

# Public Document Pack



<b>DEVELOPMENT CONTROL COMMITTEE A</b>	
<b>DATE</b>	<b>Wednesday, 3 May 2017</b>
<b>PLACE</b>	<b>Council Chamber, Mid Suffolk District Council Offices, High Street, Needham Market</b>
<b>TIME</b>	<b>9.30 a.m.</b>

**Please ask for:** Committee Services

**Direct Line:** 01449 724673

**Email:** [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

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

## **A G E N D A**

- |          |  |                |
|----------|--|----------------|
|          |  | <u>Page(s)</u> |
| <b>1</b> | <b>Apologies for absence/substitutions</b>   |                |
| <b>2</b> | <b>To receive any declarations of pecuniary or non-pecuniary interest by Members</b>         |                |
| <b>3</b> | <b>Declarations of lobbying</b>  |                |
| <b>4</b> | <b>Declarations of personal site visits</b>  |                |
| <b>5</b> | <b>NA/09/17 Confirmation of the minutes of the meeting held on 5 April 2017</b>              | 1 - 4          |
| <b>6</b> | <b>To receive notification of petitions in accordance with the Council's Petition Scheme</b> |                |
| <b>7</b> | <b>Questions by the Public</b>   |                |

The Chairman to answer any questions from the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Committee and Sub-Committee Procedure Rule 7.

### **8 Questions by Councillors**

The Chairman to answer any questions on any matter in relation to which the Council has powers or duties which affects the District and which falls within the terms of reference of the Committee, of which due notice has been given no later than midday three clear working days before the day of the meeting in accordance with Committee and Sub-Committee Procedure Rule 8.

**9 NA/10/17 Schedule of planning applications**

5 - 6

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

- a** 3858-16 Land Adjacent to Green Acres, Garden House Lane, Rickinghall Superior (Pages 7 - 88)
- b** 4968-16 Land to the rear of 1 Red Houses, All Saints Road, Creeting St Mary (Pages 89 - 110)
- c** 0130-17 137 High Street, Needham Market (Pages 111 - 124)

**10 Site Inspection**

**Note:** *Should a site inspection be required for any of the applications this will be held on Wednesday, 10 May 2017 (exact time to be given). The Committee will reconvene after the site inspection at 12:00 noon in the Council Chamber.*

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

**Notes:**

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

<http://baberghmidsuffolk.moderngov.co.uk/documents/s4798/Charter%20on%20public%20speaking.pdf>

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

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

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

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

## **Members:**

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

Conservative and Independent Group

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

Liberal Democrat Group

Councillor: John Field

Green Group

Councillor: Anne Killett  
Sarah Mansel

## **Substitutes**

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

## **Ward Members**

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

## **Mid Suffolk District Council**

### **Vision**

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

### **Strategic Priorities 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')

# Suffolk Local Code of Conduct

## 1. Pecuniary Interests

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

Yes

Declare you have a pecuniary interest

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

Breach = criminal offence

No

No interests to declare

## 2. Non-Pecuniary Interests

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

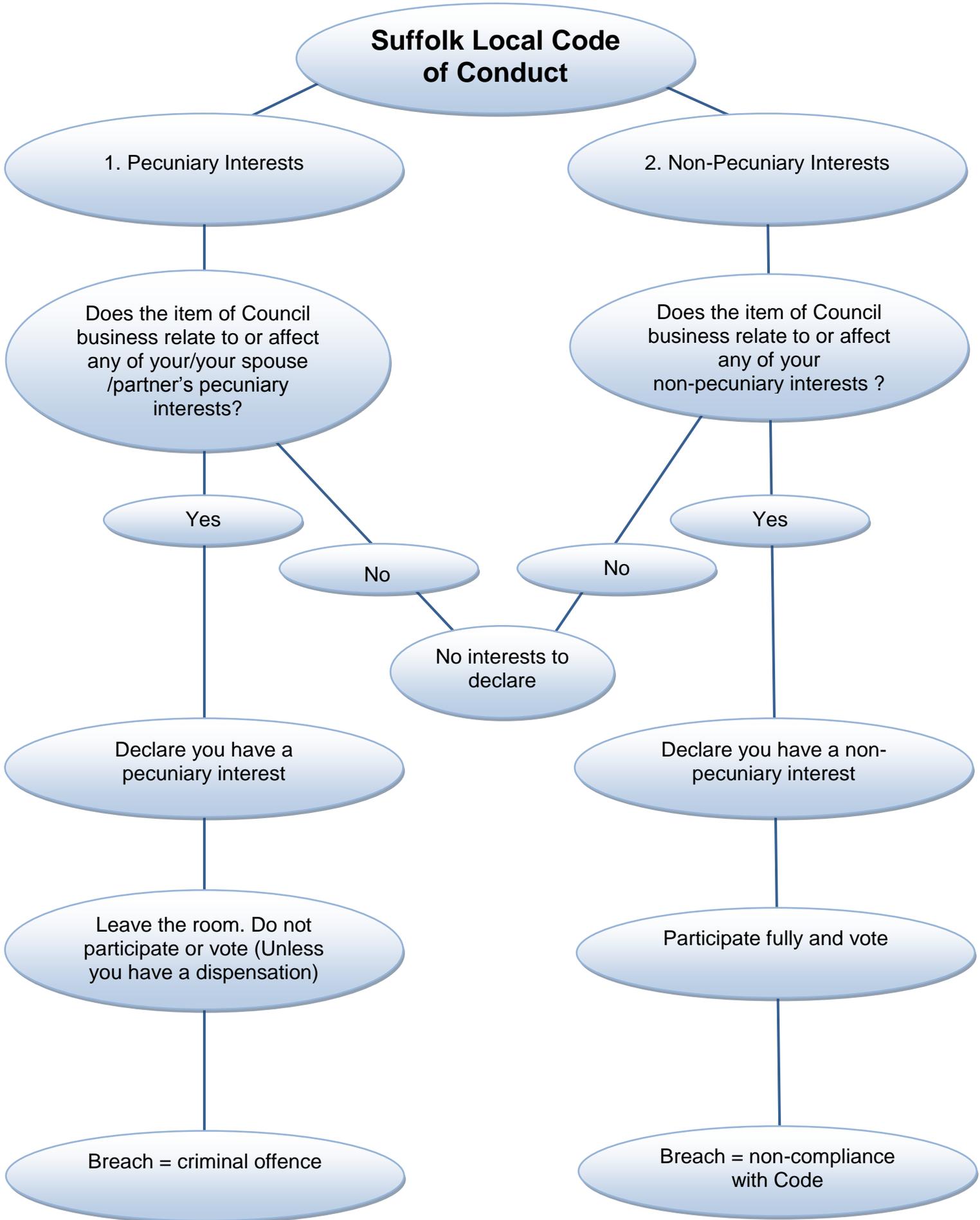
Yes

Declare you have a non-pecuniary interest

Participate fully and vote

Breach = non-compliance with Code

No



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# Agenda Item 5

**NA/09/17**

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the Meeting of the **DEVELOPMENT CONTROL COMMITTEE A** held at the Council Chamber, Mid Suffolk District Council Offices, High Street, Needham Market on Wednesday, 5 April 2017

**PRESENT:** Councillor: Matthew Hicks (Chairman)  
Roy Barker\*  
Gerard Brewster  
David Burn  
John Field  
Diana Kearsley  
Anne Killett  
Sarah Mansel  
David Whybrow  
Jill Wilshaw\*

Denotes substitute\*

**Ward Member** Councillor: Andrew Stringer

### **In Attendance:**

Senior Development Management Planning Officers (JPG/SS)  
Lawyer – Planning (DK)  
Governance Support Officers (VL/HH)

### 154 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

Councillors Roy Barker and Jill Willshaw were substituting for Councillors Lesley Mayes and Lavinia Hadingham respectively.

### 155 **TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY MEMBERS**

Councillor Andrew Stringer declared a pecuniary interest in Item 0366/17.

### 156 **DECLARATIONS OF LOBBYING**

There were no declarations of lobbying.

### 157 **DECLARATIONS OF PERSONAL SITE VISITS**

There were no declarations of personal site visits.

### 158 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2017**

The Minutes of the meeting held on 8 February 2017 were confirmed and signed as a correct record.

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

None received.

160 **QUESTIONS BY THE PUBLIC**

None received.

161 **QUESTIONS BY COUNCILLORS**

None received.

162 **NA/08/17 SCHEDULE OF PLANNING APPLICATIONS**

**SCHEDULE OF PLANNING APPLICATIONS**

**Report NA/08/17**

In accordance with the Council's procedure for public speaking on planning applications a representation was made as detailed below:

<b>Planning Application Number</b>	<b>Representations from</b>
0366/17	Michael Exley (Parish Council) Phil Cobbold (Agent)

Item 1

Application Number:	<b>0366/17</b>
Proposal:	Outline planning permission sought for the erection of two detached dwellings
Site Location:	<b>MENDLESHAM</b> – Land adjacent No 17, Brockford Road, IP14 5SG
Applicant:	Honeycroft Properties

The Senior Planning Officer presented the application and tabled the Member request to refer the application to Committee. Members queried the NPPF and recently approved Mendlesham Neighbourhood Plan in relation to the Council's lack of a five year land supply. The Officer responded that the NPPF Paragraph 14 should be given greater weight as the Council did not have a five year land supply. In response to further questions the Officer responded that the site had not been identified as a development site in the Mendlesham Neighbourhood Plan.

Michael Exley, Mendlesham Parish Council, said that in 1998 the site was designated as a Visual Important Open Space (VIOS) and was also a greenfield site. The Parish Council believed that Policy SB3 protected the VIOS and it was important that this site was not lost to development, as its amenity value added character to the approach to the village and its historical Grade One listed church.

The site was a traditional green meadow and Mr Exley said that the development of two bungalows at the gateway to Mendlesham would not only obscure the VIOS but would also add to the urbanisation of the approach to the village. He said by adopting the Neighbourhood Plan it was hoped that the village would maintain its rural character.

Phil Cobbold, the Agent, said that the Local Plan and Mendlesham Neighbourhood Plan policies were out of date in relation to VIOS sites. Therefore the application had to be considered solely on its benefits and if these outweighed the harm it should be approved. He felt that the development would benefit the village both economically and socially and that sustainability was achieved by its accessibility to local facilities and to public transport.

Councillor Andrew Stringer, Ward Member, said the application should be considered in relation to the Mendlesham Neighbourhood Plan and whether the site had been allocated for development or not. In 2003 when sites were requested the Parish Council allocated two sites for development, both of which had been brought forward. The application site would have had to be added retrospectively, which was not possible and this circumstance had not been tested on appeal. Mr Stringer felt that the development would have a significant visual impact on the VIOS and on the approach to the village from Brockford Lane.

Members questioned Officers on various issues including the Neighbourhood Plan and its relationship to the five year land supply.

Members debated the visual impact of the proposed development on the VIOS and the setting of the church. Some Members felt that single storey dwellings would not have a significant impact on the approach to the village and the setting of the church, and that the benefits of the development outweighed the impact. Other Members felt the Mendlesham Neighbour Plan should carry more weight when considering the application. The visual and environmental impacts were raised and the loss of part of the meadow was discussed. Some Members felt that the application had to be considered in terms of the unique setting of the site, due to it being a VIOS and a gateway to Mendlesham.

A motion to approve the proposal subject to additional conditions was proposed and seconded. The vote was tied 5 votes to 5.

By the Chairman's casting vote the motion fell.

A motion to refuse the application as contrary to Mid Suffolk Local Plan 1998 Policies SB3, GP1, H13, H7, Mid Suffolk Core Strategy Policy CS5, Mendlesham Neighbourhood Plan 2017 Policies MP10 and NPPF including paragraphs 60 and 64 was moved.

By 6 votes to 4

**Decision – Application Refused**

1. The development would, if approved result in the erosion of the character and appearance of the area and have a harmful impact, as it would develop part of the Visually Important Open Space (VIOS) designated harming land's contribution, in an undeveloped form, to the distinctiveness of its setting and views into the village. The economic and social benefits are not considered to outweigh this harm. Accordingly, the development is considered contrary to Mid Suffolk Local Plan 1998 policies SB3, GP1, H13, H7, Mid Suffolk Core Strategy Policy CS5, Mendlesham Neighbourhood Plan 2017 policies MP10 and NPPF including paragraphs 60 and 64.

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Chairman

# Agenda Item 9

## MID SUFFOLK DISTRICT COUNCIL

### DEVELOPMENT CONTROL COMMITTEE A - 3 MAY 2017

#### SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Ref No.	Location And Proposal	Ward Member	Officer	Page No.
1.	3858/16	<b><u>Land adjacent to Green Acres, Garden House Lane, Rickingham Superior</u></b> Application for outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway and pedestrian) (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application)	Cllr Jessica Fleming Cllr Derek Osborne	JaPL	7-88
2.	4968/16	<b><u>Land to the rear of 1 Red Houses, All Saints Road, Creeting St Mary</u></b> Notification for prior approval for a proposed change of use of agricultural building to a dwelling house (Class C3) and for associated operational development	Cllr Suzie Morley	RB	89-110
3.	0130/17	<b><u>137 High Street, Needham Market</u></b> Installation of a metal energy panel on recessed part of external wall	Cllr Wendy Marchant Cllr Mike Norris	TS	111-124

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# Agenda Item 9a

## Committee Report

**Committee Date:** 03 May 2017

**Item No:**

**Reference:** 3858/16

**Case Officer:** James Platt

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**Description of Development:** Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian). (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application)

**Location:** Land adj Green Acres, Garden House Lane, Rickingham Superior, IP22 1EA

**Parish:** Rickingham Superior

**Ward:** Rickingham & Walsham

**Ward Member/s:** Cllr Fleming & Cllr Osborne

**Site Area:** 1.59 Hectares

**Received:** 14/09/2016 09:00:49

**Expiry Date:** 02/06/2017

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**Application Type:** Outline Planning Permission

**Development Type:** Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mr J Harvey

**Agent:** Waller Planning

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### DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

#### **Defined Red Line Plan:**

The defined Red Line Plan for this application is Drawing no.216/001/A received 9<sup>th</sup> March 2017 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

## **Plans and Documents:**

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) via the following link:

[http://planningpages.midsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MSUFF\\_DCAPR\\_109833](http://planningpages.midsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MSUFF_DCAPR_109833)

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

## **SUMMARY**

The application stands to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, approving development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Officers recommend approval of the application, as the adverse impacts of the development do not significantly and demonstrably outweigh the benefits of the development.

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

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The application is referred to committee for the following reason:

- This application is reported to committee as the application is Major Development comprising 15 or more dwellings.

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## **PART TWO – APPLICATION BACKGROUND**

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This section details history, policies, advice provided, other legislation and events that form the background in terms of both material considerations and procedural background.

### **History**

1. None

### **Details of Previous Committee / Resolutions**

2. None

### **Details of Member site visit**

3. None

### Details of any Pre Application Advice

4. The applicants sought pre-application advice from the Local Planning Authority. Officers advised on general matters including the principle of development, appropriate housing mix, affordable housing, layout, highways and landscaping.

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

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### Consultations

5. **This is a summary of the consultation responses received.**

**Rickinghall Parish Council-** Object to the proposal on the following grounds;

- Insufficient evidence that additional traffic would not cause issues of highways safety.
- No continuous footway along Garden House Lane through to Ryders Way, raising issues of highways safety.
- Proximity of the trees would affect the quality and the security of the public right of way.
- Unconvincing assessment of the effect of further hard-standing on surface water drainage.
- Loss of amenity to neighbouring properties 4-18 Ryders Way.
- Concerns regarding adequate capacity at the school and health centre,

**Suffolk County Council - Highways** – No objection subject to conditions and planning obligations.

**Suffolk County Council – Archaeology** – No objection subject to conditions requiring a scheme of archaeological investigation and submission of such investigation to the Local Planning Authority for approval.

**Suffolk County Council – Public Rights of Way** – No objection.

**Suffolk County Council – Fire and Rescue** – No objection subject to a condition.

**Suffolk County Council – Flood and Water Management Team** – No objection subject to a conditions.

**Suffolk County Council – Developer Contributions** – A future bid to the District Council for CIL funds shall be made if planning permission is granted and implemented. Site specific mitigation, secured through a planning obligation, are required, comprising the following;

- £6000 for the relocation of and improvement of a bus stop nearer to Garden House.
- £4610 for offsite improvement works to Public Rights of Way Network.

**BMSDC – Strategic Housing** – No objection

**BMSCD – Heritage** – No objection, the proposal would cause no harm to a designated heritage asset because it would have a neutral impact on the setting of the nearby listed building.

**BMSDC - Environmental Health - Land Contamination** – No objection.

**BMSDC - Tree Officer** – No objection.

**BMSDC – Waste Management** – No objection.

**Suffolk Wildlife Trust** – No objection, however request that the likely impacts on Skylarks be assessed prior to the determination of this application and additional information provided as to the likely impacts arising from the loss of a section of hedgerow.

**Place Services for MSDC – Ecology** – No objection subject to conditions.

**Suffolk Constabulary – Designing out Crime Officer** – Object to this proposal as previous statistics have shown that such a design where a row of houses have been designed side by side along a public footpath create crime generators for that particular area in question.

**Essex and Suffolk Water** – No objection.

**Anglian Water** – No objection.

**Natural England** – No comments

### **Representations**

6. Third party representations have been received, comments are summarised below;
- The increase in traffic arising from the development cannot be accommodated along Garden House Lane or within the village.
  - Access onto The Street is unsafe.
  - Infrastructure within Rickinghall/Botesdale is at capacity.
  - Harmful to the landscape.
  - Development is in The Countryside, outside of the settlement boundary.
  - Unsafe pedestrian access.
  - Loss of important open space.
  - Loss of privacy to neighbouring properties.
  - Loss of light to neighbouring properties.
  - Loss of outlook to neighbouring properties.
  - Harmful to the enjoyment of the public right of way.
  - Unacceptable level of light pollution would arise from the development.
  - Insufficient sewage capacity.
  - Harmful impact upon ecology.
  - Increased risk of flooding.
  - Noise and disturbance would arise from the development.
  - Harmful to the rural character of Rickinghall.
  - Unsustainable location.
  - Greenfield site that should not be developed.
  - Development out of keeping with the character of the lane.
  - Harmful to the Grade II Listed Building Garden House.
  - Density of development is too high.
  - Insufficient vehicular parking.
  - Cumulative impact arising from other development on Garden House Lane would be unacceptable.
  - Loss of views.

- Application should be deferred until Neighbourhood Plan is adopted.
- Garden House Lane unsuitable for refuse or emergency vehicles.

