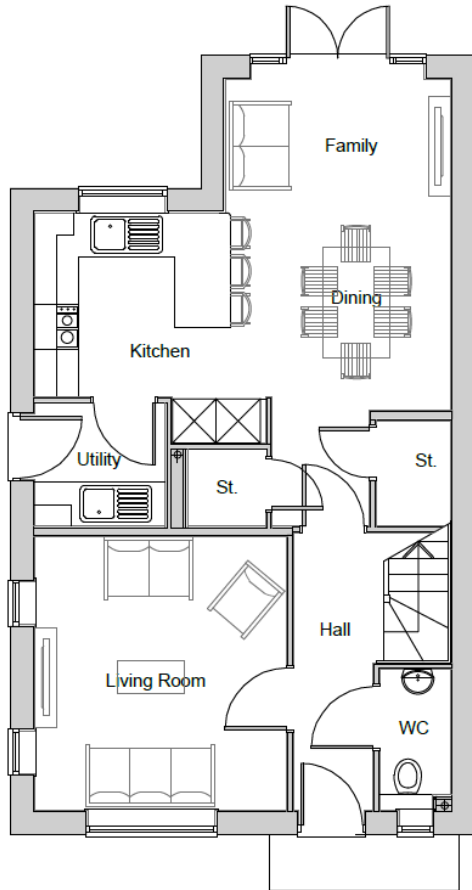
Side Elevation



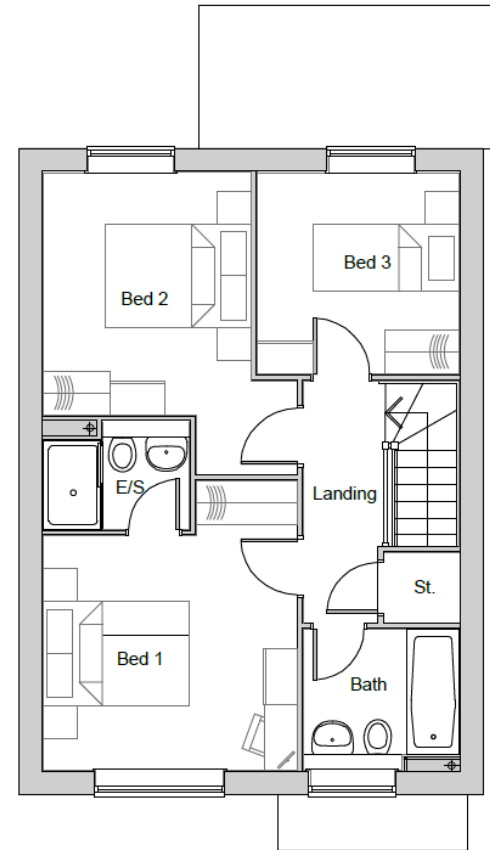
Rear Elevation

Side Elevation

Page 253



Ground Floor Plan



First Floor Plan



Front Elevation



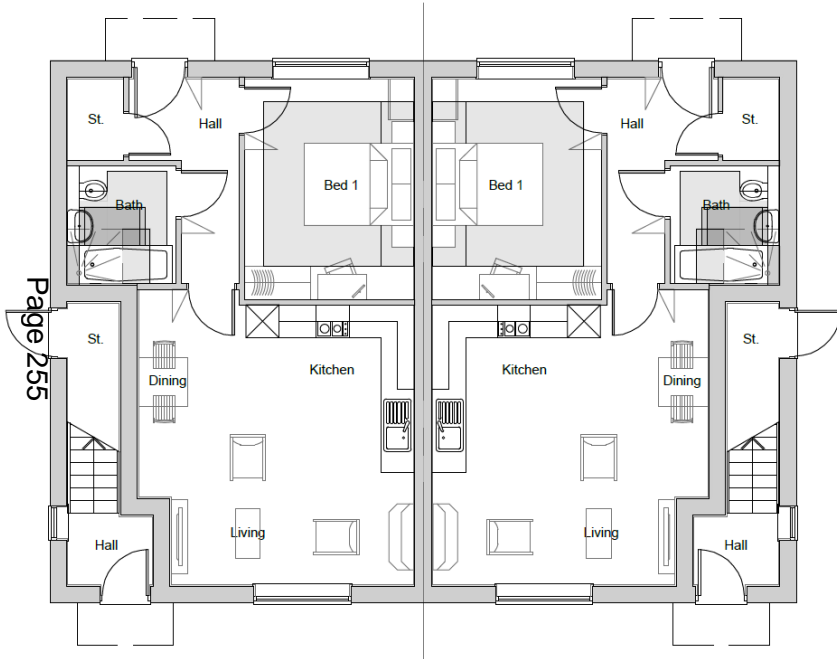
Side Elevation



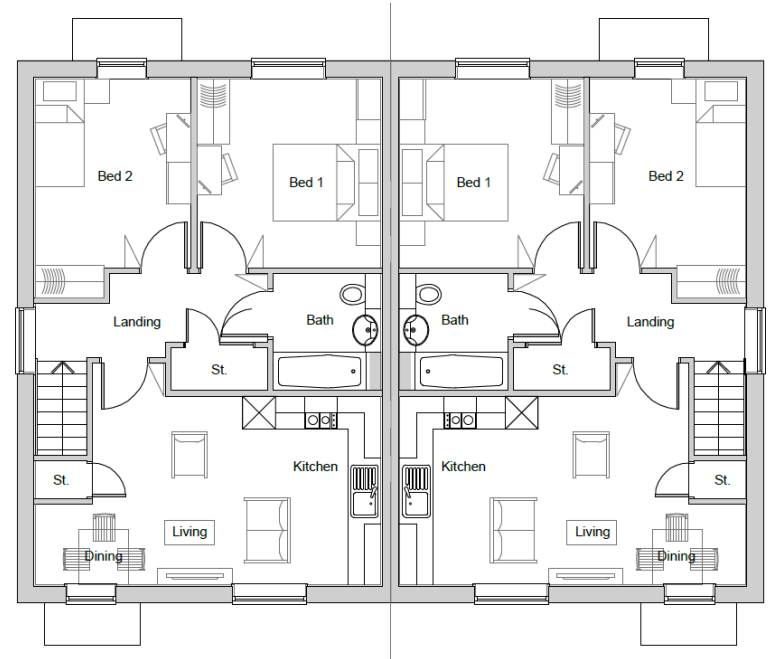
Rear Elevation



Side Elevation



Ground Floor Plan

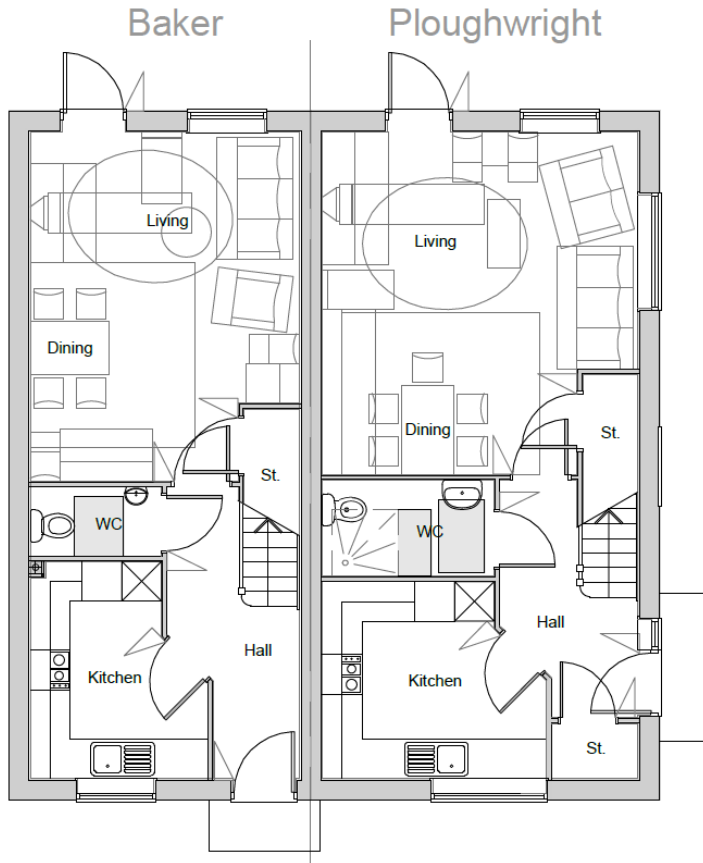


First Floor Plan

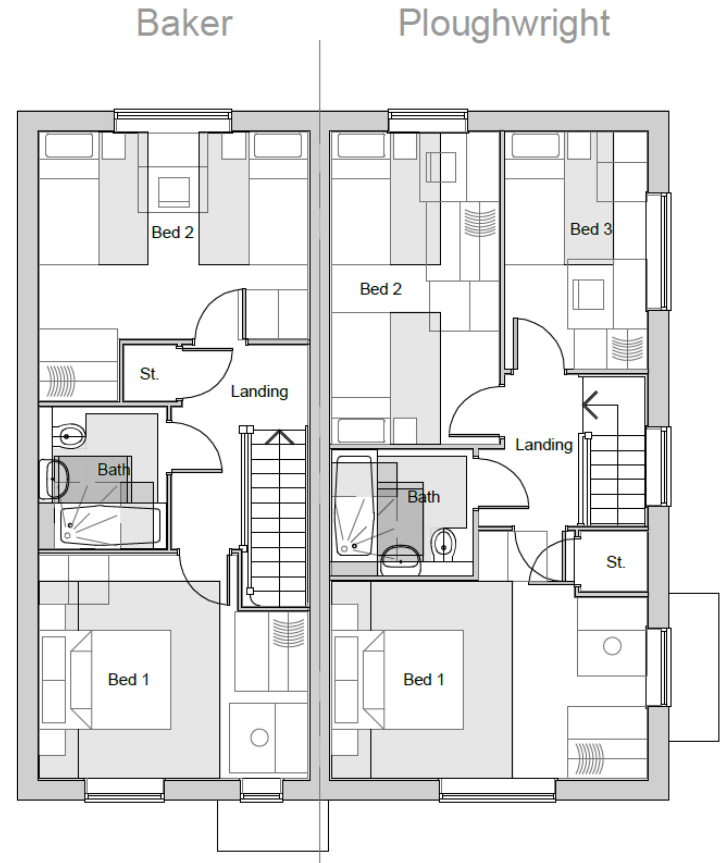
Page 255



Page 257

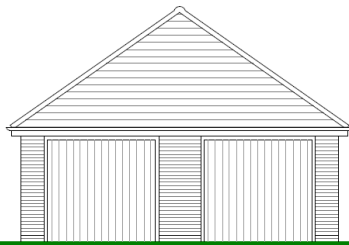


Ground Floor Plan

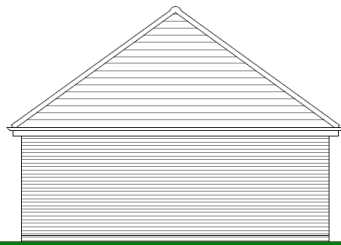


First Floor Plan

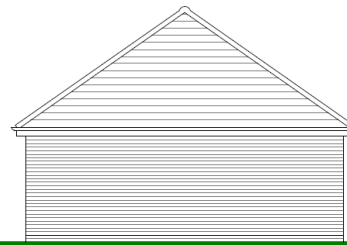
Double Garage



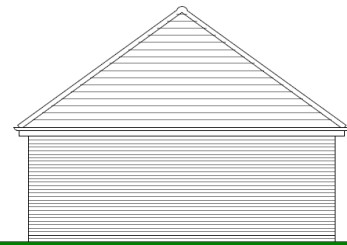
Front Elevation



Side Elevation

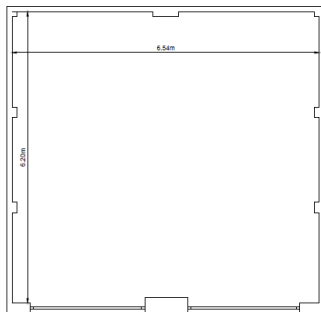


Rear Elevation

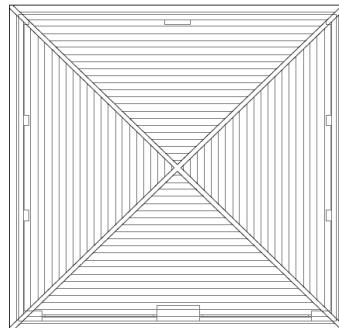


Side Elevation

Page 258

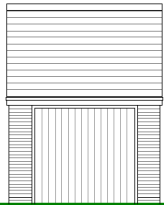


DG1
Floor Plan

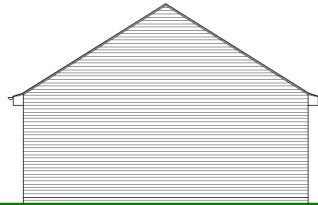


DG1
Roof Plan

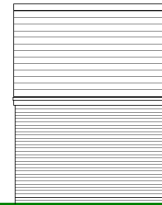
Single Garage



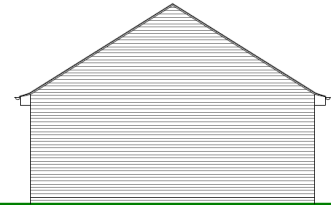
Front Elevation



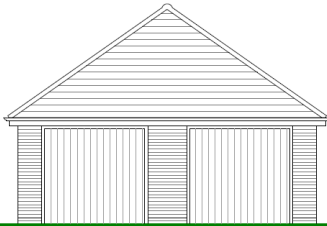
Side Elevation



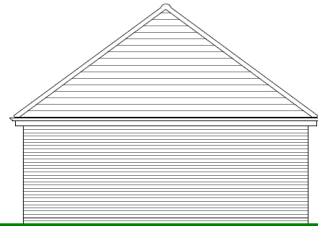
Rear Elevation



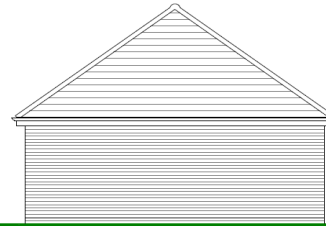
Side Elevation



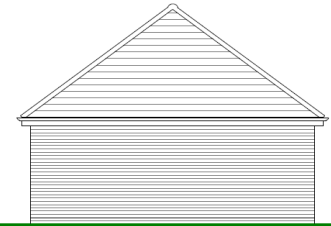
Front Elevation



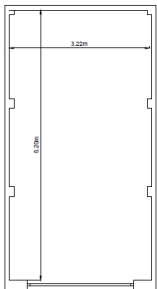
Side Elevation



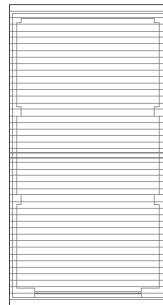
Rear Elevation



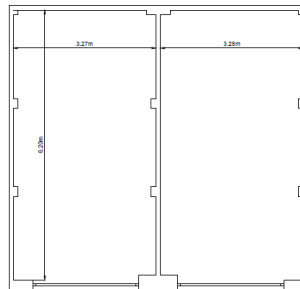
Side Elevation



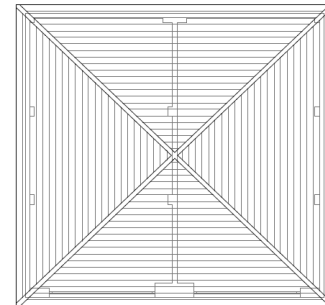
SG1
Floor Plans



SG1
Roof Plan



SG2
Floor Plans



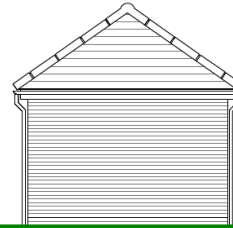
SG2
Roof Plan



Front Elevation



Side Elevation

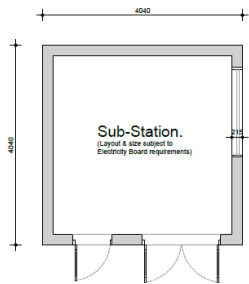


Rear Elevation

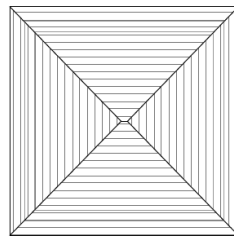


Side Elevation

Page 260



Floor Plan



Roof Plan

Agenda Item 7c

Committee Report

Item 7c

Reference: DC/19/02299

Case Officer: Daniel Cameron

Ward: Stonham.

Ward Member/s: Cllr Suzie Morley.

FURTHER INFORMATION ON THE DEVELOPMENT WITH REGARDS TO THE DRAFTING OF THE SECTION 106 AGREEMENT – SPORTING FACILITIES

Description of Development

Full Planning Application - Erection of 46 dwellings, sport pitches and a sports community building with associated access improvements, parking, play space, infiltration basin and landscaping.

Location

Land South Of The Street, Stonham Aspal, Suffolk, IP14 6AN

Expiry Date: 31/01/2019

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr DJ And Mr CJ Tydeman And Capel Properties Ltd

Agent: Patrick Allen Ltd

Parish: Stonham Aspal

Site Area: 4.12 ha.

Density of Development: 11 dwellings per ha.

Details of Previous Committee / Resolutions and any member site visit: The application was previously determined by Planning Committee on the 22nd January 2020. It was resolved to approve the application as per the officer recommendation with additional conditions with regards to electric vehicle charging points.

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 has been returned to committee as an issue has arisen with regards to the drafting of the Section 106 Agreement and the nature of the transfer of the sporting facilities to the football club. Therefore, the matter is returned to the original decision maker in order to resolve the issue.

PART TWO – APPLICATION PARTICULARS

1. Site Description

- 1.1 The application site is located within the village of Stonham Aspal, on the southern side of the A1120. It comprises the existing sports ground and car park serving Stonham Aspal Football Club and extends south into agricultural land. The site itself is uniformly level and is laid to grass with the exception of the car park. A public right of way crosses the site.
- 1.2 Residential development is noted to the immediate north, east and north-west of the application site, while further agricultural fields extend to the west and to the south. A hedgerow extends along part of the northern and western boundary of the site, while denser planting exists on the eastern boundary.
- 1.3 The site is not in or near an area designated for special landscape significance, e.g. Special Area of Conservation, Special Landscape Area, or AONB. Likewise, the site is not in or near a Conservation Area. A number of listed buildings lie in the vicinity of the application site and will be identified within Section 9 of this report. The site is in Flood Zone 1.

2. Approved Development

- 2.1 The application is formed of two elements. The first comprises the creation of one full sized and one junior sized football pitches, a training area, play area, sport/community building, car park (30 spaces), re-siting of the recycling facility and infiltration basin. The second part comprises the access road to the site and 46 new residential dwellings which break down to: 2 x 1 bed bungalows;
 - 4 x 2 bed houses;
 - 6 x 2 bed bungalows;
 - 20 x 3 bed houses; and
 - 14 x 3 bed bungalows.
- 2.2 The site is arranged around one single point of access from the A1120 which is proposed to run through the middle of the site and connect to the sports facilities. Residential properties are arranged to both the north and south of the proposed access road. The development phasing plan submitted with the application shows that an element of the residential development would be provided as a first phase of development to comprise 19 dwellings. Following this, the sports facilities would be provided before the remainder of the housing. The phasing of the development is to be secured by condition as well as within any Section 106 Agreement to ensure that only the development necessary to fund the sports facilities were built and occupied prior to the delivery of those facilities.
- 2.3 At no point during the development would the football club be left without access to facilities for training or matches during the development of the site. The landowner of the site already has an informal agreement with the football club over their existing facilities and owns the adjacent field so sufficient space would be available at all times should the requirements of the club alter during development.

3. Sports Facilities

- 3.1 Stonham Aspal Football Club have a pressing need for sports facilities which this application will deliver. At present the facilities on the site are in need of urgent repair and are at the end of their useful life. The club cannot at present apply for grants for development of their facilities or maintenance.
- 3.2 The application intends for a new 21-year lease to be entered into between the landowners and the football club with the lease period to be renewable at the end of the term. These would include the provision of improved facilities and pitches for the football club. Consultation with the football club shows that they are content with the manner of the lease and are eager to see the new facilities provided. The phasing plan for the development would see the new sports facilities come forward as part of the first phase of development. The lease would also provide a more secure footing for the football club to apply for grant funding for further development of the site and for its maintenance.
- 3.3 Issue has been raised from the Council's Legal team with regards to the original wording of the report brought before committee in that the officer's recommendation indicated that the new sports facilities were to be transferred over to Stonham Aspal Football Club. It has been pointed out that in legal term 'transfer' indicates a more permanent change in ownership than the proposed lease would indicate and therefore, clarity is sought as to the decision of planning committee members in this regard.

4. Planning Considerations

- 4.1 Were the football club's lease to not be renewed, the land would remain allocated for sports and recreational uses such that planning policies would require any future of the land to be compatible with its designation. Alternative uses for the land, for example, as housing development would be required to ensure delivery of improved facilities for sports and recreational facilities on an alternative site. This would require planning permission and would be in the control of planning committee to determine such an application were it to come forward. This restriction is secured within the adopted Development Plan under policy RT2 and within the Joint Local Plan under LP30.

PART THREE – CONCLUSION AND RECOMMENDATION

5. Conclusion

- 5.1 The resolution made by Planning Committee on the 22nd January 2020 still stands and the additional conditions required by the decision have been drafted and agreed in writing with the applicants. Both the Council and the applicants consider that they meet the statutory tests for conditions set out within the NPPF.
- 5.2 The drafting of the Section 106 Agreement is currently stalled with a legal concern raised over the use of the word 'transfer' within the original officer's report. The Council's Legal team want to ensure members are clear that in this instance, transfer does not refer to a change in ownership but a lease.
- 5.3 Officers consider that the proposed lease is clearly set out within the submitted documents that accompanied the application and offers a number of benefits to the football club which they are

happy to accept. Further, the landowner has for a number of years supported the football club through the provision of the land for their current site and in the provision of their new facilities funded by the neighbouring housing development such that it is not considered that the renewal of the lease would be arbitrarily withheld forcing the football club from the site. In any event, the redevelopment of the site would trigger a requirement for the provision of new sports and recreational facilities within the area and would require planning permission such that Planning Committee would have oversight of any such application.

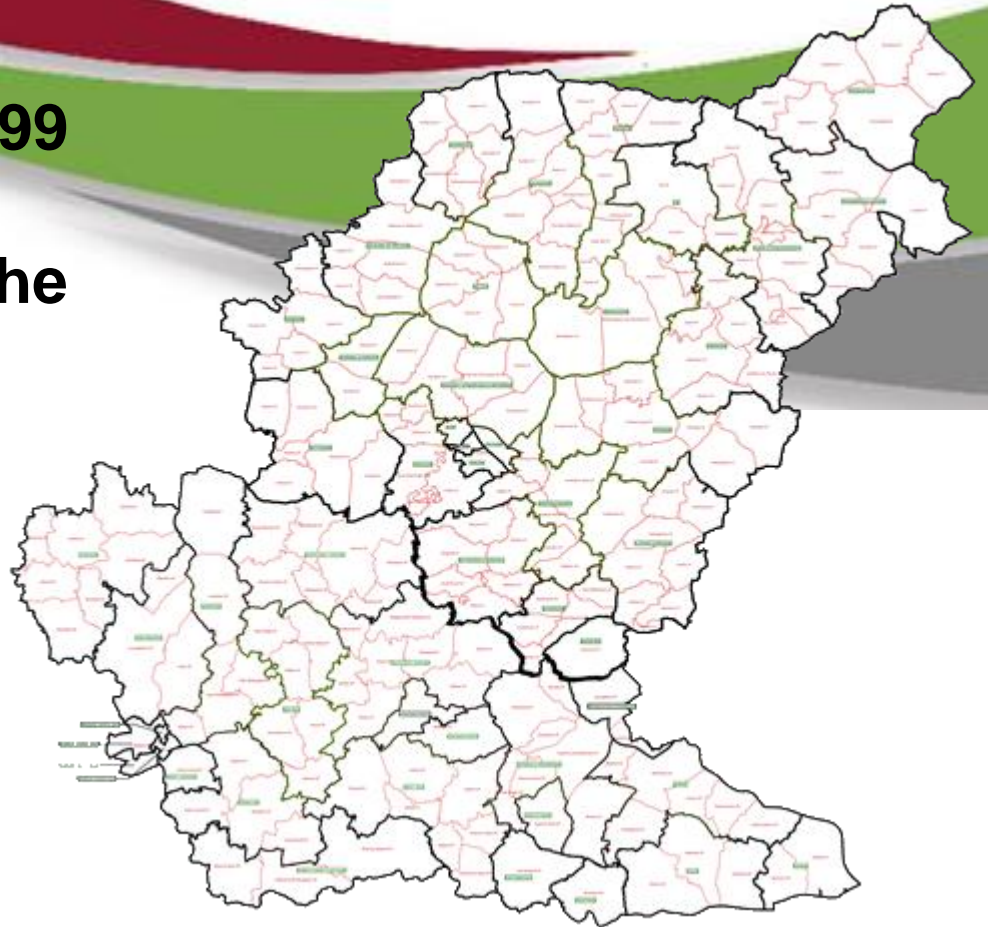
6. Recommendation

- 6.1 Officers therefore recommend that Planning Committee note the discrepancy in the use of language in the officer's report and resolve to accept the lease offered to the football club be secured within the Section 106 Agreement.

Application No: DC/19/02299

**Address: Land South Of The
Street, Stonham Aspall**

Page 265



Aerial Map – wider view

Slide 2






Page 266

© Getmapping Plc and Bluesky International Limited 2021.


© Crown copyright and database rights 2021 Ordnance Survey 0100017810 & 0100023274.

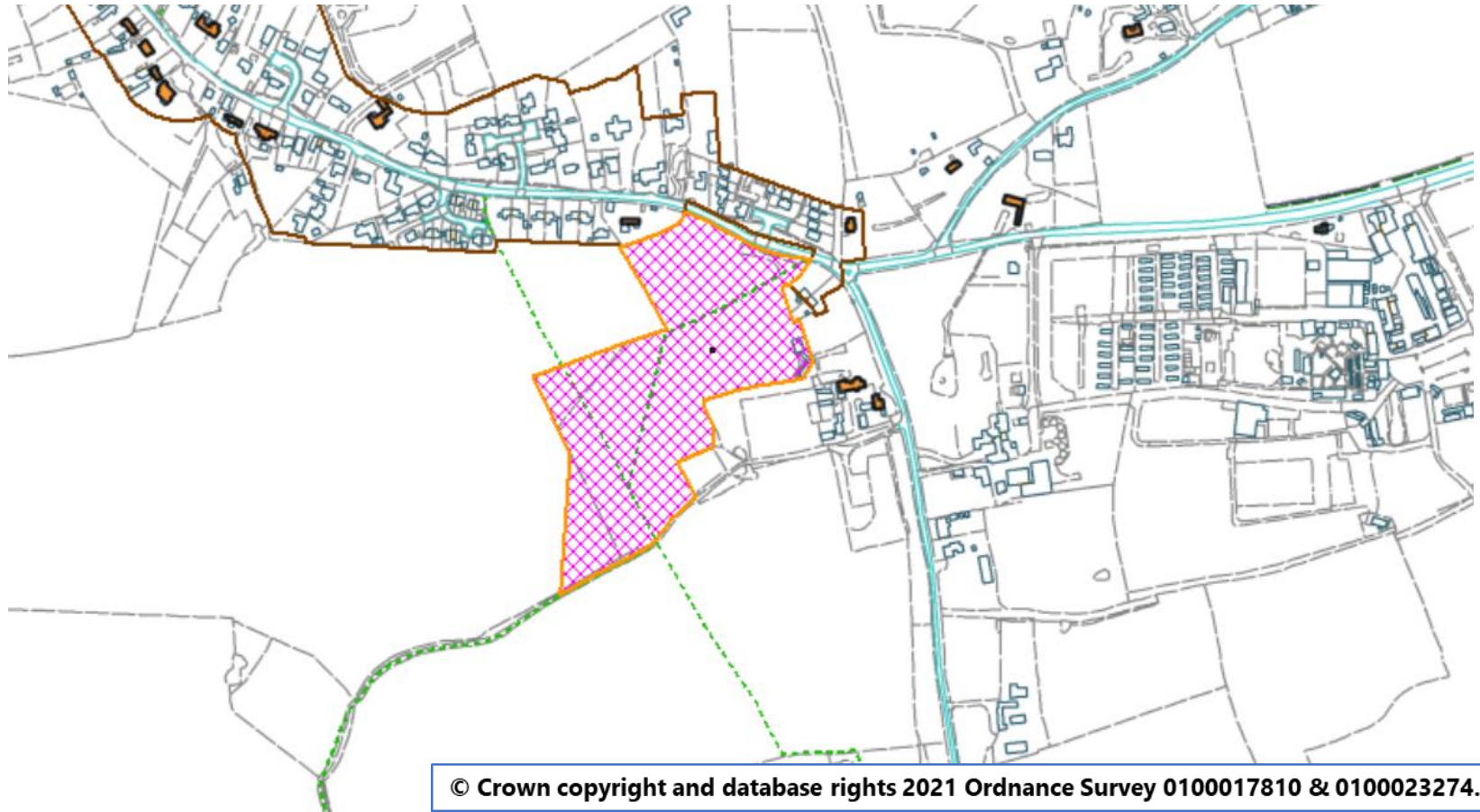
Constraints Map

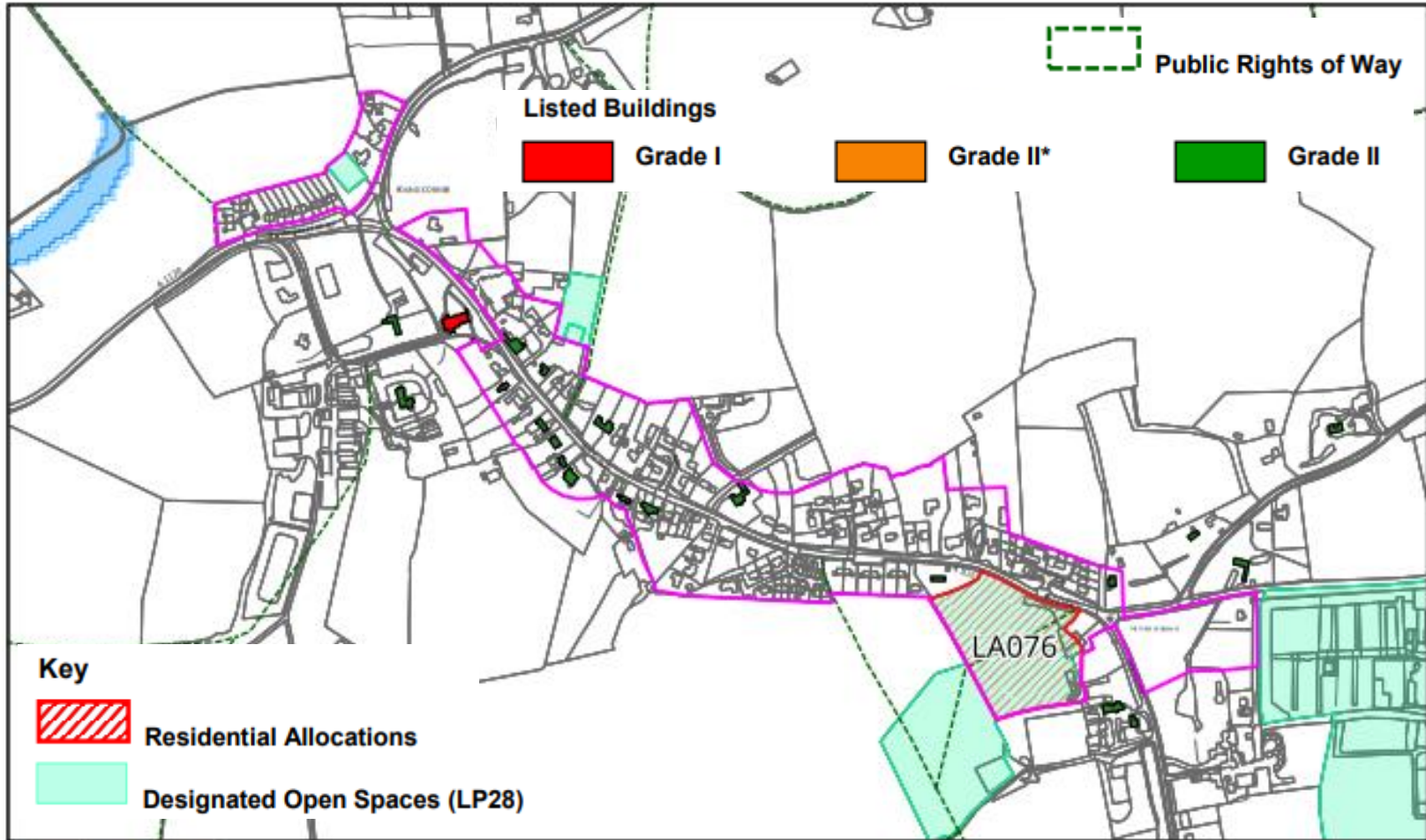
Listed Buildings

-  Grade I
-  Grade II
-  Grade II*

 Public Rights of Way

 Built Up Area Boundaries





Stonham Aspal

Existing Site and Aerial View

Slide 6





- Spine – Main access through site, homes parallel to edge of road, 2m wide pavements.
- Neighbourhood – Narrower streets with irregular building lines to mimic organic growth.
- Community – Provides the edge of the site between open field and built up area.