### **The Site and Surroundings**

7. The proposal site comprises approximately 1.59 Hectares of agricultural land on the eastern side of Garden House Lane, Rickingham. The site is bounded by residential development to the west, agricultural land to the north and east, and the highway to the south. The proposal site is located within The Countryside; however, lies adjacent and opposite to the settlement boundary of Botesdale/Rickingham. A public right of way bounds the site to the north-west, connecting Garden House Lane with The Street.
8. The site is subject to a change in levels, with an incline from the south-west towards the north-east. With respect to planting, the site frontage is subject to a native hedge providing some enclosure from the highway, however, the interior of the site remains open with limited planting.

### **The Proposal**

9. This application seeks outline planning permission for the erection of up to 42 dwellings. Access is included as part of the application, whilst the matters of appearance, landscaping, layout, and scale remain reserved.
10. The application was subject to amendments and the submission of additional information, comprising the following;
  - Phase 1 Contaminated Land Survey
  - Topographical Survey
  - Amended Flood Risk Assessment & Drainage Strategy
  - Additional Highway Access Drawing
  - Amended Site Location Plan and Site Plan to Include additional blue lined land
  - Amended Illustrative Layout Drawing

### **NATIONAL PLANNING POLICY FRAMEWORK**

11. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
  - Para 6: Achieving sustainable development
  - Para 7: Three dimensions to sustainable development
  - Para 11 – 15: The presumption in favour of sustainable development
  - Para 17: Core planning principles
  - Para 32 and 34: Transport movements
  - Para 47: Delivering a wide choice of high quality homes
  - Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development
  - Paragraph 55: To promote sustainable development in rural areas
  - Para 56 & 60: Requiring good design

- Para 64: Development of poor design must not be supported
- Para 69: Promoting healthy communities
- Para 73: Access to high quality open space.
- Para 75: Protection and enhancement of public rights of way
- Para 100: Development and flood risk
- Para 103: Development and increasing flood risk elsewhere
- Para 109: Planning system should contribute to and enhance the natural and local environment
- Para 112 & 117–119: Development affecting protected wildlife
- Para 123: Planning and noise
- Para 186: Approaching decision taking in a positive way
- Para 187: Local Planning Authorities should find solutions rather than problems in decision taking

## **CORE STRATEGY**

### 12. Summary of relevant policies Core Strategy 2008 and Core Strategy Focused Review:

- Policy FC1: Presumption in favour of sustainable development.
- Policy FC1.1: Mid Suffolk's approach to delivering sustainable development
- Policy FC2: Provision and distribution of housing.
- Policy CS1: Settlement hierarchy
- Policy CS2: Development in the countryside & countryside villages
- Policy CS4: Adapting to climate change.
- Policy CS5: Mid Suffolk's environment
- Policy CS6: Services and infrastructure
- Policy CS8: Provision and distribution of housing
- Policy CS9: Density and mix

## **NEIGHBOURHOOD PLAN**

12. Botesdale and Rickinghall Parish Council's have agreed to work together to prepare a joint Neighbourhood Development Plan. The National Planning Practice Guidance confirms that an emerging neighbourhood plan may be a material consideration. Factors to consider include the stage of preparation of the plan. The plan in this instance is at an early stage, with consultation on the designated Neighbourhood Plan Area currently being undertaken. Given that the Plan remains at this early stage of preparation and as such is not given significant weight in the determination of this application.

## **SAVED POLICIES IN THE LOCAL PLAN**

### 14. Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998:

- Policy GP1: Design and layout of new developments
- Policy HB1: Protection of historic buildings
- Policy HB13: Protecting ancient monuments
- Policy HB14: Ensuring that Archaeological remains are not destroyed
- Policy H7: Restricting housing development unrelated to the needs of the countryside
- Policy H13: Design and layout of development
- Policy H15: Development to reflect local characteristics.
- Policy H16: Protecting existing residential amenity
- Policy H17: Keeping residential development away from pollution

- Policy CL8: Protecting wildlife
- Policy CL11: Retaining high quality agricultural land
- Policy T9: Parking standards
- Policy T10: Highway consideration in developments
- Policy RT4: Amenity open space and play areas within residential development
- Policy RT12: Footpaths and bridleways

### **Officer's Assessment**

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

### **Housing Land Supply**

16. The National Planning Policy Framework (2012) (NPPF) requires local planning authorities to boost significantly the supply of housing, to achieve this a five-year housing land supply with an additional buffer, as set out in paragraph 47 of the framework, should be identified and maintained.
17. The local planning authority accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
18. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from the Court of Appeal decision for *Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes*. The Court defined 'relevant policies for the supply of housing' widely so not to be restricted to 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore, all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
19. However, the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what (if any) weight should be attached to such relevant policies.
20. In the case of this application policies which must be considered as potentially influencing the supply of housing land include Policy CS1 and CS2 of the Core Strategy and Policy H7 of the Mid Suffolk Local Plan 1998 (LP), relating to the settlement hierarchy and the restriction of development in the countryside. These Policies cannot be considered up to date.
21. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate

development should be restricted. Specifically,

“another way of putting the matter is that the scales, or the balance, is weighted, loaded or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts” (see CEBC vs SSCLG [2016] EWHC 571 (Admin)).

### **Principle of Development**

22. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The Countryside is identified as the areas outside of those categories of settlement referred to above.
23. Policy CS2 of the Core Strategy restricts development in The Countryside to defined categories, including, rural exception housing, consisting of the following;
  - agricultural workers dwellings
  - possible conversion of rural buildings
  - replacement dwellings
  - affordable housing on exception sites
  - sites for Gypsies and Travellers and travelling showpeople
24. Policy H7 of the Local Plan seeks to restrict housing development in The Countryside in the interests of protecting its existing character and appearance.
25. The proposal site is located in The Countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will permitted. The proposal does not represent rural exception housing for the purposes of the Cores Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan. Thereby, the erection of up to 42 dwellings on the site would, under normal circumstances, be contrary to the adopted development plan. However, these policies are considered out of date due to the current lack of a 5 year housing land supply as set out above.
26. It falls to the local planning authority as decision maker to assess the weight, if any, that should be given to the existing policies. Officers consider this assessment should, in the present application, have regard to factors including whether the policies continue to perform a material planning objective and whether it is consistent with the policies of the NPPF.
27. Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan form part of a suite of policies to control the distribution of new housing, they can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and subsequent demand for housing, Officers are of the view that these policies are afforded limited weight.
28. In this case, despite its location within the countryside, the proposal to develop a scheme of up to 42 dwellings outside of the settlement boundary of a Key Service

Centre, is acceptable in principle, as detailed below.

### **Sustainability of Development**

29. Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, contributing to building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places

- social, supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and

- environmental, contributing to the protection and enhancement of the natural, built and historic environment and mitigate and adapt to climate change

The dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

#### Economic

30. The provision of up to 42 dwellinghouses will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy.

#### Social

##### *Provision of New Housing*

31. The development would provide a significant benefit in helping to meet the current housing shortfall in the district through the delivery of up to 42 additional dwellings, including 35% affordable housing provision.

32. The matter of the sustainability of the site in terms of access to local services is discussed further below.

#### Environmental

##### *Services and Facilities*

33. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising 'housing should be located where it will enhance or maintain the vitality of rural communities', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.

34. The site is located in the countryside, however, given the adjacency of the site to the Botesdale/Rickinghall settlement boundary, the site is relatable to the settlement's geographically and in its dependency upon services/facilities.

35. Botesdale/Rickinghall is served by some services and facilities, including a primary school, health centre, small supermarket, a number of pubs and two food takeaways.

36. The reasonable access to services and facilities is reflected in Botesdale/Rickinghall being designated a 'Key Service Centre' in the Core Strategy settlement hierarchy, the main focus for development outside of the towns. However, whilst the settlements are served by some services and facilities, it is reasonable to suggest that journeys out of the village's would be a requirement for the majority of residents in order to access many day-to-day services.
37. The nearest settlement offering a reasonable degree of services and facilities to meet every day needs of future occupiers is the town of Diss, situated approximately 6.6 Miles from the proposal site. A bus service is available that connects Botesdale/Rickinghall to a number of settlements, including Diss and Bury St Edmunds. The service between Bury St Edmunds and Diss, via Botesdale/Rickinghall, operates Monday – Friday between the approximate hours of 7:00 – 19:00.
38. There is an existing bus stop on The Street, approximately 0.3 Miles from the site. Additionally, a Planning Obligation is sought, secured through a Section 106 Legal Agreement, to relocate and improve the existing bus stop, moving it closer to the intersection with Garden House Lane, and thus the proposal site.
39. The proposal includes the provision of a footpath, secured by way of condition, to connect the site to the existing footpath network and thus, those services within Botesdale/Rickinghall, including the bus stop. It is also noted the public right of way adjacent to the site, provides a connection to the services within Rickinghall/Botesdale.
40. Given the above, Officers consider the proposal is located as to enable future occupiers access to services and facilities within Rickinghall/Botesdale, whilst alternative methods of transport opposed to the private car offer a sufficiently attractive alternative for occupiers of the proposed accommodation, consistent with the environmental and social dimensions of sustainable development contained within the NPPF.

*Design and Impact on Character and Appearance of the Area*

41. Policy CS9 of the Core Strategy seeks average densities of at least 30 dwellings per hectare unless there are special circumstances that require a different treatment
42. 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.
43. Policy CS9, H13 and H15 are considered to be policies that relate to the supply of housing, and are therefore to be considered as being out of date. However, one the aims of the policy is the need to respond to local character, which is supported by the aims of the NPPF as identified below, and Policy GP1 of the Local Plan. Policy GP1 is not considered to be a housing supply policy and is not therefore considered to be out of date. Officers are of the view that considerable weight can therefore be given to Policy CS9, H13 and H15 where the proposed density of a particular development compromises local character and the aims of paragraph 58 of the NPPF which states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
44. 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.

45. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
46. The proposal site comprises a parcel of agricultural land on the eastern side of Garden House Lane. The site forms the south western section of a larger field that extends northward to Bridewell Lane and eastward to the A143. The topography of the site varies, with land gently rising towards the north east. However, the change in levels is not limited to the proposal site, with the eastern side of Garden House Lane generally following a similar change in levels. As such, the proposal site is not significantly elevated within the landscape. Whilst the larger field remains open to its interior, given the existing planting to the southern boundary fronting Garden House Lane, the eastern boundary fronting the A143 and northern boundary fronting Bridewell Lane and existing development at Ryders Way and Green Acres, the wider field, including the proposal site, remains enclosed, screening the site from the streetscene and wider countryside.
47. Despite the above, the presence of an existing public right of way, located to the western boundary of the site, is noted, the site and wider field do thereby remain visible from a public right of way.
48. The eastern side of the street, on which the proposal site sits, is subject to residential development, continuing from The Street southwards to residential property Green Acres. The western side of the road is similarly subject to residential development, however extends further southward to residential property Broland. Given the most southward position of Broland, the property appears, from the streetscene, to read as the point of transition from the settlement to the wider countryside, providing a definable edge to the built form of village along Garden House Lane. Of further note is the presence of development along Bridewell Lane, similarly extending out from the main body of the settlement, with residential property Hill Top providing an edge to the built form.
49. Whilst the introduction of the dwellings would extend development on the eastern side of Garden House Lane, residential development would be contained to the existing edge of development along Garden House and additionally Bridewell lane, as identified above, mitigating the impact upon the rural setting of the village and surrounding countryside.
50. It is axiomatic that the introduction of development to an otherwise undeveloped parcel of agricultural land would cause some environmental harm, attributed to the urbanising effect on the landscape. However, given the above characteristics, it is considered that the site contribution to the wider countryside or quality of the landscape is localised to immediacy of the site, whilst the proposal would be primarily viewed in the context of existing residential properties, mitigating the impact of the development. As such, the environmental harm arising from the development is not deemed to be significant.
51. Development along Garden House Lane is of generally mixed form, with both linear residential development extending along Garden House Lane and 'close/cul-de-sac' type development at Wheatfields and Ryders Way. As such, a 'close' type development, served by a central spine road, as per the illustrative layout, would be in keeping with the form of the locality.

52. Development on the eastern side of Garden House Lane is generally more dense and urban in its form. The application proposes new housing at a density of approximately 26 dwellings per hectare (dph). Whilst the proposed density falls below that required under Policy CS9, the proposal suitably responds to the character of the area.
53. Given the above, Officers consider that the illustrative scheme demonstrates that the site is capable of providing the proposed number of dwellings, having regard to the constraints of the site, and in manner which would not materially detract from the character of the area or setting of the village.

*Impact Upon the Setting of a Listed Building*

54. 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.
55. Policy HB1 is not considered to be a housing supply policy and is not therefore considered to be out of date.
56. 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.
57. A Grade II Listed Building, Garden House, lies within the vicinity of the proposal site. The Local Authorities Heritage Officer raised no objection to the proposal, finding that the development would give rise to no harm to a designated heritage asset because it would have a neutral impact on the setting of the nearby listed building. This consultation response formed the main material consideration in assessing the impact upon designated heritage assets within the locality. Officers consider the proposal is thereby acceptable in this regard.

*Residential Amenity*

58. Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents.
59. Policy H13 is considered to be a policy that relates to the supply of housing, and is therefore to be considered as being out of date. However, the above aim of the policy is supported by the aims of the NPPF and Policy H16 of the Local Plan. Policy H16 is not considered to be a housing supply policy and is not therefore considered to be out of date.
60. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
61. Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
62. The application is in outline only and therefore the layout plan submitted is for illustrative purposes. However, Officers consider, at this stage, that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of future occupiers of the proposal and neighbouring

properties.

63. With particular regard to the topography of the site, as discussed, the change in levels is not limited to the proposal site, with the locality, including the majority of development at Ryders Way, generally following a similar change. However, it is noted that properties to the south west corner of Ryders Way sit at a lower level than adjacent land within the proposal site. A condition requiring details of changes in levels and finished floor levels of the proposed dwellings is recommended, ensuring that the development would not give rise to adverse amenity impacts by way dominance or overshadowing, associated with significantly elevated positions.

#### *Highway Safety*

64. Policy T10 of the Local Plan gives regard to a number of highway matters, 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.
65. The Policy is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.
66. Policies T10 and T9 are not considered to be a housing supply policies and are not therefore considered to be out of date.
67. The Local Highway Authority raises no objection to the proposal subject to conditions, including details of the provision of a footway. The land required to provide a continuous footway from the site to The Street on the southeast side of Garden House Lane is within the adopted highway. The proposed footway is recommended to be secured by way of a Grampian condition.
68. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
69. The Local Highway Authority confirmed the vehicular trip generation from 42 dwellings is not considered to be sufficient to warrant refusal due to increased traffic delays.
70. This consultation response formed the main material consideration in determining the impact of the proposal on highways safety. Officers thereby consider the proposal to be acceptable in this regard.

#### *Public Right of Way*

71. Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access.
72. Suffolk County Council Right of Way and Access have raised no objection to the proposal. This consultation response formed the main material consideration in determining the impact of development upon the public right of way. Officers thereby consider the proposal to be acceptable in this regard.

### *Flood Risk*

73. The proposal site lies within Floodzone 1 of the Environment Agency flood mapping, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Given the low probability of flooding, the proposal is considered to be acceptable in this regard.
74. Further to the above, the Suffolk County Council Flood and Water Management Team raise no objection to the proposal subject to details of surface water drainage and sustainable urban drainage secured by condition. Officers consider the conditions suitably addresses matters of surface water flooding and drainage at this outline stage.

### *Land Contamination*

75. The Environmental Protection Team raises no objection to the proposal. This consultation response formed the main material consideration in determining risks associated with potentially contaminated land. Officer consider the proposal is thereby acceptable in this regard.
76. Further to the above, a note is recommended to the permission, advising that the local authority be contacted in the unlikely event of unexpected ground conditions being encountered during construction.

### *Archaeology*

77. Suffolk County Council Archaeological Service has identified that the site lies within an area of high archaeological interest, as recorded in the County Historic Environment Record. No objections to the proposal are raised, however planning conditions securing a programme of archaeological work are requested. This consultation response formed the main material consideration in assessing risks associated with archaeological assets. Officers consider the conditions suitably address matters of archaeology.

### *Biodiversity*

78. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
79. Policies CS5 is not considered to be a housing supply policy and is not therefore considered to be out of date.
80. Suffolk Wildlife Trust raise no objection to the proposal, however, note that the accompanying ecology report does not assess the likely impact of the proposed development on Skylarks or make any recommendations for mitigation or compensation of impacts on this species. They request that the likely impacts must be assessed prior to the determination of this application, confirming that consent should not be granted for development which, unmitigated, would result in an adverse impact on Priority species. Additional information is also requested as to the likely impacts arising from the loss of a section of hedgerow required to provide appropriate access.
81. Further to the above, the Local Authorities Ecology Consultant agreed with the findings

of Suffolk Wildlife Trust in so far that the development with unmitigated impacts on Priority species including skylarks, should not be consented. However, a condition to secure a farmland bird mitigation strategy can be used to address this matter. Furthermore, with respect to the loss of hedgerow, the ecologist noted that replacement planting should be included as part of a landscaping scheme.

82. Given the above, conditions securing a farmland bird mitigation strategy and that the recommendations made within the ecological survey report are implemented in full are recommended. Officers consider the conditions suitably address matters of biodiversity at this outline stage.

#### *Trees*

83. The Local Authorities Tree Officer raises no objection to proposal, confirming that the site does not contain any trees or hedgerows of arboricultural significance. However, additional planting is requested to help soften and integrate the development within the local landscape.
84. Details of landscaping remain reserved, and would be required to be dealt with as part of an application for the Approval of Reserved Matters.

### **Other Matters**

#### Affordable Housing

85. Altered Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units.
86. The application proposes affordable housing provision at 35% as to accord with the Policy. It is recommended that provision be secured through a Section 106 legal agreement.

#### Public Open Space

87. The proposal shall include the provision of areas of public open space. It is recommended that details of the provision and future management and maintenance of public open space be secured by way of condition.

#### CIL and S.106 Planning Obligations

88. The Community Infrastructure Levy is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.
89. Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.
90. The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:
- Provision of passenger transport

- Provision of library facilities
  - Provision of additional pre-school places at existing establishments
  - Provision of primary school places at existing schools
  - Provision of secondary, sixth form and further education places
  - Provision of waste infrastructure
  - Provision of health facilities
91. With particular regard to education provision, Suffolk County Council forecast to have surplus places for Pre-School and Primary School provision, but no surplus places available at the High School to accommodate children and 16+ students arising from the proposal. An education contribution via CIL funding to mitigate the impact of this scheme would therefore be sought.
92. The information below would form the basis of a future bid from Suffolk County Council to the District Council for CIL funds if planning permission is granted and implemented. This will be reviewed when a reserved matters application is submitted.
- Secondary Education - £3,496.19 (per dwelling)
  - Sixth Form Education - £947.95 (per dwelling)
  - Libraries - £216.00 (per dwelling)
93. NHS England have confirmed the proposed development is likely to have an impact on the services of Botesdale Health Centre. The GP Practice does not have capacity for the additional growth resulting from this development, thereby giving rise to the need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, refurbishment, or reconfiguration. A Capital Cost Calculation of £15,939 for additional primary healthcare arising from the development proposal would form the basis of a future bid to the District Council for CIL funds.
94. The above are considered to fall within the Councils CIL 123 list. As such, these infrastructure improvements should be dealt with by a future bid for CIL funds.
95. Further to the Community Infrastructure Levy, developers may be asked to provide contributions for infrastructure by way of planning obligations in the form of Section 106 agreements.
96. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations, including where tariff style charges are sought, may only constitute a reason for granting planning permission if they meet the tests, as set out in The Community Infrastructure Levy Regulations 2010. The tests comprise the following:
- that they are necessary to make the development acceptable in planning terms,
  - directly related to the development,

- and fairly and reasonably related in scale and kind.
97. Suffolk County Council have set out requests for Planning Obligations to be secured through a s106 agreement. Comprising the following;
- £6,000 for the construction of bus stops incorporating raised bus stop kerbs and poles on The Street.
  - £4,610 for the improvement of the public rights of way network including Order making costs.
98. Officers consider that the £6000 for the construction of bus stops meets the tests for obligations set out in The Community Infrastructure Levy Regulations, and thereby recommended the obligation be secured through a Section 106 Legal Agreement. However, the proposed improvement to the public rights of way network is not considered to be necessary to make the development acceptable in planning terms. Officers consider this obligation should not therefore be sought.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

99. The proposal site is within the countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will be permitted. The proposal does not represent rural exception housing for the purposes of the Core Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan. Thereby, the residential development of the site for up to 42 dwelling would, under normal circumstances, be contrary to the adopted development plan.
100. However, Officers recognise that the aforementioned policies are currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, approving development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
101. In this case the adverse environmental impact, associated with the introduction of development to an otherwise undeveloped parcel of agricultural land, does not significantly and demonstrably outweigh the benefits of the development, including the significant benefit in helping to meet the current housing shortfall in the district. The proposal would thereby represent sustainable development and should be granted in accordance with the presumption in favour of sustainable development.
102. The application is therefore recommended for approval.

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

103. 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.

104. In this case The Local Planning Authority requested the applicant provide additional/amended information, including a Contaminated Land Survey, Topographical Survey, amended Flood Risk Assessment, additional access drawing and an amended illustrative layout as to resolve issues identified by the case officer and consultees.

### **Identification of any Legal Implications of the decision**

105. It is not considered that there will be any adverse Legal Implications for planning consideration should the decision be approved.
106. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
  - The Equalities Act 2012
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
  - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

### **RECOMMENDATION**

- (1) That the Corporate Manager for Growth and Sustainable Planning be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-
- 35% Affordable Housing
  - £6,000 Bus Stop Improvements
- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above, the Corporate Manager for Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including: -
- Time limit for reserved matters (standard)
  - Definition of reserved matters
  - Approved plans
  - Quantum of residential development fixed to a maximum of 42 no. dwellings
  - Details of surface water drainage scheme
  - Details of implementation, maintenance, and management of surface water drainage scheme
  - Details of sustainable urban drainage system components and piped networks
  - Details of construction surface water management
  - Programme of archaeological investigation and post investigation assessment
  - Fire hydrant provision details
  - Details of mitigation for farmland birds
  - Development to be completed in accordance with ecology details
  - Proposed levels and finished floor levels details

- External facing materials details
- Hard landscaping scheme (inc. boundary treatments and screen/fencing details)
- Soft landscaping scheme including identification of existing trees and planting and tree protection measures.
- Details of provision, future management, and maintenance of public open space
- Details of the proposed access
- Parking, maneuvering, and cycle storage details
- Details of a construction management plan
- Photographic condition survey
- Details of the areas to be provided for storage of refuse/recycling
- Surface water discharge prevention details
- Estate roads and footpaths details and implementation requirements
- Details of footway on the south side of Garden House Lane
- Construction of carriageways and footways prior to occupation

(3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Corporate Manager for Growth and Sustainable Planning be authorised to refuse Planning Permission, for reason(s) including:-

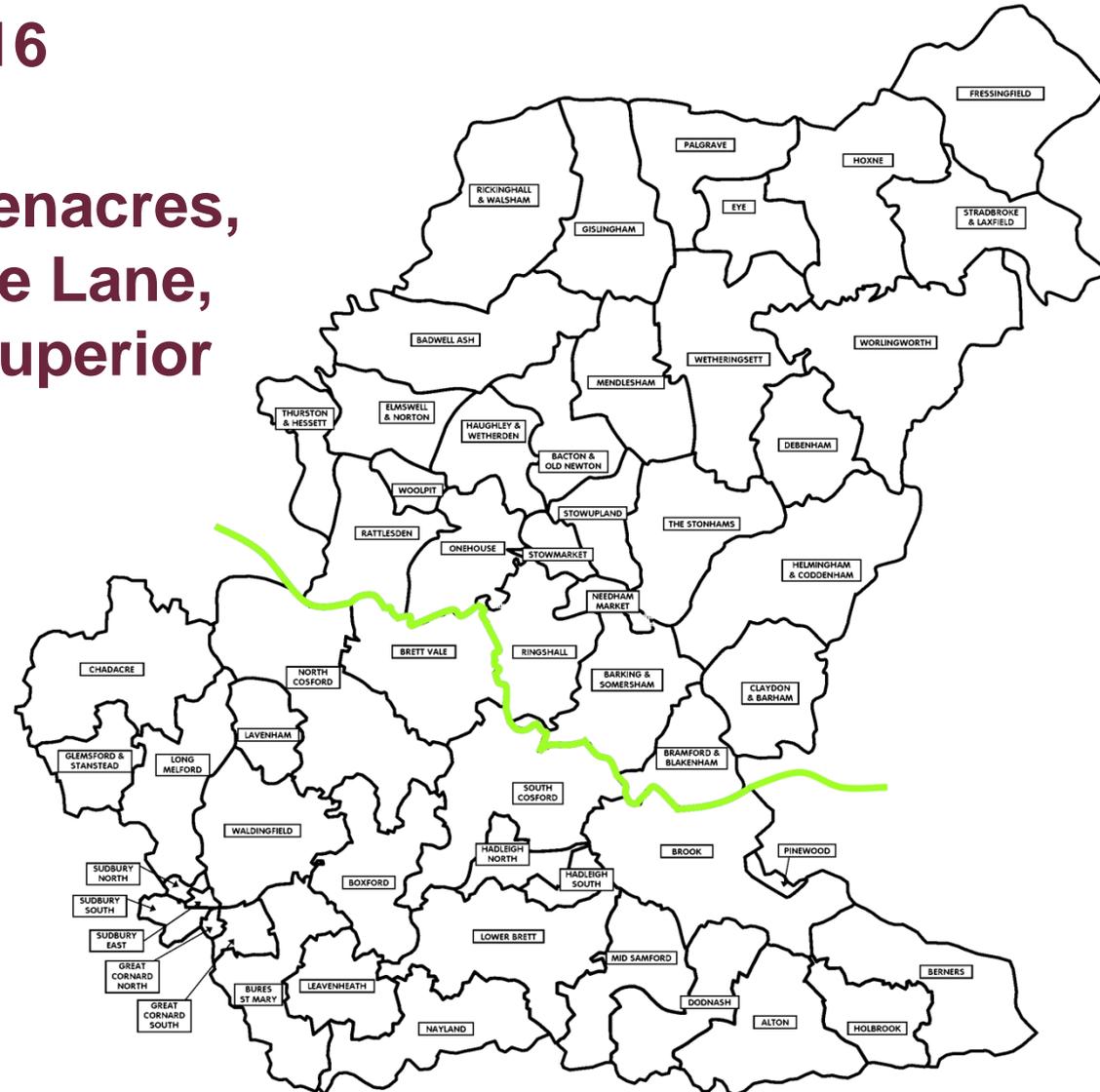
- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.

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**Application No: 3858/16**

**Address: Land adj Greenacres,  
Garden House Lane,  
Rickingham Superior  
IP22 1EA**

Page 27





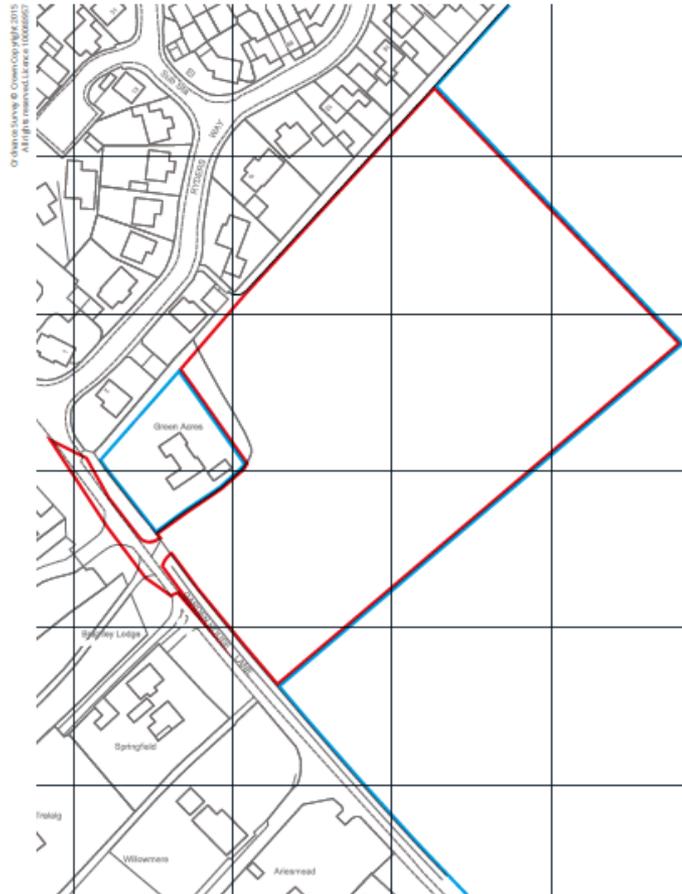
## Verbal Updates:

- Confirmation and summary of any 3<sup>rd</sup> Party representations received not previously issued to members.
- Confirmation and summary of any consultee responses received not previously issued to members
- Confirmation of any changes to recommendation, conditions or reasons.

# Site Location Plan

Slide 3

Page 29



Site Location Plan  
Land at Gardenhouse Lane, Rickinghall

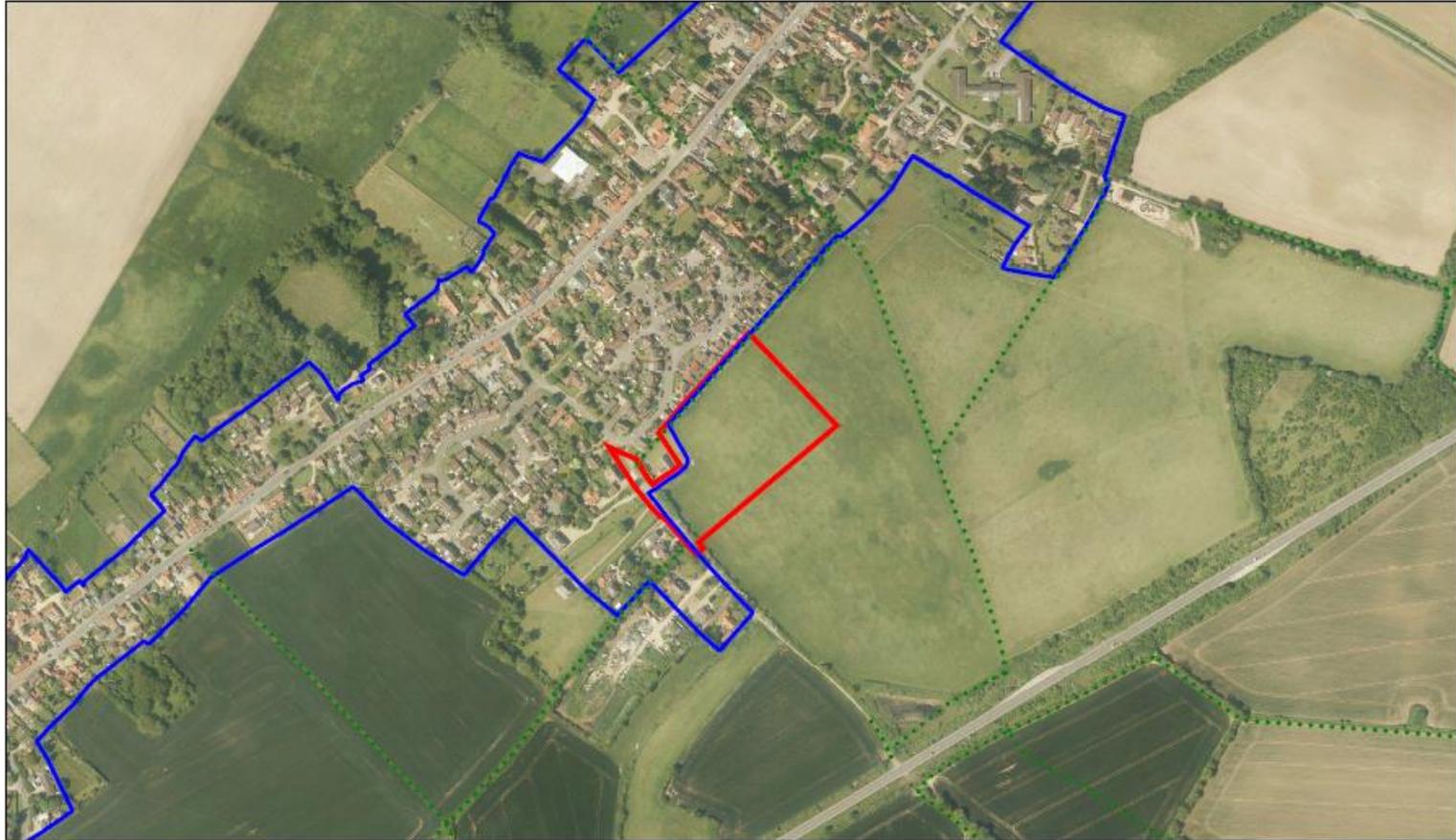

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 25 metres



## Site Location Plan

Slide 4





**3858/16**

Aerial photo



**MID SUFFOLK DISTRICT COUNCIL**  
 131, High Street, Needham Market, IP6 8DL  
 Telephone : 01449 724600  
 email: customerservice@csduk.com  
 www.midsuffolk.gov.uk



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# Site Layout

Slide 6

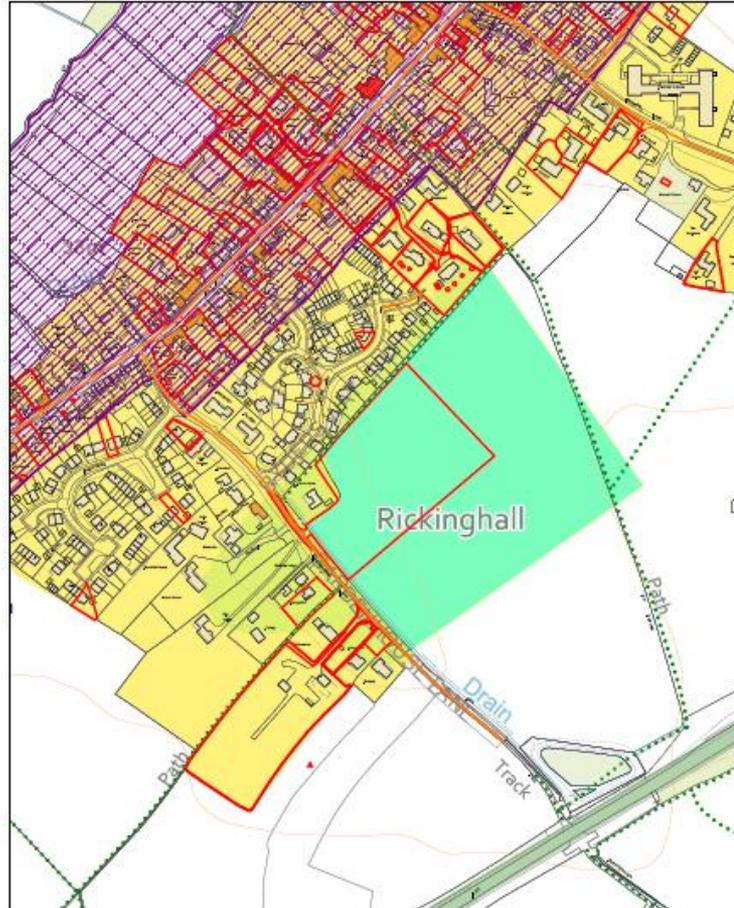


Proposed Site Plan  
Land at Gardenhouse Lane, Rivinghall

# Constraints map

Slide 7

Page 33



Title: Cons LBs Neighbs  
 Reference: 3814/16  
 Site: Land adj Greenacres  
 Garden House Lane, Rickinghall IP22 1EA



**MID SUFFOLK DISTRICT COUNCIL**  
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**From:** planningconsultations  
**Sent:** 11 October 2016 12:00  
**To:** Planning Admin  
**Subject:** Planning Consultation Response - 3858/16

Our Ref: PC/16/187

Your Ref: 3858/16

FAO Philip Isbell

Dear Sir,

**Location:** Land adj Greenacres, Gardenhouse Lane, Rickinghall Superior IP22 1EA

**Proposal:** Application for outlining planning permission fo residential development of up to 42 new dwellings, supporting infrastructure access (Highway & pedestrian).

I acknowledge receipt of your emailed letter dated 6<sup>th</sup> October 2016 regarding the above.

Please see attached a copy of our GIS drawing, we would advise you that from our records our existing apparatus does appear to be affected by the proposed development. We have no objection to the development subject to compliance with our requirements. Consent is given to this development on the condition that new metered water supply is provided for each new dwelling for revenue purposes.

Should you require any further information, please do not hesitate to contact us.