Phasing Plan



Agenda Item 7d

Committee Report

Item 7D

Reference: DC/21/03589

Case Officer: Alex Scott

Ward: Stonham.

Ward Member/s: Cllr Suzie Morley.

RECOMMENDATION – APPROVE RESERVED MATTERS WITH CONDITIONS

Description of Development

Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings and construction of new access, following demolition of 1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire Hydrants) and Condition 16 (Construction Management)

Location

Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

Expiry Date: 12/11/2021

Application Type: RES - Reserved Matters

Development Type: Minor Dwellings

Applicant: Mr Tydeman

Agent: Beech Architects

Parish: Stonham Aspal

Site Area: 0.91 hectares

Density of Development:

Gross Density (Total Site): 5.49 dwellings per hectare (dph)

Net Density (Developed Site, excluding open space and SuDs): 8.66 dph

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

- Outline Planning Application ref: DC/17/04419, for 9 no. dwellings, was considered by Members at Committee on 13th December 2017 - Members resolved to refuse planning permission;
- Outline Planning Application ref: DC/18/04191, for 5 no. dwellings, was considered by Members at Committee on 30th January 2019 - Members resolved to grant planning permission;

The relevant decision notices are appended to this report.

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee at the request of the Ward Member.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T02 - Minor Highway improvements
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)

Stonham Aspal Parish Council - 1st September 2021 & 20th October 2021:

Object:

- Access to site not wide enough for two cars to pass and has no footpath;
- Loss of wildlife habitat and one mature tree;

- Larger dwellings and more bedrooms proposed than indicated at Outline stage;
- Increase in bedroom numbers will result in increased vehicles travelling down the narrow road;
- The proposal would have an adverse impact on the adjacent listed building, even more than indicated previously;
- Concerns with regards MSDC Heritage Officers' comments as they previously objected to a prior proposal on the site;
- Concerns with regards a pond indicated on adjacent land - Question does this need planning permission;
- Concerns with regards proposed construction compound and impact on residents during construction;
- Concerns that there is no proposal for household waste bin storage and presentation points - These cannot be on the road;
- 2 no. mature trees have been removed on the site, shown to be retained on the proposed plans.

National Consultee (Appendix 4)

NA.

County Council Responses (Appendix 5)

SCC - Highways - Initial Response - 26th August 2021:

No objection - Subject to compliance with suggested conditions - Further info requested with regards construction management

SCC - Highways - Subsequent Response - 7th October 2021:

All elements of the reserved matters and conditions to be discharged are now acceptable to the Highway Authority

SCC - Lead Local Flood Authority (LLFA) - 18th August 2021 and 29th September 2021:

As this is a minor application we have no comment to make and we would point the LPA and the applicant towards standing advice.

SCC - Archaeology - 20th August 2021:

No further archaeological work required and no conditions required - An archaeological evaluation was undertaken on this site as part of the outline application DC/18/04191. Despite the potential to encounter archaeological features and finds within the proposed development site, as indicated by the county Historic Environment Record, none were found during the archaeological evaluation.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage Team - 3rd September 2021:

No comments will be provided by the Heritage Team - Proposals are not considered to be sufficiently harmful to warrant Heritage Involvement.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - 24th August 2021:

Do not have any further comments in respect to noise and other environmental health issues and no objection to condition 16 being discharged.

MSDC - Environmental Protection - Land Contamination Issues - 8th September 2021 and 14th October 2021:

No comments to make with respect to land contamination in addition to those made previously.

B: Representations

At the time of writing this report at least 9 letters/emails/online comments have been received. It is the officer opinion that this represents 8 objections, 1 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Representations raising concern or objection to the application:

- Proposed dwellings and bedroom numbers are larger than indicated at Outline Planning Stage;
- The proposal is not in line with what was agreed at outline stage and so should be refused;
- The proposed scale and design bears no resemblance to existing dwellings in Quoits Meadow, or what was previously approved at outline stage;
- The proposal will impact the amenities of neighbouring properties;
- Neighbouring properties will be overlooked by the development;
- The proposal will potentially have 3 or 4 cars per property and will more than double the residential traffic using Quoits Meadow;
- The proposed layout is detrimental to road safety;
- Quoits meadow is currently used as a convenient parking location, due to the inability for cars to park on the busy main road which runs through the village, the resultant additional vehicle movements will, therefore result in further congestion to the detriment of highway safety;
- The proposal will result in increased traffic congestion due to increased vehicles using Quoits Meadow and increased noise and pollution as a result, which will impact existing residential amenity;
- The lack of pavements proposed will result in pedestrians walking in the vehicular highway, which will result in conflict between pedestrians and cars, to the severe detriment of pedestrian safety - Particular concern with regards Children walking to School;
- The proposed refuse collection points are along way from the proposed properties and the proposed collection point will impact the amenities of neighbouring properties;
- The proposed access road is not suitable for refuse collection vehicles or larger vehicles, including emergency service vehicles;
- The revised proposal for larger properties will further harm and impact the setting of the adjacent Grade II listed building at Orchard Farm;
- MSDC Heritage Officers previously objected to previous applications on the site - Question why they are now not raising objection when the current proposal would be more impactful on the setting of the adjacent listed building;
- The proposed drainage basin lies outside of the application red line plan - question whether this need further planning permission;
- The current plans do not make provision for electric vehicle charging;

- Concerns with regards removal of 2 no. mature Trees from site frontage – Shown to be retained on proposed plans.

Representations in support of the application proposal:

- Stonham Aspal is calling out for some new, modern family homes;
- Proposed homes will complement the Village;
- The proposal will make good use of space without impacting the environment;
- The proposed smaller, more village focused, development is exactly what the Village need;
- People in the Village are moving away due to housing shortages - let's give people what they need.

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

PLANNING HISTORY

REF: DC/20/03291	Application for approval of reserved matters following grant of outline application DC/18/04191 dated 07/02/2019 Appearance, Layout, Scale and Landscaping for the erection of 5No dwellings and new access (following demolition for existing dwelling).	DECISION: REF 14.01.2021
REF: DC/18/04191	Outline Planning Application (Access to be considered) - Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling	DECISION: GTD 07.02.2019
REF: DC/17/04419	Outline Planning Application (Access to be considered) - Erection of 9 no. dwellings and construction of new access	DECISION: REF 18.12.2017
REF: 1859/11	Retention of stables, alterations to existing roof and continued use of land as paddock without compliance with condition 1 of planning permission 2874/10 requiring removal of eucalyptus trees.	DECISION: GTD 25.07.2011
REF: 2874/10	Retention of stables, alterations to existing roof (per submitted drawings) and continued use of land as paddock (revised scheme to that previously permitted under planning permission 3062/06).	DECISION: GTD 15.12.2010
REF: 3062/06	Proposed change of use of agricultural land to paddock and erection of a stable block (following removal of existing buildings).	DECISION: GTD 22.05.2007
REF: 1836/05	Retention of vehicular access, storage	DECISION: REF

facilities and parking area, and the erection of a shelter and hay storage building. All associated to adjacent paddock for the keeping and grazing of horses. 25.11.2005

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site extends to approximately 0.91 hectares and comprises part of an existing horse paddock set back from The Street, to the north of existing dwellings in the Quoits Meadow cul-de-sac.
- 1.2. To the north and east of the existing paddock lie agricultural fields, defined by hedgerow boundaries. An unmade access track runs adjacent to the south boundary of the paddock giving existing access to the paddocks and the agricultural fields to the east. Further to the south, on the opposite side of the track, lies the Grade II listed Orchard Farm with the existing housing estate at Walnut Tree Meadow beyond this. The existing Quoits Meadow estate and further dwellings fronting The Street lies to the west and south-west.
- 1.3. The site lies outside of, but adjacent to, the settlement boundary of the village. The site also affects the setting of a grade II listed building at Orchard Farm, to the south of the site, and affects an area of archaeological potential.

2. The Proposal

- 2.1. The application seeks approval of matters reserved by way of outline planning permission ref: DC/18/04191, and seeks approval of matters relating to Appearance, Scale, Layout and Landscaping for the 5 no. dwellings previously granted outline permission.
- 2.2. Matters of access have previously been considered and approved by way of outline planning permission ref: DC/18/04191 and have been approved, subject to conditions attached to that planning permission.
- 2.3. The application proposes 3 no. detached 1.5 storey, 5 bedroom, dwellings and associated garages, and 2 no. detached two-storey, 4 bedroom, dwellings, with integral garages.
- 2.4. The proposed 1.5 storey dwellings would have maximum ridge heights of 6.5 metres and the proposed two-storey dwellings would have maximum ridge heights of 7.8 metres.
- 2.5. The proposed dwellings all have on-site parking provision for at least 4 no. vehicles, within the proposed garages and on driveways immediately in front of them.
- 2.6. The proposals would include generously sized rear gardens, with proposed dwellings being located a minimum distance of 24 metres from any existing dwelling. The proposed layout also avoids back to back arrangements.

- 2.7. The proposed layout includes a shared private access road and access onto Quoits meadow, the principle of which has already been approved at outline planning stage. The proposed access road would have large green verges to either side.
- 2.8. The proposed layout also includes a large turning head within the development, suitable for use by Fire appliances. The layout also includes provision of a fire hydrant within the grass verge at the front of Plot 1.
- 2.9. The proposed also includes for the discharge of a number of conditions attached to the outline planning permission (DC/18/04191), relating to:
 - Hedgerows (Condition 9);
 - Surface Water Drainage Details (Condition 10);
 - Roads and Footpaths (Condition 11);
 - Parking and Turning (Condition 13);
 - Bin Collection Areas (Condition 14);
 - Fire Hydrants (Condition 15); and
 - Construction Management (Condition 16).

3. The Principle of Development

- 3.1. The principle of the proposed development, for the erection of 5 no. new dwellings, following demolition of 1 no. existing dwelling, has previously been considered and approved as part of outline planning permission ref: DC/18/04191.
- 3.2. There is not the opportunity to re-visit the principle of the proposal by way of this current reserved matters application. This also includes affordability and housing mix raised by the Ward Member in the call in request. The reserved matters are only

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

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

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

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

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

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

It is these along with the details of the conditions before members.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. The proposed estate road access to Quoits Meadow was considered and approved as part of outline planning permission ref: DC/18/04191, subject to conditions. The location of this proposed access as identified in the current reserved matters application is considered to be broadly as approved at outline stage and, therefore, acceptable and appropriate as part of the current submission.
- 4.2. Whilst it is noted that the proposed estate access road appears narrower than indicated at outline stage, and that it does not comprise a siding pedestrian footway as was previously indicated, it is considered that this forms part of matters relating to layout and not access and it is, therefore, considered appropriate to assess such matters at the current reserved matters stage.
- 4.3. The current layout proposes 4 no. on-site parking spaces per 4 and 5 bedroom dwelling proposed. Such provision is considered acceptable, on accordance with current SCC-Highways advisory parking standards and the proposal would not result in a need for tandem (three parked cars in a row, including garages) parking.
- 4.4. SCC Highways have assessed the current proposal and, whilst it is acknowledged that the current proposal does not contain a siding footway as indicated at outline stage, for a development of the scale proposed (5 no. new dwellings) SCC Highways advise this is acceptable and, therefore, it is presumed that pedestrians using the access driveway a shared surface is also considered acceptable. It is also considered that the proposed grassed verges would afford pedestrians sufficient refuge from vehicles, should such conflict occur.
- 4.5. Whilst it is agreed that the proposed access road layout varies to that indicated at outline stage it is not considered that the proposed layout would result in a severe impact on highway and pedestrian safety, such that refusal could be considered on such grounds. The proposed amount, design and location of on-site turning and parking is also considered to be in accordance with current highways advisory standards.
- 4.6. SCC-Highway have advised that the latest information submitted by the applicant is sufficient to discharge conditions: 11 (Roads and Footpaths); 13 (Parking and Turning); 14 (Bin Collection Areas); and 16 (Construction Management).
- 4.6. No objection is, therefore, raised with regards impact on highway safety.

5. Design, Layout and Impact on Street-scene Character

- 5.1. The proposed design and layout is considered to present an appropriately varied character of buildings and an appropriate low development density, sympathetic the edge of settlement character in this location.
- 5.2. Whilst it is agreed that the character of development proposed does not reflect that of the existing Quoits Meadow estate, the site is considered to be significantly detracted from this existing character area such that the proposed character and density is appropriate, without resulting in a significant impact on the existing street-scene.

6. Heritage Issues

- 6.1. The principle matter of heritage concern relates to the potential impact of the proposed layout, scale and appearance of buildings on the significance of Orchard Farmhouse, a Grade II Listed late 16th Century timber-framed farmhouse, located approximately 16 metres to the south-east of the proposal site.
- 6.2. It is noted that recent reserved matters refusal ref: DC/20/03291 included heritage reasons (please refer to appended decision notice) and. This decision is considered to be a material consideration in consideration of the current application. proposal,
- 6.3. The current application includes the following revisions to those previously considered by way of prior reserved matters application ref: DC/20/03291:
 - The removal of the existing dwelling;
 - The changing of plots 1, 2 and 3 from two-storey (previous) to 1.5 storey (currently proposed) and a reduction in ridge heights of plots 1, 2 and 3 from 8.6 to 6.5 metres;
 - The moving of elements of the dwelling at plot 2 further away from the site boundary, to the east, and resulting in improved views from the listed building to open countryside and views from open countryside back towards the listed building;
 - The moving of two-storey elements at plot 3 further away from the south-west boundary of the site and further away from the listed building - improving its setting, as above;
 - Increased tree planting to the south-east site boundary, between proposed buildings and the listed building and improving screening and setting.
- 6.4. The above amendments are considered to result in improvements to the setting and significance of the heritage asset (Orchard Farmhouse) to the extent that the less than substantial harm considered by Heritage, as a result of the previous application is now reduced to very low to negligible harm.
- 6.5. Your Heritage Officers have been consulted on the current application and advise that the current proposals are not considered to be sufficiently harmful to the significance of the heritage asset.
- 6.6. The NPPF paragraph 201 states that where a proposal will lead to less than substantial harm to the significance of heritage assets this harm should be weighed against the public benefits of the proposal. The increase in the supply of houses in support of local and national housing targets, in a sustainable village location, supporting local services and facilities, is considered to be publicly beneficial in social terms and to the extent that this public benefit would outweigh the harm to the significance of the heritage asset identified.

7. Archaeology

- 7.1. The SCC Archaeological Unit has been consulted on the application and advise that Archaeological investigations on the site have been completed as part of the outline application DC/18/04191.
- 7.2. Despite the potential for Roman and medieval archaeological features and finds, as indicated by the Historic Environment Record, none were found during the evaluation. Based on the results of the archaeological evaluation SCC-Archaeology would not require any further archaeological work on the site and advise that the current reserved matters application does not require further conditions for archaeological investigation and recording.

8. Landscape Impact and Trees

- 8.1. The proposed scheme of native species soft landscape planting to site boundaries, and additional Tree planting to the south-east boundary, is welcomed. Such detail is considered sufficient to address the further information required by Condition 9 (Hedgerows) of the Outline Planning Permission (DC/18/04191).
- 8.2. The proposed landscaping scheme is considered appropriate for such an edge of settlement location, sufficient to soften and screen the development and mitigate harm to the setting and significance of the nearby heritage asset (as identified above).
- 8.3. Whilst it is noted that 2 no. significant Trees have been removed from the frontage of the site, these Trees were not protected by way of Tree Preservation Orders (TPOs) or a Conservation Area designation. As such no form of consent was required by the Council prior to their removal.
- 8.4. It is noted that the proposed landscaping scheme includes for the planting of a significant amount (over 14 no.) new trees within the site which would compensate the Trees lost and proposed to be lost as part of the overall development proposal and would increase the number of trees on the site and within the village more generally.

9. Impact on Residential Amenity

- 9.1. NPPF Paragraph 130 requires that all developments should ensure a high standard of amenity of all existing and future users. Furthermore, development plan policy H16 provides that the LPA will refuse development that materially reduces the amenity of adjacent dwellings.
- 9.2. By reason of: the proposed buildings' siting, of at least 24 metres from any existing neighbouring dwelling; The proposed buildings' orientation, not front or rear elevation directly facing rear gardens of existing neighbouring properties; and having also considered site level changes on and surrounding the site, the proposed development is not considered to result in significant harm to the amenities currently enjoyed by occupants of neighbouring properties in terms of visual dominance, loss of daylight, and loss of privacy.

- 9.3. By reason of the low noise impacts associated with such C3 land use class developments, compatible within existing residential environments, the proposal would not result in significant harm to the amenities currently enjoyed by occupants of neighbouring properties by reason of increased noise and disturbance.
- 9.4. The proposed access road is also considered to be an acceptable distance from existing neighbouring dwellings (minimum distance of 11 metres) so as to not result in significant harm to neighbouring amenity with regards noise and disturbance due to traffic movements.
- 9.5. The proposed design and layout is also considered to provide a high standard of amenity for future occupants.
- 9.6. Your Environmental Protection Officers have been consulted on the application proposal and have raised not objection with regards the proposal's impact on residential amenity. Environmental Protection Officers also raise no objection with regards the proposed discharge of condition 16 of the outline planning permission, with regards the proposed scheme of construction management.

10. Surface Water Drainage

- 10.1. The application includes detailed surface water drainage information in the interest of addressing the requirements of condition 10 of the outline planning permission.
- 10.2. The proposed scheme of surface water drainage involves surface water being directed to an attenuation basin to the east of the site, on land within the applicant's ownership to enable surface water to be attenuated for controlled sustainable drainage dispersal. The outline permission and scale of development (under 10 dwellings) does not automatically require a SuDs approach, but the applicant has sought to achieve this in this case. While it is unusual for the development of the basin to be beyond the red line plan, it is not beyond the scope of the planning condition to control and ensure it is fully implemented to serve the development. However, the applicant will need separate planning permission for the associated change and works of the basin that will need to be assessed on its own merits and will be a risk to the applicant.
- 10.3. The proposed drainage basin would be significantly large due to the clay nature of the soil which prevents rapid draining of surface water. Therefore, a large attenuation surface is needed.
- 10.4. The proposed drainage basin would have 1 in 3 and 1 in 4 side slopes, with a maximum water depth of 0.85 metres (33.46 inches) during a 1 in 100 year event. The maximum water depth within the basin, for a common 1 in 2 year event is calculated to be no more than 0.48 metres (18.9 inches).
- 10.5. The Lead Local Flood Authority have been consulted on the application proposal and have not raised objection to the proposed scheme. As such, the proposed scheme of surface water disposal is considered acceptable and sufficient to discharge condition 10 of the outline planning permission.

11. Other Matters

11.1. Matters relating to: Land Contamination; Ecology; and Flood Risk where previously considered as points of principle in relation to outline planning application DC/18/04191, and no objection was raised subject to compliance with conditions imposed by way of that planning permission. Such condition remain relevant to the current overall application proposal.

12. Parish Council Comments

12.1 It is considered that the matters raised by Stonham Aspal Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

13.1 The principle of development has been agreed for the number of dwellings proposed as well as the access arrangements. The resultant development is considered to be of a suitable density and design character for the site and area, that provides interest and adds a unique character area. All specialist consultees offer no objection to the scheme. The proposals are well connected to the existing transport and pedestrian networks of the village and will create a new landscaped edge to the village and provide suitable green landscape screening and boundary treatments. The current scheme is also not considered to result in significant harm to heritage assets. The proposal would also not result in increased flood risk and is considered acceptable in biodiversity terms. Overall the development is considered to provide an appropriate addition to the village.

RECOMMENDATION

That the Chief Planning Officer be authorised to GRANT reserved matters, and approval of details pursuant to other conditions of the outline planning permission, subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Approved Plans and Documents;
- Those already imposed as part of Outline Planning Permission Ref: DC/18/04191 (as set out in the decision notice appended to the papers).



Application No: DC/21/03589

Location: Land to the rear of the Leas, Quoits Meadow, Stonham Aspal

Appendix 1: Call In Request	Yes	
Appendix 2: Details of Previous Decision	Outline Planning Application ref: DC/17/04419 - 9 no. Dwellings - Refused - Appeal Dismissed; Outline Planning Permission ref: DC/18/04191 - 5 no. Dwellings - Approved; Reserved Matters Application ref: DC/20/03291 - 5 no. Dwellings - Refused.	
Appendix 3: Town/Parish Council/s	Stonham Aspal Parish Council	
Appendix 4: National Consultee Responses	N/a	
Appendix 5: County Council Responses	SCC – Highways SCC - Lead Local Flood Authority SCC - Archaeological Service	
Appendix 6: Internal Consultee Responses	MSDC - Heritage Team MSDC - Environmental Health - Land Contamination MSDC - Environmental Health – Other Issues	



Babergh and Mid Suffolk District Councils



Appendix 7: Any other consultee responses	9 letters/emails/online comments received. 8 objections, 1 support and 0 general comment.	
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/21/03589

Application Summary

Application Number: DC/21/03589

Address: Land To The Rear Of The Leas Quoits Meadow Stonham Aspal Suffolk

Proposal: Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings and construction of new access, following demolition of 1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire Hydrants) and Condition 16 (Construction Management)
Case Officer: Alex Scott

Consultee Details

Name: Mrs Alison Green

Address: Granary Cottage, Mill Green, Stonham Aspal Stowmarket, Suffolk IP14 6DA

Email: Not Available

On Behalf Of: Stonham Aspal Parish Clerk

Comments

At their meeting on 31st August the members of Stonham Aspal Parish Council unanimously agreed to object to this application on the basis that

Access to the site is not wide enough for two cars to pass and has no footpath.

There would be a loss of wild life habitat and at least one mature tree.

The original plan was for 2 bungalows, 2 semi-detached and 1 detached property with a total of 14 bedrooms. The new plan is for 4 and 5 bedroom houses with a total of 23 bedrooms is an unacceptable 64% increase.

The increase in bedrooms will lead to an increase in vehicles travelling down the narrow road.

It was felt that the previous application which had 2 bungalows near the boundary of the grade 2 listed Orchard Farm had an adverse impact on the listed property. A view the Heritage Officer agreed with. The new plan places 5 bedroom houses of 6.7m height in this position would have an even greater impact.

The intervention pond on the paddock behind the properties is outside of the proposed development site as is the construction compound. Do these need additional planning permission? More detail on the management of the construction compound, rules and regulations, management and removal was requested.

There is also no provision for household waste bins, it has been stated previously these cannot be on the road.

Consultee Comments for Planning Application DC/21/03589

Application Summary

Application Number: DC/21/03589

Address: Land To The Rear Of The Leas Quoits Meadow Stonham Aspal Suffolk

Proposal: Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings and construction of new access, following demolition of 1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire Hydrants) and Condition 16 (Construction Management)
Case Officer: Alex Scott

Consultee Details

Name: Mrs Alison Green

Address: Granary Cottage, Mill Green, Stonham Aspal Stowmarket, Suffolk IP14 6DA

Email: Not Available

On Behalf Of: Stonham Aspal Parish Clerk

Comments

At their meeting on 19th October the members of Stonham Aspal Parish Council unanimously agreed to add the following comments to those made at their meeting on 31st August (copied below)

The two existing mature trees at the front of No 4 The Leas have been removed although they are shown on all plans

The intervention pond, now renamed Biodiversity attenuation basin is outside of the red line plan, therefore requires planning permission as it is an integral part of the development

The contractors parking, materials storage, offloading bay, site offices, toilets and other facilities moved to front of site and will now cause immense harm to the residential amenity of the occupiers of Quoits meadow. It will also cause traffic issues for the Quoits meadow residents not only during the day but also at school drop off and pick up times as Quoits meadow is used as parent parking.

The bin storage for the development is still not clearly shown

The latest proposal is significantly differently to what was originally agreed as outline planning, therefore a new planning application will need to be submitted

There are major residential amenity concerns for the residents of Quoits meadow both during the

construction of the development and post construction as the development overloads the currents services

If the planning dept were to accept the move of contractor parking etc to the front of the development, that area must be returned to grass/hedging with no provision for car parking.

The parish council has a concern that the Heritage dept comments, which previously objected to the development, now have no objections to the amended application, yet the latest proposal clearly has an increased (detrimental) impact on a grade 2 listed building (Orchard farm)

At their meeting on 31st August the members of Stonham Aspal Parish Council unanimously agreed to object to this application on the basis that Access to the site is not wide enough for two cars to pass and has no footpath.

There would be a loss of wild life habitat and at least one mature tree.

The original plan was for 2 bungalows, 2 semi-detached and 1 detached property with a total of 14 bedrooms. The new plan is for 4 and 5 bedroom houses with a total of 23 bedrooms is an unacceptable 64% increase. The increase in bedrooms will lead to an increase in vehicles travelling down the narrow road.

It was felt that the previous application which had 2 bungalows near the boundary of the grade 2 listed Orchard Farm had an adverse impact on the listed property. A view the Heritage Officer agreed with. The new plan places 5 bedroom houses of 6.7m height in this position would have an even greater impact.

The intervention pond on the paddock behind the properties is outside of the proposed development site as is the construction compound. Do these need additional planning permission?

More detail on the management of the construction compound, rules and regulations, management and removal was requested.

There is also no provision for household waste bins, it has been stated previously these cannot be on the road.

Your Ref:DC/21/03589
Our Ref: SCC/CON/3850/21
Date: 26 August 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

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

For the attention of: Alex Scott - MSDC

Dear Alex

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/03589

PROPOSAL: Application for approval of reserved matters following grant of outline application

DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for
Erection of 5no. dwellings and construction of new access, following demolition of
1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface
Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking
and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire
Hydrants) and Condition 16 (Construction Management)

LOCATION: Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk
Notice is hereby given that the County Council as Highway Authority make the following
comments:

The proposed layout is acceptable to the Highway Authority.

Recommended conditions:

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 03 G for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and secure cycle storage 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: The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 03 G 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.

Discharge of conditions:

Condition 9 (Hedgerows) - Note: No hedges should be allowed to grow over 0.6m tall within visibility splays. No objection to discharge of condition.

Condition 10 (Surface Water Drainage Details) - No Comments.

Condition 11 (Roads and Footpaths) - Details are acceptable.

Condition 13 (Parking and Turning) - Details are acceptable (recommended condition above).

Condition 14 (Refuse Bins and Collection Areas) - Details are acceptable (recommended condition above).

Condition 15 (Fire Hydrants) - No Comments.

Condition 16 (Construction Management) - Cannot locate a document that covers the highway related matters of a CMP. **Further information required.**

Yours sincerely,

Ben Chester

Senior Transport Planning Engineer

Growth, Highways and Infrastructure

Your Ref:DC/21/03589
Our Ref: SCC/CON/4485/21
Date: 6 October 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

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

For the attention of: Alex Scott - MSDC

Dear Alex

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/03589

PROPOSAL: Application for approval of reserved matters following grant of outline application

DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for
Erection of 5no. dwellings and construction of new access, following demolition of
1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface
Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking
and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire
Hydrants) and Condition 16 (Construction Management)

LOCATION: Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

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

Further to the highways response dated 26/08/21:

Condition 16 (Construction Management) - the details on drawing 04 Rev H are acceptable to the
Highway Authority.

In summary, all elements of the reserved matters and conditions to be discharged are now acceptable to
the Highway Authority.

Yours sincerely,

Ben Chester

Senior Transport Planning Engineer

Growth, Highways and Infrastructure

From: BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>

Sent: 18 Aug 2021 09:16:36

To:

Cc:

Subject: FW: 2021-08-18 JS Reply Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal Ref DC/21/03589 RMA/DoC

Attachments:

From: GHI Floods Planning Sent: 18 August 2021 07:51 To: BMSDC Planning Area Team Blue Subject: 2021-08-18 JS Reply Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal Ref DC/21/03589 RMA/DoC Dear Alex Scott, Thank you for your notification of planning application DC/21/03589 for the proposed development of Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal received on the 16th August 2021. Suffolk County Council, as Lead Local Flood Authority (LLFA), is a statutory consultee under the Town and Country Planning Act for major applications only. Therefore, as this is a minor application we have no comment to make and we would point the LPA and the applicant towards the following guidance:- Long Term Flood Risk - <https://flood-warning-information.service.gov.uk/long-term-flood-risk> Flood risk assessment: standing advice - <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice> What is meant by ‘‘minor development’’ in relation to flood risk - <https://www.gov.uk/guidance/flood-risk-and-coastal-change#minor-development-to-flood-risk> The Local Planning Authority should be mindful that the application complies with national, local policy, best practise and guidance in relation to flood risk and surface water drainage. Relevant Policies in relation to Flood Risk & SuDS National Legislation/Codes ‘‘ National Planning Policy Framework ‘‘ Defra's Non-Statutory Technical Standards for SuDS ‘‘ Building Regulations: Approved Document H - Drainage and Waste Disposal (2015 edition) ‘‘ BS8582:2013 Code of Practice for Surface Water Management for Development Sites ‘‘ National Design Guide, Planning Practise Guidance for beautiful, enduring and successful places Local Policy ‘‘ Suffolk Flood Risk Management Strategy and Appendices ‘‘ Mid Suffolk District Council (Policy CS 4 Adapting to Climate Change) Planning Condition 10 (Surface Water Drainage Details) shall be reviewed by the local planning authority in according with Building Regulations Part H 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**

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

From: GHI Floods Planning

Sent: 29 September 2021 08:33

Subject: 2021-09-29 JS Reply Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal Ref DC/21/03589

Dear Alex Scott,

Subject: Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal Ref DC/21/03589

Please see previous consultation reply.

Kind Regards

Jason Skilton

Flood & Water Engineer

Suffolk County Council

Dear Alex,

An archaeological evaluation was undertaken on this site as part of the outline application DC/18/04191. Despite the potential to encounter archaeological features and finds within the proposed development site, as indicated by the county Historic Environment Record, none were found during the archaeological evaluation. SCC Archaeological Service would not want any further archaeological work to be undertaken on this site and would not request any conditions for the reserved matters application DC/21/03589.

Kind regards,

Matthew

Matthew Baker
Archaeological Officer

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

Tel.: 01284 741329

Mob.: 07707649302

Email: matthew.baker@suffolk.gov.uk

Website: <http://www.suffolk.gov.uk/archaeology>

Suffolk Heritage Explorer: <https://heritage.suffolk.gov.uk>

Follow us on Twitter: [@SCCArchaeology](https://twitter.com/SCCArchaeology)

Like us on Facebook: [@SCCArchaeologicalService](https://www.facebook.com/SCCArchaeologicalService)

Follow us on Instagram: [@SCCArchaeology](https://www.instagram.com/SCCArchaeology)

If you are contacting me about Development Management please quote the planning application number where possible.

No comments will be provided by the Heritage team - proposals are not considered to be sufficiently harmful to warrant Heritage involvement.

From: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Sent: 08 Sep 2021 12:42:29
To:
Cc:
Subject: FW: DC/21/03589. Land Contamination
Attachments:

From: Nathan Pittam <Nathan.Pittam@baberghmidsuffolk.gov.uk>
Sent: 08 September 2021 12:42
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Cc: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>
Subject: DC/21/03589. Land Contamination

EP Reference : 297051
DC/21/03589. Land Contamination
Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, STOWMARKET, Suffolk.
Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings and construction

Many thanks for your request for comments in relation to the above application. I can confirm that I have no comments to make with respect to land contamination in addition to those made on 11th December 2020.

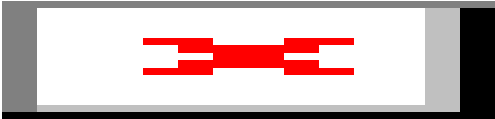
Kind regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@baberghmidsuffolk.gov.uk
Work: 01449 724715
websites: www.babergh.gov.uk www.midsuffolk.gov.uk



From: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Sent: 14 Oct 2021 02:11:40
To:
Cc:
Subject: FW: (298470) DC/21/03589. Land Contamination
Attachments:

From: Nathan Pittam <Nathan.Pittam@baberghmidsuffolk.gov.uk>
Sent: 14 October 2021 14:07
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Cc: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>
Subject: (298470) DC/21/03589. Land Contamination

EP Reference : 298470
DC/21/03589. Land Contamination
Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, STOWMARKET, Suffolk.
Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings

Many thanks for your request for comments in relation to the above application to vary the 2018 permission. I can confirm that I have no comments to make with respect to this variation from the perspective of land contamination.