Yours faithfully

**Bryony Meredith**  
Planning Administrator

T – 01268 664 267                      E – [bryony.meredith@nwl.co.uk](mailto:bryony.meredith@nwl.co.uk)  
W – [www.eswater.co.uk](http://www.eswater.co.uk)

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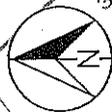
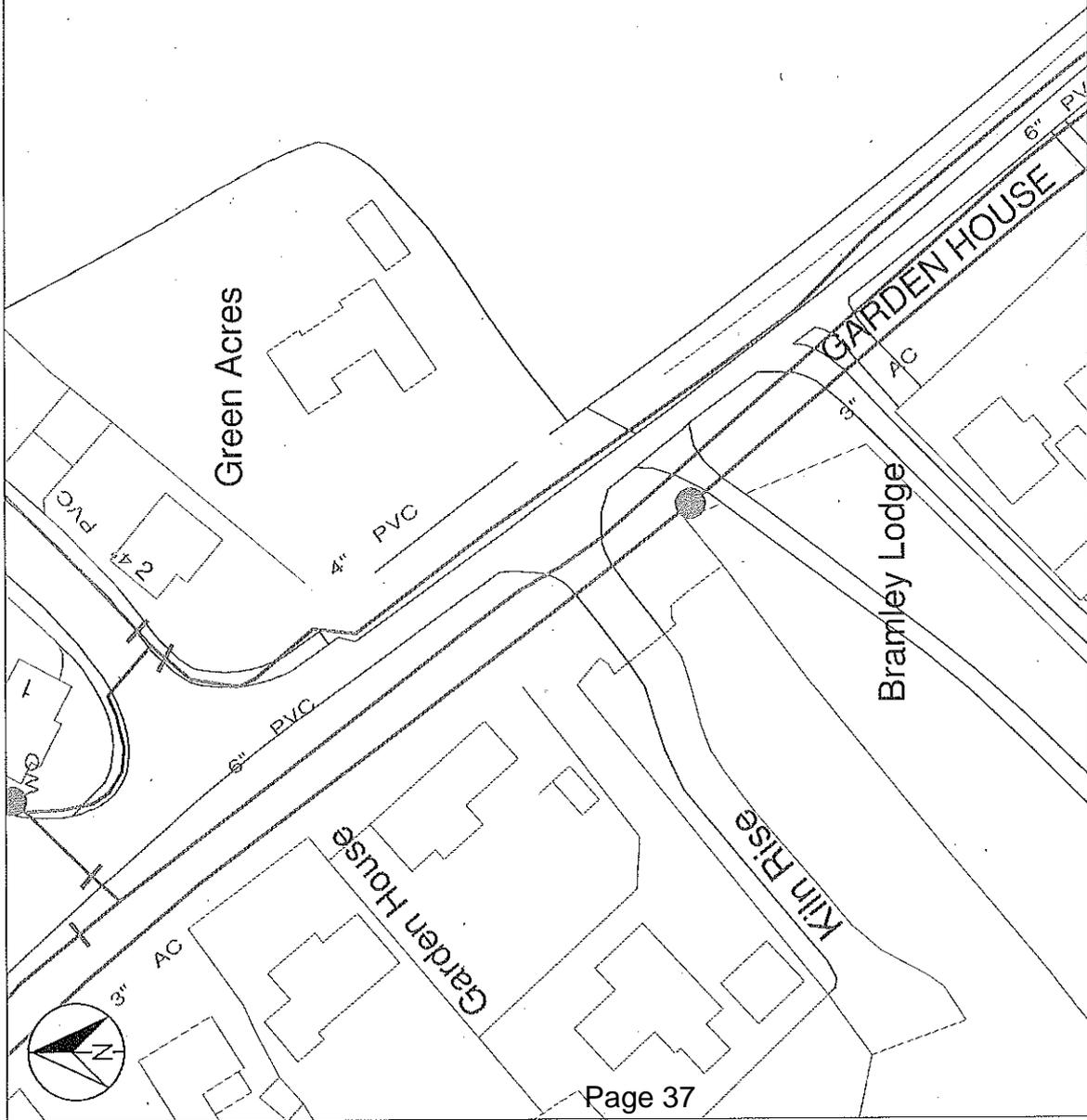
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**ESSEX & SUFFOLK**  
*WATER living water*

User : XMEREB

Title :

Date : 11/10/2016 11:59:47

Centre Point : 604602,275332

Map Sheet : TM0475SE

Paper / Scale : A4@1:750



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**From:** Consultations (NE) [mailto:consultations@naturalengland.org.uk]  
**Sent:** 11 October 2016 08:57  
**To:** Planning Admin  
**Subject:** 3858/16 - Consultation Response

Application ref: 3858/16  
Our ref: 198125

Dear Sir/Madam,

**Natural England has no comments to make on this application.**

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England.

Yours faithfully,

Jamie Clarkson  
Consultations  
Natural England  
Hornbeam House, Electra Way  
Crewe Business Park  
Crewe, Cheshire CW1 6GJ

tel 0300 060 3900

**From:** Philippa Stroud  
**Sent:** 13 October 2016 12:17  
**To:** Planning Admin  
**Cc:** John Pateman-Gee  
**Subject:** 3858/16/OUT Land adj. Greenacres, Garden House Lane, Rickinghall Superior - Land Contamination

WK/184897

**Ref:** 3858/16/OUT EH – Land Contamination  
**Location:** Land adj Greenacres, Garden House Lane, Rickinghall Superior IP22 1EA  
**Proposal:** Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian). (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application)

Thank you for the opportunity to comment on the above planning application.

For sites with a proposal for more than 2 dwellings, the Council requires a detailed 'Phase I Investigation, Walkover and Preliminary Risk Assessment' to be submitted with the application. This provides a detailed overview of the previous uses of a site and if necessary a planning condition may be imposed to ensure that the site is fully investigated and made suitable for use. The following advice note will assist the applicant in obtaining the relevant reports to submit with the planning application: [Advice Note 2 – Technical guidance for investigating, assessing and remediating land contamination \(PDF, 56.7Kb\).](#)

Please could the requested information be submitted and we be consulted again upon its receipt, as in its absence it is likely that we would recommend refusal.

Regards,

Philippa Stroud  
Senior Environmental Protection Officer  
**Babergh and Mid Suffolk District Councils - Working Together**

Telephone: 01449 724724

Email: [Philippa.Stroud@babberghmidsuffolk.gov.uk](mailto:Philippa.Stroud@babberghmidsuffolk.gov.uk)  
Websites: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

**From:** David Pizzey  
**Sent:** 12 October 2016 09:26  
**To:** John Pateman-Gee  
**Cc:** Planning Admin  
**Subject:** 3858/16 Land adj Greenacres, Rickinghall Superior.

John

I have no objection to this application as the site does not contain any trees or hedgerows of significance. However, if the scheme is approved new planting will be necessary in order to help soften and integrate the development within the local landscape. This issue can be dealt with as part of reserved matters.

Regards

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

**From:** [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk) [mailto:[planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk)]  
**Sent:** 06 October 2016 18:49  
**To:** David Pizzey  
**Subject:** Consultation on Planning Application 3858/16

Correspondence from MSDC Planning Services.

Location: Land adj Greenacres, Garden House Lane, Rickinghall Superior IP22 1EA

Proposal: Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian). (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application)

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

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

The planning policies that appear to be relevant to this case are GP1, HB1, H17, CL8, NPPF, HB13, RT12, Cor5, CSFR-FC1, CSFR-FC1.1, H16, Cor1, RT12, Cor2, Cor3, Cor4, Cor6, H4, H5, H15, H17, which can

be found in detail in the Mid Suffolk Local Plan.

We look forward to receiving your comments.

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

Resource Management  
Bury Resource Centre  
Hollow Road  
Bury St Edmunds  
Suffolk  
IP32 7AY

Philip Isbell  
Corporate Manager – Development Management  
Planning Services  
Mid Suffolk District Council  
131 High Street  
Needham Market  
Ipswich IP6 8DL

Enquiries to: Rachael Abraham  
Direct Line: 01284 741232  
Email: [Rachael.abraham@suffolk.gov.uk](mailto:Rachael.abraham@suffolk.gov.uk)  
Web: <http://www.suffolk.gov.uk>

Our Ref: 2016\_3858  
Date: 19 October 2016

For the Attention of John Pateman-Gee

Dear Mr Isbell

**PLANNING APPLICATION 3858/16– LAND ADJACENT GREENACRES, GARDEN HOUSE LANE, RICKINGHALL SUPERIOR: ARCHAEOLOGY**

This application lies in an area of high archaeological interest recorded in the County Historic Environment Record. Within the site itself, finds of medieval date have been recorded (RKS misc) and a Roman site is located less than 100m to the west (RKS 010). A number of Roman, Saxon and medieval finds scatters have also been recorded within the immediate vicinity (RKS 010 and 029). As a result, there is a strong possibility that heritage assets of archaeological interest will be encountered at this location. Any groundworks causing significant ground disturbance have potential to damage or destroy any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. In accordance with paragraph 141 of the National Planning Policy Framework, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of the heritage asset before it is damaged or destroyed.

The following two conditions, used together, would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.

- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

**REASON:**

*To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2012).*

**INFORMATIVE:**

*The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.*

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the Conservation Team of SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological investigation. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Please let me know if you require any clarification or further advice.

Yours sincerely

Rachael Abraham

Senior Archaeological Officer  
Conservation Team

**From:** RM PROW Planning  
**Sent:** 24 October 2016  
**To:** Planning Admin  
**Subject:** RE: Consultation on Planning Application 3858/16

**Our Ref:** W447/011/ROW719/16

**For The Attention of:** John Pateman-Gee

**Public Rights of Way Response**

Thank you for your consultation concerning the above application.

This response deals only with the onsite protection of affected PROW, and does not prejudice any further response from Rights of Way and Access. As a result of anticipated increased use of the public rights of way in the vicinity of the development, SCC may be seeking a contribution for improvements to the network. These requirements will be submitted with Highways Development Management response in due course.

Government guidance considers that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Rights of Way Circular 1/09 – Defra October 2009, para 7.2) and that public rights of way should be protected.

Public Footpath 11 is recorded adjacent to the proposed development area.

It is noted that the layout will be covered by a reserved matters application; we would comment at this stage that the public footpath must be maintained through a green space and not within a fenced corridor.

We have no objection to this proposal.

“Public Rights of Way Planning Application Response - Applicant Responsibility” is attached

Regards

**Jackie Gillis**  
**Green Access Officer**  
**Access Development Team**  
Rights of Way and Access  
Resource Management, Suffolk County Council  
Endeavour House (Floor 5, Block 1), 8 Russell Road, Ipswich, IP1 2BX

## Public Rights of Way

### Planning Application Response - Applicant Responsibility

1. There must be no interference with the surface of the right of way as a result of the development.
2. The right of way must be kept clear and unobstructed for users and no structures, eg gates, placed upon the right of way.
3. Planning permission does not give you permission to alter or change the surface of a public right of way. The Area Rights of Way Office must approve any proposed works to the surface of the route(s). For further information and advice go to <http://publicrightsofway.onesuffolk.net/assets/Traffic-Regulation-docs/Appl-form-guidance-for-works-on-ROW-01-12.pdf> or telephone 0345 606 6067.
4. Any damage to the surface of the route(s) as a result of the development must be made good by the applicant.
5. The Highways Authority is not responsible for maintenance and repair of the route beyond the wear and tear of normal use for its status and it will seek to recover the costs of any such damage that it has to remedy.
6. The applicant must have private rights to take motorised vehicles over the public right of way. Without lawful authority it is an offence under the Road Traffic Act 1988 to take a motorised vehicle over a public right of way other than a byway. We do not keep records of private rights.
7. If the public right of way is temporarily affected by works which will require it to be closed, a Traffic Regulation Order will need to be sought from the County Council. A fee is payable for this service. For further information and advice go to <http://publicrightsofway.onesuffolk.net/assets/Traffic-Regulation-docs/Guidance-to-applicants-on-applying-for-temp-closures-01-12.pdf> or telephone 0345 606 6067.
8. There may be other public rights of way that exist over this land that have not been registered on the Definitive Map. These paths are either historical paths that were never claimed under the National Parks and Access to the Countryside Act 1949, or paths that have been created by public use giving the presumption of dedication by the land owner whether under the Highways Act 1980 or by Common Law. This office is not aware of any such claims.
9. Public rights of way are protected by law. If you wish to build upon, block, divert or extinguish a right of way within the development area marked on the planning application an order must be made, confirmed and brought into effect by the local planning authority, using powers under s257 of the Town and Country Planning Act 1990.

There are four different statuses of public rights of way:

- **Public footpath** – this should only be used by people **on foot**, or using a mobility vehicle.
- **Public bridleway** – in addition to people on foot, bridleways may also be used by someone on a **horse** or someone riding a **bicycle**.
- **Restricted byway** – this has similar status to a bridleway, but can also be used by a 'non-motorised vehicle', for example a **horse and carriage**.
- **Byway open to all traffic (BOAT)** – these can be used by **all vehicles**, including motorised vehicles as well as people on foot, on horse or on a bicycle.



# SUFFOLK CONSTABULARY

Secured by Design



Phil Kemp  
Design Out Crime Officer  
Bury St Edmunds Police Station  
Suffolk Constabulary  
Raynegate Street, Bury St Edmunds  
Suffolk  
Tel: 01284 774141  
[www.suffolk.police.uk](http://www.suffolk.police.uk)

**Planning Application (3858/16)**

**SITE: 42 New Homes for Land adjoining Greenacres on Garden House Lane, Rickingham Superior, IP22 1EA**

**Applicant: Waller Planning**

**Planning Officer: Mr John Pateman-Gee**

The crime prevention advice is given without the intention of creating a contract. Neither the Home Office nor Police Service accepts any legal responsibility for the advice given. Fire Prevention advice, Fire Safety certificate conditions, Health & Safety Regulations and safe working practices will always take precedence over any crime prevention issue. Recommendations included in this document have been provided specifically for this site and take account of the information available to the Police or supplied by you. Where recommendations have been made for additional security, it is assumed that products are compliant with the appropriate standard and competent installers will carry

Dear Mr Pateman-Gee

Thank you for allowing me to provide an input for the above Outline Planning Application for the proposed development of 42 residential properties at land adjoining Greenacres on Garden House Lane, Rickingham Superior. **In its current form I must object to this proposal as previous statistics have shown that such a design where a row of houses have been designed side by side along a public footpath create crime generators for that particular area in question.**

**One of the main aims stated in the Babergh and Mid Suffolk Core Strategy Development Plan Document of 2008 (updated in 2012) at Section 1, para 1.19 under Local Development Framework and Community Strategy states:**

**A safe community: Protect the environment from pollution, flooding and other natural and man-made disasters; reduce the level of crime; discourage re-offending; overcome the fear of crime; and provide a safe and secure environment.**

Section 17 outlines the responsibilities placed on local authorities to prevent crime and dis-order.

The National Planning Policy Framework on planning policies and decisions to create safe and accessible environments, laid out in paragraphs 58 and 69 of the framework, emphasises that developments should create safe and accessible environments where the fear of crime should not undermine local quality of life or community cohesion.

- 1.1 Considering that the Design Access Statement (DAS) on page 3 highlights "Under Proposed Development" that the properties will be developed with regard to matters such as safe streets and residential amenity, I am perturbed such an outline plan has been submitted, which if put in place in its current format would act as a generator for crime. It is a well-documented fact that houses placed in a row next to a main footpath attract offenders and increase the chances of multiple properties being burgled.

NOT PROTECTIVELY MARKED  
RESTRICTED/CONFIDENTIAL

- 1.2 vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods. Design features can help to identify the acceptable routes through a development thereby encouraging their use and in doing so enhance the feeling of safety.
- 1.3 There are advantages in some road layout patterns over others, especially where the pattern frustrates the searching behaviour of the criminal and his need to escape. Whilst it is accepted that through routes will be included in developments such as this, the designers must ensure that the security of the development is not compromised by excessive permeability, for instance allowing an offender legitimate criminal access to the rear or side boundaries of a dwelling, as is the case in this design.
- 1.4 Developments that enhance the passive surveillance of the area by the residents from their homes and which incorporate high levels of street activity have both been proven to influence a criminal's behaviour and deflect them elsewhere.
- 1.5 I therefore can only partially agree with the contents of the statement on page 32 of the DAS, at Paras 6.37 – 6.39, which states under "Safety and Security" that the particular design has been instigated "to ensure that public spaces within the site would feel safe, by orientating housing to overlook these areas."
- 1.6 I would like to see a less formal row of housing along the designated south westerly to south easterly footpath area and a design more in keeping with that of a cul-de-sac, where the housing is separately positioned in a semi-circular area.
- 1.7 To the planners credit part of the design especially within the middle of the proposed plan does have properties that look onto one another as preferred by police Secure By Design principles. It is important that the boundary between public and private areas is clearly indicated. Each building needs two faces: a front onto public space for the most public activities and a back where the most private activities take place. If this principle is applied consistently, streets will be overlooked by building fronts improving community interaction and offering surveillance that creates a safer feeling for residents and passers-by.

## 2. General layout of the proposed plan

- 2.1 For the majority of housing developments, it will be desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination of wall (maximum height 1 metre) and railings or timber picket fence.
- 2.2 From the plans seen it would appear that a number of the properties will have gable end windows that look onto public spaces, which is a police preferred preference of design that allows natural surveillance of the area to reduce the risk of graffiti, other forms of criminal damage, or inappropriate loitering. Where blank gable walls are unavoidable there should be a buffer zone, using either a 1.2 – 1.4m railing (with an access gate) or a 1m mature height hedge with high thorn content.
- 2.3 The Design Access Statement on page 25 referring to "Layout" at Para 6.8, states that every property will have a private rear garden. I would be interested to know how the rear gardens will be secured? I would refer the developers to SBD 2016, page 18 on "Dwelling Boundaries", which outlines the importance of how the boundary between public and private areas should be clearly indicated.
- 2.4 **There are five main reasons for providing a perimeter boundary fence:**
  - a) To **mark a boundary** to make it obvious what is private and public property.
  - b) **Provide safety** for employers and employees.
  - c) **Prevent casual intrusion** by trespassers.

- d) **Prevent casual intrusion** onto the site by criminals.
- e) **Reduce the wholesale removal** of property from the site by thieves.

**2.5** The gates to the side or rear of dwellings that provide access to rear gardens, should be of robust construction and be the same height of the fence line at a minimum height of 1.8m and be capable of being locked (operable by key from both sides of the gate and a good quality mortise lock is preferred). SBD 2016, Pages 18-19, Paras 10.3 – 10.5.12 refers.

### **3.0 Footpaths**

- 3.1** The balance between permeability and accessibility is always a delicate one. We (policing) want less permeability as it creates entry and escape routes for those who may want to commit a crime. For planners it is about the green agenda, being able to get people from A to B, preferably not in their cars. We cannot demand reductions in permeability without having evidence that this is the only option. What we can do is look at the design of walkways, lighting, surveillance and the security of surrounding properties to ensure that any permeability is as safe as it can be and that the offender will stand out in a well-designed community. There is no blanket approach, site specifics apply, based on the crime rate and local context. Research from across the United Kingdom shows that 85% of house burglaries occur at the rear of a property.
- 3.2** As previously stated I have serious concerns regarding the safety and security around the established main right of way/footpath that leads from South West to South East at the side adjacent to the current properties on Ryders Way. Especially where the two areas dissect from Ryders Way and at the far end by the perimeter of the end property on Warren Lane.
- 3.3** Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime along with Anti-Social Behaviour. Where a suggested footpath is unavoidable, such as along a right of way, designers should consider making the footpath a focus of the development and ensure that they are straight as possible, preferably at least 3m across to allow people to pass one another without infringing on personal space and accommodate passing wheelchairs, cyclists and mobility vehicles with low growing and regularly maintained vegetation on either side. If possible it would assist for that area to also be well lit. (SBD 2016, pages 14-17, at Paras 8.1-8.19).
- 3.4** Footpaths that include lighting should be lit to relevant levels as defined by BS 5489:2013.
- 3.5** To the west of this proposed development on the A143 just before the staggered crossroads for Mill Road is an underpass footpath. Should the current development be expanded towards this area, I would have concerns that such an area would also become a higher generator for crime, including graffiti and Anti-Social Behaviour.

### **4. Lighting**

- 4.1** I cannot comment on the lighting as there are no details submitted on the plans. However, I would recommend photocell operated wall mounted lighting at the front of all household dwellings, (on a dusk to dawn light timer) complete with a compact fluorescent lamp and wired through a switched spur to allow for manual override. I would also appreciate viewing a "Lux" lighting plan of the proposed site.
- 4.2** Lighting should conform to the requirements of BS 5489:2013. A luminaire that produces a white light source (Ra>59 on the colour rendering index) should be specified but luminaires that exceed 80 on the colour rendering index are preferred.

## 5. Car Parking

- 5.1 The layout of the plans allows natural surveillance of the parking areas, which is commendable.
- 5.2 Communal parking facilities must be lit to the relevant levels as recommended by BS5489:2013 and a certificate of compliance provided. See section 16 SBD Homes 2016 for the specific lighting requirements as well as recommendations for communal parking areas.

## 6. Cycle Storage

- 6.0 I note on page 35 of the Design Access Statement at page 35 that an option has been considered for cycle parking, such as a communal storage area.
- 6.1 External containers specifically designed for the secure storage of bicycles and other property must be certificated to LPS 1175 SR1 or Sold Secure (Bronze, Silver or Gold standard, depending on the level of security needed for that area).
- 6.2 Where bicycle storage is provided in a robust shed, the minimum requirements for the shed construction and security should be as laid out at page 64 of SBD2016, under Para 53.2, entitled "Secure external storage facilities and bicycle security."
- 6.3 External, open communal bicycle stores with individual stands or multiple racks for securing bicycles should be as close to a main building as possible to allow an area of natural surveillance.

## 7. Communal Areas/ Public Open Space

- 7.1 **Communal Areas/Public Open Space:** Para 6.29 entitled "Open Space Provision" at page 30 of the Design Access Statement cites the development could include one or more open spaces. If that should be the case I would recommend metal knee-rail hoop fencing for the perimeter each area. Section 9, SBD 2016, provides further details around Communal areas in order to reduce the potential for ASB and Criminal Damage issues.
- 7.2 Should any play equipment be installed it should meet **BS EN 1176** standards and be disabled friendly. I would recommend that any such area has suitable floor matting tested to **BS EN1177** standards.
- 7.3 Should gymnasium/fitness equipment be installed, spacing of the equipment and falling space areas should be in line with BS EN1176. There is a recommended guideline that static equipment should be at a minimum 2.50 metres distance from each object.
- 7.4 **Gates:** As a general principle these should take 4-8 seconds to close from a 90 degree opening position. To prevent animal access they should be outward opening.
- 7.5 **Fences:** Should pass the entrapment requirements, i.e. less than 89mm between vertical palings, no horizontal access and hoop tops should pass the head and neck probe.
- 7.6 **Seats:** These should be placed at least 300mm from the fence to prevent potential entrapment between the bench and the fence.
- 7.7 **Pathways:** Erosion resisting pathways should be provided into the site at least to the seating areas.
- 7.8 All litter bins should be of a fire retardant material.

- 7.9 The Fields Trust Planning and Design for Outdoor Sport and Play introduced 2008 and The Association of Play Industries Adult Outdoor fitness Equipment Standards also offer further guidance.

## 8. Local Access

- 8.0 I have serious concerns at the upsurge such a development would make regarding the increased vehicle access out of the area from Garden House Lane onto the Street, as historically this is a busy road and there are often cars constantly parked all around this area, particularly for the local shops. I understand that the possibility has been raised that the area could have double yellow lines installed. This requires enforcement which cannot be constantly maintained.

## 9. Further Recommendations in General

- 9.1 The physical security element of the application should not be overlooked. Doors and windows should be to British Standards (PAS 24) for doors and windows that ensure that the installed items are fit for purpose.
- 9.2 Door chains/limiters fitted to front doors, meeting the Door and Hardware Federation Technical Specification 003 (TS 003) and installed in accordance with the manufacturer's recommendations. (SBD NH 2016 Para. 21.17).
- 9.3 I note from page 29 of the Design Access Statement on "Landscaping," at Para 6.22, the developer's intention is to landscape plant around the site edges. I would be interested to note what form of landscaping the developers intend to use? I strongly recommend planting defensive vegetation, such as Hawthorn, Berberis or Pyrocantha to deter any would be offenders and that the height of such boundaries should be at least 1.8m high.
- 9.4 I note from the Boundary Treatment details the design of the side/rear gates, will be police preferred at 1.8m high. However I note that they will be boltable gates, presumably at the top of the gate only? Police prefer a gate to be able to be locked from both sides and so a good central mortise lock is preferred, with additional lockable bolts placed on the top and rear of each gate. The gates must not be easy to climb or remove from their hinges. Further information can be found at section 10 of SBD Homes 2016, at Para 10, entitled "Dwelling Boundaries" and in particular at Para 10.3 entitled "Access gated to rear gardens".
- 9.5 I note from the plans that there is a proposal to plant a number of trees, which will also assist with drainage. Trees should allow, when mature, crown lift with clear stem to a two metre height. Similarly, shrubbery should be selected so that, when mature, the height does not exceed 1 metre, thereby ensuring a one metre window of surveillance upon approach whether on foot or using a vehicle.

## 10. Conclusion

- 10.1 I strongly advice the development planners adopt the ADQ guide lines and Secure by Design (SBD) principles for a secure development.
- 10.2 As of the 1<sup>st</sup> June 2016 the police lead Secure By Design (SBD) New Home 2016 was introduced, replacing the previous Secure By Design (SBD) 2014 New Homes guide. This guide aptly meets the requirements of Approved Document Q for new builds and renovation work to a preferred security specification, through the use of certified fabricators that meet Secure By Design principals, for external doors, windows and roof lights to the following standards  
[http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured by Design Homes 2016 V1.pdf](http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured_by_Design_Homes_2016_V1.pdf)

- 10.3** SBD New Homes 2016 incorporates three standards available within the New Homes 2016 guide, namely Gold, Silver or Bronze standards. It is advisable that all new developments of 10 properties or more should seek at least a Bronze Secured by Design. Further details can be obtained through the Secure By Design (SBD) site at <http://www.securedbydesign.com/>
- 10.4 To achieve a Silver standard, or part 2 Secured by Design physical security**, which is the police approved minimum security standard and also achieves ADQ, involves the following:
- a. All exterior doors to have been certificated by an approved certification body to BS PAS 24:2012, or STS 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR 2, or LPS 2081 SRB.
  - b. All individual front entrance doors to have been certificated by an approved certification body to BS Pas 24:2012 (internal specification).
  - c. Ground level exterior windows to have been certificated by an approved certification body to BS Pas 24:2012, or STS204 issue 3:2012, or LPS1175 issue 7:2010 Security Rating 1, or LPS2081 Issue 1:2014. All glazing in the exterior doors, and ground floor (easily accessible) windows next to or within 400mm of external doors to include laminated glass as one of the panes of glass. Windows installed within SBD developments must be certified by one of the UKAS accredited certification bodies.
- 10.5** It is now widely accepted a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour by introducing appropriate design features that enable natural surveillance and create a sense of ownership and responsibility for every part of that development.

The Police nationally promote Secured by Design (SBD) principles, aimed at achieving a good overall standard of security for buildings and the immediate environment. It attempts to deter criminal and anti-social behaviour within developments by introducing appropriate design features that enable natural surveillance and create a sense of ownership and responsibility for every part of the development.

These features include secure vehicle parking, adequate lighting of common areas, control of access to individual and common areas, defensible space and a landscaping and lighting scheme which, when combined, enhances natural surveillance and safety.

The applicant can also enter into a **pre-build agreement** and make use of the Award in any marketing or promotion of the development. The current "New Homes 2016" guide and application forms are available from [www.securedbydesign.com](http://www.securedbydesign.com) which explains all the crime reduction elements of the scheme.

In conclusion as stated I object to the plan in its current format, but I would be happy to work with the designers to look at measures to improve the surveillance of the area and reduce the risk of crime within this development.

Should a play area be considered, usage by non-age appropriate people, (i.e. older children) for which the play area would not be designed is a possibility. Teenage youths will always gather somewhere, often it is in a play park as it is considered an out of the way area away from parents. The best way to address such problems is to find alternative areas for such groups. One tried and tested method is providing a youth shelter.

If you wish to discuss anything further or need assistance with the SBD application, please contact me on 01284 774141.

Yours sincerely



Phil Kemp

Designing Out Crime Officer  
Western and Southern Areas  
Suffolk Constabulary  
Raynegate Street  
Bury St Edmunds  
Suffolk  
IP33 2AP



## Consultation Response Pro forma

<b>1</b>	<b>Application Number</b>	3858/16	
<b>2</b>	<b>Date of Response</b>	27/10/2016	
<b>3</b>	<b>Responding Officer</b>	Name:	Hannah Bridges
		Job Title:	Waste Management Officer
		Responding on behalf of...	Waste Services
<b>4</b>	<b>Recommendation</b> (please delete those N/A)  Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	No objection subject to the block paving leading to properties is changed to a road surface suitable to manoeuvre dustcarts on. Bins from properties 15 to 24 cannot be brought up to the road as there would be too many and this would cause obstructions for residents and vehicles. Changing the road surface would enable the dust cart to access these properties and the presentation points would be nearer to the properties.	
<b>5</b>	<b>Discussion</b> Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.		
<b>6</b>	<b>Amendments, Clarification or Additional Information Required</b> (if holding objection)  If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate		
<b>7</b>	<b>Recommended conditions</b>	Change the block paving to a more suitable material to allow the dustcart to access the hammer heads with ease.	

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

**From:** Jackie Gillis  
**Sent:** 01 November 2016 15:35  
**To:** Planning Admin  
**Cc:** Francesca Clarke; Christopher Fish; tim@wallerplanning.com  
**Subject:** RE: Consultation on Planning Application 3858/16

**For The Attention of: John Pateman-Gee**

We have some additional comments to make on this proposal, they are:

Public Footpath 11 currently runs along the edge of the meadow and the rear gardens of the proposed development will back onto the footpath.

It is important to preserve the characteristic and amenity value of the footpath.

The footpath will need to be in a green corridor. Fencing along the edge of the path creating a 'corridor' will not be accepted.

The plant species (trees and hedging) will need to be chosen carefully to ensure light and air is not prevented from reaching the surface of the highway and to prevent encroachment on the highway from side growth. Quickthorn hedge species are not desirable next to public rights of way. To allow sufficient room for the users of the path, and taking into consideration the proposed planting, the minimum of a 2 metre wide green corridor is required to accommodate FP11.

It is recommended that should the application be successful that the developer contacts Mrs F Clarke, Area Rights of Way Officer, as soon as possible to discuss the requirements. Mrs Clarke can be contacted via [Francesca.Clarke@suffolk.gov.uk](mailto:Francesca.Clarke@suffolk.gov.uk) or 01284 758849.

Regards

**Jackie Gillis**  
**Green Access Officer**  
**Access Development Team**

**From:** RM PROW Planning  
**Sent:** 24 October 2016 15:51  
**To:** 'planningadmin@midsuffolk.gov.uk' <[planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk)>  
**Cc:** Francesca Clarke <[Francesca.Clarke@suffolk.gov.uk](mailto:Francesca.Clarke@suffolk.gov.uk)>; Christopher Fish <[Christopher.Fish@suffolk.gov.uk](mailto:Christopher.Fish@suffolk.gov.uk)>; 'tim@wallerplanning.com' <[tim@wallerplanning.com](mailto:tim@wallerplanning.com)>  
**Subject:** RE: Consultation on Planning Application 3858/16

**Our Ref: W447/011/ROW719/16**

**For The Attention of: John Pateman-Gee**

**Public Rights of Way Response**

Thank you for your consultation concerning the above application.

This response deals only with the onsite protection of affected PROW, and does not prejudice any further response from Rights of Way and Access. As a result of anticipated increased use of the public rights of way in the vicinity of the development, SCC may be seeking a contribution for improvements to the network. These requirements will be submitted with Highways Development Management response in due course.

Government guidance considers that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Rights of Way Circular 1/09 – Defra October 2009, para 7.2) and that public rights of way should be protected.

Public Footpath 11 is recorded adjacent to the proposed development area.

It is noted that the layout will be covered by a reserved matters application; we would comment at this stage that the public footpath must be maintained through a green space and not within a fenced corridor.

We have no objection to this proposal.

“Public Rights of Way Planning Application Response - Applicant Responsibility” is attached

Regards

**Jackie Gillis**  
**Green Access Officer**  
**Access Development Team**  
Rights of Way and Access  
Resource Management, Suffolk County Council  
Endeavour House (Floor 5, Block 1), 8 Russell Road, Ipswich, IP1 2BX

 <http://publicrightsofway.onesuffolk.net/> | [Report A Public Right of Way Problem Here](#)

For great ideas on visiting Suffolk's countryside visit [www.discoversuffolk.org.uk](http://www.discoversuffolk.org.uk)

**From:** [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk) [<mailto:planningadmin@midsuffolk.gov.uk>]

**Sent:** 06 October 2016 18:49

**To:** RM PROW Planning <[PROWplanning@suffolk.gov.uk](mailto:PROWplanning@suffolk.gov.uk)>

**Subject:** Consultation on Planning Application 3858/16

Correspondence from MSDC Planning Services.

Location: Land adj Greenacres, Garden House Lane, Rickinghall Superior IP22 1EA

Proposal: Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian). (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application)

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

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

The planning policies that appear to be relevant to this case are GP1, HB1, H17, CL8, NPPF, HB13, RT12, Cor5, CSFR-FC1, CSFR-FC1.1, H16, Cor1, RT12, Cor2, Cor3, Cor4, Cor6, H4, H5, H15, H17, which can

be found in detail in the Mid Suffolk Local Plan.

We look forward to receiving your comments.

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## Consultation Response Pro forma

1	<b>Application Number</b>	3858/16 adj Greenacres, Rickinghall	
2	<b>Date of Response</b>	3.11.16	
3	<b>Responding Officer</b>	Name:	Paul Harrison
		Job Title:	Heritage and Design Officer
		Responding on behalf of...	Heritage
4	<b>Summary and Recommendation</b> (please delete those N/A)  Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	<p>1. The Heritage Team considers that the proposal would cause</p> <ul style="list-style-type: none"> <li>• no harm to a designated heritage asset because it would have a neutral impact on the setting of the nearby listed building.</li> </ul>	
5	<b>Discussion</b> Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<p>The site is at the edge of the Rickinghall settlement with a small frontage to Gardenhouse Lane. To the south-west of Gardenhouse Lane stands Garden House, a listed building. Beyond this further houses extend towards the countryside. Facing Garden House are two houses including Greenacres, with open countryside beyond.</p> <p>While Garden House would for many years have stood isolated in the countryside, it has for some time been embedded within the built settlement, and no longer benefits from a direct relationship with the rural surroundings. The site therefore makes little meaningful contribution to appreciation of the significance of the listed building. It is also noted that owing to the short frontage of the site on Gardenhouse Lane, in effect the settlement edge is simply moving further along the road, such that the listed building would still be perceived to be close to the countryside.</p> <p>The site forms part of the approach to, and setting of the Rickinghall / Botesdale Conservation Area. However, the proposal is not considered to compromise the setting of the Conservation Area or any views that contribute to its significance.</p> <p>For these reasons the impact of the proposal in heritage terms is considered neutral.</p>	
6	<b>Amendments, Clarification or Additional</b>		

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	<p><b>Information Required</b> (if holding objection)</p> <p>If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate</p>	
7	<p><b>Recommended conditions</b></p>	

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**From:** Rickinghall PC [[mailto:rickinghall\\_pc@btopenworld.com](mailto:rickinghall_pc@btopenworld.com)]  
**Sent:** 07 November 2016 18:11  
**To:** John Pateman-Gee  
**Cc:** Jessica Fleming; Derek Osborne  
**Subject:** RE: Consultation on Planning Application 3858/16

Hi John,

I can't submit this online any more so sending directly to you.

Rickinghall Parish Council resolved, with all in favour, to object to the application due to five main concerns: 1) The application contains insufficient evidence that the additional traffic would not cause significant difficulties on the narrow lane and at the already problematic junction with The Street. The Street is particularly narrow at that junction and a recent Traffic Survey in the village highlighted it as a top concern. This is downplayed in the application and the availability of alternative forms of transport to mitigate the problem is exaggerated. 2) There is no continuous footway along Garden House Lane through to Ryders Way, a safety risk that would only increase with the proposed additional traffic. 3) The close proximity of the trees bordering the new site to the public footpath would result in a narrow, damp, lightless tunnel affecting the quality and the security of the public right of way. It would be an improvement to have an open "buffer zone" between the footpath and any development on site. 4) The application contains an unconvincing assessment of the effect further hard-standing would have on surface drainage in an area prone to flooding down the Lane and into The Street in heavy rain. 5) There is little consideration for the effect on nos 4 – 18 (even) Ryders Way. The proposed site is higher than the houses backing onto it and there are understandable concerns from residents about overlooking, loss of light from the new houses and tree barrier and loss of security as the footpath would become an enclosed alleyway. There is also a concern about water run-off into their gardens. The Parish Council further comments that fears about adequate capacity at the school and health centre need to be addressed by the relevant authorities regardless of the result of this application. Finally, the PC notes that the application appears to leave road access open to a further development behind the site, something the PC would almost certainly oppose.

If for some reason this does not automatically go to Planning Committee, we have asked our District Councillor to request it.

Many thanks,

Leeann

Leeann Jackson-Eve  
Parish Clerk  
Rickinghall Parish Council

Your ref: 3858/16  
 Our ref: 00044350  
 Date: 07 November 2016  
 Enquiries to: Peter Freer  
 Tel: 01473 264801  
 Email: [peter.freer@suffolk.gov.uk](mailto:peter.freer@suffolk.gov.uk)

John Pateman-Gee  
 Senior Development Management Planning Officer – Key Growth Projects  
 Planning Department  
 Mid Suffolk District Council  
 Council Offices  
 131 High Street  
 Needham Market  
 Ipswich  
 IP6 8DL

Dear John,

**Re: Rickinghall Superior, Land adj Greenacres, Garden House Lane IP22 1EA - Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian)**

I refer to the above application for planning permission in Mid Suffolk.