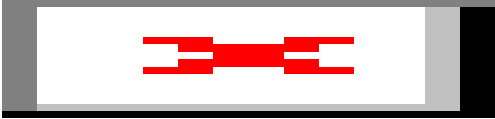
Kind regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@baberghmidsuffolk.gov.uk
Work: 01449 724715
websites: www.babergh.gov.uk www.midsuffolk.gov.uk



From: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>

Sent: 24 Aug 2021 01:35:04

To:

Cc:

Subject: FW: Plan ref DC/21/03589 Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal. Environmental Health - Noise/Odour/Light/Smoke

Attachments:

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

Sent: 23 August 2021 16:37

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

Cc: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>

Subject: Plan ref DC/21/03589 Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal. Environmental Health - Noise/Odour/Light/Smoke

Thank you for consulting me on the above application for discharge of reserved matters in respect of appearance, layout, scale and landscaping.

I have already commented in respect of construction management and notes on drawing no. 4. I do not have any further comments in respect to noise and other environmental health issues and no objection to condition 16 being discharged.

David Harrold MCIEH

Senior Environmental Health Officer

Babergh & Midsuffolk District Councils

t: 01449 724718

e: david.harrold@baberghmidsuffolk.gov.uk

DC/MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Corporate Manager – Growth & Sustainable Planning)

Planning application reference	DC/21/03589 – Land to the rear of The Leas, Quoits Meadow
Parish	Stonham Aspal
Member making request	Suzie Morley
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	<p>The proposal would result in significant planning precedent elsewhere in the District relating to the following issues:</p> <ul style="list-style-type: none"> • Provision of larger properties not in keeping with prevailing character of existing estate developments; • Provision of larger properties with no consideration of providing a mix of house types, sizes and affordability, in response to local need; • Provision of estate roads, with no siding footpaths, associated with significantly sized properties, with potential for increased vehicular conflict with pedestrians and significant highway and pedestrian safety concerns; and • Harm to the setting and significance of a heritage asset (Orchard Farm), with no significant public benefit(s) being demonstrated, sufficient to outweigh this harm (NPPF paragraph 202).
Please detail the clear and substantial planning reasons for requesting a referral	<p>The proposed scale, appearance, layout and character of development would not be in keeping with the existing character of the adjacent Quoits Meadow Estate, contrary to development plan policies: CS5, GP1, H13 and H15.</p> <p>The proposal would not provide an appropriate mix of house types, sizes and affordability, contrary to development plan policy CS9.</p> <p>The proposed lack of pedestrian footways and increased vehicle movements would result in significant impacts in terms of highway and</p>

	<p>pedestrian safety, contrary to development plan policy T10 and NPPF paragraphs 110 and 111.</p> <p>The proposal would result in significant harm to the setting and significance of a listed building, without sufficient public benefit(s) being demonstrated to outweigh this harm, contrary to development plan policy HB1 and NPPF paragraphs 199, 200 and 202.</p> <p>The proposed dwellings would result in a significant impact on neighbouring amenity, being bulky and oppressive, contrary to development plan policy H16 and NPPF paragraph 130.</p>
<p>Please detail the wider District and public interest in the application</p>	
<p>If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development</p>	<p>NA.</p>
<p>Please confirm what steps you have taken to discuss a referral to committee with the case officer</p>	<p>Discussion with Alex Scott on 20th September, 2021</p>

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

Mid Suffolk District Council
Endeavour House, 8 Russell Road, Ipswich IP21 2BX

Website: www.midsuffolk.gov.uk



REFUSAL OF OUTLINE PLANNING PERMISSION

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

Correspondence Address:

Philip Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe
IP11 9HB

Applicant:

Mr R Tydeman
The Leas
Quoits Meadow
The Street
STONHAM ASPAL
IP14 6DE

Date Application Received: 29-Aug-17

Application Reference: DC/17/04419

Date Registered: 04-Sep-17

Proposal & Location of Development:

Outline Planning Application (Access to be considered) - Erection of 9 no. dwellings and construction of new access

Land Rear Of The Leas, Quoits Meadow, The Street, Stonham Aspal Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled SITE LOCATION PLAN 1:2500 received 29/08/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan SITE LOCATION PLAN 1:2500 - Received 29/08/2017

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. The proposed access would by reason of its location likely result in detriment to adjoining neighbours in respect of significant reduction in amenity. On this basis this development is contrary to Policy H16, GP1 and H13 of the Local Plan 1998 as well as NPPF.
2. There is insufficient information to judge the acceptance of the access route and development in respect of its relationship and impact on the place and character of the locality. Accordingly, the development fails to enhance local character in accordance with Core Strategy Review FC1.1 and Local Plan policies GP1, H13 and H15.
3. The proposal fails to demonstrate that the development would not result in harm to the setting of the nearby Grade II listed building at Orchard Farm. This is contrary to policies H13, HB1 and NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS05 - Mid Suffolk's Environment
CS07 - Brown Field Target
CS09 - Density and Mix
GP01 - Design and layout of development
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
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
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

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

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

This relates to document reference: DC/17/04419

Signed: Philip Isbell

Dated: 18th December 2017

**Corporate Manager
Growth & Sustainable Planning**

Appeals to the Secretary of State:

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As 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 [reference], 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 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.



Appeal Decision

Site visit made on 25 September 2018

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2018

Appeal Ref: APP/W3520/W/18/3198244

Land rear of The Leas, Quoits Meadow, The Street, Stonham Aspal IP14 6DE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Tydeman against the decision of Mid Suffolk District Council.
 - The application Ref DC/17/04419, dated 25 August 2017, was refused by notice dated 18 December 2017.
 - The development proposed is erection of 9 dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr R Tydeman against Mid Suffolk District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with some matters of detail reserved for future determination. Although matters of appearance, landscaping, layout and scale are not formally submitted for determination, the submission is accompanied by the location plan at scale 1:2500 and the appellant's planning statement to which I have had regard.
4. The revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018. I have taken the parties' comments on the revised Framework into account in reaching my decision.

Main Issues

5. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area, including the setting of the nearby Grade II listed Orchard Farm; and
 - the living conditions of neighbouring occupiers at 3 Quoits Meadow and The Leas, with particular regard to noise and disturbance.

Reasons

Character and appearance

6. Quoits Meadow is a cul de sac of 6 detached two-storey houses. The houses are set back from the road behind grassed front gardens with trees. The access to the appeal site would run from Quoits Meadow across the existing front garden and through the rear garden of The Leas at 4 Quoits Meadow.
7. Located outside the settlement boundary of Stonham Aspall, the appeal site lies behind houses on Quoits Meadow's eastern side. The appeal site consists of a fenced paddock and stables, part of The Leas' gardens and house, and part of the paddock's access track. The access track runs past Grade II listed Orchard Farm and terminates at The Street. There is open countryside to the appeal site's north and east.
8. The proposed development would comprise up to 9 houses located off a vehicular access between 3 Quoits Meadow and The Leas. The proposed vehicular access would involve parts of The Leas' existing front and rear gardens. The proposed development would also necessitate removal of part of the existing house at The Leas adjacent to the proposed access.
9. The listed building at Orchard Farm is a late 16th century former farmhouse with major mid 19th century alterations. It is a two-storey timber-framed, red brick and plastered farmhouse with plain-tiled roofs. The listed building is set within a generous plot with a number of outbuildings and gardens to the front and side, with views northwards across the appeal site to open countryside that forms part of the listed building's setting. The listed building is screened from The Street by trees and shrubs, but views of the listed building open up on the approach to the listed building via the access track. While modern development has encroached on the listed building on its southern, eastern and western sides, intervisibility remains between the wider countryside, the appeal site itself and the listed building, as I observed on my site visit.
10. The listed building's significance is informed by its architectural and historic interest as a building dating back several centuries with the survival of key features. The setting of the listed building also contributes to its significance, and I have had special regard to preserving the setting as required by the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The extent of a heritage asset's setting is not fixed and may change as the asset and its surroundings evolve. Despite the presence of a track separating the appeal site and the listed building, the appeal site has inherent value as an established area of undeveloped space behind Quoits Meadow and within the setting of the listed building at Orchard Farm.
12. The appeal site may be large enough to accommodate 9 houses of single or two storeys in height. Furthermore, the houses would be likely to be of sympathetic vernacular design and finish to the listed building at Orchard Farm. However, the proposed development would fundamentally change the appeal site's nature and its relationship with the listed building, as the proposed houses would diminish the listed building's setting and would reduce views of open land from the listed building's surroundings and reduce views through to the listed building from the appeal site itself. While matters of detail such as

- appearance, landscaping, layout, and scale would be addressed as part of reserved matters, I am unconvinced that these matters would satisfactorily address the setting of the listed building.
13. The vehicular access to the proposed development would be positioned north-west of the existing house at The Leas. It is clear that part of the house at The Leas would be removed. The Leas is visible from the vehicular access into Quoits Meadow. Nonetheless, given that the houses on Quoits Meadow are at different angles to the street, and have differing proportions and distribution of fenestration, I consider that the proposed demolition of part of the house would not in itself harm the character and appearance of the area.
 14. However, the proposed access between No 3 and The Leas would involve the removal of existing trees on the appeal site's road frontage, a reduction in landscaping adjacent to The Leas, and the introduction of a vehicular access along a heavily vegetated boundary between No 3 and The Leas. I consider that this element of the proposed development would have a detrimental effect on the character and appearance of Quoits Meadow.
 15. The harm to the significance of the listed building at Orchard Farm would be less than substantial, but still important given the effect of the proposed development on the setting of the listed building. Paragraph 196 of the revised Framework provides for a balancing exercise to be undertaken, between "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other.
 16. The provision of up to 9 houses would provide additional housing and would allow for new families to move into the area or families to move within the area. The housing would be close to some services, and may help maintain the vitality of rural communities in accordance with paragraph 78 of the revised Framework. The construction phase would also have beneficial effects in terms of the economy. Furthermore, the occupiers of the new homes would be likely to use services and facilities in Stonham Aspal and neighbouring villages. I also acknowledge the possibility of walking or cycling to some services, and that bus services link the village with Ipswich, Eye and Diss. As such, the proposed development would not be entirely reliant on the private car, with associated benefits in terms of emissions. I attribute moderate weight to the economic, social, and environmental benefits the proposal would make to the local economy and housing stock. This would be insufficient to outweigh the harm identified to the significance of the listed building. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework and referred to above.
 17. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area and would fail to preserve the setting of the listed building at Orchard Farm. Accordingly, the proposed development would be contrary to policies GP1, H13, H15, and HB1 of the Mid Suffolk Local Plan 1998 (LP) and policy FC 1.1 of the Mid Suffolk District Core Strategy Focused Review 2012 (CS). LP policies GP1, H13 and H15 require, amongst other things, that proposals maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development, while LP policy HB1 confirms that particular attention will be given to protecting the settings of listed buildings.

CS policy FC 1.1 requires, amongst other things, development to conserve and enhance local character.

18. The proposed development would not meet the aims of the Framework as it would fail to sustain the significance of the setting of a listed building, where the public benefits would not outweigh the harm. In addition, for the reasons set out above, the statutory duty within Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 would not be met.

Living conditions

19. Quoits Meadow is a cul de sac located north of The Street, the main road through Stonham Aspal. Both roads have a 30mph speed limit. At the time of my site visit, Quoits Meadow and The Street were quiet, with intermittent traffic movements along The Street and only one car movement within Quoits Meadow itself. Traffic movements will vary throughout the day and week, and it would not be unreasonable to expect an existing level of noise and disturbance arising from such vehicle movements. However, there is no evidence to suggest that the main body of the appeal site currently generates frequent or excessive levels of noise, instead forming a paddock adjacent to a built-up area where the frequency of access is likely to be limited.
20. No 3 is a detached two-storey house which has a number of windows and a glazed porch area at ground floor level to the side elevation directly facing the access to the appeal site. Although there are differences in measurements expressed by the appellant and the neighbouring occupier at No 3, it was clear from my site visit that No 3's side elevation is located within a few metres of the shared boundary with the appeal site's proposed access. The existing timber fence between No 3 and The Leas is approximately 2m in height, while the boundary between the rear gardens is heavily planted with trees and shrubs. Additionally, the rear windows to both No 3 and The Leas would be located perpendicular to the proposed access.
21. The revised Framework states at paragraphs 170 (e) and 180 that planning decisions should avoid unacceptable risk from, or being adversely affected by, unacceptable levels of noise, while the Planning Practice Guidance¹ confirms that noise needs to be considered when new developments may create additional noise. In line with the Noise Policy Statement for England's explanatory note, this would include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.
22. While the Highway Authority considers the proposed vehicular access to Quoits Meadow to be acceptable subject to conditions, the proposed access would be located close to existing houses and their gardens at No 3 and The Leas. No information has been provided regarding the likely number of vehicle movements per dwelling per day, although the appellant consider that the level of traffic generated would not be significant in terms of current traffic levels through the village. Although the number of vehicle movements would not necessarily be particularly high, these movements would all pass the houses and gardens at No 3 and The Leas. The noise and disturbance generated throughout the day and night would be noticeable, including the noise of

¹ Paragraph Reference: 30-001-20140306 When is noise relevant to planning?

vehicles and the additional lighting provided by car headlights. I do not consider that it has been adequately demonstrated that this would not result in a significant observed adverse effect level on health and quality of life. This would therefore have a negative effect on the living conditions of occupiers of No 3 and The Leas. While the existing occupier at The Leas is the appellant, this would not render it acceptable as it is necessary to consider the effect on the living conditions of neighbouring occupiers, both existing and future as referred to in paragraph 127(f) of the revised Framework.

23. Notwithstanding their view on any adverse effect on the neighbouring properties at No 3 and The Leas and the likely lack of windows and doors to the amended flank elevation of The Leas, the appellant has suggested that new acoustic fences or walls would be erected to attenuate any noise from traffic using the proposed access. Given the level of information provided, it is not possible to establish whether the use of a condition for acoustic boundary treatments would satisfactorily address any adverse effect on the living conditions of neighbouring occupiers at No 3 and The Leas.
24. While I note the lack of objection from the Council's Environmental Health officers, this does not alter my findings in this instance. Furthermore, although the Council's decision was made against officer recommendation and the Planning Committee did not formally visit the site before making their decision, it is possible to see from the location plan that the proposed access would be sited close to both No 3 and The Leas.
25. Concluding on this main issue, I consider that the proposed development would have a detrimental effect on the living conditions of neighbouring occupiers of 3 Quoits Meadow and The Leas, with particular regard to noise and disturbance. Consequently, the proposed development would be contrary to LP policy H16 and the revised Framework. LP policy H16 requires development not to materially reduce the amenity of adjacent dwellings. Although I recognise that the Council has not referred to specific paragraphs of the revised Framework, the development would also conflict with paragraphs 127 (f), 170 (e), and 180 of the revised Framework as set out above. LP policies GP1 and H13 have been referred to in the Council's reason for refusal, but although they are both policies on design and layout, neither appear directly relevant in this instance in respect of noise and disturbance.

Other Matters

26. A number of letters of support were submitted as part of the planning application process. While I have addressed the provision of further housing and the benefits to the local economy above, I also note that the proposed development would not be likely to have an adverse effect on highway safety.
27. I note that neighbouring residents and the Parish Council have raised a range of concerns regarding the proposed development. Given my findings on the main issues, it has not been necessary for me to consider these concerns in any detail.
28. The appellant asked the District and County Councils for pre-application advice. I also note that the appellant has exercised his right to submit an outline application. Furthermore, I acknowledge the need for local authorities to approach decision-making in a positive and creative way in line with the

revised Framework. However, this does not alter my findings in respect of this appeal.

29. The appellant has discussed a recent outline planning permission 4847/16 at Green Farm, Crowfield Road. However, I have limited information on this proposal and therefore cannot confirm the similarity of its circumstances with the appeal before me.

Planning Balance

30. Although the Council acknowledged at the time their decision was issued that it was unable to demonstrate a 5 year supply of housing land (HLS), the Council's appeal statement refers to a 6.5 year HLS. The appellant has referred me to a recent appeal decision² where the Inspector considers that a 5 year supply of deliverable housing land has not been demonstrated. This would require the application of paragraph 11 (d) of the revised Framework.
31. However, footnote 6 to paragraph 11(d) of the revised Framework sets out specific policies in the revised Framework which indicate that development should be restricted, including designated heritage assets. Given that I have found above that the revised Framework's policies relating to heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.
32. To conclude on the planning balance, I consider that the proposed development would have an adverse effect on the character and appearance of the area and the setting of the listed building at Orchard Farm, and would cause harm to the living conditions of neighbouring occupiers at 3 Quoits Meadow and The Leas, with particular regard to noise and disturbance. These are significant factors weighing against the proposed development and would render the proposed development contrary to LP policies GP1, H13, H15, H16, and HB1, and CS policy FC 1.1.

Conclusion

33. For the reasons set out above, the appeal is dismissed.

J Gilbert

INSPECTOR

² APP/W3520/W/18/3194926, decision issued 28 September 2018.

Philip Isbell – Acting Chief Planning Officer
Growth & Sustainable Planning

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

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

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

Correspondence Address:

Philip Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe
IP11 9HB

Applicant:

Mr R Tydeman
The Leas
Quoits Meadow
The Street
Stonham Aspal
IP14 6DE

Date Application Received: 19-Sep-18

Application Reference: DC/18/04191

Date Registered: 16-Jan-19

Proposal & Location of Development:

Outline Planning Application (Access to be considered) - Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling

Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 'Promap' - Red and Blue line plan - Scale 1:2500 received 16/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 'Promap' - Red and Blue line plan - Scale 1:2500 - Received 16/01/2019
Site Plan - Location Plan - 0818/128/01 - Received 16/01/2019
Block Plan - Proposed - Matters of layout, scale, appearance and landscaping are shown as indicative - 0818/128/01 - Received 16/01/2019

Section B:

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

1. APPROVED PLANS & DOCUMENTS

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

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

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

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

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

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

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

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

4. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: CONTAMINATION

No development shall take place until a Phase I land contamination desk study, that complies with BS10175 and CLR11, comprising an overview of previous uses of the site as well as current site conditions as demonstrated through a site walkover and an assessment of risk by a technically competent person, shall be submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said study subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.

Following approval, any further investigation and remediation shall be carried out in accordance with the recommendations of the local planning authority, and in accordance with any timescales as may be agreed.

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. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

6. PART 1 - ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL EVALUATION

No development shall take place until a scheme of archaeological evaluation of the site has been submitted to and approved in writing by the Local Planning Authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed to the satisfaction of the Local Planning Authority,

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

7. PART 2 - ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL WRITTEN INVESTIGATION

No development shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local Planning Authority and that

confirmation by the Local Planning Authority has been provided that no further investigation work is required in writing.

Should the Local Planning Authority require further investigation and works, no development shall take place on site until the implementation of a full 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. Details of the provision to be made for analysis of the site investigation and recording.
- d. Details of the provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Details of the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously approved in writing by the Local Planning Authority.

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

8. PART 3 - ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No building shall be occupied until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local Planning Authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local Planning Authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

9. ACTION REQUIRED CONCURRENTLY WITH AN APPLICATION FOR APPROVAL OF RESERVED MATTERS - DETAILS WITH REGARDS EXISTING HEDGEROWS

Concurrently with an application for approval of reserved matters details shall be provided to, and approved in writing by, the local planning authority with regards the composition and intended retention or removal of existing hedgerows surrounding the site.

Reason - Hedgerows are a UK and Suffolk Priority Habitat and could provide terrestrial habitat for great crested newts, which have been recorded in the parish. There are also a number of ponds in close proximity to the site, some of which are known to contain populations of great crested newts.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SURFACE WATER DRAINAGE DETAILS

Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building it would serve are commenced. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding.

11. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: PROVISION OF ROADS AND FOOTPATHS.

Before the development is commenced, details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage and a timetable for said works, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety in accordance with the timetable agreed.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS.

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details.

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

13. ACTION REQUIRED CONCURRENTLY WITH AN APPLICATION FOR APPROVAL OF RESERVED MATTERS - HIGHWAYS: PROVISION OF PARKING AND TURNING.

Concurrently with an application for approval of reserved matters details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved, in writing, by the Local Planning

Authority. The approved scheme shall be carried out in its entirety before the development is brought into first use/occupied and shall be retained thereafter and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and used for no other purpose.

Reason - To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway. This condition is required to be implemented prior to commencement to ensure highway safety is secured early for the development. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety should proper layout not be achieved.

14. ACTION REQUIRED CONCURRENTLY WITH AN APPLICATION FOR APPROVAL OF RESERVED MATTERS: REFUSE BINS AND COLLECTION AREAS

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

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

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

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these 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.

16. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT TO BE AGREED

Prior to the commencement of development details of the construction methodology shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portalos.

i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition. The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS05 - Mid Suffolk's Environment
CS07 - Brown Field Target
CS09 - Density and Mix
GP01 - Design and layout of development
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
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
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

NOTES:

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

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case negotiation occurred and revisions to the scheme, as initially proposed, were secured which enabled the application to be supported and ultimately approved.

2. **Highways 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 should be contacted on Telephone 01473 341414. Further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

3. **Protected Species Note**

Suffolk Wildlife Trust has assessment the application proposal and consider that existing hedgerows surrounding the site have potential to provide habitat for Great Crested Newts and/or Nesting Birds. The developer is advised to have regard to the following:

Great crested newts are fully protected under the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017). It is illegal to kill, injure, capture or disturb them or to obstruct access to areas where they live and breed. The terrestrial habitat used by the newts may extend up to 500 metres from their breeding pond and both these habitats are also protected from damage and destruction.

Nesting birds may also be utilising the hedgerow. Nesting birds are protected under the Wildlife and Countryside Act (1981) (as amended), which gives protection to all wild birds and makes it an offence to intentionally kill, injure or take any wild bird; take, damage or destroy the nest of any wild bird, whilst it is in use or being built or take or destroy the egg of any wild bird (subject to certain exceptions).

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

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

This relates to document reference: DC/18/04191

Signed: Philip Isbell

Dated: 7th February 2019

**Acting Chief Planning Officer
Growth & Sustainable Planning**

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.

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



REFUSAL OF RESERVED MATTERS

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

Correspondence Address:

Mr Craig Beech
Church Farm Barn
The Street
Thorndon
IP23 7JR

Applicant:

Mr Tydeman
The Leas, The Street
Stonham Aspal
IP14 6DE

Date Application Received: 05-Aug-20

Application Reference: DC/20/03291

Date Registered: 20-Nov-20

Proposal & Location of Development:

Application for approval of reserved matters following grant of outline application DC/18/04191 dated 07/02/2019 Appearance, Layout, Scale and Landscaping for the erection of 5No dwellings and new access (following demolition for existing dwelling).

Land to The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 'Promap' - Red and Blue line plan - Scale 1:2500 received 16/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 'Promap' - Red and Blue line plan - Scale 1:2500 - Received 16/01/2019
Topographic Survey 470 02 - Received 04/08/2020
Block Plan - Proposed 470 03A Proposed - Received 04/08/2020
Site Plan 470 04B Proposed - Received 04/08/2020
Proposed Plans and Elevations 470 05A Plot 1 - Received 04/08/2020
Proposed Plans and Elevations 470 06A Plot 2 - Received 04/08/2020
Proposed Plans and Elevations 470 07A Plot 3 - Received 04/08/2020
Proposed Plans and Elevations 470 08A Plot 4 - Received 04/08/2020
Proposed Plans and Elevations 470 09A Plot 5 - Received 04/08/2020
Proposed Plans and Elevations 470 10 Garages - Received 04/08/2020

2007-469-002 Road Layout - Received 28/09/2020
2007-469-005 Engineering Layout - Received 28/08/2020
2007-469-006 Road Construction -1 - Received 28/08/2020
2007-469-007 Road Construction -2 - Received 28/08/2020
2007-469-009 Drainage Construction 1 - Received 28/08/2020
Drainage Details 2007-469-010 Drainage Construction 2 - Received 28/08/2020
Drainage Details 2007-469-011 Drainage Construction 3 - Received 28/08/2020
2007-469-012 Basin Cross Section - Received 28/08/2020
Sectional Drawing 2007-469-015 Road long section - Received 28/08/2020

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **RESERVED MATTERS HAVE BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. REASON(S) FOR REFUSAL - RESERVED MATTERS NOT IN ACCORDANCE WITH OUTLINE PLANNING PERMISSION

Outline Planning Permission ref: DC/18/04191 granted "Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling". The existing dwelling proposed to be demolished is shown to relate to 'The Leas' (or no. 4 Quoits Meadow) on the site location plan and indicative layout approved as part of this permission. The proposed removal of 'The Leas', therefore, forms part of the approved description of development relating to the outline planning permission.

The current reserved matters application proposes the retention of the existing dwelling at 'The Leas' (or No. 4 Quoits Meadow).

The proposed retention of the existing dwelling at 'The Leas' is considered contrary to the development agreed under the outline planning permission as this would not accord with the approved description of development and would result in a net increase in the resultant number of dwellings proposed.

The current reserved matters application and proposed layout, therefore, materially alters the outline planning permission description of development.

It is not, therefore, considered possible to consider the proposed net additional dwelling as part of the current reserved matters application and further planning permission is considered to be required for such a proposal. For this reason, the application is refused.

2. REASON(S) FOR REFUSAL - IMPACT ON SIGNIFICANCE OF HERITAGE ASSET

Development plan policy CS5 requires all development proposals to protect, conserve and where possible enhance the built historic environment. Development Plan Policy HB1 requires that all such proposals should protect the character and appearance of all buildings of architectural or historic interest. Furthermore paragraph 196 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed layout and scale and appearance of the buildings proposed would constitute a considerable erosion of the remaining historically rural character of the setting of the Grade II Listed Orchard Farmhouse. The proposal is considered to result in a medium level of less than substantial harm to the setting and significance of this heritage asset. The public benefit(s) of the proposed layout, scale and appearance of buildings is not considered to outweigh the level of harm identified. The proposal is, therefore, contrary to the provisions of the aforementioned planning policies for these reasons.

3. REASON(S) FOR REFUSAL - IMPACT ON RESIDENTIAL AMENITY

NPPF Paragraph 127 requires that all developments should ensure a high standard of amenity of all existing and future users. Furthermore, development plan policy H16 provides that the LPA will refuse development that materially reduces the amenity of adjacent dwellings.

The close proximity of the proposed access road to 2 no. existing residential properties would result in significant harm to the enjoyment of existing and future uses by reason of increased noise and disturbance from vehicles and pedestrians and disturbance from vehicles headlamps during hours of low daylight and darkness.

The proposal is, therefore, not considered to ensure a high standard of amenity for existing and future users of the properties identified, contrary to the provisions of NPPF paragraph 127 and development plan policy H16.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

H16 - Protecting existing residential amenity
NPPF - National Planning Policy Framework
FC01 - Presumption in Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
GP01 - Design and layout of development
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
CL08 - Protecting wildlife habitats
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

NOTES:

1. NPPF - DEPARTURE FROM POLICY

When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the proposal represents a clear departure

from the outline planning permission and policies contained in the NPPF and Development Plan, and no amount of negotiation and amendment would enable the in principle issues to be resolved within the bounds of this current reserved matters application.

2. REFUSED PLANS & DOCUMENTS

The drawings and documents considered by the local planning authority in determination of this application are listed under Section A above.

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

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

This relates to document reference: DC/20/03291

Signed: Philip Isbell

Dated: 14th January 2021

**Chief Planning Officer
Sustainable Communities**

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>

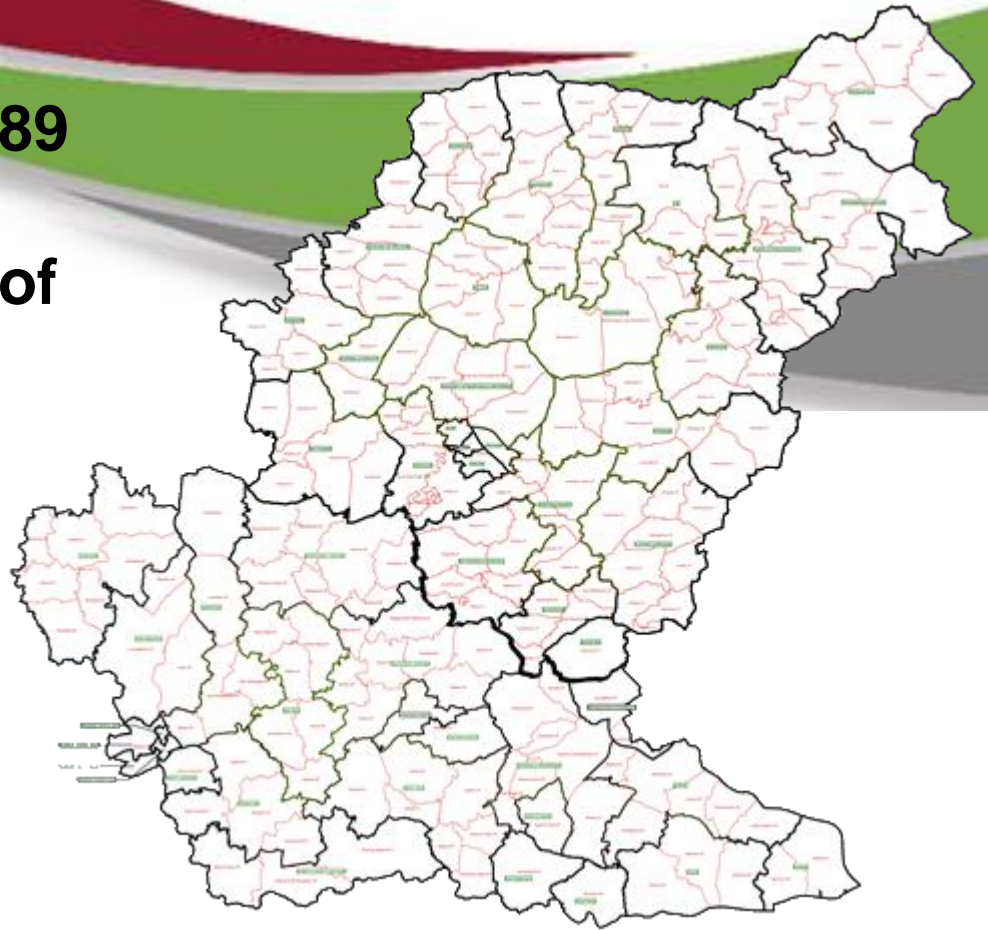
The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain 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.