Proposed number of dwellings from development:	2 bedroom+ Houses	Total
	42	42
Approximate persons generated from proposal	97	97

I set out below Suffolk County Council's views, which provides our infrastructure requirements associated with this application and this will need to be considered by the Council.

The National Planning Policy Framework (NPPF) paragraph 204 sets out the requirements of planning obligations, which are that they must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and,
- c) Fairly and reasonably related in scale and kind to the development.

The County and District Councils have a shared approach to calculating infrastructure needs, in the adopted Section 106 Developers Guide to Infrastructure Contributions in Suffolk.

Mid Suffolk District Council adopted their Core Strategy in September 2008 and Focused Review in December 2012. The Core Strategy includes the following objectives and policies relevant to providing infrastructure:

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- Objective 6 seeks to ensure provision of adequate infrastructure to support new development; this is implemented through Policy CS6: Services and Infrastructure.
- Policy FC1 and FC1.1 apply the presumption in favour of sustainable development in Mid Suffolk.

### **Community Infrastructure Levy**

Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.

The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:

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

As of 6th April 2015, the 123 Regulations restrict the use of pooled contributions towards items that may be funded through the levy. **The requirements being sought would be requested through CIL**, unless they are site specific mitigation, and therefore would meet the new legal test. It is anticipated that the District Council is responsible for monitoring infrastructure contributions being sought.

**Site specific mitigation will still be covered by a planning obligation and/or planning conditions.**

The details of specific CIL contribution requirements related to the proposed scheme are set out below:

1. **Education.** NPPF paragraph 72 states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'.

The NPPF at paragraph 38 states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide

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opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'

**Schools Affected by the Development**

School	Capacity				Actual/Forecast Pupil Numbers				
	Permanent	95%	Temporary	Total	2016-17	2017-18	2018-19	2019-20	2020-21
St Botolph's CEVCP School, Botesdale	210	200		200	174	173	162	153	1
		0		0					
		0		0					
		0		0					
Hartismere School	970	922		922	962	963	964	961	9

School level	Minimum pupil yield:	Required:	Cost per place £ (2016/17):
Primary school age range, 5-11*:	11	0	12,181
High school age range, 11-16:	8	8	18,355
Sixth school age range, 16+:	2	2	19,907

<b>Total education contributions:</b>	<b>£186,654.00</b>
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The local catchment schools are St Botolph's CEVCP School, Botesdale, and Hartismere School, Eye.

We currently forecast to have surplus places at the catchment Primary School, but no surplus places available at the High School to accommodate children and 16+ students arising from the proposal. SCC will therefore be seeking education contributions via CIL funding to mitigate the impact of this particular scheme as set out above towards providing additional education facilities.

The scale of contributions is based on cost multipliers for the capital cost of providing a school place, which are reviewed annually to reflect changes in construction costs. The figures quoted will apply during the financial year 2016/17 only and have been provided to give a general indication of the scale of contributions required should residential development go ahead. The sum will be reviewed at key stages of the application process to reflect the projected forecasts of pupil numbers and the capacity of the schools concerned at these times.

- 2. Pre-school provision.** Education for early years should be considered as part of addressing the requirements of the NPPF 'Section 8 Promoting healthy communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act

sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4 year-olds. The Education Act 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education for all disadvantaged 2 year olds.

Through the Childcare Act 2016, the Government will be rolling out an additional 15 hours free childcare to eligible households from September 2017.

In the Rickingham and Walsham Ward there are 2 providers, but only one of which is in Rickingham (Little Willows) offering 120 places. As at September 2017 it is predicted that there will be a surplus of places within this ward. Therefore no contribution is sought in this matter.

	Minimum number of pre-school children from the development:	Required:	Cost per place £ (2016/17):
Pre-School age range, 2-4:	4	0	6,091

Required pre-school contributions:	<b>£ 0.00</b>
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**3. Play space provision.** Consideration will need to be given to adequate play space provision. A key document is the 'Play Matters: A Strategy for Suffolk', which sets out the vision for providing more open space where children and young people can play. Some important issues to consider include:

- a. In every residential area there are a variety of supervised and unsupervised places for play, free of charge.
- b. Play spaces are attractive, welcoming, engaging and accessible for all local children and young people, including disabled children, and children from minority groups in the community.
- c. Local neighbourhoods are, and feel like, safe, interesting places to play.
- d. Routes to children's play spaces are safe and accessible for all children and young people.

**4. Transport issues.** The NPPF at Section 4 promotes sustainable transport. A comprehensive assessment of highways and transport issues is required as part of any planning application. This will include travel plan, pedestrian and cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 agreements as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. This will be co-ordinated by Christopher Fish of Suffolk County Highway Network Management but an early indication of the possible site specific mitigation is as follows:

***Passenger Transport site specific mitigation (planning obligation):***

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*It is not possible for a bus to access this site, so an improvement will be necessary to the nearest bus stops on the main road through the village. These are served by Simonds 304 between Diss and Bury and are officially located near to "The Chestnuts" but are not currently marked. These stops should be relocated nearer to Garden House Lane where there is space for raised kerbs and poles to be built without too much disruption. Expected cost £6,000.*

***Public Rights of Way site specific mitigation (planning obligation):***

*PROW are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism. The anticipated increased use of the PROW network of as a result of the development will require the following offsite improvement works:*

*The southern end of Public Footpath 13 is recorded through an area of water; public have to walk alongside the A143 to resume their walk along Public Footpath 25. The path is to be diverted around the edge of the water to meet up with Public Footpath 25, to provide a safe and convenient route.*

*Sections of Rickinghall Public Footpath 9 and Botesdale Public Footpath 1 require clearance works, a day is required on each route = £500.00.*

*The subtotal of these works is £500.00*

*Staff time (design & project management) @ 12% = £60.00*

*Contingency @ 10% = £50.00*

*Order making costs = £4,000.00*

*Total s106 funding requested from this development = £4,610.00*

In its role as Highway Authority, Suffolk County Council has worked with the local planning authorities to develop county-wide technical guidance on parking in light of new national policy and local research. This was adopted by the County Council in November 2014 and replaces the Suffolk Advisory Parking Standards (2002). The guidance can be viewed at <https://www.suffolk.gov.uk/assets/planning-waste-and-environment/planning-and-development-advice/2015-11-16-FINAL-2015-Updated-Suffolk-Guidance-for-Parking.pdf>

- 5. Libraries.** Refer to the NPPF 'Section 8 Promoting healthy communities'. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of (30 x £3,000) = £90,000 per 1,000 people or £90 per person for library space.

Using established methodology, the capital contribution towards libraries arising sought from this scheme is stated below and would be spent on improving development of library services serving the area of the

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5

development, and outreach activity from the nearest library.

Libraries contribution:	£9,072.00
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- 6. Waste.** All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.

SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

Waste Contribution:	£ 0.00
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- 7. Supported Housing.** Section 6 of the NPPF seeks to deliver a wide choice of high quality homes. Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations Part M 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the Mid Suffolk housing team to identify local housing needs.
- 8. Sustainable Drainage Systems.** Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when

considering major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

On 18 December 2014 the secretary of State for Communities and Local Government (Mr Eric Pickles) made a Ministerial Written Statement (MWS) setting out the Government's policy on sustainable drainage systems. In accordance with the MWS, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. The MWS also provides that in considering:

*"local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate."*

The changes set out in the MWS took effect from 06 April 2015.

**9. Archaeology.** Please refer to the response sent by Rachel Abraham (SCC Senior Archaeological Officer), reference 2016\_3858, on 19 October 2016.

**10. Fire Service.** The Suffolk Fire and Rescue Service requests that early consideration is given to access for fire vehicles and provision of water for fire-fighting. The provision of any necessary fire hydrants will need to be covered by appropriate planning conditions.

Suffolk Fire and Rescue Service (SFRS) seek higher standards of fires safety in dwelling houses and promote the installation of sprinkler systems and can provided support and advice on their installation.

**11. Superfast broadband.**

SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion, it also impacts educational attainment and social wellbeing, as well as impacting property prices and saleability.

As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

**12. Legal costs.** SCC will require an undertaking for the reimbursement of its own legal costs, whether or not the matter proceeds to completion.

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

**14. Summary Table**

<b>Service Requirement</b>	<b>Contribution per dwelling</b>	<b>Capital Contribution</b>
Education - Primary	£ 0.00	£ 0.00
Education – Secondary	£3,496.19	£146,840.00
Education – Sixth Form	£947.95	£39,814.00
Pre-School	£0.00	£ 0.00
Transport (See section 4 for site specific mitigation and planning obligations)		
Libraries	£216.00	£9,072.00
Waste	£0.00	£0.00
<b>Total</b>	<b>£4,660.14</b>	<b>£195,726.00</b>

The table above would form the basis of a future bid to the District Council for **CIL funds** if planning permission is granted and implemented. This will be reviewed when a reserved matters application is submitted.

I would be grateful if the above information can be presented to the decision-taker.

Yours sincerely,

*P J Freer*

Peter Freer MSc MRTPI  
Senior Planning and Infrastructure Officer  
Planning Section, Strategic Development, Resource Management

cc Neil McManus, SCC  
Christopher Fish, SCC

John Pateman-Gee  
Planning Department  
Mid Suffolk District Council  
131 High Street  
Needham Market  
IP6 8DL

08/11/2016

Dear John,

**RE: 3858/16 Application for Outline Planning Permission for residential development of up to 42 new dwellings. Land adj Greenacres, Garden House Lane, Rickinghall Superior**

We have been made aware of this application and have the following comments:

We have read the ecological survey report (Scarborough Nixon Associates Ltd, Apr 2016) and we note the conclusions of the consultant. The ecological consultant recorded skylark during the survey and considers that the site provides suitable nesting habitat for this species (Section 4.4), skylark have also been recorded in the vicinity of the site (records available from Suffolk Biological Information Service (SBIS)). However, the report does not assess the likely impact of the proposed development on this species or make any recommendations for mitigation or compensation of impacts on this species. Skylark are a UK and Suffolk Priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) and therefore the likely impacts on them must be assessed prior to the determination of this application. Consent should not be granted for development which, unmitigated, would result in an adverse impact on Priority species.

The proposed development also appears to include vehicular access from Garden House Lane which involves the removal of a short section of hedgerow with trees. However, the loss of this habitat does not currently appear to be assessed in the ecological survey report. Hedgerows are a UK and Suffolk Priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) and therefore the likely impacts on them must be assessed prior to the determination of this application. Consent should not be granted for development which, unmitigated, would result in an adverse impact on Priority habitat.

Notwithstanding the above, should permission for some form of development be granted at this site, we request that the recommendations made within the ecological survey report are implemented in full, via a condition of planning consent.

We also note that the current application is for outline planning consent, it should be ensured that any future proposals at this site are informed by suitably up to date ecological survey and assessment information.

If you require any further information, please do not hesitate to contact us.

Yours sincerely

James Meyer  
Senior Conservation Planner

**From:** Nathan Pittam  
**Sent:** 28 November 2016 11:19  
**To:** Planning Admin  
**Subject:** 3858/16. EH - Land Contamination.

**M3 : 187135**

**3858/16. EH - Land Contamination.**

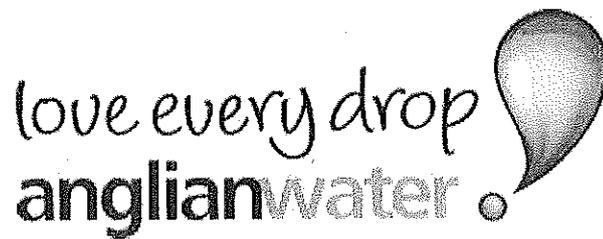
**Land adj Greenacres, Garden House Lane, Rickinghall Superior, DISS.  
Evaluation of a Phase 1 land contamination assessment for planning  
application 3858/16.**

Many thanks for your request for comments in relation to the above application. I have reviewed the application and the Phase I report submitted in its support and am happy to confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

Regards

Nathan

**Nathan Pittam** BSc. (Hons.) PhD  
Senior Environmental Management Officer  
**Babergh and Mid Suffolk District Councils – Working Together**  
t: 01449 724715  
m: 07769 566988  
e: [Nathan.pittam@baberghmidsuffolk.gov.uk](mailto:Nathan.pittam@baberghmidsuffolk.gov.uk)  
w: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



## **Planning Applications – Suggested Informative Statements and Conditions Report**

AW Reference: 00018449  
Local Planning Authority: Mid Suffolk District  
Site: Land adj Greenacres, Garden House Lane,  
Rickingham Superior  
Proposal: Creation of 42 x C3 Dwellings  
Planning Application: 3858/16

**Prepared by: Mark Rhodes**

**Date: 09 December 2016**

If you would like to discuss any of the points in this document please  
contact me on 0345 0265 458 or email  
[planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk)

## **ASSETS**

### **Section 1 – Assets Affected**

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

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

## **WASTEWATER SERVICES**

### **Section 2 – Wastewater Treatment**

- 2.1 The foul drainage from this development is in the catchment of Botesdale Water Recycling Centre that will have available capacity for these flows.

### **Section 3 – Foul Sewerage Network**

- 3.1 The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection

### **Section 4 – Surface Water Disposal**

- 4.1 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.

### **Section 5 – Trade Effluent**

- 5.1 Not applicable

**From:** Jason Skilton  
**Sent:** 14 December 2016 10:42  
**To:** Planning Admin  
**Cc:** John Pateman-Gee  
**Subject:** 2016-12-14 JS Reply 3858/16 Proposed Development of Land to the East of Garden house Lane, Rickingham

We are generally happy with the Flood Risk Assessment and Drainage Strategy, Project Ref 36813 Dated September 2016. The side slopes of the attenuation basin will dictate the maximum depth of water in a 100 year return period i.e. water depth 0.3-0.5m, side slope no steeper than 1:4, water depth 0.2-0.3m side slope no steeper than 1:4 to 1:2 may be acceptable,

Suffolk County Council, Flood and Water Management can make the following recommended approval subject to our proposed conditions.

1. 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. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
  - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
  - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
  - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
  - f. Topographical plans depicting all exceedance 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;
  - g. Details of who will maintain each element of the surface water system for the life.

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.

2. Concurrent with the first reserved matters application(s) 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 strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

3. 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

4. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

#### 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 2003
- The Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution

Kind Regards

Jason Skilton  
Flood & Water Engineer  
Suffolk County Council

Tel: 01473 260411  
Fax: 01473 216864

Your Ref: MS/3858/16  
Our Ref: 570\CON\3382\16  
Date: 20 December 2016  
Highways Enquiries to: christopher.fish@suffolk.gov.uk

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

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

**For the Attention of:** James Platt

Dear James

**TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN MS/3858/16**

**PROPOSAL:** Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian). (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application)

**LOCATION:** Land Adj Greenacres, Garden House Lane, Rickinghall Superior, IP22 1EA

**ROAD CLASS:** U

Notice is hereby given that the County Council as Highway Authority objects to the proposal because there is insufficient access width for safe access with the carriageway and footway widths within the redline shown on drawing 15\_253\_FS01E contrary to National Planning Policy framework paragraph 32.

**Comment:**

The site boundary is tight on the access as shown. Ordinarily this may not be a big problem but in this location it appears that the ditch needs to be bridged. Measures to prevent pedestrian and vehicle incursion will require some width and the structure must be accessible for maintenance for sustainable access. It is suggested that an additional one metre width is necessary on each side for this to be acceptable in principle.

The alternative of reducing the footway and carriageway widths isn't considered to be acceptable. A reduction to 1.5m footway width over a short distance may be acceptable but no less. That would mean a reduction in the carriageway width in the order of 1.5m would be left to find. This would reduce the carriageway below that which is appropriate to serve the number of dwellings proposed and there would be a significant risk of conflict between vehicles as a result.

In addition, it appears that the refuse collection vehicle would be restricted in the direction that it may exit the site to north, as it would otherwise run over the verge on the west side if it turned left. This isn't reason to refuse the application in itself but a matter that ought to be addressed.

The following comments, draft planning obligations and draft conditions are made on the assumption that acceptable access can be achieved.

The Suffolk Design Guide for Residential Areas (SDG) advises that Major Access Roads including footways should serve more than 100 dwellings and at paragraph graph 3.3.8 that, '*For Major Access Roads serving more than 150 and up to 300 dwellings: either two points of access should be provided or where only one point of access is available the road layout should form a circuit and there should be the shortest possible connection between this circuit and the point of access. This should always form the stem of a T-junction – usually with a Local Distributor road.*' There are already over 150 dwellings served off Garden House Lane, however, Manual for Streets (which superseded Design Bulletin 32 on which much advice in SDG is based) (para. 6.7.3) says that fire services adopt a risk assessment approach to the risk of the access being blocked and to achieve their response targets for emergency access. Thus I would advise consultation of the Suffolk Fire and Rescue Service.

Garden House Lane is not laid out even to Major Access road standard. While it is acknowledged that there is a footpath between The Street and Ryders Close, it is considered likely that residents of the application site would wish to walk directly to The Street (for example to bus stops) and not climb additional height and walk extra distance via The Ryders. The development will also add additional vehicular and pedestrian trips, thus generating the need for the infrastructure. A planning obligation may be necessary if a Grampian condition is not acceptable.

The footway fronting Walsingham Mews (approximately 30m from The Street along Garden House Lane) is not recorded as highway maintainable at public expense according to records held in this office, however, it is considered to be highway maintainable by the land owner (not by the local highway authority).

Further south, there is adopted footway for approximately 30m either side of Wheatfields junction with Garden House Lane. Following which there is a length of approximately 55m with no footway before Ryders Close, which has footways returning to Garden House Lane. It is recommended, however, that a length of footway that should be provided is approximately 84m such that residents of the proposed development can cross the carriageway south of Ryders Close. The verge on the south east side of Garden House Lane is recorded as adopted highway at approximately 9m in width. It would therefore appear feasible to construct a continuous footway from the site to The Street on the southeast side of Garden House Lane without narrowing the carriageway.

The extensive grass verge is at risk from development related traffic and conditions would be recommended to limit and mitigate the impact.

There has been flooding on The Street, purportedly due to debris blocking the screen over the inlet to the section piped beneath Garden House Lane itself and The Street. The drainage system from Ryders Way and Wheatfields both drain into this system. Ryders Way is a highway drain and the Wheatfields system has been adopted by Anglian Water. The development mustn't make the risk of such flooding worse by providing the footway or any other process. Sustainable drainage measures should be incorporated to accommodate the additional impermeable area and to reduce the flood risk. With agreement from SCC's Flood & Water Engineer it may be preferable to incorporate this into the on-site drainage proposals.

The vehicular trip generation from 42 dwellings is not considered to be sufficient to warrant refusal due to traffic delays in accordance with National Planning Policy Framework paragraph 32.