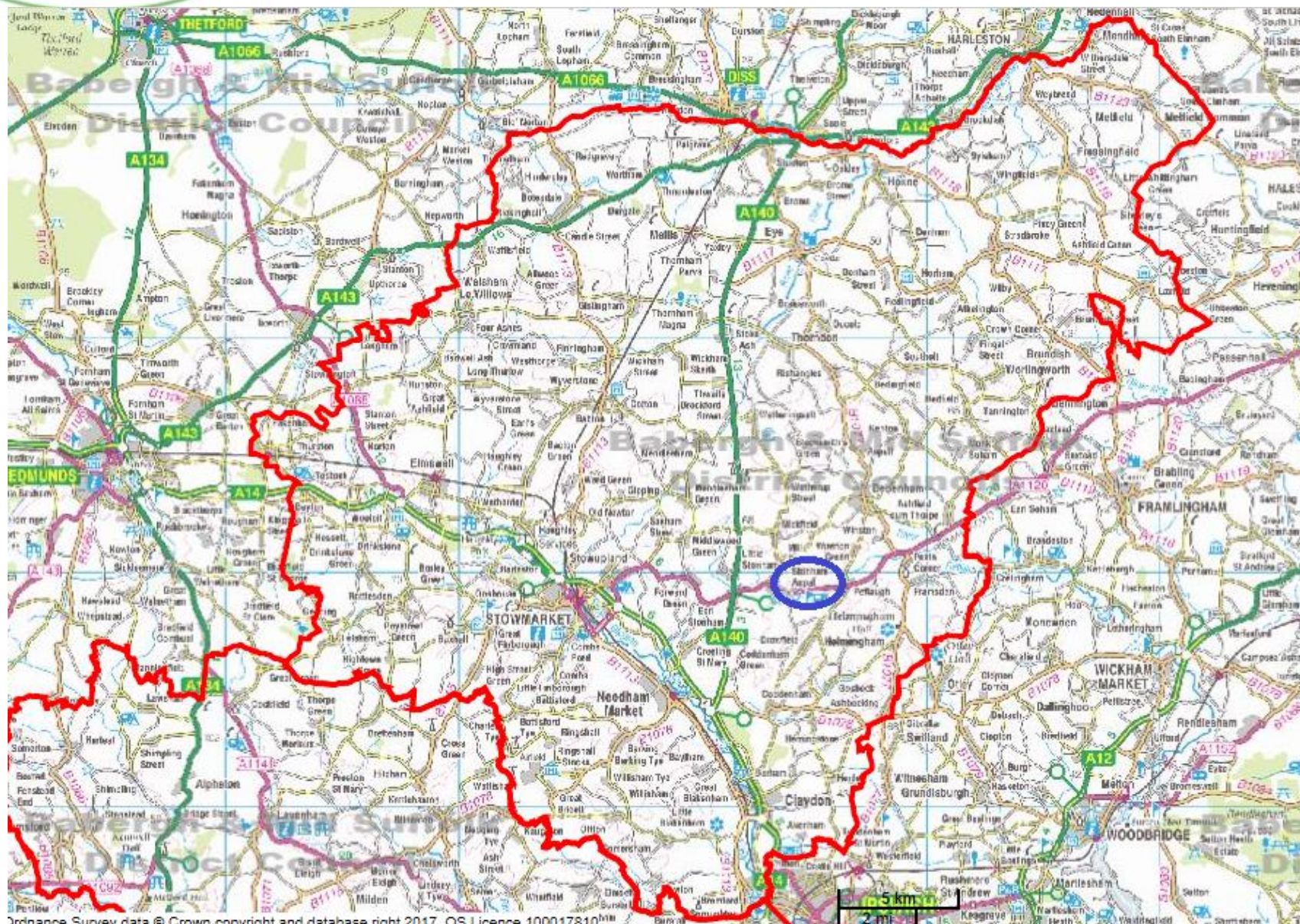
Application No: DC/21/03589

**Address: Land to the rear of
the Leas, Quoits Meadow,
Stonham Aspal**

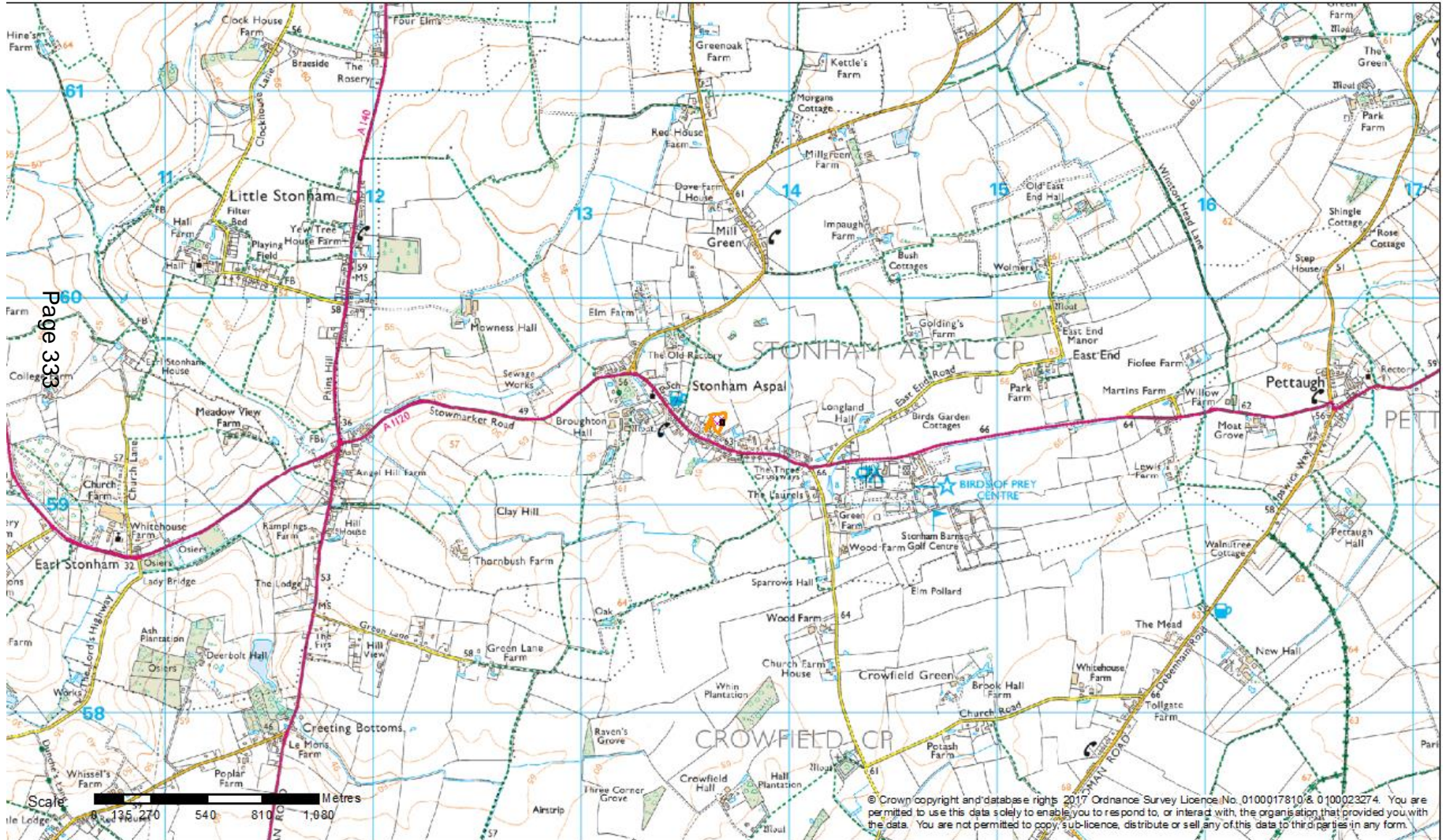


Site Location within District

Slide 2



Site Location

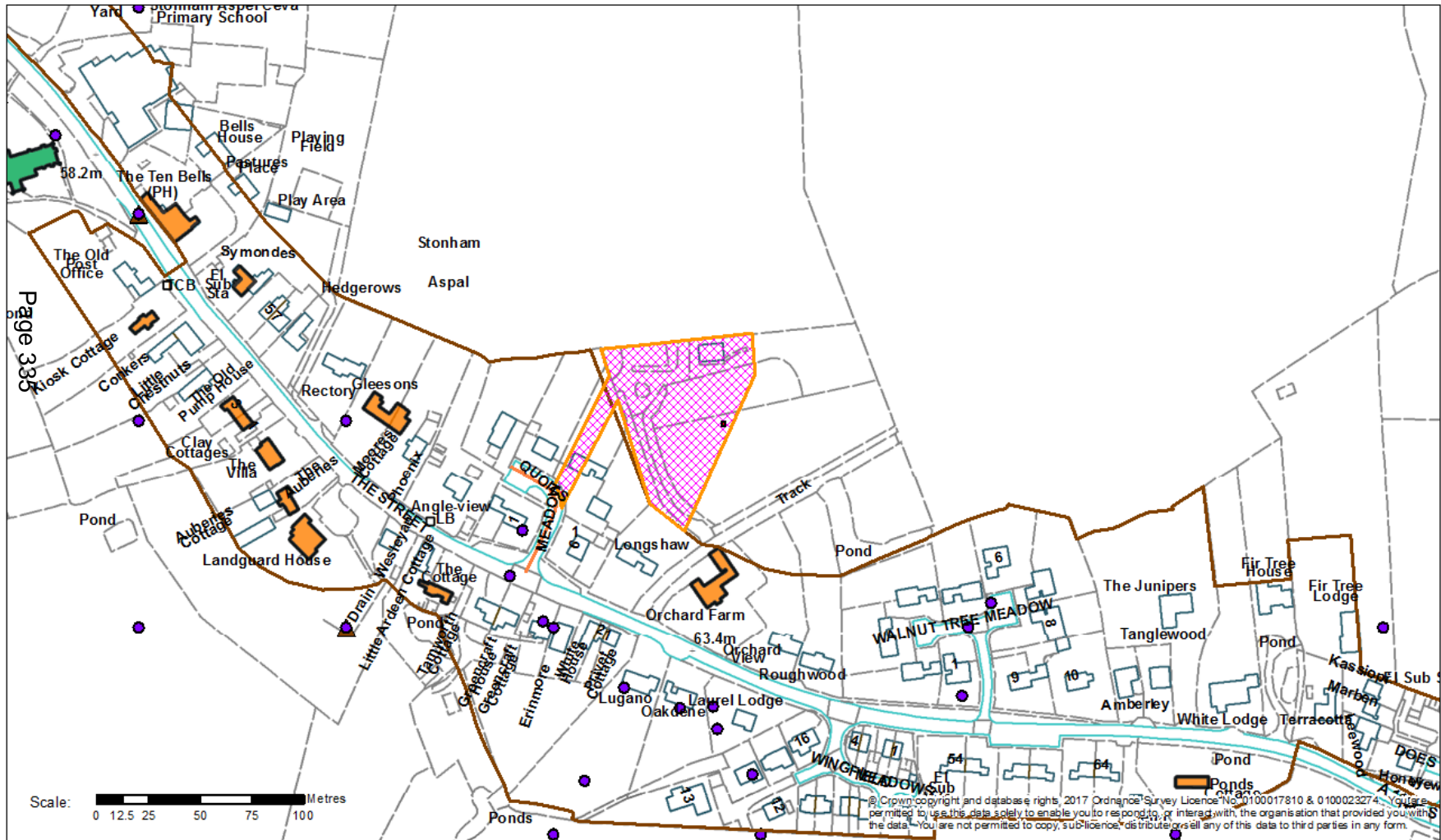




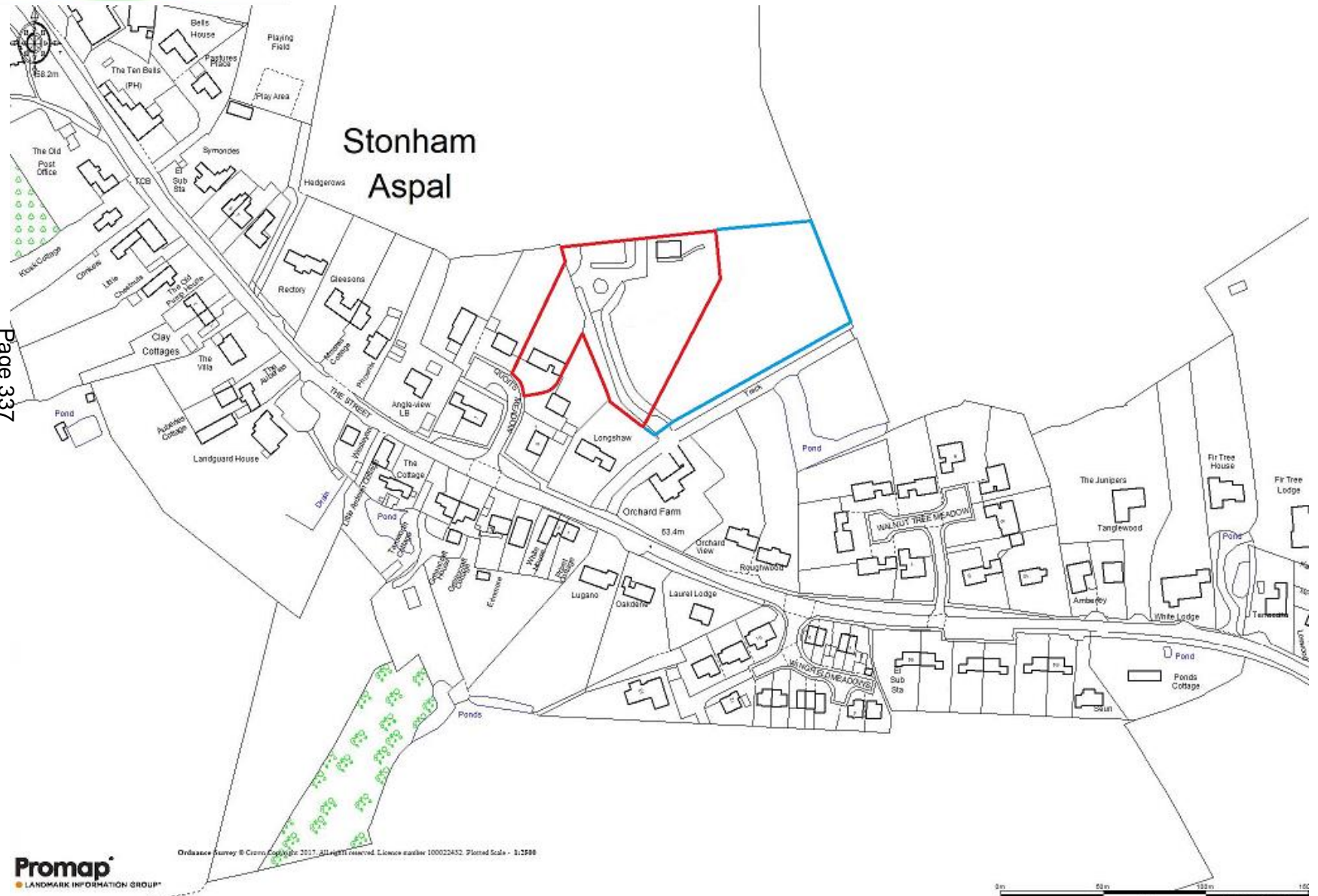
Page 334

Constraints Map

- Biodiversity - Protected/Notable Species - e.g. Tawny Owl
- ▲ Biodiversity - Bats
- Built Up Area Boundaries
- Grade I
- Grade II
- Grade II*







Page 337

Proposed Layout

Slide 8



Page 338

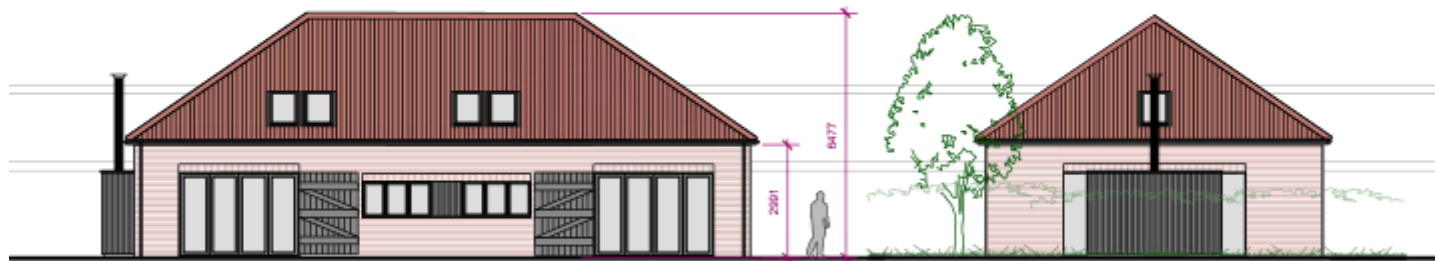
Longshaw

Track



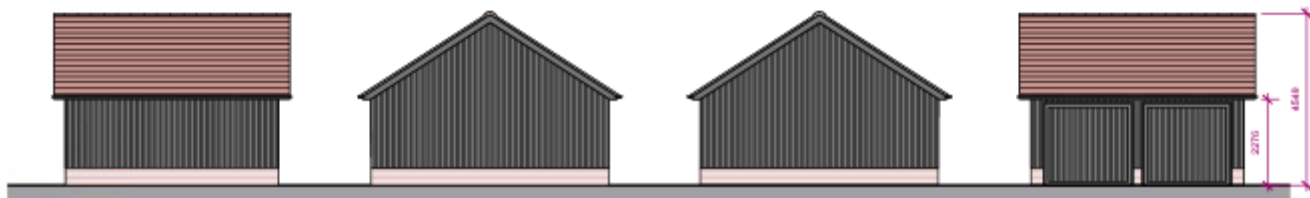
EAST ELEVATION

NORTH ELEVATION



SOUTH ELEVATION

WEST ELEVATION









Agenda Item 7e

Committee Report

Item 7E

Reference: DC/21/00393

Case Officer: Mahsa Kavyani

Ward: Stradbroke & Laxfield.

Ward Member/s: Cllr Julie Flatman

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Erection of 1 replacement dwelling (following part demolition of existing) (re-submission of DC/20/02273).

Location

Boundary Lodge Farm, Cratfield Lane, Laxfield, Woodbridge Suffolk IP19 0DE

Expiry Date: 21/08/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr Revell

Agent: Bernard Lewin

Parish: Laxfield

Density of Development:

Gross Density (Total Site): N/A - replacement dwelling

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: Yes (favourable response was given by officers)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

In the interests of transparency having regard to third party representations received from an Officer of the Council within the Planning service. The case file has been reviewed by the Chief Planning Officer and that person has taken no part in the processing of the application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Joint Local Plan:

Policy LP04 - Replacement Dwellings in the Countryside

Core Strategy Review (2012):

Policy FC1 - Presumption in favour of sustainable development

Policy FC1.1 - Mid Suffolk approach to delivering sustainable development

Core Strategy Development Plan Document (Adopted 2008):

Policy CS2 - Development in the countryside and countryside villages

Policy CS5 - Mid Suffolk's environment

Mid Suffolk Local Plan 1998:

Policy GP1 - Design and layout of development

Policy H8 - Replacement dwellings in the countryside

Policy T09 - Parking Standards

Policy H15 - Development to reflect local characteristics

Policy H16 - Protecting existing residential amenity

Policy T10 – Highway considerations in development

Neighbourhood Plan Status

The application site is in the Laxfield Neighbourhood Plan Area. The Laxfield Neighbourhood Plan (LNP) is currently at Stage 6: Referendum. Accordingly, the Neighbourhood Plan has significant but not yet full weight. Relevant LNP policies (as modified by the Inspector):

LAX10 – Dark skies

LAX11 – Design considerations

LAX13 – Protection of landscape setting of Laxfield

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)

Laxfield Parish Council

It is acknowledged that an ecological survey has now been carried out but most of the previous comments/objections still remain, in particular the size of the proposed dwelling which appears larger than the previous application and concern is expressed about the visual impact of this.

Object on the following grounds:

- a. Insufficient information has been provided to enable proper consideration of the application: for example, the habitats and species map is illegible as viewed in its current format, as is the Countryside Stewardship targeting and scoring layers map. The Design Expectations questionnaire responses are in many cases meaningless without seeing the questions to which they are responding. Some of the answers to these questions are also contradictory; for example there is one response which states that the design arose from an appraisal of the site, whilst another response states that the design has been used elsewhere in East Anglia. There is no information provided about proposals for the treatment of the part of the existing dwelling which is to be retained.
- b. The scale of the proposed property, in particular its height. Contrary to what is stated in the application, the roof of the existing property is visible from the road, and increasing the height by adding a further storey plus a fairly steeply pitched roof will clearly increase the visual impact on the surrounding open countryside.
- c. Only part of the existing dwelling is to be retained, and this is to be completely separate from the proposed new-build scheme. This therefore seems to imply that the proposal should be considered to be a new dwelling in its own right and therefore subject to the same considerations as other new-build schemes in the open countryside rather than as a replacement for the existing property.
- d. The proposed development would have a significant detrimental impact on the existing wildlife stepping stone provided by the site. The expanses of agricultural land around the application site mean that wildlife stepping stones and corridors are extremely important and should be protected and enhanced. Any development on this site will have a substantial impact on biodiversity and should therefore be carried out sensitively.
- e. The application states that this development will not affect any wildlife or habitats, but in fact we believe that an ecological survey should be carried out before the application can be considered further. Amongst other species, this area is known to be a habitat for Little Owls which are suffering population decline, and there is a valuable wildlife pond close to the application site.
- f. The proposed use of slate for the roof is not appropriate in this location; there are, in fact, very few buildings locally with slate roofs.

The Council appreciates that the points below are not grounds for objection but make the following observations:

- a. The hedging and greenery screen around the land should be protected and maintained in order to soften the silhouette of the proposed building and help integrate it with its surroundings
- b. The willow tree on the property should be protected
- c. Any planning permission granted should make clear that any future application for change of use from a domestic dwelling should be refused.

County Council Responses (Appendix 4)

Highways

No objection subject to condition.

Internal Consultee Responses (Appendix 5)

Place Services - Ecology

No objection subject securing ecological mitigation measures and enhancement measures.

MSDC Tree Officer

I can confirm the information submitted is sufficient to meet the outstanding requirements for an Arboricultural Method Statement and Tree Protection Plan.

I have no objection to this proposal subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. If you are minded to recommend approval we will also require an Arboricultural Method Statement and Tree Protection Plan to help ensure harm is not caused to the trees scheduled for retention, this can be dealt with under condition.

B: Representations

At the time of writing this report at least one submission has been received. It is the officer opinion that this represents one objection. A verbal update shall be provided as necessary.

Grounds of objection are summarised:

- Development detracts from the character and appearance of its surroundings
- Inconsistent with pattern and form of neighbouring development.

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

PLANNING HISTORY

REF: DC/20/01190	Full Planning Application - Erection of 1 No. dwelling (following part demolition of existing dwelling)	DECISION: WFI 22.04.2020
REF: DC/20/02273	Full Planning Application - Erection of 1No replacement dwelling (following part demolition of existing).	DECISION: WDN 03.08.2020
REF: DC/21/00376	Proposed detached house	DECISION: WFI 20.01.2021
REF: 0401/77	Use of part of existing bungalow (extension in course of erection-planning permission 564/76) as a country club and layout of car parking.	DECISION: REF 12.08.1977
REF: 0564/76	Rear addition to bungalow to form lounge, kitchen, dining room, conservatory and bathroom	DECISION: GTD 28.09.1976

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is located on the southern side of narrow country lane, Cratfield Lane, midway between Banyard's Green and the junction with Heveningham Road. The site extends to 1.8 acres and is occupied by a single storey dwelling comprising timber framed and masonry sections. The timber section is uninhabitable. The masonry section is being used for temporary living accommodation, with the intent that this will continue during construction works should planning permission be granted.
- 1.2. The domestic plot is well screened by vegetation and is traversed by overhead power lines running centrally through it. It sits in an isolated location, set well away from neighbouring dwellings, in open countryside. Arable fields surround the site on all sides. (with the exception of south boundary)
- 1.3. The buildings on the site are not listed. The nearest designated heritage asset, the Grade II listed Turkey Hall, is located 500m to the southeast.
- 1.4. The site is not in a landscape designated for special character or protection.

2. The Proposal

- 2.1. The application seeks full planning permission for a replacement dwelling. The uninhabitable timber framed section of the existing dwelling is to be removed and the masonry section retained and converted into an ancillary games room. A detached, part double part single storey dwelling is to be built adjacent to the converted games room on its western side. To the front of the converted building is proposed a detached double garage.
- 2.2. The materials are traditional with brickwork and black timber boarded external walls together a rustic tiled roof. The fascia is dark grey and the gutters and downpipes will be black. The windows and doors will also be dark grey colour. The outbuildings will have dark grey roof tiles with cream render and brickwork plinths.
- 2.3. The existing residential curtilage will not be enlarged, remaining unchanged. The existing garden will be reinstated mainly with grassland and with a formal garden close to the house. 19 specimen trees are proposed for the garden area and a new hedgerow introduced to the rear boundary. All existing hedgerows and mature trees to both side boundaries and the front boundary are retained.
- 2.4. The existing vehicular and pedestrian access from Cratfield Lane is retained and utilised.
- 2.5. Foul water disposal is proposed to be undertaken on-site via a treatment plant.

3. The Principle of Development

- 3.1. The plot has the benefit of a lawfully established dwelling. The application proposes a replacement dwelling, with no intensification (no increase in dwelling number) proposed. The

principle of redeveloping the site with a replacement dwelling is therefore acceptable in principle under the current adopted Local Plan policies and the NPPF support such proposals.

- 3.2. The key tests are determining the impact of the development on landscape character, residential amenity, highway safety and local biodiversity values.

4. Landscape Character

- 4.1. JLP Policy LP04 states that replacement dwellings in the countryside may be permitted where, amongst other matters, the design, size, scale, mass and materials of the development are compatible to the area's character and appearance and are no more visually intrusive to that of the original dwelling being replaced.
- 4.2. Local Plan Policy H8 states that a replacement dwelling will be given favourable consideration in the countryside, provided that, its size and scale, does not detract from the character and appearance of its surroundings, its landscape setting, or continue a traffic hazard.
- 4.3. LNP Policy LAX10, as modified by the Inspector, states that new development must reflect local character, and proposals must recognise and address the key features, characteristics, landscape/building character, local distinctiveness and special qualities of the area. It states that for sites outside the settlement boundary, a landscape character appraisal shall be prepared to demonstrate the meeting of this requirement.
- 4.4. It is clear that the overriding thrust of relevant development plan policies seek to ensure that very careful attention is paid to the scale, form and appearance of replacement dwellings in the countryside, requiring them to not detract from their countryside/landscape setting.
- 4.5. The application site is situated within remote part of the countryside, with no immediate neighbours. There is no prevailing pattern of development, and the character of the locality is entirely countryside/rural. The site benefits from mature natural boundaries on almost all sides, such that the site itself bears minimal visibility within the public realm, notwithstanding its frontage to narrow country lane at Cratfield Lane. There are no protected landscape features and no TPOs within or within close proximity to the site. The application is not supported by a landscape appraisal. Officers do not consider this fatal to the application. The proposal is a single dwelling, replacing an existing dwelling, set within an established domestic plot and located largely in the same location within the plot as the existing dwelling. There are no wider landscape impacts as a result of the proposal. There is no domestication proposed beyond the existing residential curtilage. The existing access arrangements are unchanged. Existing hedgerows to the front and side boundaries are unchanged. The site is not in a landscape designated for special character or protection purposes. A full suite of plans, including landscaping plan, support the application. In light of the combination of these factors, officers consider that a landscape appraisal is not necessary in order to determine the application. In other words, officers are able to make a sufficiently informed assessment of the impact of the development on landscape character without reliance on a landscape appraisal.
- 4.6. Third party representation considers that the scheme is a poor design and is not visually attractive. The contention is that the scheme lacks local distinctiveness and by virtue of its size, scale, and design, detracts from local character and is inconsistent with the pattern and form of development in the neighbouring area. The Parish Council is concerned with the building height,

contending that a fairly steeply pitched roof will clearly increase the visual impact on the surrounding open countryside.

- 4.7. Officers do not share the reservations expressed by objectors. The dwelling design is conventional, if not traditional. The development features pitched roofs clad in pantiles, well-proportioned fenestration, a central projecting front gable and horizontal black (Cedral) weatherboarding. There is nothing about the dwelling design to suggest it lacks architectural merits. There is nothing about the design, in either its form, siting, proportions or materiality, which can be reasonably used as ground for refusal which can be upheld at appeal. Arguably the dwelling could benefit from being another half a metre taller to add more emphasis towards Suffolk vernacular form. In any event as noted above, there are no other neighbouring dwellings to take reference from, the dwelling sits in isolation in the countryside without direct comparison to any prevailing character. Officers do not consider the dwelling to be visually unattractive or offensive. Whilst the proposal is much larger than the existing and Mid Suffolk has no policy restriction on size, it is of pleasing proportions that have been well-considered, furthermore the site itself is of a generous size, such that can easily accommodate a larger dwelling without causing overdevelopment or resulting in a contrived built form. The architectural response is sufficiently cohesive such that the development outcome does not detract from its landscape setting or local character.
- 4.8. Representations received are concerned with the scale and size of the dwelling, noting it will be prominent in the landscape. There is concern with the prominence of the dwelling in views from public footpaths one kilometre away. There is no denying the development will have some visibility from outside the site. It is however set within an established domestic plot; the land is not gradient and there is presence of natural boundary surrounding the site further obscuring the content of the site from views within the public realm. As noted above it does not project beyond the existing residential curtilage. The domestication effect of the development on the landscape setting will therefore be extremely localised and minimal and already established. The dwelling will not be prominent in views from vantage points one kilometre away.
- 4.9. By retaining the hedgerows and mature trees (in accordance with the supporting arboricultural method statement and verified by Council's Arboricultural Officer), planting an additional 19 specimen trees within the established curtilage, and introducing a southern boundary hedgerow, the scheme represents a positive landscape response. The supplementary landscape planting will reinforce and enhance the landscape setting, accentuating the already verdant character of the plot. Planting details (e.g. species mix/density) can be secured by planning condition. For the reasons above officers consider that, contrary to the view of the objector, the development *does* add to the overall quality of the area and contribute positively to the character of the countryside.
- 4.10. The dwelling is sited in a manner that allows for the retention of the mature trees to the site perimeter, whilst avoiding the significant site constraint that is the overhead power lines. The development is site and character responsive.
- 4.11. Concerns are raised in terms of an adverse impact on dark skies at night through the spillage of light pollution, contrary to LNP LAX10. LNP Policy LAX 10 is concerned only with outdoor lighting systems. There is no detail in the application regarding outdoor lighting systems. It is not reasonable to impose a condition or control light as the existing dwelling can have unrestricted and as many lighting without acquiring a planning permission.

5. Heritage Character

- 5.1. The nearest designated heritage asset, Turkey Hall, is 500m from the site. The proposal will not cause any harm to the valued setting of Turkey Hall.

6. Residential Amenity

- 6.1. LNP Policy LAX11(d) states that proposals shall not result in *significant* adverse effects on the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution).
- 6.2. The nearest dwelling to the site is over 400m away. The objector contends that the rear balcony will harm existing residential amenity by way of sound and light pollution. There is no heavy industry proposed here, the proposal is for a replacement dwelling, with associated domestic level of noise that is only natural and to be expected. The 400m minimum separation distance to neighbouring dwellings mitigates, very effectively, any amenity harm. The objector's suggested requirement to landscape the southern boundary to create an amenity buffer and contain light spill is not supported, albeit the landscape plan in any event is proposing landscape planting along this boundary. The creation of an amenity buffer and a measure to contain light spill is unnecessary; it is not justified and fails the requirements of the NPPF when determining planning applications.
- 6.3. The proposal does not result in any tangible adverse effect on residential amenity, let alone any *significant* adverse effect. There is an absence of conflict with LNP Policy LAX11(d).
- 6.4. Amenity impacts in terms of overlooking, loss of light and privacy, are not a cause of concern for officers, there is no material policy conflict in this regard.

7. Highway Safety

- 7.1. The access is existing and unchanged. Utilisation of the existing access arrangement is not a concern for the Highways Authority. The Authority does not object to this scheme element. On-site parking provision is standard compliant. A Construction Management Plan is not required given the expansive plot, with all construction related activity, including construction parking, can be readily and easily accommodated on the site.
- 7.2. The application does not conflict with Local Plan Policy T10.

8. Ecology, Biodiversity and Protected Species

- 8.1. Council's Ecology Consultant has reviewed the supporting ecology report prepared by Greenlight Environmental Consultancy Ltd (May 2021) and is satisfied that the likely impacts on protected and Priority species and habitats, with mitigation measures, can be made acceptable. The development will need to be undertaken in accordance with the mitigation measures outlined in the Nocturnal Bat Survey Report, including obtaining a European Protected Species Licence. All ecology matters can be adequately conditioned.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1. The proposed dwelling is larger than the dwelling it replaces and will bear some visibility within the public realm from a distance. These are not scheme elements that are fatal to the application. The key test is determining whether the dwelling will harm landscape character to an unacceptable extent. Officers consider that it will not. The dwelling design is traditional and its siting respectful, set deeper into the expansive plot, further back than the front building line of the existing dwelling. The dwelling sits within a well vegetated domestic plot. The dwelling is proportionate to the plot. The residential curtilage is unchanged. Domestication effects will therefore be very localised. Mature trees and hedgerows are retained, and significant supplementary landscape planting is proposed. The landscape character response is appropriate, generally according with the thrust of relevant local policies, including those contained (and modified by the Inspector) in the LNP.
- 10.2. With the nearest heritage asset 500m to the southeast, the proposal does not result in any harm to designated heritage assets.
- 10.3. The site is very isolated, set over 400m from the nearest residence. The development does not give rise to any residential amenity concerns.
- 10.4. The existing vehicle access arrangements are acceptable, as is the level of on-site parking provision.
- 10.5. Ecology is not a concern given the mitigation measures, including biodiversity enhancements, which are proposed.
- 10.6. Officers are unable to identify a level of conflict with local development plan policies that would suggest planning permission be withheld. It therefore follows that planning permission, subject to conditions, is recommended.

RECOMMENDATION

That the application is GRANTED planning permission and includes the following conditions: -

(1) That the Chief Planning Officer be authorised to grant Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

Standard time limit

Approved Plans (Plans submitted that form this application)

Landscaping submitted to be implemented and maintained

Ecology mitigation to be implemented in accordance with reports received.

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

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles



Application No: DC/21/00393

Location: Boundary Lodge Farm, Cratfield Lane,
Laxfield, Woodbridge, Suffolk, IP19 0DE

Appendix 1: Call In Request	<i>None</i>	
Appendix 2: Details of Previous Decision	<i>N/a</i>	
Appendix 3: Town/Parish Council/s	<i>Laxfield Parish Council</i>	
Appendix 4: National Consultee Responses	<i>None</i>	
Appendix 5: County Council Responses	<i>Highway Authority</i>	
Appendix 6: Internal Consultee Responses	<i>Place Services Ecology Arboricultural officer</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>	

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



Babergh and Mid Suffolk District Councils



Mahsa Kavyani



LAXFIELD PARISH COUNCIL CONSULTEE COMMENTS

DC/21/00393 FULL PLANNING APPLICATION

Proposal: Full Planning Application - Erection of 1No replacement dwelling (following part demolition of existing) (re-submission of DC/20/02273).

Location: Boundary Lodge Farm, Cratfield Lane, Laxfield, Woodbridge Suffolk IP19 0DE

Case Officer: Mahsa Kavyani

Consultee Details:

Name: Mrs Karen Gregory

Address: Hill Farm Barn, Framlingham Road, Badingham IP13 8JL

Email: laxfieldparishclerk@gmail.com

On Behalf Of: Laxfield Parish Council

COMMENTS

It is acknowledged that an ecological survey has now been carried out but most of the previous comments/objections still remain, in particular the size of the proposed dwelling which appears larger than the previous application and concern is expressed about the visual impact of this.

For reference, please find attached to this document the comments previously submitted for planning application DC/20/02273.

=====

LAXFIELD PARISH COUNCIL CONSULTEE COMMENTS

Application Number: DC/20/02273

Address: Boundary Lodge Farm, Cratfield Lane, Laxfield, Woodbridge Suffolk IP19 0DE

Proposal: Full Planning Application - Erection of 1No replacement dwelling (following part demolition of existing)

Case Officer:

Consultee Details:

Name: Mrs Karen Gregory

Address: Hill Farm Barn, Framlingham Road, Badingham IP13 8JL

Email: laxfieldparishclerk@gmail.com

On Behalf Of: Laxfield Parish Council

COMMENTS

The planning application and supporting documents were discussed in detail at an Extraordinary Meeting of Laxfield Parish Council on Tuesday 23 June 2020 and it was agreed that the Parish Council would OBJECT to the planning application on the following grounds:

- a. Insufficient information has been provided to enable proper consideration of the application: for example, the habitats and species map is illegible as viewed in its current format, as is the Countryside Stewardship targeting and scoring layers map. The Design Expectations questionnaire responses are in many cases meaningless without seeing the questions to which they are responding. Some of the answers to these questions are also contradictory; for example there is one response which states that the design arose from an appraisal of the site, whilst another response states that the design has been used elsewhere in East Anglia. There is no information provided about proposals for the treatment of the part of the existing dwelling which is to be retained.
- b. The scale of the proposed property, in particular its height. Contrary to what is stated in the application, the roof of the existing property is visible from the road, and increasing the height by adding a further storey plus a fairly steeply pitched roof will clearly increase the visual impact on the surrounding open countryside.
- c. Only part of the existing dwelling is to be retained, and this is to be completely separate from the proposed new-build scheme. This therefore seems to imply that the proposal should be considered to be a new dwelling in its own right and therefore subject to the same considerations as other new-build schemes in the open countryside rather than as a replacement for the existing property.
- d. The proposed development would have a significant detrimental impact on the existing wildlife stepping stone provided by the site. The expanses of agricultural land around the application site mean that wildlife stepping stones and corridors are extremely important and should be protected and enhanced. Any development on this site will have a substantial impact on biodiversity and should therefore be carried out sensitively.
- e. The application states that this development will not affect any wildlife or habitats, but in fact we believe that an ecological survey should be carried out before the application can be considered further. Amongst other species, this area is known to be a habitat for Little Owls which are suffering population decline, and there is a valuable wildlife pond close to the application site.
- f. The proposed use of slate for the roof is not appropriate in this location; there are, in fact, very few buildings locally with slate roofs.

The Council appreciates that the points below are not grounds for objection but make the following observations:

- a. The hedging and greenery screen around the land should be protected and maintained in order to soften the silhouette of the proposed building and help integrate it with its surroundings
- b. The willow tree on the property should be protected
- c. Any planning permission granted should make clear that any future application for change of use from a domestic dwelling should be refused.

Your Ref:DC/21/00393
Our Ref: SCC/CON/0324/21
Date: 8 February 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

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

For the attention of: Mahsa Kavyani

Dear Mahsa,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/00393

PROPOSAL: Full Planning Application - Erection of 1No replacement dwelling (following part demolition of existing) (re-submission of DC/20/02273).

LOCATION: Boundary Lodge Farm Cratfield Lane Laxfield Suffolk IP19 0DE

The current proposal is considered to be 'like for like' which is deemed to be insignificant in terms of impact on the highway network. Therefore, SCC does not wish to restrict the grant of permission of DC/21/00393 under highway safety grounds.

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: The use shall not commence until the area(s) within the site shown on Drawing No. 14 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.

Yours sincerely,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure



11 June 2021

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

By email only

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

Application: DC/21/00393
Location: Boundary Lodge Farm Cratfield Lane Laxfield Woodbridge Suffolk IP19 0DE
Proposal: Full Planning Application - Erection of 1No replacement dwelling (following part demolition of existing) (re-submission of DC/20/02273).

Dear Mahsa,

Thank you for re-consulting Place Services on the above application.

No objection subject securing ecological mitigation measures and enhancement measures

Summary

We have reviewed the Nocturnal Bat Survey Report (Greenlight Environmental Consultancy Ltd, May 2021), supplied by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority Habitats and Species.

We are satisfied that there is now sufficient ecological information available for determination.

The submitted information 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.

Therefore, the mitigation measures contained within the Nocturnal Bat Survey Report (Greenlight Environmental Consultancy Ltd, May 2021) should be secured and implemented in full, as this is necessary to conserved protected and Priority species. In particular, we note that the building proposed to be part demolished contained a Pipistrelle nonbreeding day roost. Therefore, a European Protected Species Licence will be required to lawfully carry out the proposed works.



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 Strategy and should be secured by 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) PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE OR EVIDENCE OF SITE REGISTRATION UNDER A BAT MITIGATION CLASS LICENCE

“The following works to part demolish the building shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or*
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve Protected 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 s17 Crime & Disorder Act 1998.

2) 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 Nocturnal Bat Survey Report (Greenlight Environmental Consultancy Ltd, May 2021) 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 and enhance 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 (Priority habitats & species).

3) PRIOR TO SLAB LEVEL: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY

“A Biodiversity Compensation and Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Nocturnal Bat Survey Report (Greenlight Environmental Consultancy Ltd, May 2021)

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

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

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

Reason: To conserve and 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 ACIEEM BSc (Hons)
Ecological Consultant
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.



10 February 2021

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

By email only

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

Application: DC/21/00393
Location: Boundary Lodge Farm Cratfield Lane Laxfield Woodbridge Suffolk IP19 0DE
Proposal: Full Planning Application - Erection of 1No replacement dwelling (following part demolition of existing) (re-submission of DC/20/02273).

Dear Mahsa,

Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information – Further surveys Bats (European Protected Species)

Summary

We have reviewed the Nocturnal Bat Survey Report (Greenlight Environmental Consultancy Ltd, October 2020), supplied by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority Habitats and Species.

We are not satisfied that there is sufficient ecological information available for determination.

This is because the Nocturnal Bat Survey Report (Greenlight Environmental Consultancy Ltd, October 2020) includes a bat emergence survey carried out at the end of September, which identified a Pipistrelle nonbreeding day roost within the existing building proposed to be partly demolished. As a result, the ecological report recommends that a second bat activity survey must be undertaken in the optimal survey season (May-August), following best practice methodology. This is necessary to allow the LPA to have certainty of likely impacts upon bats and ensure that sufficient information is available to support the provision of a European Protected Species Mitigation Licence for this application or allow the works to be conducted under a bat mitigation class licence (CL21).



The further survey is required prior to determination because the Local Planning Authority must consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Therefore, if there is a reasonable likelihood of protected species being present and affected by the development, the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted (Based on the judgement in the Mrs Brown (Appellant) v Mid Suffolk Council [2017] - APP/W3520/W/17/3174638).

Therefore, this further information is required to provide the LPA with certainty of likely impacts on protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
Ecological Consultant
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: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>
Sent: 06 Sep 2021 10:02:17
To:
Cc:
Subject: FW: DC/21/00393 Boundary Lodge Farm, Cratfield Lane, Laxfield
Attachments:

From: David Pizzey <David.Pizzey@babberghmidsuffolk.gov.uk>
Sent: 06 September 2021 09:58
To: Mahsa Kavyani <Mahsa.Kavyani@babberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>
Subject: DC/21/00393 Boundary Lodge Farm, Cratfield Lane, Laxfield

Hi Mahsa

I can confirm the information submitted is sufficient to meet the outstanding requirements for an Arboricultural Method Statement and Tree Protection Plan.

Kind regards

David Pizzey FArborA
Arboricultural Officer
Tel: 01449 724555
david.pizzey@babberghmidsuffolk.gov.uk
www.babergh.gov.uk and www.midsuffolk.gov.uk
Babergh and Mid Suffolk District Councils – Working Together

From: David Pizzey <David.Pizzey@baberghmidsuffolk.gov.uk>
Sent: 22 January 2021 11:16
To: Mahsa Kavyani <Mahsa.Kavyani@baberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: DC/21/00393 Boundary Lodge Farm, Cratfield Lane, Laxfield

Hi Mahsa

I have no objection to this proposal subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. If you are minded to recommend approval we will also require an Arboricultural Method Statement and Tree Protection Plan to help ensure harm is not caused to the trees scheduled for retention, this can be dealt with under condition.

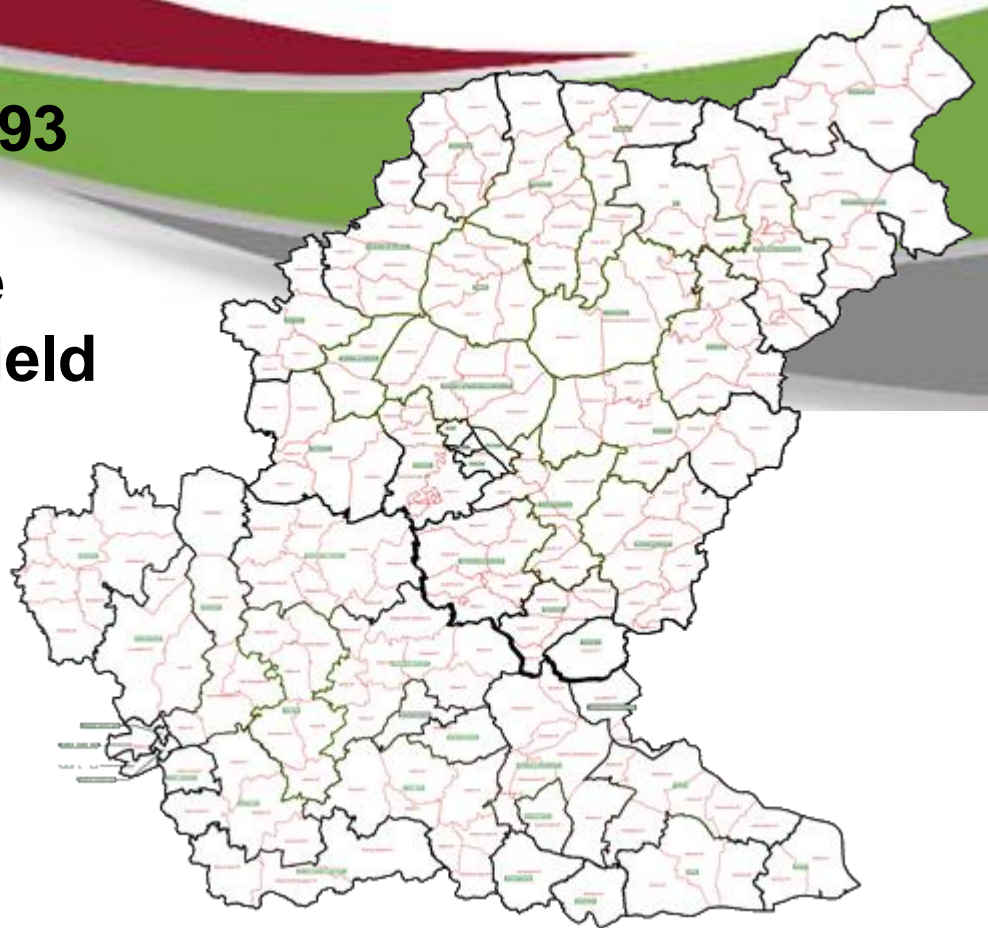
Regards

David Pizzey FArborA
Arboricultural Officer
Tel: 01449 724555
david.pizzey@baberghmidsuffolk.gov.uk
www.babergh.gov.uk and www.midsuffolk.gov.uk
Babergh and Mid Suffolk District Councils – Working Together

Application No: DC/21/00393

**Address: Boundary Lodge
Farm, Cratfield Lane, Laxfield**

Page 365





Page 366

© Getmapping Plc and Bluesky International Limited 2021.

© Crown copyright and database rights 2021 Ordnance Survey 0100017810 & 0100023274.

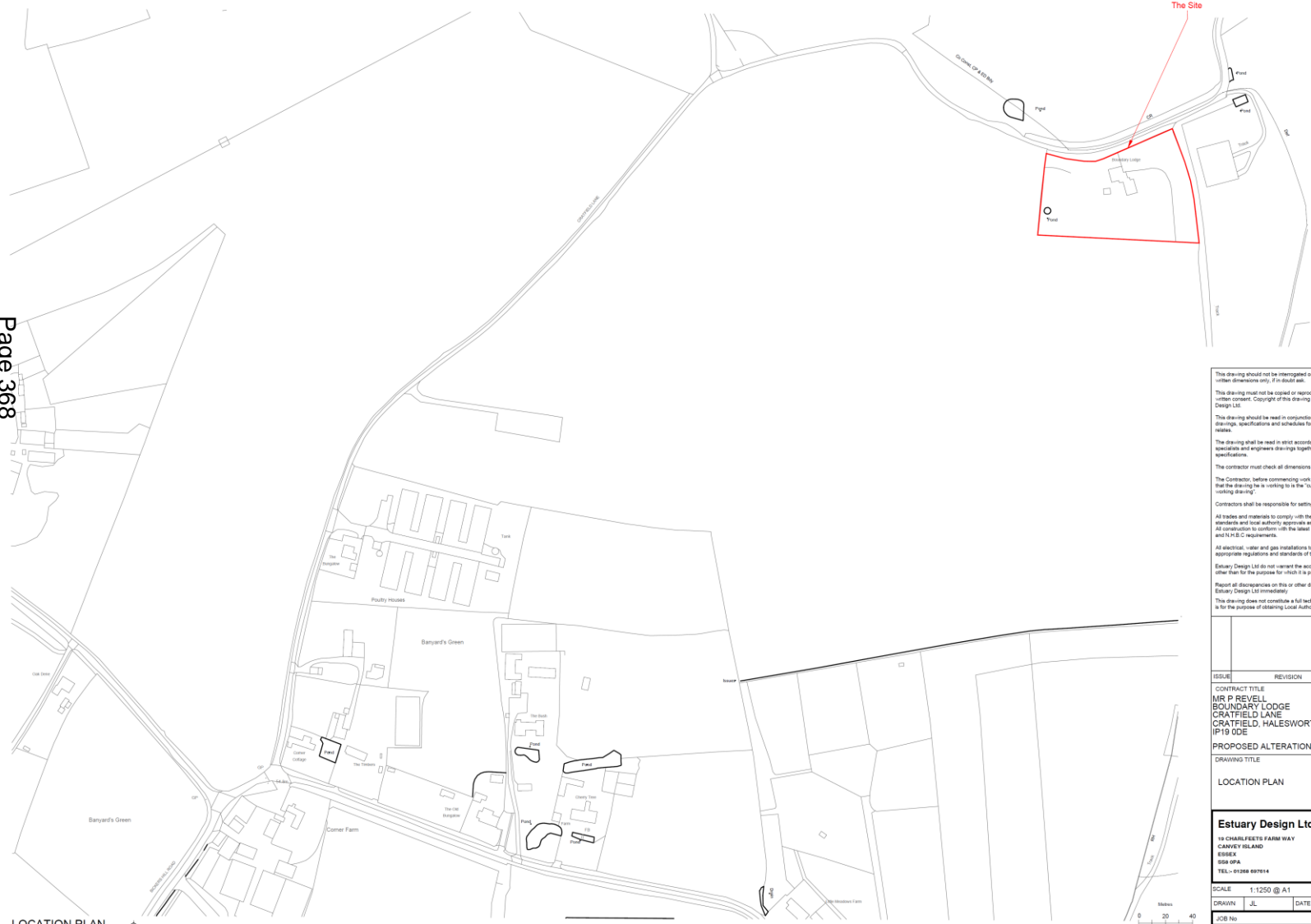


Page 367



Site Location Plan

Slide 4



Page 368

This drawing should not be interpreted or scaled - work to written dimensions only, if in doubt ask.
 This drawing must not be copied or reproduced without prior written consent. Copyright of this drawing belongs to Estuary Design Ltd.
 This drawing should be read in conjunction with all other drawings, specifications and schedules for the project to which it relates.
 The drawing shall be read in strict accordance with all relevant standards and engineers drawings together with their specifications.
 The contractor must check all dimensions on site.
 The Contractor, before commencing work on site, must certify that the drawing he is working to is the "current approved working drawing".
 Contractors shall be responsible for setting out the works.
 All trades and materials to comply with the latest B.S. and C.P. standards and local authority approvals as work is completed. All construction to conform with the latest Building Regulations and N.H.B.C. requirements.
 All electrical, water and gas installations to conform to appropriate regulations and standards of the suppliers.
 Estuary Design Ltd do not warrant the accuracy of this drawing other than for the purpose for which it is produced and issued.
 Report all discrepancies on this or other drawings, details etc. to Estuary Design Ltd immediately.
 This drawing does not constitute a full technical specification. It is for the purpose of obtaining Local Authority approval only.

ISSUE	REVISION	DATE

CONTRACT TITLE
 MR P REVELL
 BOUNDARY LODGE
 CRATFIELD LANE
 CRATFIELD, HALESWORTH
 IP19 0DE
 PROPOSED ALTERATIONS & EXTENSION

DRAWING TITLE
 LOCATION PLAN

Estuary Design Ltd.
 19 CHARLFEET'S FARM WAY
 CANVEY ISLAND
 ESSEX
 S88 0PA
 TEL: 01206 627514

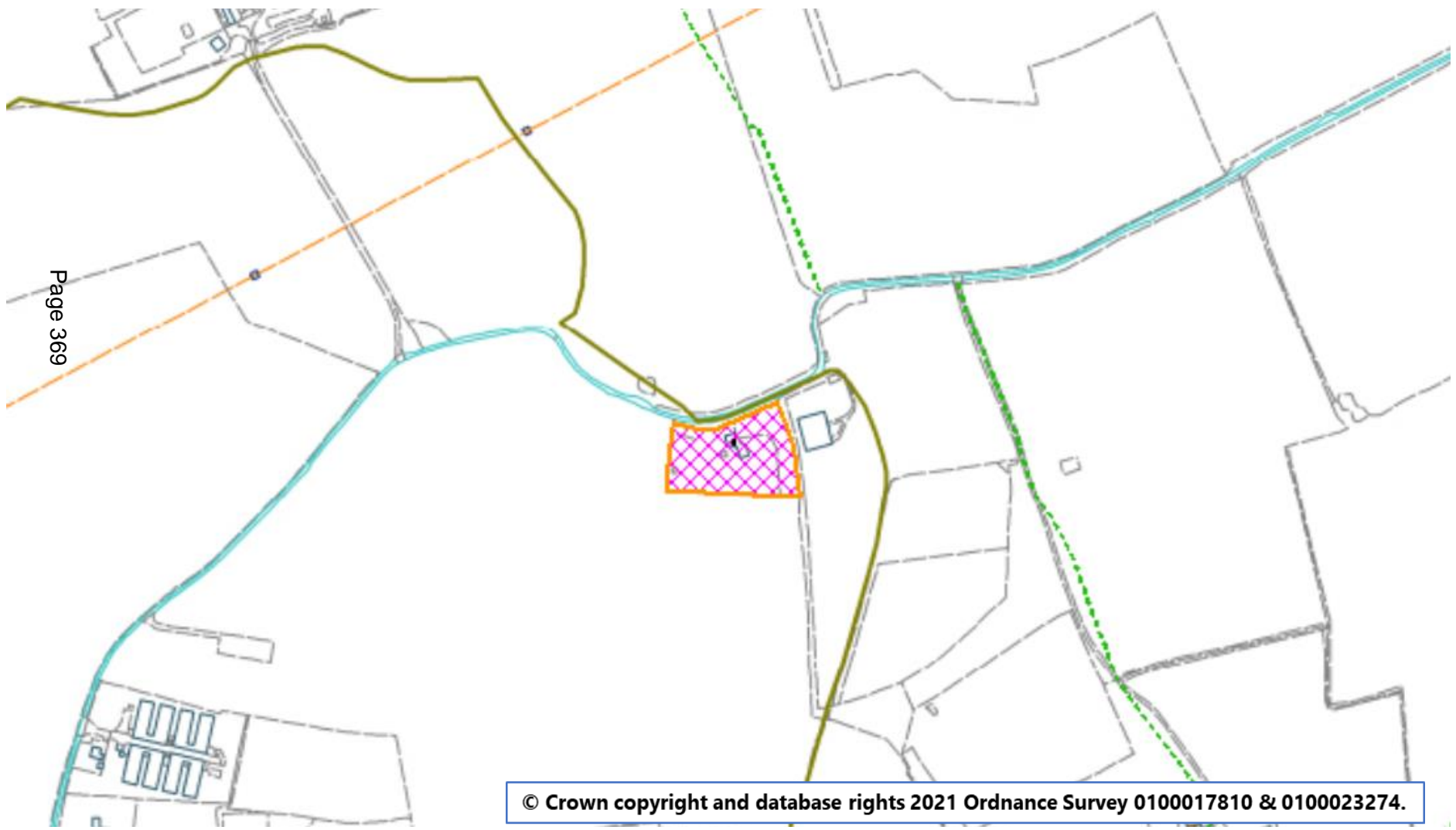
SCALE	1:1250 @ A1
DRAWN	JL
DATE	JAN '21
JOB No	1421
DRAWING NO.	18



Constraints Map

Slide 5

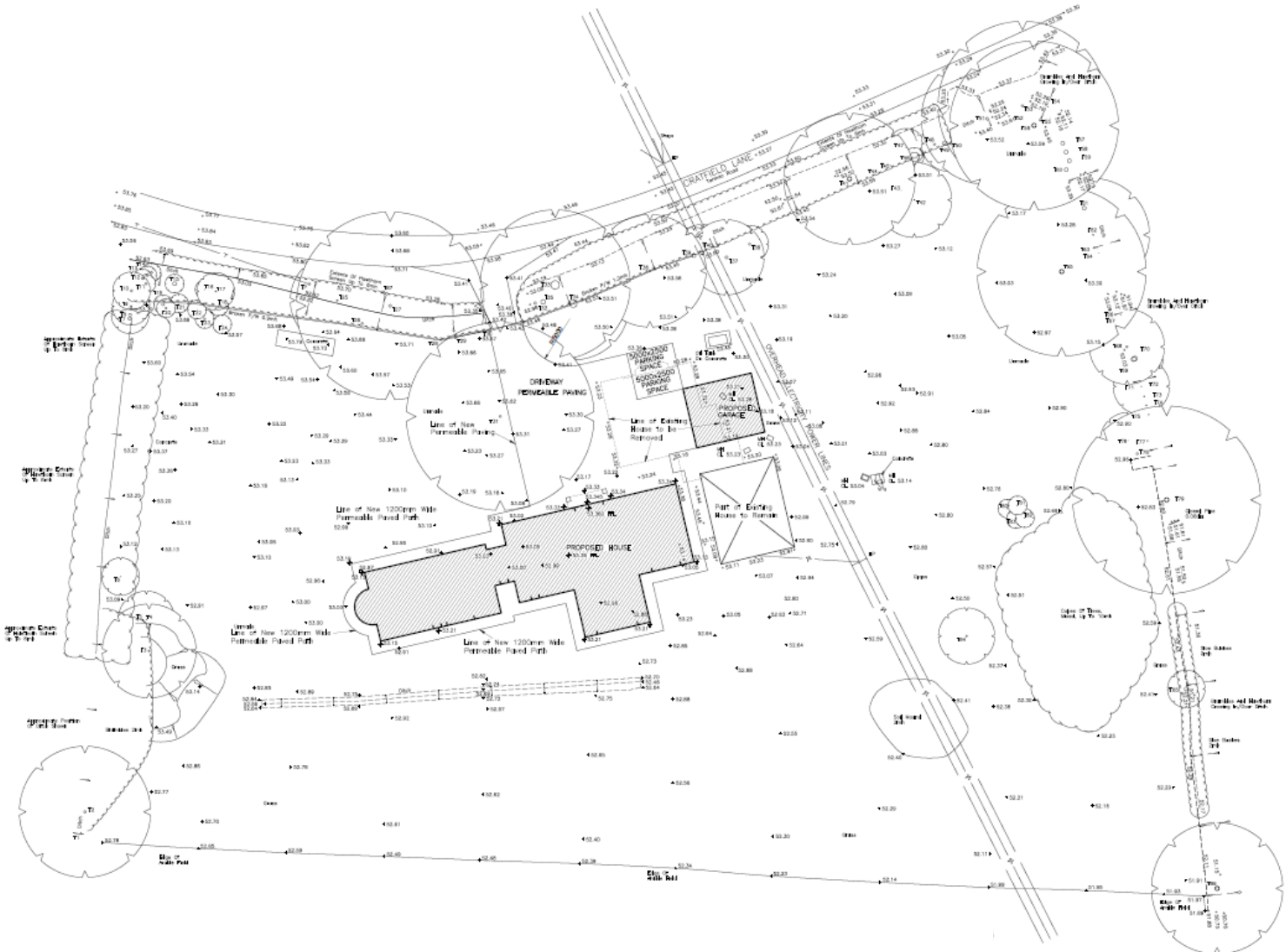
- Parish Boundary
- Public Rights of Way
 - Footpath



Page 369

Proposed Site Plan

Page 370



Landscaping Plan

Key

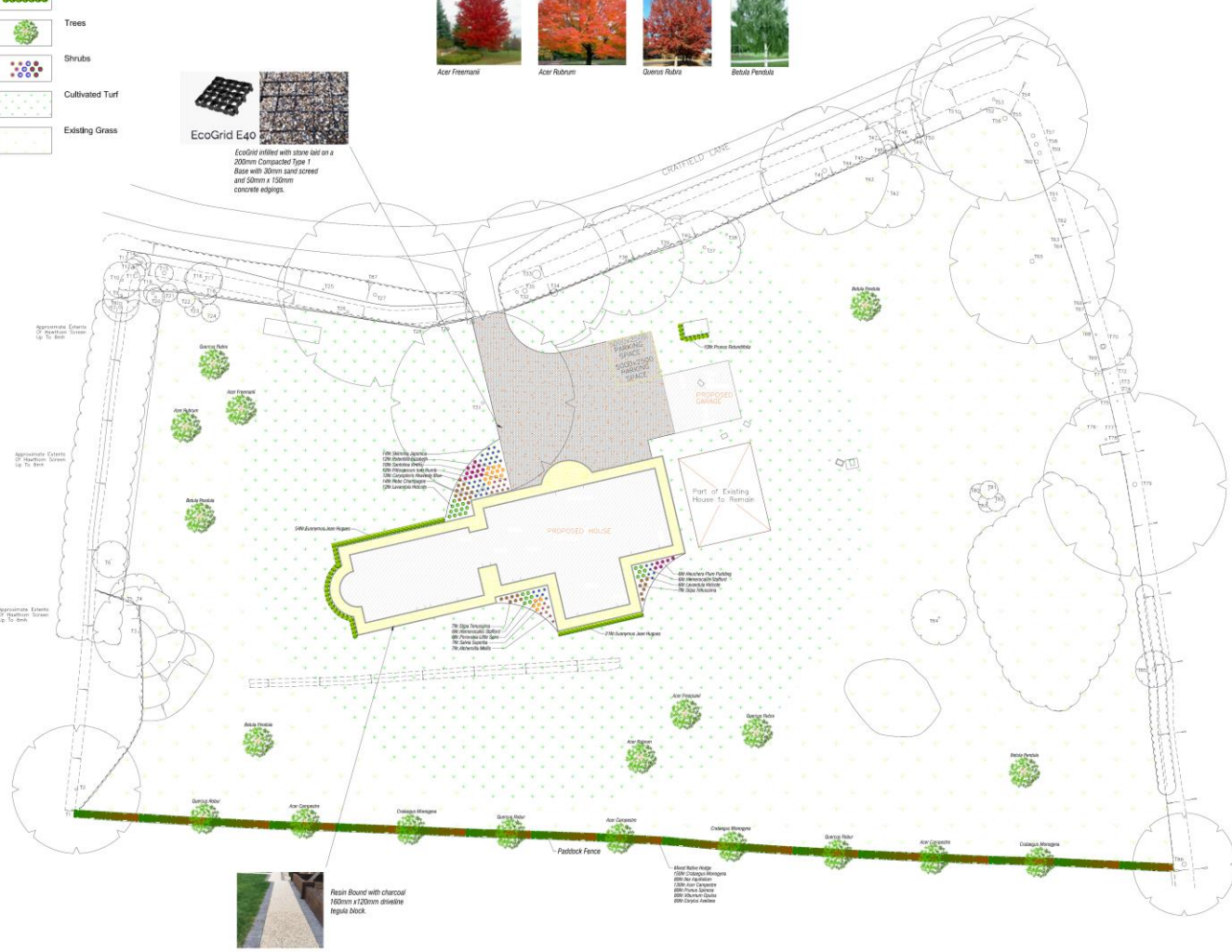
-  Hedges
-  Trees
-  Shrubs
-  Cultivated Turf
-  Existing Grass

EcoGrid E40

 EcoGrid either with stone laid on a 200mm Compacer Type 1 Base with 20mm sand screed and 50mm x 150mm concrete edgings.