#### School access:

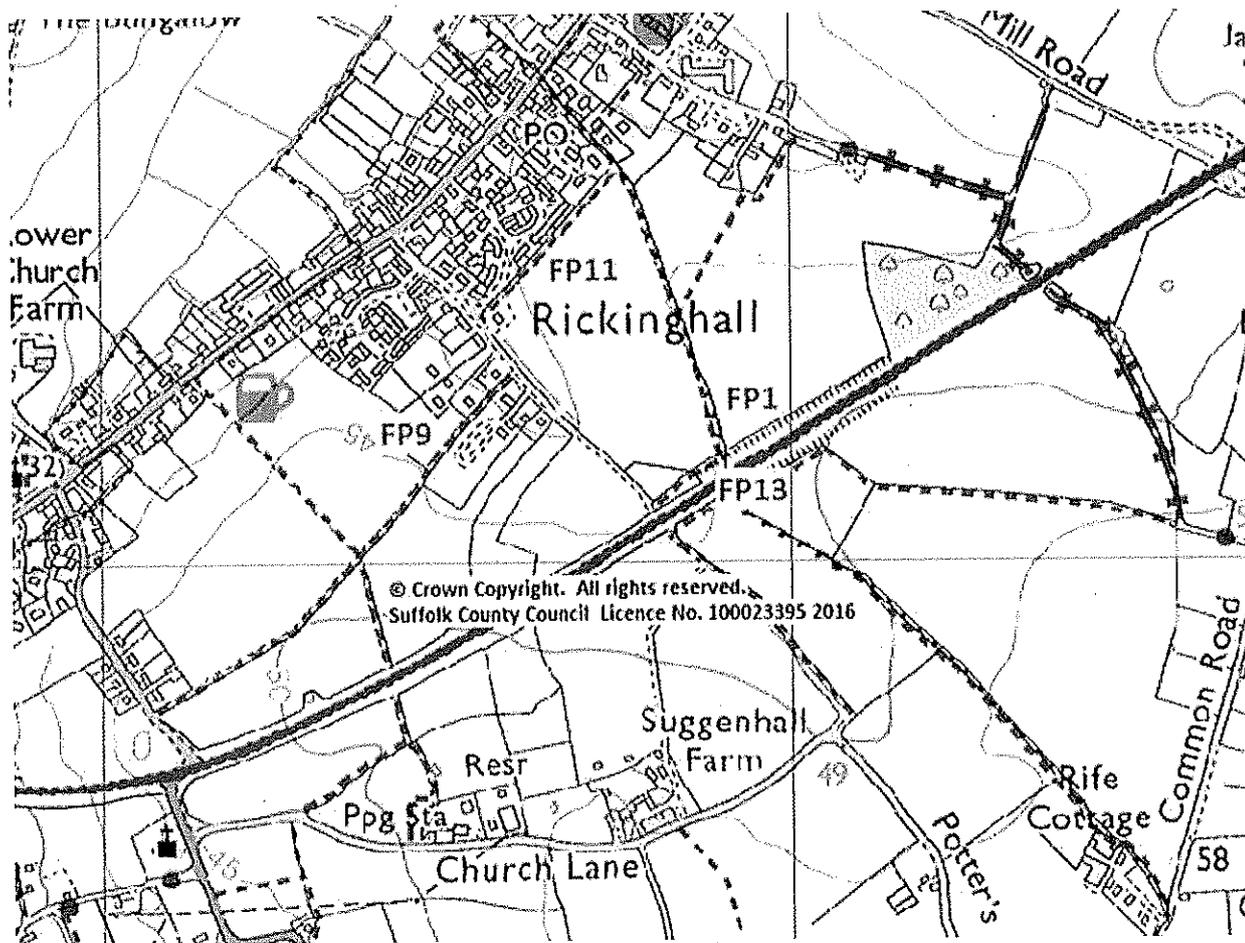
The site is not sustainable in respect to access to secondary schools as it is over distance to the Transport Priority Area school Hartismere High School and to the nearest High School in Diss. SCC will be obliged to pay for the transport of any secondary school children needing to go to school at an average cost £7,182 per annum.

#### Public Transport

As previously advised, it is not possible for a bus to access this site. NPPF Paragraphs 29, 32 and 35 refer to sustainable transport. To make this development sustainable in these terms it is necessary to relocate and improve the nearest bus stops on The Street nearer to Garden House Lane where there is space for raised kerbs and poles to be built without too much disruption.

#### Public Rights of Way Response

The proposed development will have a direct impact on the local public rights of way (PROW) network, please refer to the map below. Relevant sections of the NPPF to Public Rights of Way are provided as an appendix.



PROW are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism.

The anticipated increased use of the PROW network of as a result of the development will require the following offsite improvement works:

The southern end of Public Footpath 13 is recorded through an area of water; public have to walk alongside the A143 to resume their walk along Public Footpath 25. The path is to be diverted around the edge of the water to meet up with Public Footpath 25, to provide a safe and convenient route, please refer to the attached plan. Sections of Rickinghall Public Footpath 9 and Botesdale Public Footpath 1 also require improvement works. The likely cost of making the necessary Orders is £4000.

Subject to the satisfactory resolution of the reason for refusal above, the County Council as Highway Authority would not object to the proposal subject to the imposition to conditions and satisfactory S106 Planning Obligations, which are likely to be as follows:

**Draft Planning Obligations:**

**Passenger Transport site-specific mitigation:** Contribution £6,000 payable to Suffolk County Council prior to first occupation for the construction of bus stops incorporating raised bus stop kerbs and poles on The Street in the vicinity of the site. Index linked. Unspent/not committed balance to be repaid on 5<sup>th</sup> anniversary of receipt.

**Public Rights of Way site-specific mitigation:** Contribution to the improvement of the public rights of way network including Order making costs £4,610.00 to be paid prior to first occupation. Index linked. Unspent/not committed balance to be repaid on 5<sup>th</sup> anniversary of receipt.

**School Access Transport site-specific mitigation contribution:** £71,820 towards for 10 years payable prior to first occupation of the 10<sup>th</sup> dwelling. Any balance unspent to be repayable if the Transport Priority Area school is relocated within an acceptable distance.

**Draft Conditions:**

1 AL 2

No part of the development shall be commenced until details of the proposed access (including any structures to be erected, surface materials and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.

Thereafter the access shall be retained in its approved 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.

2 Prior to the commencement of any part of the development, details of the proposed tree planting and landscaping including root management measures shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved.

Reason: To ensure new trees are not planted too close to carriageways to be lawfully replaced if they become highways; to prevent damage to the roads which are required for safe access and to ensure that visibility splays remain unobstructed by proposed planting.

3. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved construction management plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- ~~c) piling techniques~~
- d) storage of plant and materials
- e) programme of works (including measures for traffic management and operating hours)
- f) provision of boundary hoarding and lighting
- ~~g) protection of important trees, hedgerows and other natural features~~
- ~~h) protection of the aquatic environment in terms of water quantity and quality~~
- i) details of proposed means of dust suppression and noise mitigation
- j) details of measures to prevent mud from vehicles leaving the site during construction
- k) haul routes for construction traffic on the highway network and
- l) monitoring and review mechanisms.

No deliveries to the site during construction shall be undertaken at the following times;  
During the hours of 0800 - 0900 on Mondays to Fridays (inclusive) except bank holidays.

Reason: In the interests of highway safety, residential amenity, traffic management and emergency access.

(Note: struck through points are not considered to be necessary or relevant by the Highway Authority but may still be necessary for other planning reasons.)

4 No part of the development shall be commenced until a photographic condition survey of the highways fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public.

5 B2

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

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

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

#### 6 D 2

Before the development is commenced 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 / estate roads. This shall include how the surface water will be disposed of. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

#### 7 ER 1

Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, street lighting 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.

#### 8 P2

Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage and facilities for charging plug-in electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

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

#### 9 ER 2

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

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

#### 10 NOTE 06

As the proposal requires work affecting an ordinary watercourse, including a ditch, whether temporary or permanent, then consent will be required from Suffolk County Councils' Flood and Water Management team for piping it. Application forms are available from the SCC website:

<http://www.suffolk.gov.uk/environment-and-transport/planning-and-buildings/land-drainage>.

Applications for consent may take up to 8 weeks to determine and will incur an additional fee.

#### 11 NOTE 07

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.

12 NOTE 15 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.

Yours sincerely,

**Mr Christopher Fish**

Senior Highway Development Management Engineer  
Strategic Development – Resource Management

**Appendix 1**

**References in the National Planning Policy Framework relevant to Public Rights of Way:**

**Section 3 - Supporting a prosperous rural economy**

**Para 28** - To promote a strong rural economy, local and neighbourhood plans should... support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

**Section 4 - Promoting sustainable transport**

**Para 35** – refers to priority given to pedestrian and cycle movements, creating safe and secure routes to minimise conflicts between traffic and cyclists or pedestrians and to consider the needs of people with disabilities by all modes of transport.

**Section 8 - Promoting healthy communities**

**Para 69** - Planning policies and decisions, in turn, should aim to achieve places which promote... safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

**Para 73** - Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

**Para 75** - Planning policies should protect and enhance public rights of way and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network.

**Suffolk County Council Strategies and Policies relevant to Public Rights of Way:**

- The Rights of Way Improvement Plan which, inter alia, highlights the importance of development in rural areas should give people the greatest opportunity to access the countryside by walking and cycling,
- The Walking Strategy, which seeks to ensure existing communities with a population over 500, and new developments over 10 dwellings have easy access to a one mile natural walk or 2ha of green space, within 500m of their home,
- The Cycling Strategy, which seeks to promote a transfer to cycling (and walking) for short distance trips, plan and design for the future with cycling in mind and create a safe and cycle friendly environment,
- The Joint Health and Wellbeing Strategy for Suffolk, outcome 2 of which states Suffolk residents should have access to a healthy environment and take responsibility for the own health and wellbeing,
- The Nature Strategy which seeks to ensure physical access improvements go hand-in-hand with wildlife sensitivity and quality interpretation, to enable people to access and understand our natural environment.

Midlands and East (East)  
Swift House  
Hedgerows Business Park  
Colchester Road  
Chelmsford  
Essex CM2 5PF  
Tel: 0113 824 9111  
Email: kerryharding@nhs.net

Our Ref: NHSE/MIDS/16/3858/KH

Your Ref: 3858/16

Planning Services  
Mid Suffolk District Council  
Council Offices  
131 High Street  
Needham Market, IP6 8DL

17 October 2016

Dear Sir / Madam

**Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian). (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application).  
Land adj Greenacres, Garden House Lane, Rickingham Superior, IP22 1EA**

**1.0 Introduction**

- 1.1 Thank you for consulting NHS England on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of NHS England Midlands and East (East) (NHS England), incorporating West Suffolk Clinical Commissioning Group (CCG).

**2.0 Existing Healthcare Position Proximate to the Planning Application Site**

- 2.1 The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP Practice does not have capacity for the additional growth resulting from this development.
- 2.2 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated.

**3.0 Review of Planning Application**

- 3.1 The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.
- 3.2 A Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

#### 4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The proposed development could generate approximately 101 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare services within a 2km radius of the proposed development and the current capacity position is shown in Table 1.

**Table 1: Summary of position for primary healthcare services within a 2km radius (or closest to) the proposed development**

Premises	Weighted List Size <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
Botesdale Health Centre	9,789	591.96	8,633	-79.29
<b>Total</b>	<b>9,879</b>	<b>591.96</b>	<b>8,633</b>	<b>-79.29</b>

**Notes:**

- The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
  - Current Net Internal Area occupied by the Practice
  - Based on 120m<sup>2</sup> per GP (with an optimal list size of 1750 patients) as set out in the NHSE approved business case incorporating DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  - Based on existing weighted list size
- 4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

#### 5.0 Healthcare Needs Arising From the Proposed Development

- 5.1 The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.
- 5.2 The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, refurbishment or reconfiguration at Botesdale Health Centre; a proportion of the cost of which would need to be met by the developer
- 5.3 Table 2 below provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

**Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal**

Premises	Additional Population Growth (42 dwellings) <sup>5</sup>	Additional floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup>	Spare Capacity (NIA) <sup>7</sup>	Capital required to create additional floor space (£)
Botesdale Health Centre	101	6.93	-79.29	15,939
<b>Total</b>	<b>101</b>	<b>6.93</b>	<b>-79.29</b>	<b>£15,939</b>

**Notes:**

5. Calculated using the Mid Suffolk District average household size of 2.4 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).
  6. Based on 120m<sup>2</sup> per GP (with an optimal list size of 1750 patients) as set out in the NHSE approved business case incorporating DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  7. Existing capacity within premises as shown in Table 1.
  8. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£2,300/m<sup>2</sup>), rounded to nearest £100.
- 5.4 A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be **£15,939**. Payment should be made before the development commences. NHS England therefore requests that this sum be secured through Community Infrastructure Levy (CIL) linked to any grant of planning permission.
- 5.5 This development is not of a size and nature that would attract a specific S106 planning obligation. Therefore a proportion of the required funding for the provision of increased capacity within the existing healthcare premises servicing the residents of this development, by way of reconfiguration, refurbishment, extension or relocation, would be sought from the CIL contributions collected by the District Council, as appropriate.

**6.0 Conclusions**

- 6.1 In its capacity as the primary healthcare commissioner, NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- 6.3 The terms set out above are those that NHS England deem appropriate having regard to the formulated needs arising from the development.
- 6.4 In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution is sought.
- 6.5 NHS England is satisfied that the basis of a request for CIL contributions is consistent with the Regulation 123 list produced by Mid Suffolk District Council.
- 6.6 Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.7 NHS England and the CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Yours faithfully



**Kerry Harding**  
Estates Advisor

*High quality care for all, now and for future generations*

OFFICIAL



**Suffolk Fire and Rescue Service**

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

Mid Suffolk District Council  
Planning Department  
131 High Street  
Needham Market  
Ipswich  
IP6 8DL

Planning Control	
Received	
28 OCT 2016	
Acknowledged	.....
Date	.....
Pass to	JPG

Your Ref:  
Our Ref: ENG/AK  
Enquiries to: Mrs A Kempen  
Direct Line: 01473 260486  
E-mail: Angela.Kempen@suffolk.gov.uk  
Web Address: www.suffolk.gov.uk

Date: 25 October 2016

**Planning Ref: 3858/16**

Dear Sirs

**RE: PROVISION OF WATER FOR FIRE FIGHTING**  
**ADDRESS: Land adj. Green Acres, Gardenhouse Lane, Rickinghall Superior IP22 1EA**  
**DESCRIPTION: 42 Dwellings**  
**NO: HYDRANTS POSSIBLY REQUIRED: Possible Required**

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

If the Fire Authority is not consulted at the planning stage, the Fire Authority will request that fire hydrants be installed retrospectively on major developments if it can be proven that the Fire Authority was not consulted at the initial stage of planning.

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

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

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

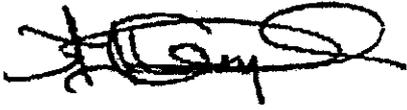
Until Suffolk Fire and Rescue Service receive confirmation from the water authority that the installation of the fire hydrant has taken place, the planning condition will not be discharged.

Continued/

OFFICIAL

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mrs A Kempen', written over a horizontal line.

Mrs A Kempen  
Water Officer

3858/16

OFFICIAL



**Suffolk Fire and Rescue Service**

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

Mid Suffolk District Council  
Planning Department  
131 High Street  
Needham Market  
Ipswich  
IP6 8DL

Planning Control	
Received	
28 OCT 2016	
Acknowledged	.....
Date	.....
By	JPG

Your Ref:  
Our Ref: FS/F190965  
Enquiries to: Angela Kempen  
Direct Line: 01473 260588  
E-mail: Fire.BusinessSupport@suffolk.gov.uk  
Web Address: http://www.suffolk.gov.uk

Date: 25/10/2016

Dear Sirs

**Land adjacent Green Acres, Gardenhouse Lane, Rickinghall Superior Ip22 1EA**  
**Planning Application No: 3858/16**

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/

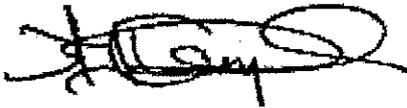
OFFICIAL

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.

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

Yours faithfully



Mrs A Kempen  
Water Officer

Enc: PDL1

Copy: Mr T Waller, Waller Planning, Suite C, 19-25 Salisbury Square, Old Hatfield  
AL9 5BT

Enc: Sprinkler information

S106 Planning Contributions

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# Agenda Item 9b

## Committee Report

Committee Date: 03 May 2017

Item No: 1

Reference: 4968/16

Case Officer: Ruth Bishop

---

**Description of Development:** Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.

**Location:** Land to the rear of 1 Red Houses, All Saints Road, Creeting St Mary

**Parish:** Creeting St Mary

**Ward:** The Stonhams

**Ward Member/s:**

**Site Area:**

**Conservation Area:** No

**Listed Building:** None

**Received:** 15/12/2016

**Expiry Date:** 28/04/2017

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**Application Type:** PAA: Agricultural bldg to dwellinghouse

**Development Type:** Other

**Environmental Impact Assessment:**

**Applicant:** Mrs P Ivatt

**Agent::** Hollins Architects & Surveyors

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## DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

### **Defined Red Line Plan:**

The defined Red Line Plan for this application is the Location Plan at scale 1:1250 on drawing 16208 2 received 15<sup>th</sup> December 2016 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

## **Plans and Documents:**

Application Form received 15/12/2016.

CIL Forms received 15/12/2016.

Design & Access Statement 15/12/2016.

Land Contamination Questionnaire received 15/12/2016.

Enviroscreen report by Argyll received 03/01/2017.

Speed Survey results received 20/03/2017.

Drawing 16208 1 Agricultural Building Conversion – Prior Notification received 15/12/2016.

Drawing 16208 2 Proposed Plan, Elevations & Location Plan received 15/12/2016.

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) via the following link:

<http://planningpages.midsuffolk.gov.uk/online-applications/>

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

## **SUMMARY**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development that would not harm the surrounding landscape, highway network, neighbour amenity or biodiversity.

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

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

- Councillor Morley, a Member of the Council, has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council. The Member's reasoning is included in the agenda bundle.

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## **PART TWO – APPLICATION BACKGROUND**

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This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

### **History**

2. 3297/15 Erection of farm manager's dwelling and garage with construction of vehicular access to All Saints Road. (This new dwelling and access is located approximately

opposite the existing access to the barn that is the subject of this application.)

### **Details of Previous Committee / Resolutions**

3. None

### **Details of Member site visit**

4. None

### **Details of any Pre Application Advice**

5. None

---

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

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### **Consultations**

6. Summary of Consultations

**Creting St Mary Parish Council** – Support this application.

**Suffolk County Council - Highways** – Object due to highway safety.

**MSDC - Environmental Health - Land Contamination-** No objection.

### **Representations**

7. Summary of neighbour and other representations

None received.