Page 371



REV	DATE	DESCRIPTION	SUBSET
PROJECT			
Client/Name		W. S. S. S.	
SUBJECT		DATE	SCALE
SA Landscaping Plan	15.11.20	1:500 @ A1	
PROJECT NO	0000000000	REV	ISSUED
000	0000	0	0.00



Proposed Front and Rear Elevations

Slide 8



FRONT ELEVATION SCALE 1:100

Page 372



REAR ELEVATION SCALE 1:100

Proposed Side Elevations

Slide 9

Page 373



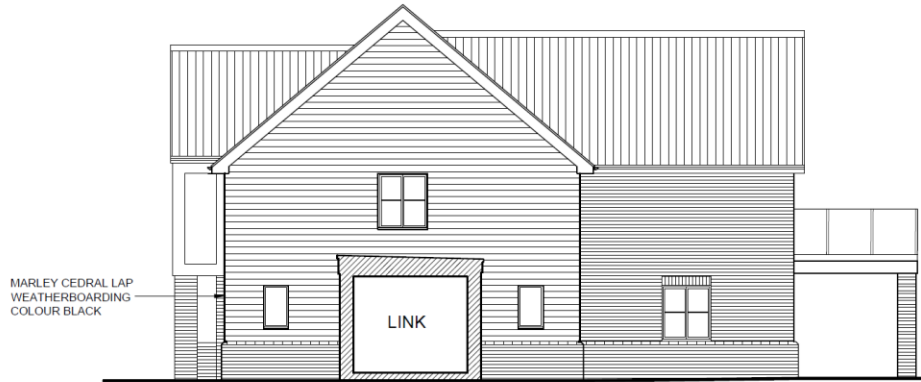
SIDE ELEVATION SCALE 1:100



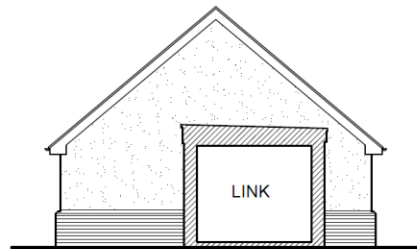
SIDE ELEVATION SCALE 1:100

Elevations A and B

Slide 10



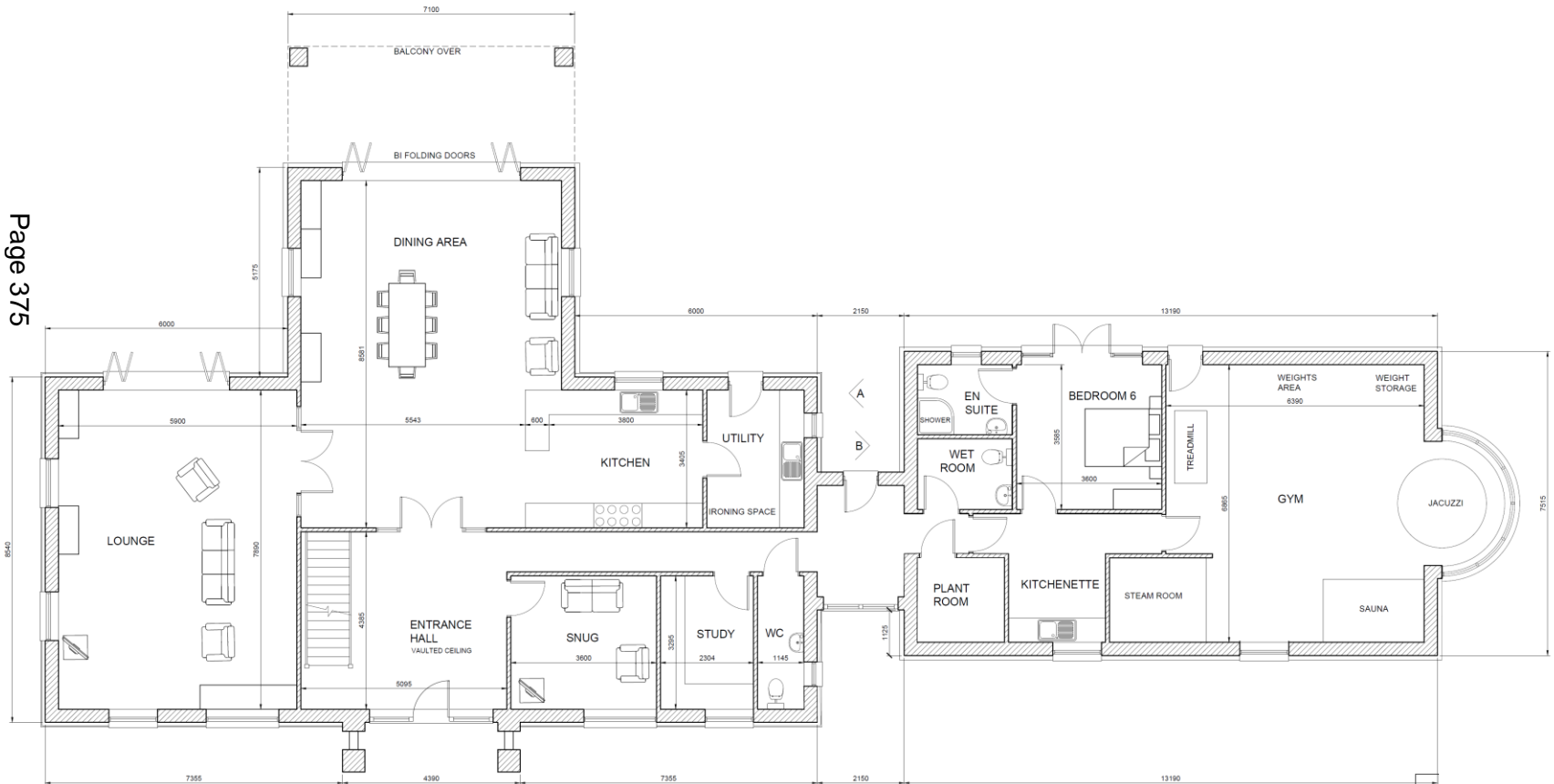
ELEVATION A SCALE 1:100



ELEVATION B SCALE 1:100
FOR LOCATION SEE DRAWING No. 1421-12

Proposed Ground Floor Plan

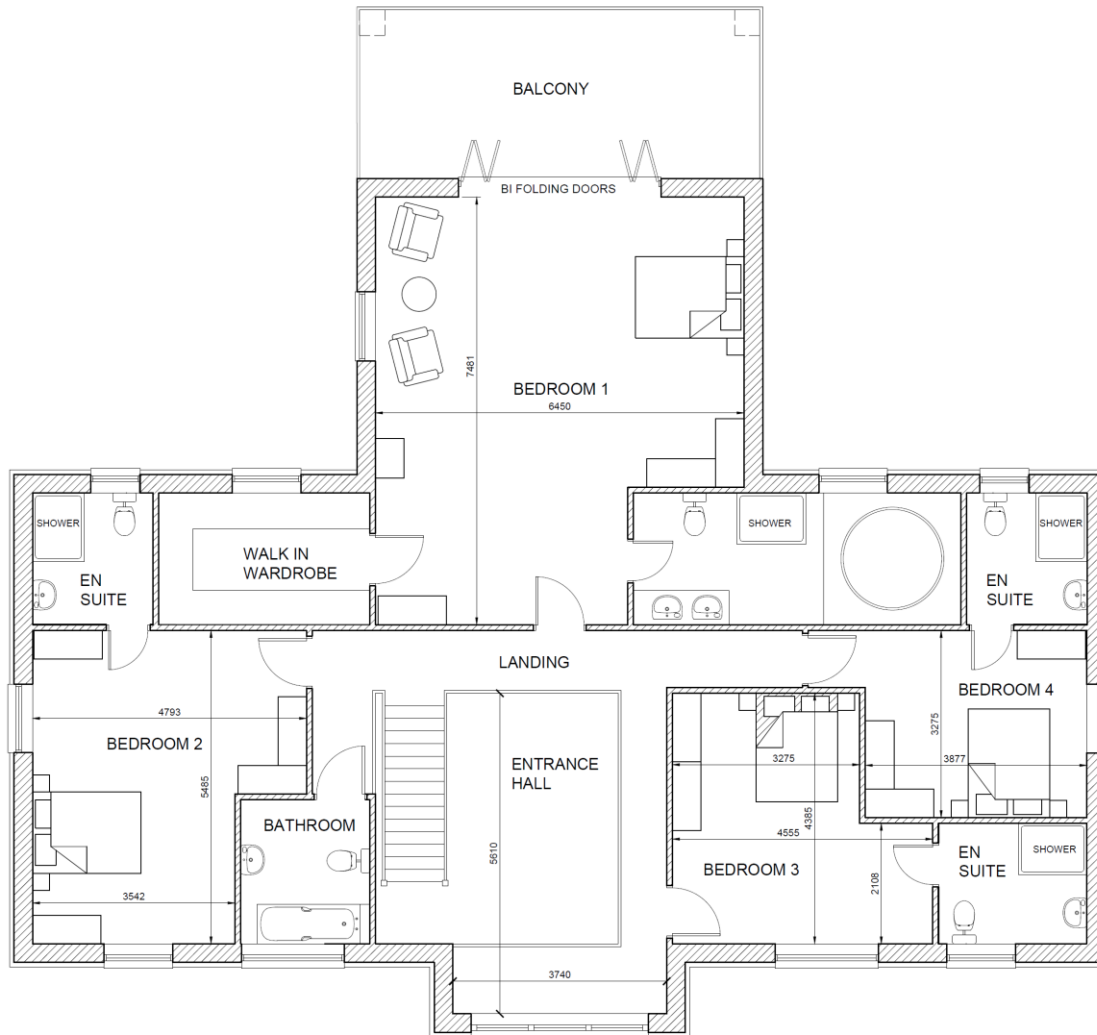
Page 375



PROPOSED GROUND FLOOR PLAN SCALE 1:50

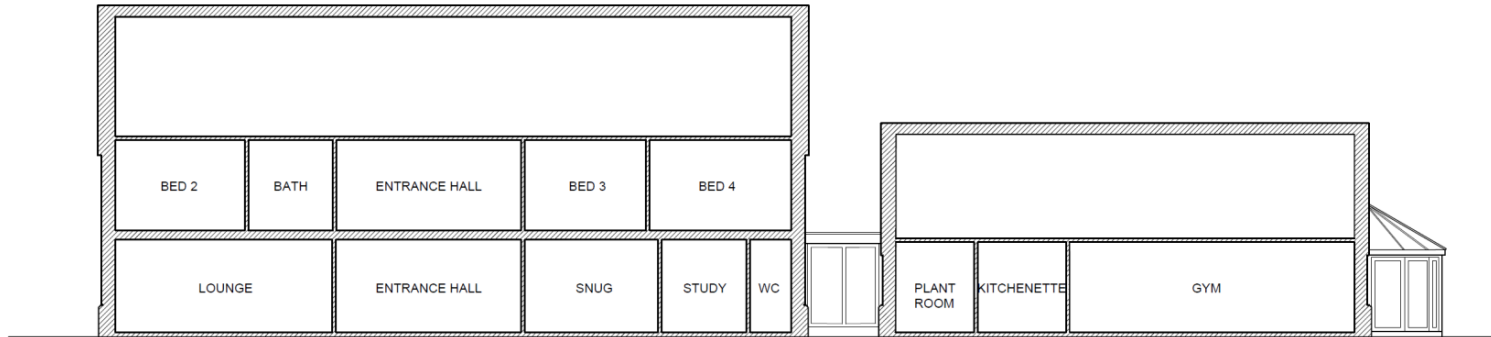
Proposed First Floor Plan

Page 376



PROPOSED FIRST FLOOR PLAN SCALE 1:50

Page 377



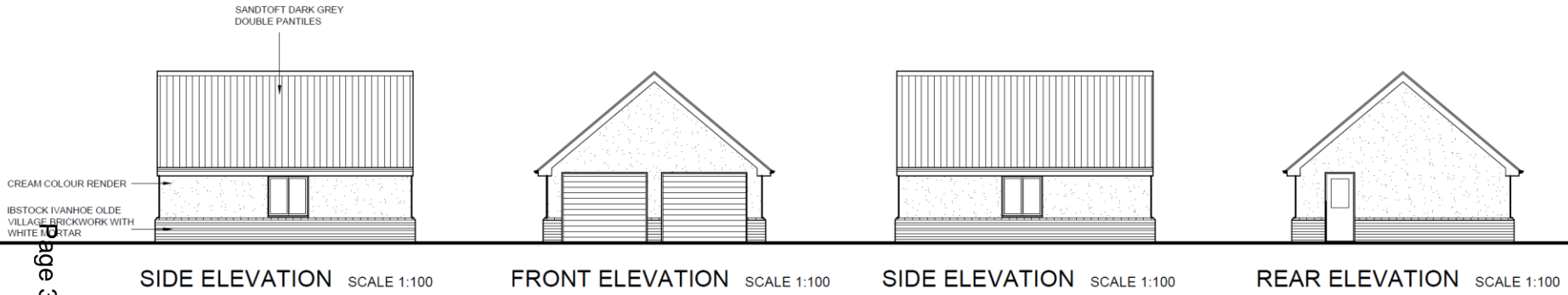
TYPICAL SECTION SCALE 1:100



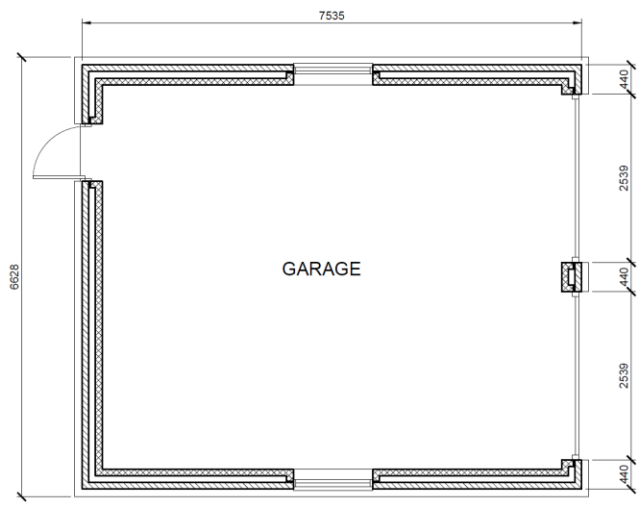
TYPICAL SECTION SCALE 1:100

TYPICAL SECTION SCALE 1:100

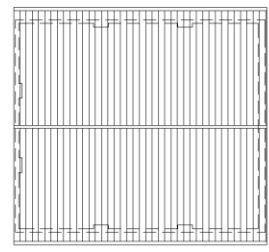
Garage Plans



Page 378



GARAGE FLOOR PLAN SCALE 1:50

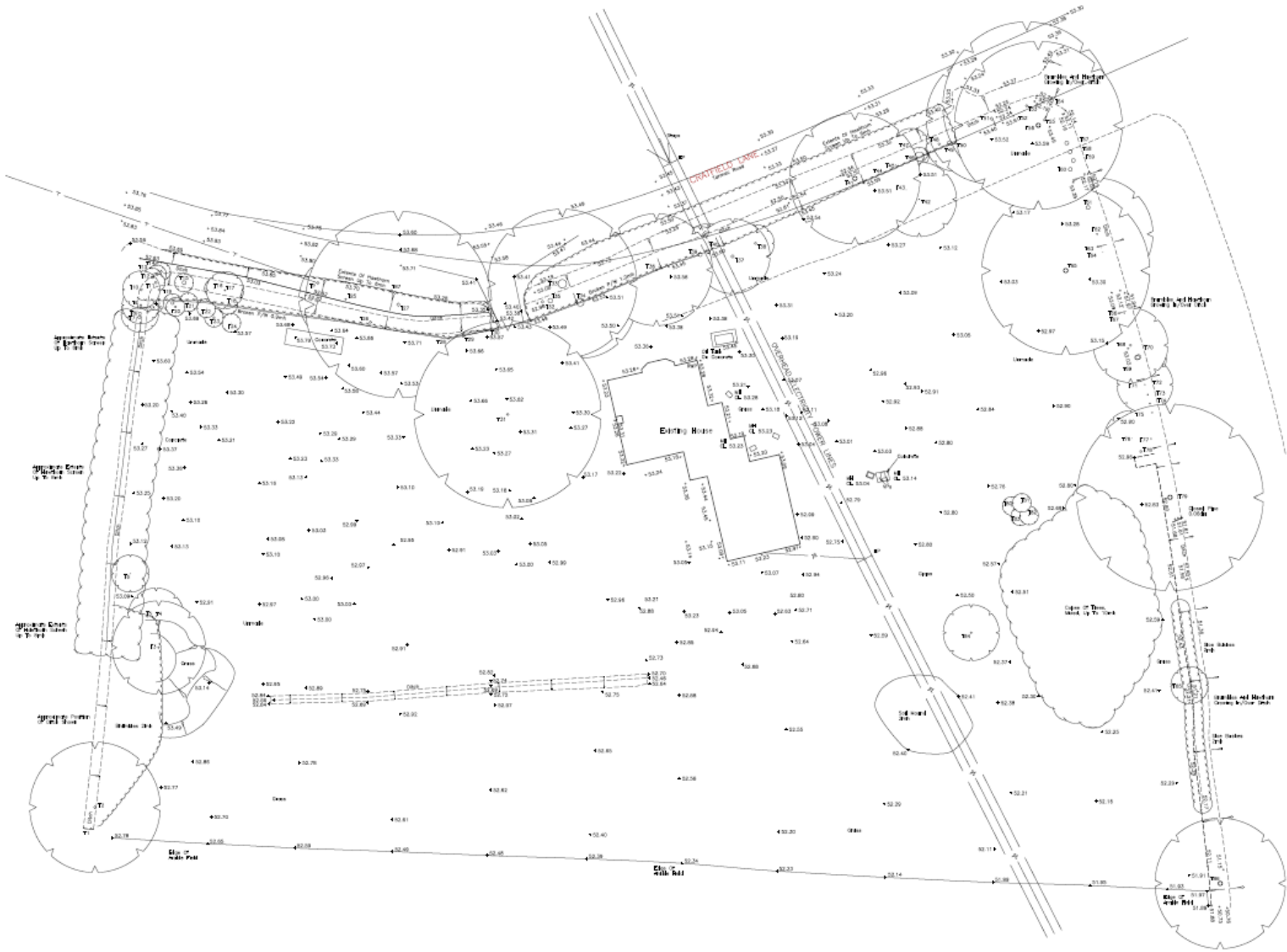


ROOF PLAN SCALE 1:100



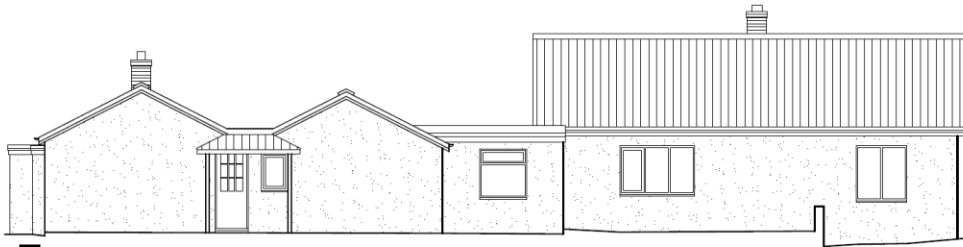
Existing Site Plan

Slide 15



Page 379

Existing Elevations



Page 380
SIDE ELEVATION



REAR ELEVATION



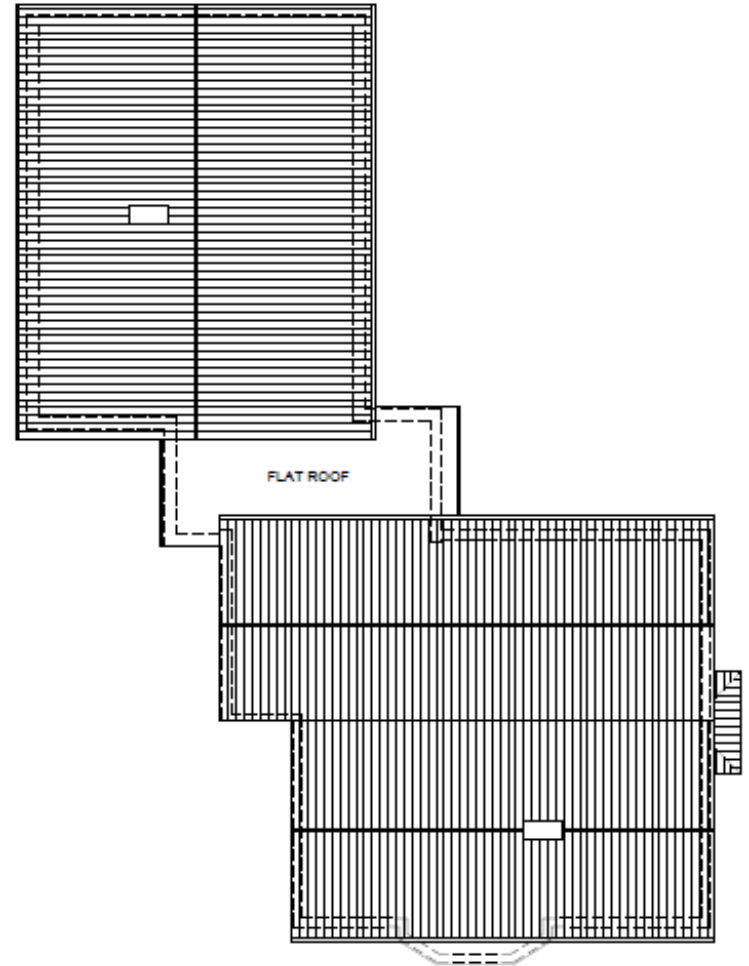
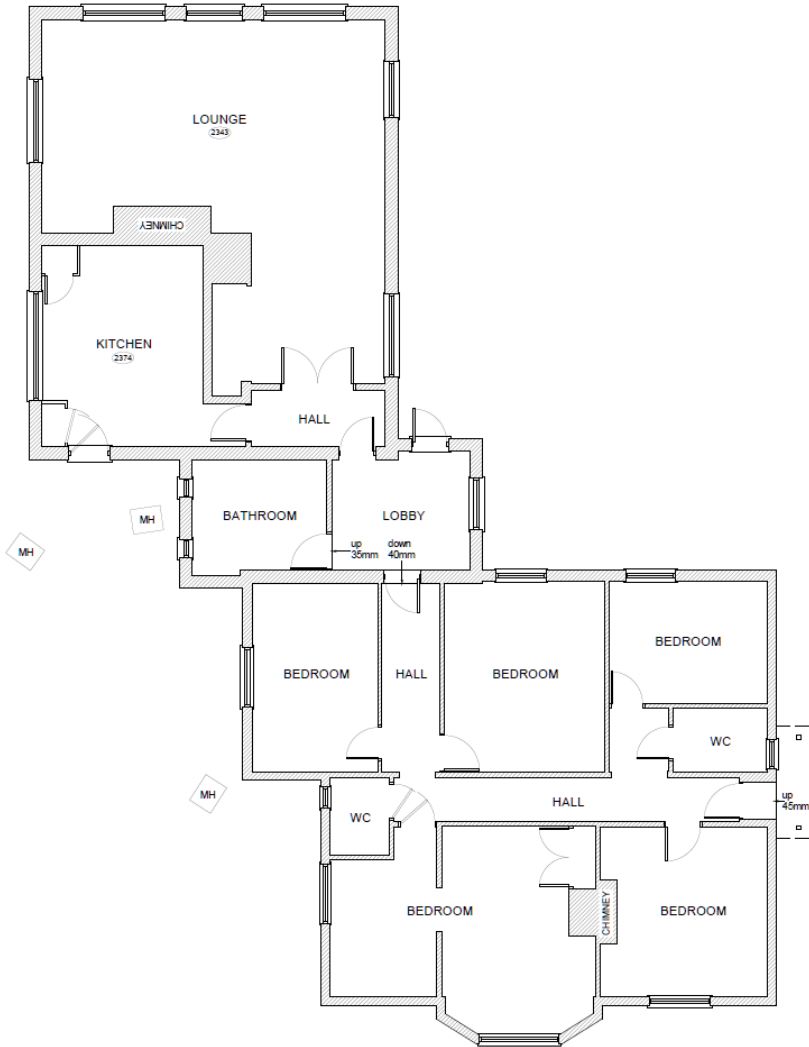
FRONT ELEVATION



SIDE ELEVATION

Existing Floor and Roof Plans

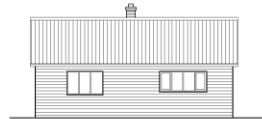
Page 381



Part of Existing Building to Remain – Plans and elevations



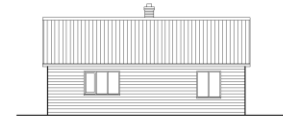
NORTH ELEVATION
SCALE 1:100



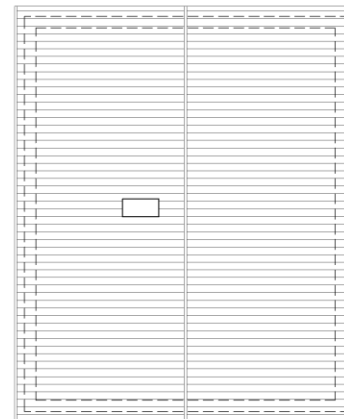
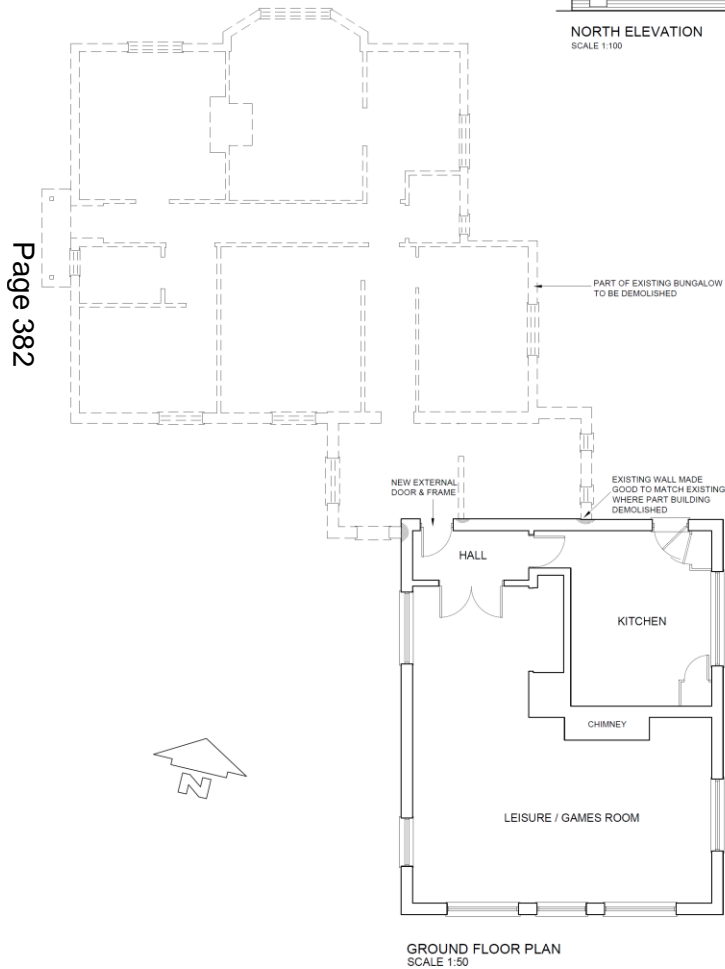
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



Agenda Item 7f

Committee Report

Item No: 7F

Reference: DC/21/00324

Case Officer: Daniel Cameron

Ward: Needham Market.

Ward Member/s: Cllr Stephen Phillips. Cllr Mike Norris.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.

Location

Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

Expiry Date: 17/09/2021

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Mr Ed Meredith

Agent: Mr James Cann

Parish: Baylham

Site Area: 1,760m²

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

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

A call-in request was received in response to the application from Cllr Norris. They noted the content of the comments from the Parish Meeting, in particular the location of the proposed building on a ridge within a Special Landscape Area. Issue is also raised with regards to the use of the site and the nature of the highway network around it.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF – National Planning Policy Framework
NPPG – National Planning Practice Guidance

Mid Suffolk Core Strategy (2008)

CS01 – Settlement Hierarchy
CS02 – Development in the Countryside and Countryside Villages
CS05 – Mid Suffolk's Environment

Mid Suffolk Local Plan (1998)

GP1 – Design and Layout of Development
HB1 – Protection of Historic Buildings
HB14 – Ensuring Archaeological Remains are not Destroyed
H16 – Protecting Existing Residential Amenity
H17 – Keeping Residential Development away from Pollution
CL2 – Development within Special Landscape Areas
CL8 – Protecting Wildlife Habitats
CL13 – Siting and Design of Agricultural Buildings
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)

Initial Baylham Parish Meeting Comments:

The Parish Meeting has received strong and consistent community support, since the publication of the Village Plan in 2012, for its opposition to any development which is unsympathetic to the amenity of the Parish's, Rolling Valley Farmland, Special Landscape Area (SLA). The Parish Meeting hereby objects to the proposal.

The scale of the proposed barn, being 20m x 18m x 6.5m, is totally inappropriate, as it would be located on a ridge within a Special Landscape Area, where it would have a considerable impact on the surrounding countryside and environment. It would therefore contravene Policies CS01 and CS02 - Development in the Countryside and Countryside Villages, Policy CS05 - Mid Suffolk's Environment, and Policy CL02 – Development within Special Landscape Areas. Policy CL13 is also relevant, Siting And Design of Agricultural Buildings.

The purpose of the building mentioned in the Planning Statement is for the growing of mushrooms and micro greens. This then would be for a commercial enterprise rather than an agricultural use, and would inevitably create a significant amount of additional traffic movements on what is a single track lane with no footpaths and few passing places which is much used by pedestrians, local dog walkers, cyclists and horse riders. There has been no overriding need demonstrated for this proposed development and it therefore fails to comply with Policies E9 – Location of New Businesses, E10 – New Industrial and Commercial Development in the Countryside, E12 – General Principles for Location, Design and Layout of Industrial and Commercial Development, and Policy T10 – Highways Considerations in Development.

Further Baylham Parish Meeting Comments:

All previous comments remain valid as this is a Special Landscape Area not a business park and the permanent addition of containers for whatever use, impact negatively on everything a Special Landscape Area (SLA) stands for. The cumulative impact on the ridge of two substantial barns is equally detrimental and being in breach of Policy H16 (see below) thus requires refusal of the application.

DEVELOPMENT WITHIN SPECIAL LANDSCAPE AREAS

Development policy is specifically covered by Policy CL2 which is supplemented by the Council's Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015. Policy CL2 states that 'particular care will be taken to safeguard landscape quality.' The Parish asserts that the guidance document should be used to define 'particular care', otherwise the sentence is open to wide interpretation and is of little use. This position is supported by the inspector who dismissed the neighbouring residential planning appeal: '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'. Appeal Ref: APP/W3520/W/19/3243146 Circular Road, Baylham.

Within the guidance document, the Council makes the declaration that its content should be, 'a material consideration in the determination of planning applications' (section 1.4.3). Equally, 'The Council will require special attention to be given to the siting, scale, design, materials, landscaping and general appearance of any new building or development in the countryside...(section 2.3.4) and specifically, 'Development should be located: Away from ridge tops, upper valley slopes or prominent locations.' (section 2.3.3).

The guidance document also requires a professional landscape assessment. The council's consultee, Place Services, conclude that they are not supportive of development at this location.

The lack of linkage between policy and guidance is corrected in the emerging Joint Local Plan within policy LP19 which requires planning decisions 'being demonstrably informed by local guidance, in particular the Council's Joint Landscape Guidance...' In addition LP19 requires cumulative impact to be considered. The Parish asserts that the cumulative impact of this proposal would cause harm to the surrounding landscape. The Parish therefore asserts that the proposed development does not comply with Policy CL2 or with the requirements of the Council's landscape guidance.

Policy CL2 is reproduced for convenience along with relevant sections of the landscape guidance document.

POLICY CL2 - DEVELOPMENT WITHIN SPECIAL LANDSCAPE AREAS.

WITHIN SPECIAL LANDSCAPE AREAS, PARTICULAR CARE WILL BE TAKEN TO SAFEGUARD LANDSCAPE QUALITY, AND WHERE DEVELOPMENT DOES OCCUR IT SHOULD BE SENSITIVELY DESIGNED, WITH HIGH STANDARDS OF LAYOUT, MATERIALS AND LANDSCAPING.

JOINT BABERGH AND MID SUFFOLK DISTRICT COUNCIL LANDSCAPE GUIDANCE AUGUST 2015

1.4.3 The purpose of the Landscape Guidance is to expand on the Local Plan Documents by providing more detailed design guidance for new buildings, changes of use and smaller scale alterations (including householder development) As a Supplementary Planning Document it will form a material consideration in the determination of planning applications.

1.4.5 For Mid Suffolk this document primarily supplements CS5. The other related stated CS policies are; CS2, CS4, and Mid Suffolk Local Plan (1998) Policies CL2, CL5, CL6, CL8, CL9, CL11, CL12, CL13, CL14, CL18, CL19, CL20, CL21, CL22, CL23, CL24 of 2 6 Planning Ref: DC/21/00324 20th Mar 2021

2.3 Location/Siting of development (Visual effects)

2.3.1 Baberghs open and in some parts of Mid Suffolk the rolling farmland landscape with pockets of ancient woodlands can afford long distant views, which are a characteristic of the area. Development that may not appear to have an impact on its immediate surroundings may sometimes be conspicuous and have an impact in more distant views.

2.3.2 In considering development proposals, account should be taken of the potential impact of a new building or development in both immediate and distant views, particularly from roads, public footpaths and settlements. A landscape assessment may be required either a Landscape or Visual Appraisal or in some cases a full Landscape and Visual Impact Assessment, (in accordance with the Guidance on landscape and Visual Impact Assessment 3rd Edition). These assessments should be prepared by and experienced a qualified landscape professional, (see the Council's Local Validation List)

2.3.3 New development in the countryside should be carefully sited to ensure the best fit with the landscape and to minimise its impact on the appearance of the landscape. Development should be located: Away from ridge tops, upper valley slopes or prominent locations. [...]

2.3.4 Location/Siting of development (Landscape/ Historic Landscape Character) The Council will require special attention to be given to the siting, scale, design, materials, landscaping and general appearance of any new building or development in the countryside or on the edge of settlements so that its impact upon the character of the landscape is minimised. The following guidance applies: Development should avoid dominating other buildings or landscape features around it or detract from views of listed buildings or heritage assets. Measures should be taken to minimise the scale and dominance of large-scale buildings. Large buildings have the potential to dominate their surroundings and are therefore difficult to accommodate within settlements without effective screening.

BMSDC Joint Local Plan – Pre-Submission (Reg 19) – November 2020 P94. Policy LP19 - Landscape

1. To protect and enhance landscape character development must:

- a. Integrate positively with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements.
- b. Proposals must be sensitive to their landscape and visual amenity impacts (including on dark skies and tranquil areas); subject to siting, design, lighting, use of materials and colour, along with the associated mitigation measures;
- c. Enhance and protect landscape character and values and heritage assets such as; locally characteristic landscape features, for example by use of materials which complement the local individual landscape character, archaeological and historic patterns of settlement and land use and designations; being demonstrably informed by local guidance, in particular the Council's Joint Landscape Guidance, the Suffolk Landscape Character Assessment and Settlement Sensitivity Assessment.
- d. Consider the topographical cumulative impact on landscape sensitivity.

2. Where significant landscape or visual impacts are likely to occur, for example for larger development proposals, a Landscape and Visual Impact Assessment (LVIA) or Landscape Appraisal should be prepared. This should identify ways of avoiding, reducing and mitigating any adverse effects and opportunities for enhancement.

APPLE BARN DC/18/04402

The Parish draws attention to the above grant of planning permission.

Section B 11. restricts external storage. The Parish asserts that the placing of containers would have the same impact whatever their use.

11. SPECIFIC RESTRICTION OF DEVELOPMENT: NO EXTERNAL OPEN-AIR STORAGE

No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the building/s included in the approved red line site plan related to this permission, except pursuant to the grant of separate planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of amenity.

Section B 13 also restricts the business from transporting produce onto the site in the interests of traffic flow and highway safety. The lane is only suitable for occasional agricultural use that might be expected from supporting produce grown on the field or the tending of one or two horses. It is certainly not suitable for the highways requirements of any intensive farming/growing practice.

13. RESTRICTION OF USE: ORIGIN OF PRODUCE

The hereby approved development shall strictly only store and manufacture goods using produce from the orchards within the blue outline area in the site location map known as PROMAP 1:1250 received 04/10/2018. No other produce shall be brought in from outside of the site.

Reason: to protect the residential amenity and amount of traffic and highway safety of the unnamed road between the site and the B113.

ENVIRONMENTAL POLLUTION AND NUISANCE

The application makes no comment/provision for potential environmental impacts. There is no reaction to the correspondence from the Environmental Protection Officer. Indeed documentation in the public domain does not include this correspondence.

Mushroom Farms can produce foul odours. Southerly winds would blow any gas released from the site across Baylham's principal residential area of Upper Street. Equally neighbouring properties to the east and south might be severely affected. This breaches the NPPF environmental objective 8c.

All this is known to the council because of the problems associated with the Mushroom Farm in Capel St Mary and is illustrated by the following quote from the village plan.

"Smell pollution. Gaggingly foul smells from mushroom farm. Lived in village for 30 years, never experiences a stench like it on an almost daily basis." (over 50 comments)

The issue is covered in full ref: <https://baberghmidsuffolk.moderngov.co.uk/documents/s6415/B1601365%20Committee%20report.pdf>

The principles of successful mushroom farming can be read at: http://www.davidmoore.org.uk/Assets/Mostly_Mycology/Richard_Clarke/SAC_Advice2mushroomgrowers.pdf

The Parish asserts that unless or until this issue is fully addressed with full mitigation added to the application, then planning permission MUST be refused, as there is a potential for a very clear breach of the NPPF and policy H16 on nuisance grounds alone. This is in addition to the H16 breaches relating to 'appearance, traffic generation, nuisance or safety' as well as the 'erosion of the character of the surrounding area' and the 'cumulative effect' of another significant barn with associated business in a SLA.

POLICY H16 PROTECTING EXISTING RESIDENTIAL AMENITY

TO PROTECT THE EXISTING AMENITY AND CHARACTER OF PRIMARILY RESIDENTIAL AREAS, THE DISTRICT PLANNING AUTHORITY WILL REFUSE:-

- CHANGE TO NON-RESIDENTIAL USE WHERE SUCH A CHANGE WOULD MATERIALLY AND DETRIMENTALLY AFFECT THE CHARACTER AND AMENITY OF THE AREA BY MEANS OF APPEARANCE, TRAFFIC GENERATION, NUISANCE OR SAFETY;
- THE LOSS OF OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF AN AREA AND WHICH ARE IMPORTANT FOR RECREATION OR AMENITY PURPOSES;
- DEVELOPMENT THAT MATERIALLY REDUCES THE AMENITY AND PRIVACY OF ADJACENT DWELLINGS OR ERODES THE CHARACTER OF THE SURROUNDING AREA. THE CUMULATIVE EFFECT OF A SERIES OF PROPOSALS WILL BE TAKEN INTO ACCOUNT.

CONCLUSION

In consideration of this neighbouring barn application and the LPA's subsequent refusals of domestic curtilage on this ridge, including two appeals, the Parish asserts that the LPA has already found that elements of this application are in breach of the following policies, and planning permission should be refused:

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

E10 - New Industrial and commercial development in the countryside New Industrial and commercial development in the countryside

GP01 - Design and layout of development

CL13 - Siting and design of agricultural buildings

T10 - Highway Considerations in Development

H16 - Protecting Existing Residential Amenity The NPPF

National Consultee (Appendix 4)

Initial Natural England Comments:

No objection. Based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation site or landscapes.

Further Natural England Comments:

The advice provided in our previous response applies equally to this Amendment although we made no objection to the original proposal.

County Council Responses (Appendix 5)

Initial Highways Comments:

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include a condition requiring the delivery of parking and turning areas shown within the site to be available for use prior to the first use of the proposed development.

Further Highways Comments:

The only change noted within the received comments is that the condition should be updated to reflect the updated plans submitted.

Fire and Rescue Comments:

No objection is noted in this regard.

Internal Consultee Responses (Appendix 6)

Economic Development Comments:

Economic Development have no objection or further comment to make on this application.

Initial Environmental Health Comments (dated 26th Feb 2021):

No objections or comments to make.

Further Environmental Health Comments (dated 8th March 2021):

It has been brought to my attention that the use of the proposed barn is to be for mushroom growing in compost.

I ask that clarification is sought from the applicant whether they will be producing their own compost on site as historic complaints show that this is likely to lead to odour issues.

If the applicant is going to produce their own compost then an odour assessment and management plan will be required to be submitted.

I shall also need to see a waste management plan for disposal of the compost following the removal of the mushroom crop. Ideally the used compost will need to be removed from site. If the plan is to store it onsite prior to disposal, stockpiled used compost may also lead to odour issues. An odour management plan with frequent reviews will be required.

Final Environmental Health Comments (dated 1st October 2021):

In light of the communications from the agent [regarding the removal of the mushroom growing from the application] I have no objections. However, are you able to restrict the use by way of a condition preventing mushroom growing and compost production on site unless details requested in my previous comments are submitted.

Initial Landscaping (Place Services) Comments (dated 15th April 2021):

Thank you for consulting us on the Full Planning Application for Change of Use of land from equine to agricultural use; including the erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding. This response focuses on the landscape and landscape impact of the proposals.

Relevant to this landscape review, the submitted application includes a Landscape Management and Maintenance Report and an accompanying sketch plan. The application does not include a Landscape Visual Appraisal or Landscape Visual Impact Assessment.

The site is located to the south-east of the village of Baylham, situated off an unnamed road. The site includes a stable block approved under planning application DC/19/00028 and lies outside of the established settlement boundary.

Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy CL2 states that the development proposal falls within a Special Landscape Area (SLA). As such, development 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 to harmonise with the landscape setting.

The Suffolk Landscape Character Assessment defines the site and the surrounding area as part of the Rolling Valley Farmland landscape character type (LCT). Some of the key characteristics include; gentle valley sides with some complex and steep slopes, distinct areas of regular field patterns and small ancient woodlands on the valley fringes.

The proposed scale and location of the redevelopment of this site is a concern, especially in terms of the impact on the local landscape character/setting and as such the proposals would not maintain or enhance the landscape qualities of the area. The current stable block has an internal area of 63sqm, the proposed agricultural building is 364sqm, which will have a major impact on what is a sensitive landscape. The application itself fails to include any appropriate visual analysis justify or mitigate this impact.

As submitted and based on the reasons stated above, we would not be supportive of this application.

Further Landscaping (Place Services) Comments (dated 5th August 2021):

Thank you for re-consulting us on the Full Planning Application for Change of Use of land from equine to agricultural use; including the erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding. This response focuses on the landscape and landscape impact of the proposals.

Further to our last letter dated 15/4/2021 a revised scheme has been brought forward, which reduced the proposed new internal m2 of the building and provision for 2 storage containers. The new proposal is 126m2, which is almost double the 63m2 of the current equine building. However, the scale and prominent position of this building will still have a significant impact on the landscape, for which visual analysis and mitigation has not been forthcoming.

The building itself has been located further into the field, which we would not support, to allow space for storage containers. Whilst these containers could be considered as non-permanent, they are not in keeping with the Rolling Valley Farmland character type in which the site lies.

As submitted and based on the reasons stated above, we would not be supportive of this application.

B: Representations

At the time of writing this report at least 7 letters/emails/online comments have been received. It is the officer opinion that this represents 6 objections, 0 support and 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:

- Barn is too large for the type of business proposed.
- Barn is larger than the existing stable on site.
- No clear landscaping plan for screening.
- Existing screening inadequate.
- Increase in parking over original planning permission.
- Original access to site should be through adjacent site.
- Issues around storage and disposal of compost for mushroom growing.
- No external lighting is proposed, how would the site be worked during winter?
- Cumulative impact of this barn with adjacent barn (still under construction).
- Development located on a ridge within the valley, a prominent position.

- Detrimental impact on the character and appearance of the Special Landscape Area.
- Form of the barn appears more industrial than agricultural.
- Noise pollution.
- Application would have limited economic benefits.
- Impact of development on setting of listed buildings.
- Access is via a single-track lane.
- Planning history for the site seeks to avoid development on ridges.
- No waste management plan is provided.

It is also noted that correspondence notes a pipeline running underneath the application site. Consultation with the pipeline's owner notes that the revised design of the scheme no longer compromises the pipeline with required easements now being provided. As such the objections relating to the pipeline have been withdrawn.

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

PLANNING HISTORY

REF: DC/19/00028	Full Planning Application - Change of Use of land and erection of 3No Stables.	DECISION: GTD 02.04.2019
REF: DC/19/04496	Full Planning Application - Erection of 1No dwelling and change of use of agricultural land to residential curtilage and land for the grazing of horses.	DECISION: REF 20.11.2019
REF: DC/19/04925	Planning Application. Erection of a 2 bedroom accessible single storey dwelling and change of use of land to residential curtilage	DECISION: REF 06.12.2019
REF: DC/20/00638	Full Planning Application - Erection of a single storey agricultural worker's dwelling in association with Chalky Bottom Orchard (re-submission of DC/19/04925)	DECISION: REF 28.05.2020
REF: DC/21/02844	Application to determine if Prior Approval is required for a proposed Erection, Extension or Alteration to a building for agricultural or forestry use. Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 6, Class A - Erection of building for use as office and storage.	DECISION: FAN 10.06.2021

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site is a roughly rectangular shaped parcel of land located on the northern side of Circular Road within the village of Baylham. It consists of a stable with associated parking and changed the use of the site from agricultural use to equestrian use. The topography of the site slopes away from its boundary with Circular Road and a band of planting also evident. The rest of the site is open.
- 1.2 Previously the site was subject to a planning application to secure a residential dwelling on the site (DC/19/04496 and APP/W3520/W/19/3243146). This was refused by the Local Planning Authority and upheld at appeal. The adjacent site consists of an apple orchard with associated barn. A similar application for residential development was refused on that site by the Local Planning Authority (DC/19/04925). An application for an agricultural workers dwelling was also refused with the decision upheld at appeal (DC/20/00638 and APP/W3520/W/20/3262603).
- 1.3 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 within the areas and isolated halls and churches form dominant features and important landmarks within the landscape. The guidance identifies objectives within the Special Landscape Area as being the maintenance of the distinctive landscape and settlement pattern.
- 1.4 A small number of Grade II listed buildings are apparent across the valley from the application site. These include Lilac Cottage and Yew Tree Farmhouse. Church of St. Peter is also noted across the valley from the site. It is 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.
- 1.5 The site lies within Flood Zone 1.

2. The Proposal

- 2.1 This application originally proposed the change of use of the site from equestrian to agricultural use, demolition of the existing stable building and the erection of an agricultural barn in connection with a rural business (growing of microgreens and mushrooms). The application has been amended during the course of the application such that the scale of the barn has been reduced, although is supplemented by two shipping containers to be located on site and the scope of the business has been altered to remove any mushroom growing from the site.
- 2.2 Previously the design of the barn was much larger with a footprint of 20m x 18m. It also sported an asymmetric roof with a ridge height of 6.04m and eaves heights of 3.5m and 2.5m on either side. Based on the amended drawings, the barn now sits on a footprint of 14m x 9m. It sports a dual pitched roof with a ridge height of 5m and an eaves height of 3.5m. While the shipping containers would be each measure 6.1m x 6.1m with a maximum height of 2.6m and are positioned between the proposed barn and Circular Road. The applicant considers that the reduction in the building size is as small as could be reasonably managed on site while allowing enough space to pursue a viable business on site. The barn has been reduced to a point whereby the shipping containers are considered necessary to allow for on site storage of equipment.

- 2.3 An area of hardstanding is also shown within the proposed drawings and would provide parking on site for a total of four cars. The submitted application form also notes that the development would create 1 FTE opportunity.
- 2.4 The external facing materials shown for the barn are dark timber cladding with slate to the roof. Photovoltaic panels are shown to the southern roof elevation.
- 2.5 The total site area for the development is 1,760m². Members should note that the red line shown within the submitted plans denote the extent of land to change use within this application. The land shown edged in blue would remain in equestrian use.

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) 2021.
- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
 - Mid Suffolk Core Strategy Focussed Review (2012)
 - Mid Suffolk Core Strategy (2008)
 - Mid Suffolk Local Plan (1998)
- 3.3 The application site lies outside of any settlement boundary shown within policy CS01 of the adopted Development Plan and continues to be located outside of any proposed settlement boundary shown within the emergent Joint Local Plan. Therefore, the application site is considered to fall within the countryside for the purposes of planning policy.
- 3.4 Policy CS02 flows from CS01 and defines the categories of development acceptable within a countryside location which includes agricultural development.
- 3.5 Paragraph 84 of the NPPF states that planning decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and b) the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 goes further, in noting that sites to meet local business needs may need to be located beyond existing settlements and may not be well served by public transport. The is of previously developed land in this regard should be encouraged.
- 3.6 Based on the above it is considered that the principle of development in this instance is established. The proposed development is an agricultural use which is proposed to be located in the countryside, which the adopted Development Plan considers to be the appropriate location for such businesses. This view is shared by the NPPF. Therefore, the location of the application outside of an established settlement boundary is not determinative in this instance and is not fatal to the application.
- 3.7 It is considered that paragraph 85 of the NPPF goes onto establish the key considerations in regards to this application. Namely that the development will need to be sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable. In this regard it is considered that these objectives are also

supported by various policies of the adopted Development Plan including, but not limited to, CS05, GP01, CL02, CL13 and T10.

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. However, as an application for the consideration for the creation of an agricultural business on the site, Officers do not consider this point to be material to the consideration of the application before members as in general terms locating an agricultural business in a countryside location would accord with the adopted policies of the Local Planning Authority.

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 110 of the NPPF which requires development proposals incorporate safe and suitable access that can be achieved for all users.
- 5.2 Paragraph 111 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 Consultation with the Highway Authority has not resulted in any objection being received with regards to the application. While Circular Road serving the site is narrow, it is considered to be acceptable in order to service the existing businesses and properties located along its run. The access to the site has previously been investigated by Enforcement Officers who are content that the current access to the site is sufficient. This view would appear to be backed up by the comments of the Highway Authority. It is not considered that the state of Circular Road would be fatal to the application.

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. Policy GP1 states that proposals should maintain or enhance the character and appearance of their surroundings.
- 6.2 When considering the siting and design of agricultural buildings, Saved Local Plan policy CL13 is relevant. It requires that new agricultural buildings be located within or adjacent to existing groups of agricultural buildings. With regards to this application, the siting of the proposed barn does seek to achieve this in locating itself adjacent to the neighbouring barn such that they could be read as a pair. CL13 also raises considerations in regards to the impact of agricultural buildings on the visual amenity of the surrounding area which are addressed later in this report.
- 6.3 With regards to the design of the barn, it displays an agricultural character and material choices and colours of said materials would allow the building to better blend with its environment, especially surrounding vegetation. The proposed shipping containers are more problematic as they would be of a more industrial form and potentially finished in a colour that would be more

visible within the landscape. Where the development to be approved, Officers suggest that a condition could be applied to either secure the colour of the proposed shipping containers such that a suitable choice could be made, or that appropriate screening be secured.

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

- 7.1 Policy CS05 states that the Council will protect and conserve landscape qualities taking into account the natural environment as a whole. It will also encourage development that is consistent with conserving its overall character. Saved Local Plan policy CL02 states that within Special Landscape Areas particular care will be taken to safeguard quality and where development does occur it should be sensitively designed with high standards of layout, materials and landscaping.
- 7.2 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, equine uses and grazing appears to be becoming more popular within the area.
- 7.3 The application site is located on a valley ridge, a prominent position, especially in views across the valley from the village of Baylham. Built form is notable on the ridge already in the form of the stable and barn adjacent to the site. As noted, the scheme has been reduced from the initial drawings, but remains double the size of the existing stable on site.
- 7.4 The appeal decisions on the site and its neighbour both note the quality of the landscape within Baylham and the elevated positions where substantial views may be taken of the development proposed within each. Both are held to be harmful to the Special Landscape Area, especially considering their domestic appearance. While landscaping may help to soften the appearance of the buildings, concern was raised both with regards to the length of time needed for planting to become established enough to effectively screen the development and the fact that the planting could be removed or trimmed at a later date. Consideration was also given to the dark colour of the proposed dwelling and use of a simple agricultural aesthetic. Overall, the proposed development in those instances was considered to be moderately harmful to the character of the Special Landscape Area.
- 7.5 With regards to this application, no landscape analysis has been provided to support the application. While the application utilises a dark material palette and proposes boundary landscaping composed of native species, the concerns raised by the Planning Inspectorate would remain. The barn would remain in a prominent location and landscaping would likely take considerable time to establish itself to be effective. The agricultural character of the built form of the barn is noted and no domestic paraphernalia would accompany it. That being said, the shipping containers would be at odds with the rural location of the site and while they would not be visible in views across the Special Landscape Area from Baylham, would be visible from Circular Road unless they were to utilise a darker colour palette or employ some effective screening within the site.
- 7.6 Comment from Place Services – Landscaping is particularly pertinent with regards to this application. While the ridge location of the development is concerning, the increased footprint of the barn is also noted as a concern. While the footprint of the barn has reduced compared with the original (364m² to 126m²) this is still a substantial increase over the size of the existing stable (63m²). The proposed barn is also taller than the existing stable (5m at its ridge compared to 2.75m). With regards to the adjacent barn, the proposed barn is of a similar form and a similar scale (the adjacent barn measuring 14m x 9m with a ridge height of 4.6m and eaves height of

3m). Place Services – Landscaping are clear that they do not support the application despite the changes made.

- 7.7 Policy CS5 of the Core Strategy also 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."
- 7.8 The existing stable on site are weather-proof and recently constructed. Having visited the site and having inspected photographic evidence of the structure of the building it is not considered that the stables to be demolished as part of this application would provide any roosting or nesting opportunities for bats or birds.

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. The mushroom growing element of the application has now been removed, such that issues around odour are no longer considered to be present within the scheme. Consultation with the Environmental Protection team note this and now do not raise any objection to the application.
- 8.2 Given the proposed agricultural use of the site, no issue is noted with regards to land contamination or the potential for contamination from the proposed use. Any alternative use for the site, for example, residential use, would require a planning application and would come forward with a supporting statement on contamination.
- 8.3 The site lies within flood zone 1 and would make use of a sustainable drainage system (soakaway). This accords with the requirements of Building Regulations Approved Document Part H.

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 Consultation with the Heritage team has not resulted in any finding of harm with regards to either the fabric of listed buildings or their setting. The Church of St. Peter is located 500m away from the site across the valley, while the other listed buildings are in excess of 325m from the site.

10. Impact on Residential Amenity

- 10.1 Paragraph 130 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. Saved policy H17 requires that residential development be kept away from sources of pollution.
- 10.2 With regards to the application site, the nearest residential dwellings are located some 100m away along Circular Road. It is not considered that at these distances the proposed development

would affect their amenity once constructed and in use. Conditions could be utilised to control both demolition and constructions phases of the development if approved and conditions could effectively manage working hours and lighting should the application be approved.

- 10.3 With the removal of the mushroom growing aspect of the proposed development it is considered that the odour pollution in particular is removed from the development.

11. Planning Obligations / CIL

- 11.1 The application is not required to make contributions through planning obligations secured via Section 106 Agreement and is also not required to make CIL contributions.

12. Parish Meeting Comments

- 12.1 The matters raised by Baylham Parish Meeting with regards to both the original and revised application have been clearly communicated in their responses and have been addressed in the above report.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1 The application proposes an agricultural use within the countryside. Adopted Development Plan policies indicate that an agricultural use is acceptable within the countryside such that the principle of development is established.
- 13.2 Planning history for the site shows that the Council has been supportive of similar agricultural and equestrian uses on the site previously. It also shows that residential uses have been considered to be unacceptable.
- 13.3 Conversely, those decisions on residential uses focus on harm to the Special Landscape Area, noting the prominent location of the development within it and in views across it. In particular it is noted that landscaping designed to screen development is not considered to be effective given it will take time to establish and could be later removed.
- 13.4 In terms of benefits, the application would remove the existing stable from the valley ridge and would change the land use of part of the valley to an agricultural use which better reflects its traditional use and would replace part of the equestrian uses which now predominate. The proposed development would also create a new business within the area with the associated job creation. Given the scale of the proposed business
- 13.5 The design of the barn has been reduced from its initial submission and in general terms is considered to be an acceptable design solution for such a building. Visually it would be similar in form to the adjacent barn so would likely have a similar impact within the Special Landscape Area. Given that the Local Planning Authority has previously approved similar development on the adjacent site, there is an argument that consistency in decision making should be pursued in this instance.

- 13.6 It is clear from the responses to the application from the Parish Meeting and Place Services – Landscaping that the increased scale of the barn will have an additional impact on views across the Special Landscape Area. Moreover, although reduced in scale, the proposed barn is larger than the existing stable and the shipping containers would be particularly unusual within the area.
- 13.7 On balance, were the application not located on a prominent location within a Special Landscape Area, the barn would likely be acceptable, and the shipping containers could likely be made acceptable through effective use of planning conditions. However, given its location and the lack of support from Place Services – Landscaping it is considered that the application cannot be supported. While previous development has been approved in a similar location for a similar agricultural use, it is not considered that the Local Planning Authority need to reach the same conclusion, particularly when material planning considerations and the views of the Council's consultees on those considerations suggest otherwise.²
- 13.8 In conclusion, Officers consider that the application fails to full adhere to the requirements set out within Paragraph 85 of the NPPF requiring rural businesses to adequately respond to their surroundings, which in this case would be its position with regards to the Special Landscape Area and when seen in views across it. Development is therefore considered to not accord with the relevant section of Core Strategy policy CS05 or Saved Local Plan policies GP1, CL2 and CL13. It is considered that the position of the proposed barn would be prominent in views across the Special Landscape Area and that the landscaping measures proposed within the scheme would provide inadequate mitigation in screening the development and preserving the character of the surrounding landscape.

RECOMMENDATION

Officers recommend that Members refuse the application for the following reason:

The application fails to adhere to the wording of Paragraph 85 of the NPPF, particularly where it is required to sensitively respond to its surroundings. The application sits within an identified Special Landscape Area, a gently undulating area of countryside which is visually attractive and positively informs the context of the surrounding area and village of Baylham. In particular, the application site is located on a valley ridge, a sensitive and prominent position within the landscape and would have a wide range of visual impact. As such that the application also fails to accord with Core Strategy policy CS05 with regards to the protection of Mid Suffolk's landscape and Saved Local Plan policies GP1, CL2 and CL13 regarding agricultural development in Special Landscape Areas.



Application No: DC/21/00324

Location: Land South West Of Fairview, Circular Road, Baylham

		Page No.
Appendix 1: Call In Request	<i>Cllr Norris</i>	
Appendix 2: Details of Previous Decision	<i>Previous decisions on site: DC/19/00028 DC/19/04496 APP/W3520/W/19/3243146</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 Fire and Rescue</i>	
Appendix 6: Internal Consultee Responses	<i>Economic Development Environmental Health Place Services - 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		





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



MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Chief Planning Officer – Sustainable Communities)

Planning application reference	DC/21/00324. Change of use of land from equine to agricultural use. Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable buildings) and hardstanding. Land South west of Fairview Circular Road Baylham IP6 8LE
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	The scale and mass of the proposed barn is totally inappropriate, as it would be located on a ridge within a Special Landscape Area, where it would have a considerable impact on the surrounding countryside and environment. It would therefore contravene Policies CS01 and CS02 - Development in the Countryside and Countryside Villages, Policy CS05 - Mid Suffolk's Environment, and Policy CL02 – Development within Special Landscape Areas. Policy CL13 is also relevant, Siting and Design of Agricultural Buildings.
Please detail the clear and substantial planning reasons for requesting a referral	The purpose of the building mentioned in the Planning Statement is for the growing of mushrooms and micro greens. This then would be for a commercial enterprise rather than an agricultural use, and would inevitably create a significant amount of additional traffic movements on what is a single track lane with no footpaths and few passing places which is much used by pedestrians and local dog walkers. There has been no overriding need demonstrated for this proposed development and it therefore fails to comply with Policies E9 – Location of New Businesses, E10 – New Industrial and Commercial Development in the Countryside, E12 – General Principles for Location, Design and Layout of Industrial and Commercial Development, and Policy T10 – Highways Considerations in Development.
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 Katherine Hale 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.

Baylham Parish Meeting

Objection to Proposal:

Planning Application - DC/21/00324 - Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.

Location: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

1. Mandate

The Parish Meeting has received strong and consistent community support, since the publication of the Village Plan in 2012, for its opposition to any development which is unsympathetic to the amenity of the Parish's, Rolling Valley Farmland, Special Landscape Area (SLA). The Parish Meeting hereby objects to the proposal.

2. Contravention of Planning Policies

The scale of the proposed barn, being 20m x 18m x 6.5m, is totally inappropriate, as it would be located on a ridge within a Special Landscape Area, where it would have a considerable impact on the surrounding countryside and environment. It would therefore contravene Policies CS01 and CS02 - Development in the Countryside and Countryside Villages, Policy CS05 - Mid Suffolk's Environment, and Policy CL02 - Development within Special Landscape Areas. Policy CL13 is also relevant, Siting And Design of Agricultural Buildings.

The purpose of the building mentioned in the Planning Statement is for the growing of mushrooms and micro greens. This then would be for a commercial enterprise rather than an agricultural use, and would inevitably create a significant amount of additional traffic movements on what is a single track lane with no footpaths and few passing places which is much used by pedestrians, local dog walkers, cyclists and horse riders. There has been no overriding need demonstrated for this proposed development and it therefore fails to comply with Policies E9 - Location of New Businesses, E10 - New Industrial and Commercial Development in the Countryside, E12 - General Principles for Location, Design and Layout of Industrial and Commercial Development, and Policy T10 - Highways Considerations in Development.

3. Addendum Response to Revised Plans 3rd August 2021

All comments above remain valid as this is a Special Landscape Area not a business park and the permanent addition of containers for whatever use, impact negatively on everything a SLA stands for. The cumulative impact on the ridge of two substantial barns is equally detrimental and being in breach of Policy H16 (see below) thus requires refusal of the application.

DEVELOPMENT WITHIN SPECIAL LANDSCAPE AREAS

Development policy is specifically covered by Policy CL2 which is supplemented by the Council's Joint Babergh and Mid Suffolk District Council Landscape Guidance August

2015. Policy CL2 states that ‘particular care will be taken to safeguard landscape quality.’ The Parish asserts that the guidance document should be used to define ‘particular care’, otherwise the sentence is open to wide interpretation and is of little use. This position is supported by the inspector who dismissed the neighbouring residential planning appeal: ‘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’.

Appeal Ref: APP/W3520/W/19/3243146 Circular Road, Baylham.

Within the guidance document, the Council makes the declaration that its content should be, ‘a material consideration in the determination of planning applications’ (section 1.4.3). Equally, ‘The Council will require special attention to be given to the siting, scale, design, materials, landscaping and general appearance of any new building or development in the countryside.....(section 2.3.4) and specifically, ‘Development should be located: Away from ridge tops, upper valley slopes or prominent locations.’ (section 2.3.3).

The guidance document also requires a professional landscape assessment. The council’s consultee, Place Services, conclude that they are not supportive of development at this location.

The lack of linkage between policy and guidance is corrected in the emerging Joint Local Plan within policy LP19 which requires planning decisions ‘being demonstrably informed by local guidance, in particular the Council’s Joint Landscape Guidance.....’

In addition LP19 requires cumulative impact to be considered. The Parish asserts that the cumulative impact of this proposal would cause harm to the surrounding landscape.

The Parish therefore asserts that the proposed development does not comply with Policy CL2 or with the requirements of the Council’s landscape guidance.

Policy CL2 is reproduced for convenience along with relevant sections of the landscape guidance document.

POLICY CL2 - DEVELOPMENT WITHIN SPECIAL LANDSCAPE AREAS.
WITHIN SPECIAL LANDSCAPE AREAS, PARTICULAR CARE WILL BE TAKEN TO SAFEGUARD LANDSCAPE QUALITY, AND WHERE DEVELOPMENT DOES OCCUR IT SHOULD BE SENSITIVELY DESIGNED, WITH HIGH STANDARDS OF LAYOUT, MATERIALS AND LANDSCAPING.

JOINT BABERGH AND MID SUFFOLK DISTRICT COUNCIL LANDSCAPE GUIDANCE AUGUST 2015

1.4.3 The purpose of the Landscape Guidance is to expand on the Local Plan Documents by providing more detailed design guidance for new buildings, changes of use and smaller scale alterations (including householder development) As a Supplementary Planning Document it will form **a material consideration in the determination of planning applications.**

1.4.5 For Mid Suffolk this document primarily supplements CS5. The other related stated CS policies are; CS2, CS4, and Mid Suffolk Local Plan (1998) Policies **CL2, CL5, CL6, CL8, CL9, CL11, CL12, CL13, CL14, CL18, CL19, CL20, CL21, CL22, CL23, CL24**

2.3 Location/Siting of development (Visual effects)

2.3.1 Baberghs open and in some parts of Mid Suffolk the rolling farmland landscape with pockets of ancient woodlands can afford long distant views, which are a characteristic of the area. Development that may not appear to have an impact on its immediate surroundings may sometimes be conspicuous and have an impact in more distant views.

2.3.2 In considering development proposals, account should be taken of the potential impact of a new building or development in both immediate and distant views, particularly from roads, public footpaths and settlements. A landscape assessment may be required either a Landscape or Visual Appraisal or in some cases a full Landscape and Visual Impact Assessment, (in accordance with the Guidance on landscape and Visual Impact Assessment 3rd Edition). These assessments should be prepared by and experienced a qualified landscape professional, (see the Council's Local Validation List)

2.3.3 New development in the countryside should be carefully sited to ensure the best fit with the landscape and to minimise its impact on the appearance of the landscape. Development should be located: Away from ridge tops, upper valley slopes or prominent locations. [...]

2.3.4 Location/Siting of development (Landscape/ Historic Landscape Character)

The Council will require special attention to be given to the siting, scale, design, materials, landscaping and general appearance of any new building or development in the countryside or on the edge of settlements so that its impact upon the character of the landscape is minimised.

The following guidance applies: Development should avoid dominating other buildings or landscape features around it or detract from views of listed buildings or heritage assets. Measures should be taken to minimise the scale and dominance of large-scale buildings. Large buildings have the potential to dominate their surroundings and are therefore difficult to accommodate within settlements without effective screening.

BMSDC Joint Local Plan – Pre-Submission (Reg 19) – November 2020 P94.

Policy LP19 - Landscape

1. To protect and enhance landscape character development must:
 - a. Integrate positively with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements.
 - b. Proposals must be sensitive to their landscape and visual amenity impacts (including on dark skies and tranquil areas); subject to siting, design, lighting, use of materials and colour, along with the associated mitigation measures;
 - c. Enhance and protect landscape character and values and heritage assets such as; locally characteristic landscape features, for example by use of materials which complement the local individual landscape character, archaeological and historic patterns of settlement and land use and designations; being demonstrably informed by local guidance, in particular the Council's Joint Landscape Guidance, the Suffolk Landscape Character Assessment and Settlement Sensitivity Assessment.
 - d. Consider the topographical cumulative impact on landscape sensitivity.
2. Where significant landscape or visual impacts are likely to occur, for example for larger development proposals, a Landscape and Visual Impact Assessment (LVIA) or Landscape

Appraisal should be prepared. This should identify ways of avoiding, reducing and mitigating any adverse effects and opportunities for enhancement.

APPLE BARN DC/18/04402

The Parish draws attention to the above grant of planning permission.

Section B 11. restricts external storage. The Parish asserts that the placing of containers would have the same impact whatever their use.

11. SPECIFIC RESTRICTION OF DEVELOPMENT: NO EXTERNAL OPEN-AIR STORAGE

No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the building/s included in the approved red line site plan related to this permission, except pursuant to the grant of separate planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of amenity.

Section B 13 also restricts the business from transporting produce onto the site in the interests of traffic flow and highway safety. The lane is only suitable for occasional agricultural use that might be expected from supporting produce grown on the field or the tending of one or two horses. It is certainly not suitable for the highways requirements of any intensive farming/growing practice.

13. RESTRICTION OF USE: ORIGIN OF PRODUCE

The hereby approved development shall strictly only store and manufacture goods using produce from the orchards within the blue outline area in the site location map known as PROMAP 1:1250 received 04/10/2018. No other produce shall be brought in from outside of the site.

Reason: to protect the residential amenity and amount of traffic and highway safety of the unnamed road between the site and the B113.

ENVIRONMENTAL POLLUTION AND NUISANCE

The application makes no comment/provision for potential environmental impacts. There is no reaction to the correspondence from the Environmental Protection Officer. Indeed documentation in the public domain does not include this correspondence.

Mushroom Farms can produce foul odours. Southerly winds would blow any gas released from the site across Baylham's principal residential area of Upper Street. Equally neighbouring

properties to the east and south might be severely affected. This breaches the NPPF environmental objective 8c.

All this is known to the council because of the problems associated with the Mushroom Farm in Capel St Mary and is illustrated by the following quote from the village plan.

"Smell pollution. 'Gaggingly foul smells from mushroom farm. Lived in village for 30 years, never experienced a stench like it on an almost daily basis' (over 50 comments)

The issue is covered in full ref:

<https://babberghmidsuffolk.moderngov.co.uk/documents/s6415/B1601365%20Committee%20report.pdf>

The principles of successful mushroom farming can be read at:

http://www.davidmoore.org.uk/Assets/Mostly_Mycology/Richard_Clarke/SAC_Advice2mushroomgrowers.pdf

The Parish asserts that unless or until this issue is fully addressed with full mitigation added to the application, then planning permission MUST be refused, as there is a potential for a very clear breach of the NPPF and policy H16 on nuisance grounds alone. This is in addition to the H16 breaches relating to 'appearance, traffic generation, nuisance or safety' as well as the 'erosion of the character of the surrounding area' and the 'cumulative effect' of another significant barn with associated business in a SLA.

POLICY H16

PROTECTING EXISTING RESIDENTIAL AMENITY

TO PROTECT THE EXISTING AMENITY AND CHARACTER OF PRIMARILY RESIDENTIAL AREAS, THE DISTRICT PLANNING AUTHORITY WILL REFUSE:-

- CHANGE TO NON-RESIDENTIAL USE WHERE SUCH A CHANGE WOULD MATERIALLY AND DETRIMENTALLY AFFECT THE CHARACTER AND AMENITY OF THE AREA BY MEANS OF APPEARANCE, TRAFFIC GENERATION, NUISANCE OR SAFETY;
- THE LOSS OF OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF AN AREA AND WHICH ARE IMPORTANT FOR RECREATION OR AMENITY PURPOSES;
- DEVELOPMENT THAT MATERIALLY REDUCES THE AMENITY AND PRIVACY OF ADJACENT DWELLINGS OR ERODES THE CHARACTER OF THE SURROUNDING AREA. THE CUMULATIVE EFFECT OF A SERIES OF PROPOSALS WILL BE TAKEN INTO ACCOUNT.

CONCLUSION

In consideration of this neighbouring barn application and the LPA's subsequent refusals of domestic curtilage on this ridge, including two appeals, the Parish asserts that the LPA has already found that elements of this application are in breach of the following, and planning permission should be refused.

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

E10 - New Industrial and commercial development in the countryside New Industrial and commercial development in the countryside

GP01 - Design and layout of development

CL13 - Siting and design of agricultural buildings

T10 - Highway Considerations in Development
H16 - Protecting Existing Residential Amenity
The NPPF

Contact

K W Thomas

Chair Baylham Parish Meeting

Baylham Parish Meeting

Objection to Proposal:

Planning Application - DC/21/00324 - Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.

Location: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

1. Mandate

The Parish Meeting has received strong and consistent community support, since the publication of the Village Plan in 2012, for its opposition to any development which is unsympathetic to the amenity of the Parish's, Rolling Valley Farmland, Special Landscape Area (SLA). The Parish Meeting hereby objects to the proposal.

2. Contravention of Planning Policies

The scale of the proposed barn, being 20m x 18m x 6.5m, is totally inappropriate, as it would be located on a ridge within a Special Landscape Area, where it would have a considerable impact on the surrounding countryside and environment. It would therefore contravene Policies CS01 and CS02 - Development in the Countryside and Countryside Villages, Policy CS05 - Mid Suffolk's Environment, and Policy CL02 - Development within Special Landscape Areas. Policy CL13 is also relevant, Siting And Design of Agricultural Buildings.

The purpose of the building mentioned in the Planning Statement is for the growing of mushrooms and micro greens. This then would be for a commercial enterprise rather than an agricultural use, and would inevitably create a significant amount of additional traffic movements on what is a single track lane with no footpaths and few passing places which is much used by pedestrians, local dog walkers, cyclists and horse riders. There has been no overriding need demonstrated for this proposed development and it therefore fails to comply with Policies E9 - Location of New Businesses, E10 - New Industrial and Commercial Development in the Countryside, E12 - General Principles for Location, Design and Layout of Industrial and Commercial Development, and Policy T10 - Highways Considerations in Development.

Contact

K W Thomas

Chair Baylham Parish Meeting

From: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>

Sent: 03 Aug 2021 10:07:39

To:

Cc:

Subject: FW: DC/21/00324 Consultee Response

Attachments:

From: Clarke, Julian <Julian.Clarke@naturalengland.org.uk>

Sent: 02 August 2021 15:02

To: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>

Subject: DC/21/00324 Consultee Response

Dear Sir or Madam,

Our ref: 361936

Your ref: DC/21/00324

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our **letter dated 11 March 2021 reference 344310**

The advice provided in our previous response applies equally to this Amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

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 the amended consultation, 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 faithfully

Julian Clarke
Consultations
Natural England
Hornbeam House, Electra Way
Crewe Business Park
Crewe, Cheshire CW1 6GJ

tel 0300 060 3900

email consultations@naturalengland.org.uk

During the current coronavirus situation, Natural England staff are primarily working remotely to provide our services and support our customers and stakeholders.

Please continue to send any documents by email or contact us by phone to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Stay home. Protect the NHS. Save lives.

Thriving Nature
for people and planet



We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

This message has been sent using TLS 1.2

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

Date: 11 March 2021
Our ref: 344310
Your ref: DC/21/00324



Mid Suffolk District Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam

Planning consultation: Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.

Location: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE.

Thank you for your consultation on the above dated and received by Natural England on 19 February 2021

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

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

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 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.

Yours faithfully
Dawn Kinrade
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](#)¹ 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](#)². 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.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Protected landscapes

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 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).

Your Ref:DC/21/00324
Our Ref: SCC/CON/3509/21
Date: 5 August 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

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

For the attention of: Katherine Hale

Dear Katherine,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/00324

PROPOSAL: Full Planning Application - Change of Use of land from equine to agricultural use;
Erection of agricultural barn and construction of solar panels to roof slope
(following demolition of stable building/s) and hardstanding.

LOCATION: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

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: The use shall not commence until the area(s) within the site shown on Drawing No. 3 Rev. 2 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.

Yours sincerely,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure

Your Ref:DC/21/00324
Our Ref: SCC/CON/0760/21
Date: 5 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

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

For the attention of: Katherine Hale

Dear Katherine,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/00324

PROPOSAL: Change of Use of land from equine to agricultural use;
Erection of agricultural barn and construction of solar panels to roof slope
(following demolition of stable building/s) and hardstanding.

LOCATION: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

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: The use shall not commence until the area(s) within the site shown on Drawing No. 3 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.

Yours sincerely,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure

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

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

Your Ref:
Our Ref: FS/F216269
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk

Web Address: <http://www.suffolk.gov.uk>

Date: 24/02/2021

Dear Sirs

Land South West of Fairview, Circular Road, Baylham, Ipswich IP6 8LE
Planning Application No: DC/21/00324/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 1145m 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: jamie@planningdirect.co.uk

Enc: Sprinkler information

From: BMSDC Economic Development <BMSDCEconomicDevelopment@babberghmidsuffolk.gov.uk>
Sent: 10 September 2021 15:56
To: BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>
Subject: RE: MSDC Planning Re-consultation Request - DC/21/00324 10/08/2021

Good Afternoon,

Thank you for this consultation, Economic Development have no objection or further comment to make on this application.

Kind Regards

Clare

Sector and Skills – Economic Development and Regeneration team Babergh and Mid Suffolk District Councils – Working Together

t: 01449 724880

m: 07860827637

e: clare.free@babberghmidsuffolk.gov.uk

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

Sent: 26 February 2021 16:07

To: Katherine Hale <Katherine.Hale@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>

Subject: DC/21/00324

Environmental Health -
Noise/Odour/Light/Smoke

APPLICATION FOR PLANNING PERMISSION - DC/21/00324

Proposal: Full Planning Application - Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.

Location: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

Environmental Protection have no objections or comments to make.

Andy

Andy Rutson-Edwards, MCIEH AMIOA

Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together

Tel: 01449 724727

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

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

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

Sent: 08 March 2021 10:17

To: Katherine Hale <Katherine.Hale@babberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@babberghmidsuffolk.gov.uk>

Subject: RE: DC/21/00324

APPLICATION FOR PLANNING PERMISSION - DC/21/00324

Proposal: Full Planning Application - Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.

Location: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

Good Morning,

It has been brought to my attention that the use of the proposed barn is to be for mushroom growing in compost.

I ask that clarification is sought from the applicant whether they will be producing their own compost on site as historic complaints show that this is likely to lead to odour issues.

If the applicant is going to produce their own compost then an odour assessment and management plan will be required to be submitted.

I shall also need to see a waste management plan for disposal of the compost following the removal of the mushroom crop. Ideally the used compost will need to be removed from site. If the plan is to store it onsite prior to disposal, stockpiled used compost may also lead to odour issues. An odour management plan with frequent reviews will be required.

Regards

Andy

Andy Rutson-Edwards, MCIEH AMIOA

From: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Sent: 01 Oct 2021 01:26:38
To:
Cc:
Subject: FW: DC/21/00324
Attachments:

From: Andy Rutson-Edwards <Andy.Rutson-Edwards@baberghmidsuffolk.gov.uk>
Sent: 01 October 2021 11:42
To: Daniel Cameron <Daniel.Cameron@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>
Subject: DC/21/00324

Environmental Health -
Noise/Odour/Light/Smoke

APPLICATION FOR PLANNING PERMISSION - DC/21/00324

Proposal: Full Planning Application - Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.
Location: Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE
Reason(s) for re-consultation: Agents e-mailed dated 23/09/21.

Thank you for re consulting me on this. In light of the communications from the agent I have no objections. However, are you able to restrict the use by way of a condition preventing mushroom growing and compost production on site unless details requested in my previous comments are submitted.

Regards

Andy
Andy Rutson-Edwards, MCIEH AMIOA
Senior Environmental Protection Officer
Babergh and Mid Suffolk District Council - Working Together
Tel: 01449 724727
Email andy.rutson-edwards@baberghmidsuffolk.gov.uk
www.babergh.gov.uk www.midsuffolk.gov.uk

Place Services
Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH
T: 0333 013 6840
www.placeservices.co.uk
[@PlaceServices](https://twitter.com/PlaceServices)



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

05/08/2021

For the attention of: Katherine Hale

Ref: DC/21/00324; Land south west of Fairview, Circular Road, Baylham, Ipswich, Suffolk IP6 8LE

Thank you for re-consulting us on the Full Planning Application for Change of Use of land from equine to agricultural use; including the erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding. This response focuses on the landscape and landscape impact of the proposals.

Further to our last letter dated 15/4/2021 a revised scheme has been brought forward, which reduced the proposed new internal m2 of the building and provision for 2 storage containers. The new proposal is 126m2, which is almost double the 63m2 of the current equine building. However, the scale and prominent position of this building will still have a significant impact on the landscape, for which visual analysis and mitigation has not been forthcoming.

The building itself has been located further into the field, which we would not support, to allow space for storage containers. Whilst these containers could be considered as non-permanent they are not in keeping with the Rolling Valley Farmland character type in which the site lies.

As submitted and based on the reasons stated above, we would not be supportive of this application.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Yours sincerely,

Kim Howell BA (Hons) DipLA CMLI
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.



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

15/04/2021

For the attention of: Katherine Hale

Ref: DC/21/00324; Land south west of Fairview, Circular Road, Baylham, Ipswich, Suffolk IP6 8LE

Thank you for consulting us on the Full Planning Application for Change of Use of land from equine to agricultural use; including the erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding. This response focuses on the landscape and landscape impact of the proposals.

Relevant to this landscape review, the submitted application includes a Landscape Management and Maintenance Report and an accompanying sketch plan. The application does not include a Landscape Visual Appraisal or Landscape Visual Impact Assessment.

The site is located to the south-east of the village of Baylham, situated off an unnamed road. The site includes a stable block approved under planning application DC/19/00028 and lies outside of the established settlement boundary.

Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy CL2 states that the development proposal falls within a Special Landscape Area (SLA). As such, development 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 to harmonise with the landscape setting.

The Suffolk Landscape Character Assessment defines the site and the surrounding area as part of the Rolling Valley Farmland landscape character type (LCT). Some of the key characteristics include; gentle valley sides with some complex and steep slopes, distinct areas of regular field patterns and small ancient woodlands on the valley fringes.

The proposed scale and location of the redevelopment of this site is a concern, especially in terms of the impact on the local landscape character/setting and as such the proposals would not maintain or enhance the landscape qualities of the area. The current stable block has an internal area of 63sqm, the proposed agricultural building is 364sqm, which will have a major impact on what is a sensitive landscape. The application itself fails to include any appropriate visual analysis justify or mitigate this impact.

As submitted and based on the reasons stated above, we would not be supportive of this application.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Yours sincerely,

Ryan Mills BSc (Hons) MSc CMLI
Senior Landscape Consultant
Email: 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

Site visit made on 29 June 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2020

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'.
-

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 decision¹. 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

¹ 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 Claydon² 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 decision³. 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

² APP/W3520/W/19/3222557

³ APP/W3520/W/19/3232511

Philip Isbell – Acting Chief Planning Officer
Growth & Sustainable Planning

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

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION

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

Correspondence Address:

Mr Michael Heathcote
9 St Marys Road
Stowmarket
Suffolk IP14 1LW

Applicant:

Mr Michael Heathcote
9 St Marys Road
Stowmarket
Suffolk IP14 1LW

Date Application Received: 03-Jan-19

Application Reference: DC/19/00028

Date Registered: 25-Jan-19

Proposal & Location of Development:

Full Planning Application - Change of Use of land and erection of 3No Stables.

Land Lying To The South Of Hill Farm , Baylham, ,

Section A – Plans & Documents:

This decision refers to drawing no./entitled received 25/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan - Received 25/01/2019

Block Plan - Proposed - Received 25/01/2019

Management Plan/Statement 5 year landscape and management report - Received 11/02/2019

Elevations - Proposed Front and rear elevation - Received 09/01/2019

Plans - Proposed East and West elevations and Aerial floor plan - Received 09/01/2019

Landscaping Plan Pages 1 of 2 and 2 of 2 - Received 11/02/2019

Management Plan/Statement Soft landscaping specification - Received 11/02/2019

Section B:

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

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

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

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

2. APPROVED PLANS & DOCUMENTS

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

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

3. SPECIFIC RESTRICTION OF DEVELOPMENT : ILLUMINATION RESTRICTION

There shall be no means of external illumination installed and/or operated on/at the site except pursuant to the prior grant of a planning permission on an application made in that regard.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

4. SPECIFIC RESTRICTION OF DEVELOPMENT: RESTRICTION ON STORAGE OF WASTE

No burning of waste including manure shall take place on site.

Reason - The burning of waste would be harmful to the local amenity, character and appearance of the area.

5. ON GOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON USE OF STABLES

The stables/loose boxes hereby permitted shall not be used for any commercial riding, breeding or training purposes including livery or riding school activities except pursuant to the grant of planning permission on an application made in that regard

Reason - In the interests of the amenities of the locality.

6. SPECIFIC RESTRICTION OF DEVELOPMENT: RESTRICTION ON STORAGE OF WASTE

The use shall not commence until a method of disposal of all manure produced on the site has been submitted to and approved in writing. Such methods as agreed shall be carried out in full and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason - The improper disposal of waste would be harmful to the local amenity, character and appearance of the area.

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE AND ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - ACCESS LAYOUT

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 DM04 and with an entrance width of 5m and radius of 10m. 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.

8. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: HIGHWAYS - ACCESS SURFACE TREATMENT

Prior to the stables hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 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.

9. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS TO ACCESS: HIGHWAYS - SURFACE WATER DISCHARGE PREVENTION DETAILS REQUIRED.

Prior to the commencement of any works to the access, 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 and maintained thereafter in its approved form.

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

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

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

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

11. ONGOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

12. ONGOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON PARKING

The site shall not be used for the parking of more than one horsebox/trailer at any one time. No more than two cars shall be parked on the site at any one time.

Reason - In the interests of the amenities of the locality and in the interests of highway safety.

13. ONGOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON PARKING

Except for the provision of 24hr healthcare for the horses, the site shall not be used for the overnight parking of any wheeled vehicle including caravans.

Reason - In the interests of the amenities of the locality and in the interests of highway safety.

14. ONGOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON PARKING

Prior to the change of use hereby permitted coming in to force, the applicant shall provide details of the provision of parking areas for the cars and horsebox/trailer to the Local Planning Authority's satisfaction. Such details as may be agreed shall be implemented fully prior to the site being used for parking and shall be retained at all times for that use.

Reason - In the interests of the amenities of the locality and in the interests of highway safety.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

- FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
- GP01 - Design and layout of development
- SB03 - Retaining visually important open spaces
- CL08 - Protecting wildlife habitats
- CL21 - Facilities for Horse Riding
- RT06 - Sport and recreational facilities in the countryside

CL02 - Development within special landscape areas
H16 - Protecting existing residential amenity
NPPF - National Planning Policy Framework
T10 - Highway Considerations in Development
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development

NOTES:

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

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. The change of use from agricultural to equestrian use only applies to the site outlined in red on the defined redline plan. If the area outlined in blue is to be used for equestrian purposes, it will require a further change of use application.
3. It is noted that a caravan/mobile home is currently on-site. This constitutes a material change of use of the land and requires Planning permission. It is understood that this will be in place on a temporary basis whilst the works to erect the stables are taking place and will be removed immediately after these works are completed.

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

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

This relates to document reference: DC/19/00028

Signed: Philip Isbell

Dated: 2nd April 2019

**Acting Chief Planning Officer
Growth & Sustainable Planning**

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.

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



REFUSAL OF PLANNING PERMISSION

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

Correspondence Address:

Mr M Heathcote
9 St. Marys Road
Stowmarket
IP14 1LW

Applicant:

Mr M Heathcote
9 St. Marys Road
Stowmarket
IP14 1LW

Date Application Received: 25-Sep-19

Application Reference: DC/19/04496

Date Registered: 26-Sep-19

Proposal & Location of Development:

Full Planning Application - Erection of 1 No dwelling and change of use of agricultural land to residential curtilage and land for the grazing of horses.

Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

Section A – Plans & Documents:

This decision refers to drawing no./entitled PHLP01 received 27/09/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan PHLP01 - Received 27/09/2019
Floor Plan - Proposed PHFP01 - Received 25/09/2019
Landscaping Plan LP01 - Received 25/09/2019
Elevations - Proposed Front and Rear PHFRE01 - Received 25/09/2019
Elevations - Proposed Side Elevations PHSE01 - Received 25/09/2019

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. This application seeks full planning permission for the erection of one new dwelling within Baylham, a small rural settlement with few facilities. The site itself is currently laid to field and is poorly related to the rest of the settlement and falls outside of the established settlement boundary. Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy H7 requires strict control over the development of new housing within the countryside. This is supported by Core Strategy policy CS02. All three of these policies attach negative weight to the application. Paragraph 10 of the NPPF requires that sustainable development is undertaken in a positive manner in line with the presumption in favour of sustainable development. In assessing the site, while some positive benefits are found with regards to the social and economic impacts of the development, they are not considered sufficient to outweigh the negative weight attached to the above policy considerations or the harm that would be created by allowing the creation of a new dwelling in an unsustainable location. Consequently, this application is refused.
2. Further, this development would encroach upon Baylham Common, an atypical part of the Rolling Valley Farmland Special Landscape Area, which in and of itself is identified within The Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015) as a heritage asset in its own right. Again, this application would bring an element of development, alien to the wider character of the common.
3. Finally, the application site falls within the 13km zone of influence for the Stour and Orwell Estuaries Special Protection Area (SPA) as set out within the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). New residential development in this location is likely to have a significant impact when considered alone or in combination upon the interest features of the SPA. As such a contribution to the emerging Suffolk RAMS is required to ensure the delivery of the RAMS remains viable. No such contribution has been offered at application stage.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

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
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
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
CL21 - Facilities for Horse Riding

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

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

This relates to document reference: DC/19/04496

Signed: Philip Isbell

Dated: 20th November 2019

**Chief Planning Officer
Sustainable Communities**

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>

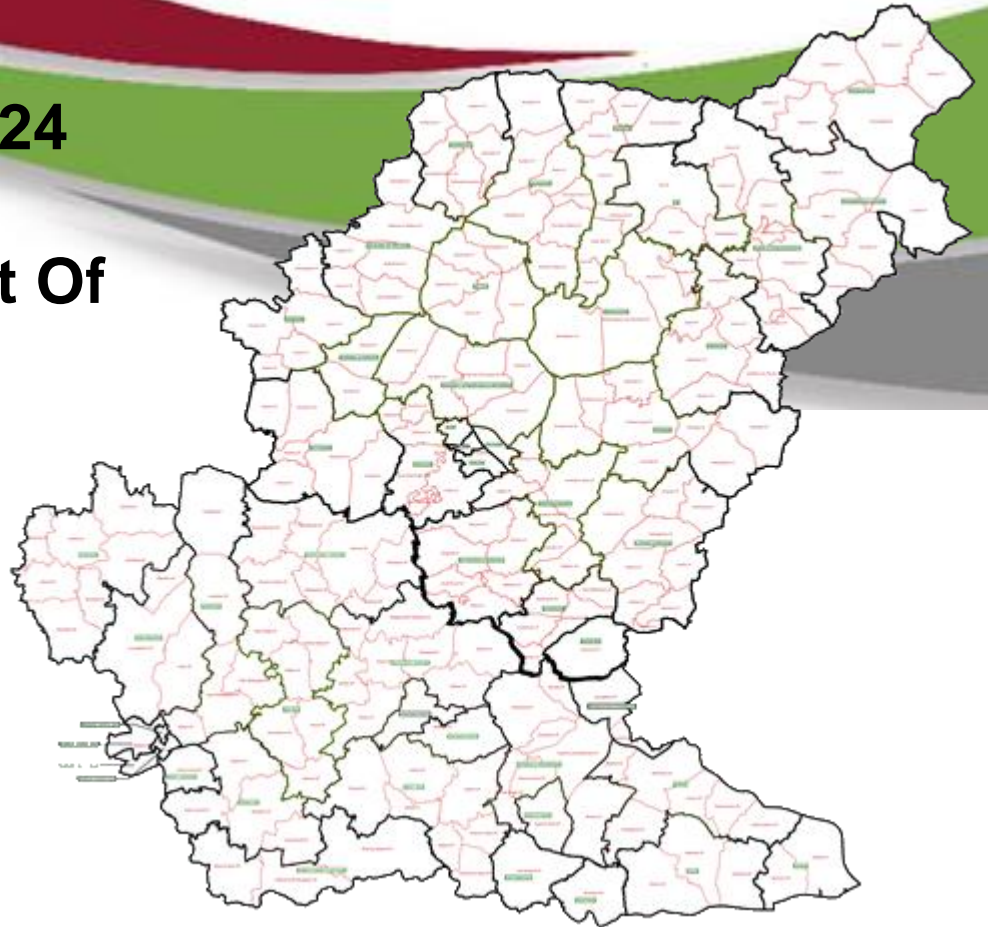
The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain 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.

Application No: DC/21/00324

**Address: Land South West Of
Fairview, Circular Road,
Baylham**



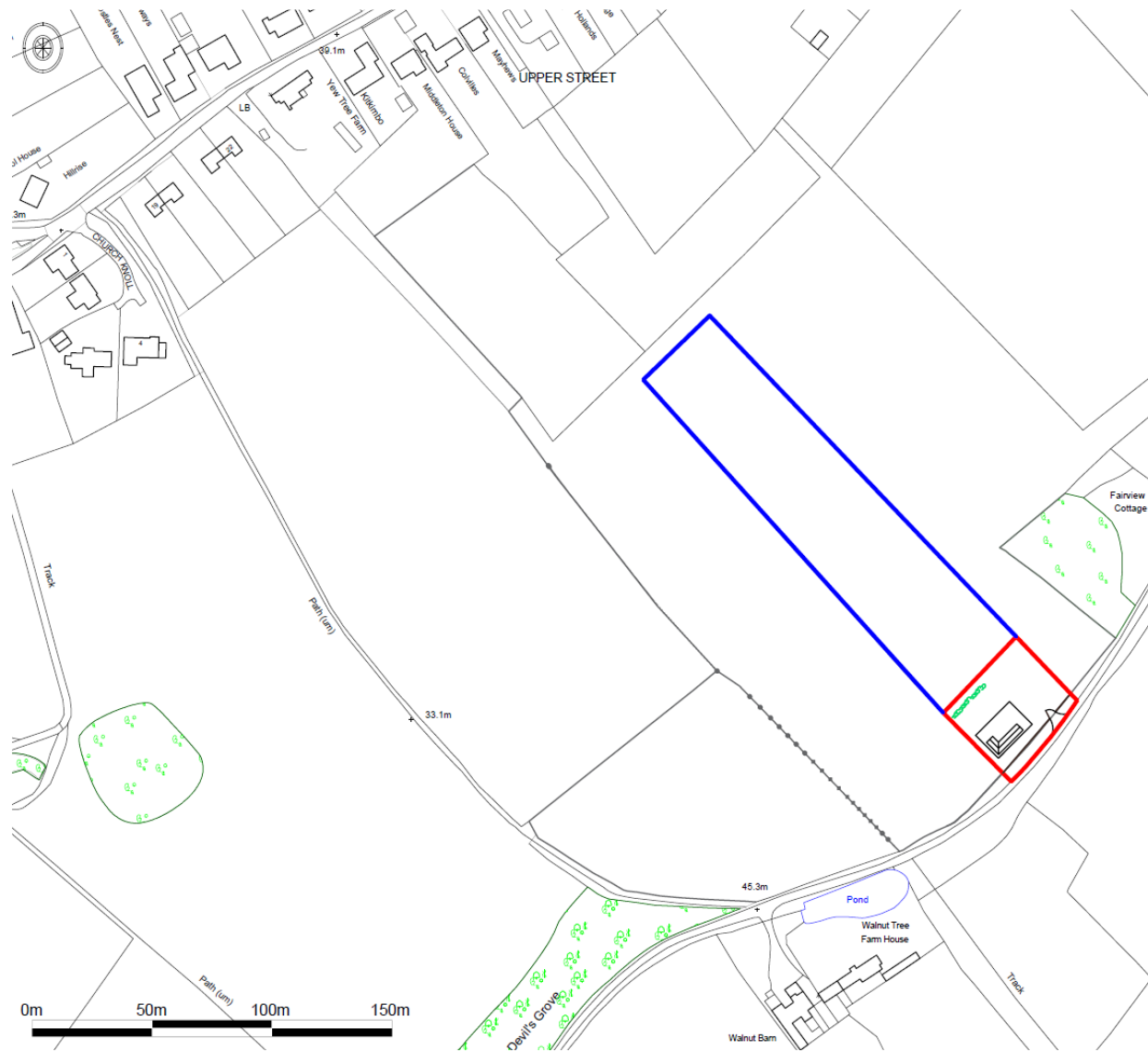


Aerial Map – wider view

Slide 3




Site Location Plan



Constraints Map

Slide 5

 Special Landscape Area

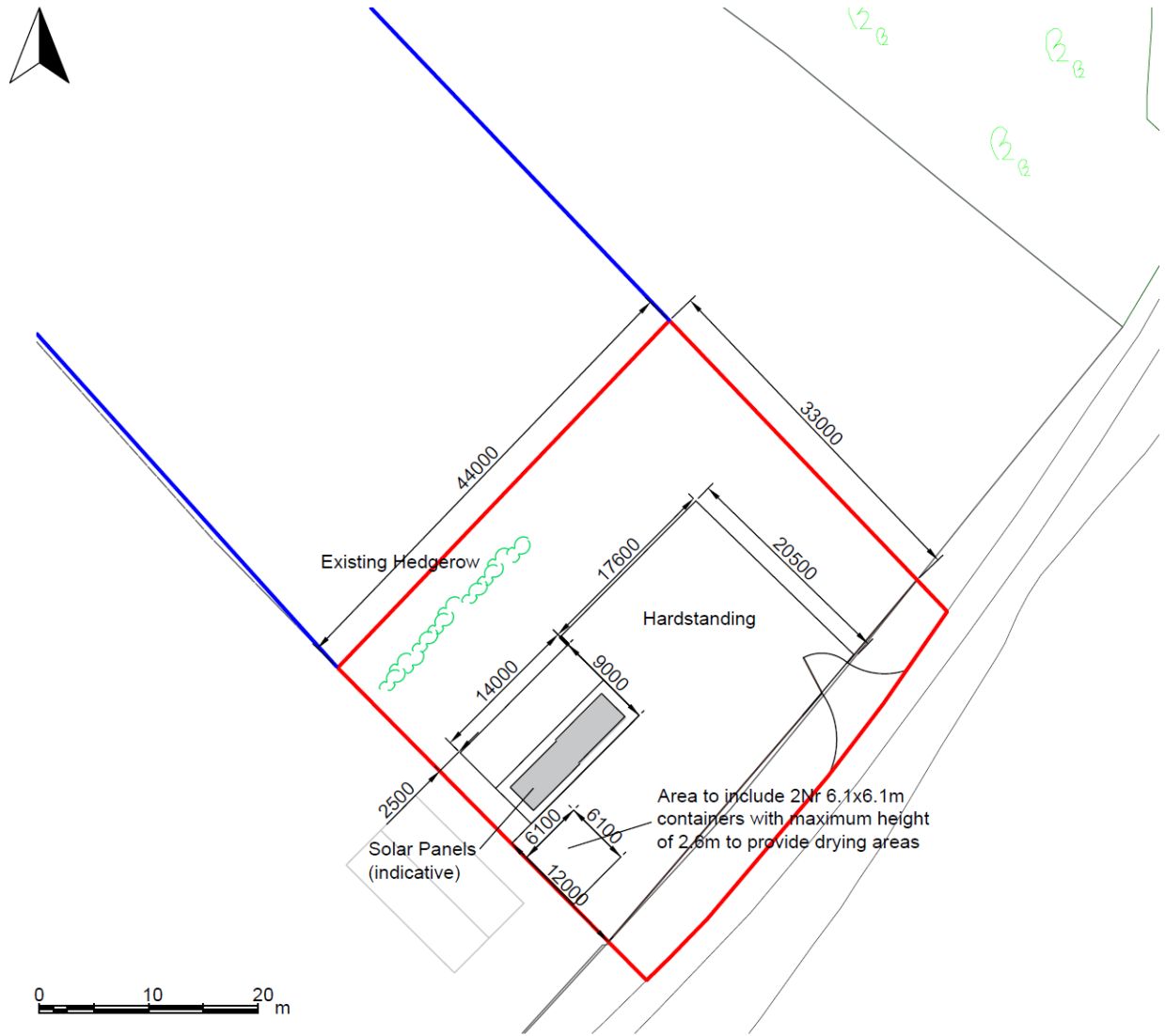


Existing Site Plan

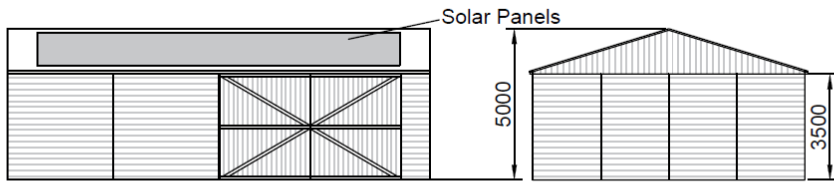
Page 450



Page 451

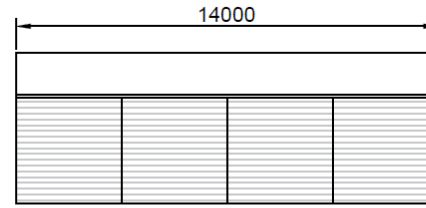


Proposed Elevations and plans

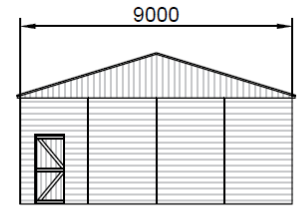


Front Elevation
(SE)

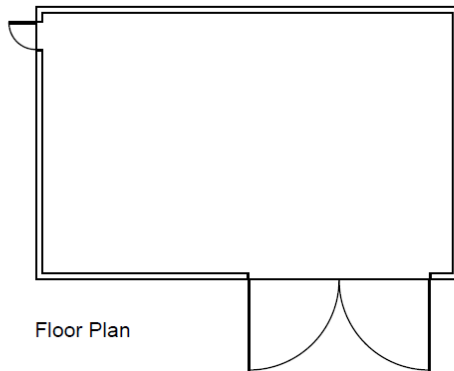
Side Elevation
(NE)



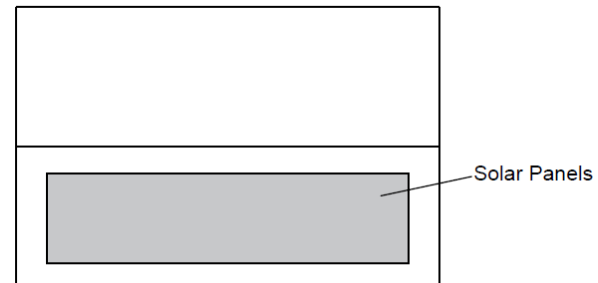
Rear Elevation
(NW)



Side Elevation
(SW)



Floor Plan



Roof Plan