### **The Site and Surroundings**

8. The site is located at the north end of Creting St Mary, off All Saints Road, the main road which runs through the village. There is a row terraced and detached dwellings on the south side of the road, and the site access is a track that runs down the side of the last dwelling in the row. The track provides vehicle access to the rear of several terraced properties, access the barn that is subject to this application, access to paddocks, and access to agricultural fields. Nearby, on the opposite side of the road is Whissel's Farm, which consists of a large collection of agricultural buildings. The barn is located within a large fenced area. The barn has a high, red brick plinth with a timber frame walls above clad in black horizontal timber boarding. Internally the walls are concrete block and the roof is clad in profile sheeting. The barn is surrounded by paddocks and open countryside to the west, south and east, with the terraced houses to the north.

### **The Proposal**

9. Please note details of the proposed development including plans and application

documents can be found online.

10. The application seeks Class Q Prior Approval to be granted for the agricultural barn to be converted into a dwelling. The proposed dwelling has two bedrooms, a small study, snug, utility, and open plan kitchen-dining-living area. The barn proposed for conversion is approximately 14.7 x 10.7 metres in size, and as per the restrictions of Class Q does not extend beyond the existing building's envelope.
11. The proposed new dwelling is a single storey high, and relatively modest in size and scale. The proposal results in a traditional, attractive barn conversion that enhances the immediate area.

### **NATIONAL PLANNING POLICY FRAMEWORK**

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

### **CORE STRATEGY**

13. As this application relates to a prior notification under the Permitted Development Order, local policies are not relevant. Please see the assessment section of this report.

### **NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN**

14. As this application relates to a prior notification under the Permitted Development Order, local policies are not relevant. Please see the assessment section of this report.

### **SAVED POLICIES IN THE LOCAL PLAN**

15. (As this application relates to a prior notification under the Permitted Development Order, local policies are not relevant. Please see the assessment section of this report.

### **Main Considerations**

#### **Legislative background – Class Q Prior Approval Notifications**

16. As of 6<sup>th</sup> April 2014 development consisting of a change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) is permitted development under Schedule 2, Part 3, Class MB of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GDPO).
17. In April 2015 the GDPO was consolidated to The Town and Country (General Permitted Development) Order 2015. Under Article 3, Schedule 2, Part 3 Class Q permits agricultural buildings to dwellinghouses and replaces class MB.

18. Developers are required to apply to the Local Planning Authority for determination as to whether prior approval will be required as to:
  - a) Transport and highways impacts of the development;
  - b) Noise impacts of the development;
  - c) Contamination risks on the site;
  - d) Flooding risks on the site; and
  - e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use.
  - f) the design or external appearance of the building,
19. As part of their assessment the Local Planning Authority is required to determine whether the proposed development complies with any conditions, limitations or restrictions specified within the relevant regulations as being applicable to the development in question.

### **Limitations of Class Q**

20. Assessment of Class Q is restricted to the provisions of that class and Part W of the Town and Country Planning (GPDO) Order 2015 as amended. This includes the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.
  - (a) The building is in use and full of agricultural vehicles and machinery.
  - (b) It is noted that the existing floor space of the building to be converted is under 450sqm.
  - (c) The total number of dwelling created is one.
  - (d) The applicant has declared that the land is not occupied under an agricultural tenancy agreement.
  - (e) The applicant has declared that no agricultural tenancy has been terminated in the last year.
  - (g) The development does not increase the existing dimensions of the building.
  - (h) The total cumulative floor space of the proposed dwelling does not exceed the limit of 450sqm.
  - (i) The building operations are considered necessary to carry out the development as proposed are considered to be unreasonable.
21. As stated above the application is considered to comply with each of the restrictions of Class Q part 1 (a) – (i).

### **Transport and highways impacts**

22. The track that provides access to the site also provides access to the rear of some terraced houses, paddocks and agricultural fields. The track is in use by agricultural vehicles, horseboxes and the occasional car. The junction where the track meets All Saints Road is within a 30 mph speed limit but a short distance from a change to the national speed limit of 60 mph.
23. The Local Highway Authority (LHA) considers the visibility splays to the northeast acceptable and the visibility splay to the southwest unacceptable. The 90m long visibility splay to the southwest encroaches onto 3<sup>rd</sup> party land and therefore is not considered securable. The Highways Officer has advised that a speed survey at the site would need to demonstrate 85% of the traffic's speed was low enough to justify a reduction in the visibility splay.

24. The LHA has explained several points detailed in the consultation response provided. The change of the use of the building from agricultural to residential use would represent a consistent flow of traffic. Drivers of agricultural vehicles are situated much higher than in a standard car, with different visibility levels. This explains the need to improve the existing access by increasing the visibility splays should the barn be converted to a dwelling.
25. The applicant has employed a Highways Consultant who has carried out a speed survey at All Saints Road. The Highway Consultant concluded that the 85% percentile speed is not below 30 mph, but both the median and mean speeds of traffic are below 30mph. The applicant is willing to improve the surface and layout of the existing junction to increase highway safety. The Highway consultant also notes that the track is in existing use, and the proposal would result in smaller domestic vehicle movements, rather than larger agricultural related traffic.
26. The LHA has considered the additional information submitted by the applicant's Highway Consultant and does not consider the median or mean speeds relevant. The SCC Highway Officer only considers the 85% percentile speeds relevant and the speed survey carried out show the traffic speeds to not meet the standards necessary to allow for a reduction in the specified visibility splay.
27. As such, the LHA has recommended the application is refused due highway safety as the standard visibility splays cannot be achieved without encroaching on 3<sup>rd</sup> party land.

### **Noise**

28. It is considered that there would not be any significant noise impacts from the use of the site as a dwelling when compared to the existing agricultural use of the site and considering the relatively isolated location of the site.

### **Contamination Risks**

29. The applicant has provided a land contamination report which shows there is no significant risk of contamination such that would warrant a refusal of th a proposal on these grounds. The Environmental Management Officer has no objection to the application.

### **Flooding Risks**

30. The site is not located in an area at risk of flooding and there are no adverse issues in this respect.

### **Location**

31. The proposed dwelling would be in the countryside where the presumption is against residential development. However, Planning Policy Guidance relating to change of use of agricultural buildings to residential (updated 03/05/2015) states residential use comes under permitted development rights but with limitations which, in respect of the location of the building, come down to "whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within class C3 (dwelling houses)".

32. In light of this update to the Planning Practice Guidance it is considered that the location of the site is acceptable.

### **The design and external appearance of the buildings**

33. The proposal converts the barn into a relatively modest, single storey dwelling. The barn is approximately 14.7 x 10.7 metres in size. The dwelling provides two bedrooms, a small study, snug, utility and open plan kitchen-dining-living room.
34. The proposed barn conversion has a traditional appearance which retains the red brick and black horizontal time cladding. The overall appearance is appropriate to the rural setting and is considered to enhance the surrounding area.

### **Consideration of representations**

35. There have been no representations beyond consultees to consider in regard to this application.
36. The proposed dwelling is set back a considerable distance from the row of terrace properties and separated by a row of trees and hedges. Due to the distance and screening, the proposal is not considered to give rise to any concerns of loss of neighbour amenity by reason of form, design or use a dwelling.

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## **PART FOUR – CONCLUSION**

---

### **Planning Balance**

37. The proposed development is in accordance with all the restrictions and limitations of the General Permitted Development Order, Class Q, Part 1 and Part W.
38. The proposed development is not considered acceptable in regard to transport and highway impacts of the development, as detailed in the General Permitted Development Order, Class Q, Part 2.
39. The Local Highway Authority recommends refusal of the application on highway safety grounds. It is considered inappropriate, at officer level, not to support the expert advice of the Suffolk County Council Highway Officer.

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

40. 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.
41. In this case the application as submitted raised an objection from the Local Highway Authority as the proposed visibility splay would extend across land outside of the applicant's control. The Local Planning Authority has worked with the applicant to extend the period for determining the application to allow time for Highway Consultants to be hired, highway surveys to be carried out, the SCC

Highways Officer to consider the additional information. The SCC Highways Officer remains opposed to the development and recommends refusal.

#### **Identification of any Legal Implications of the decision**

42. It is not considered there will be any legal implications if the application is refused.
43. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
  - Human Rights Act 1998
  - The Equalities Act 2012
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
  - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

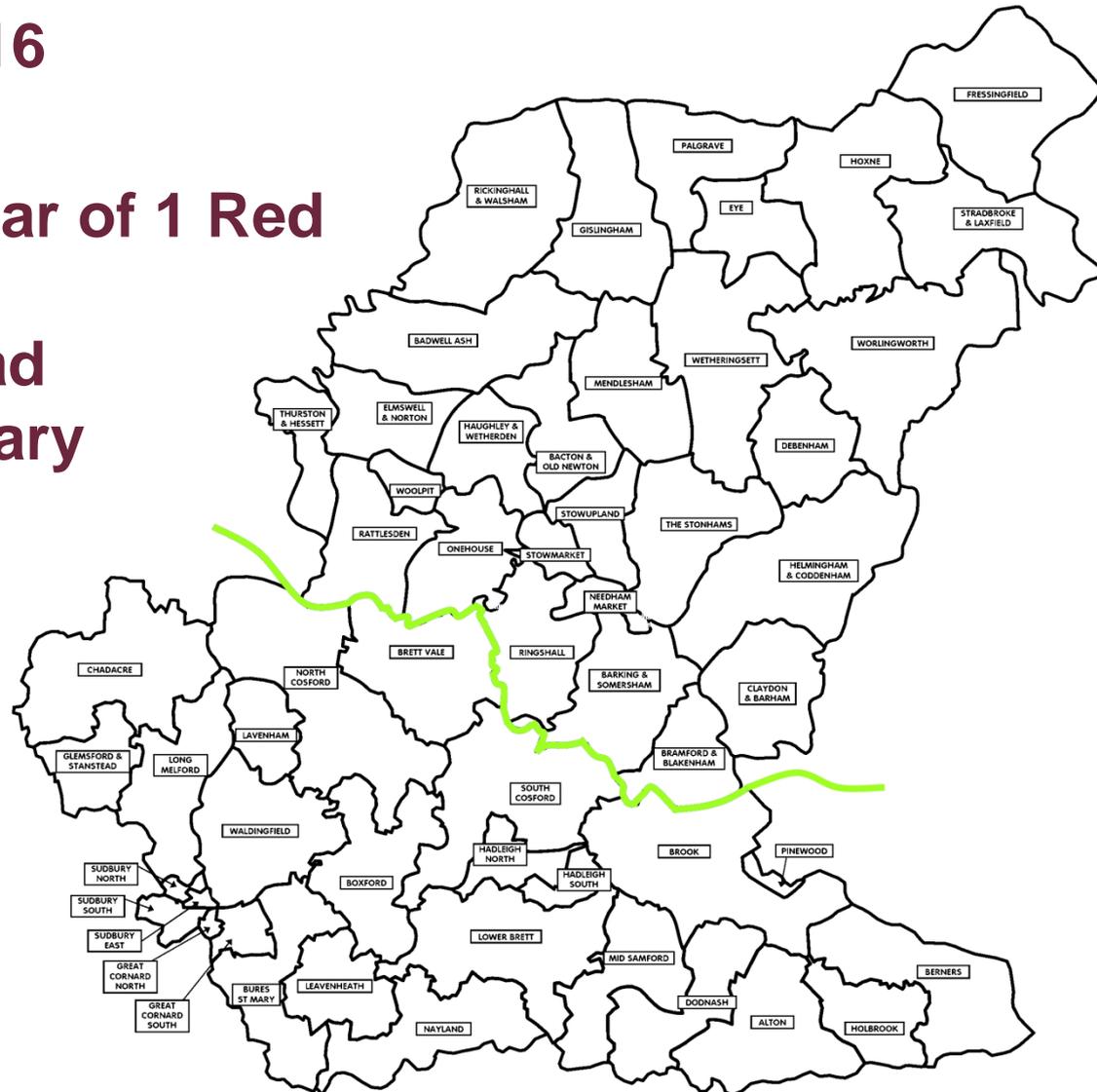
#### **RECOMMENDATION**

**That Prior Approval is required, and prior approval be refused on transport and highway impacts.**

**Application No: 4968/16**

**Address: Land to the rear of 1 Red Houses,  
All Saints Road  
Creeting St Mary**

Page 97



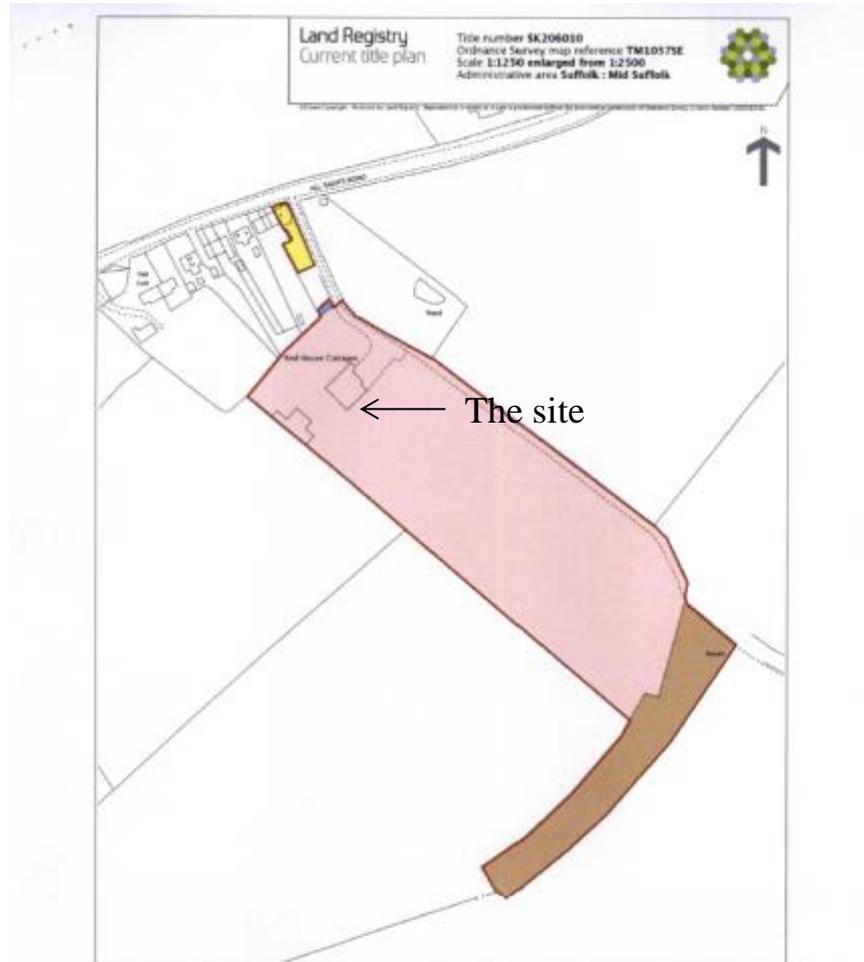


## Verbal Updates:

- Confirmation and summary of any 3<sup>rd</sup> Party representations received not previously issued to members.
- Confirmation and summary of any consultee responses received not previously issued to members
- Confirmation of any changes to recommendation, conditions or reasons.

# Site Location Plan

Slide 3



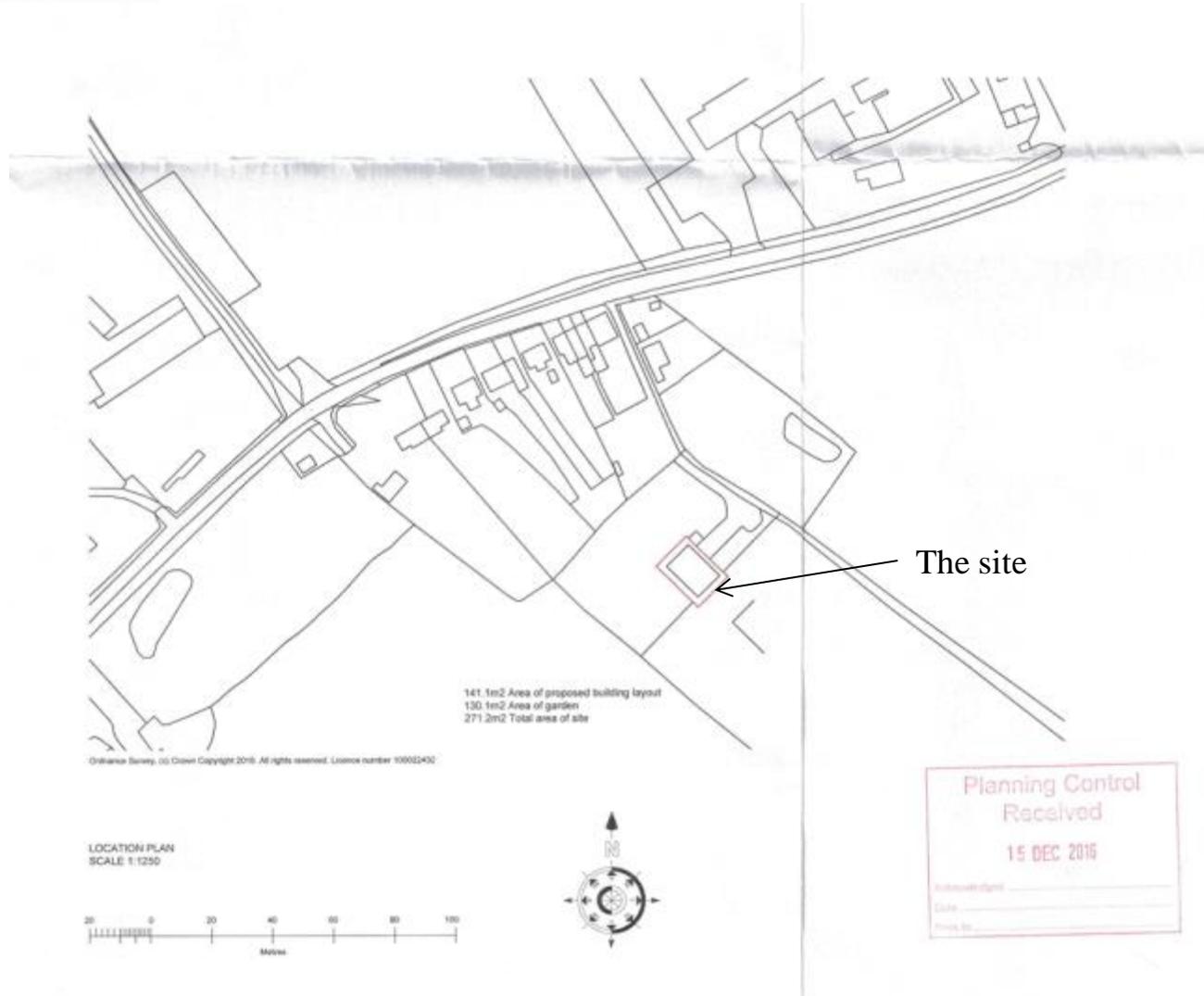
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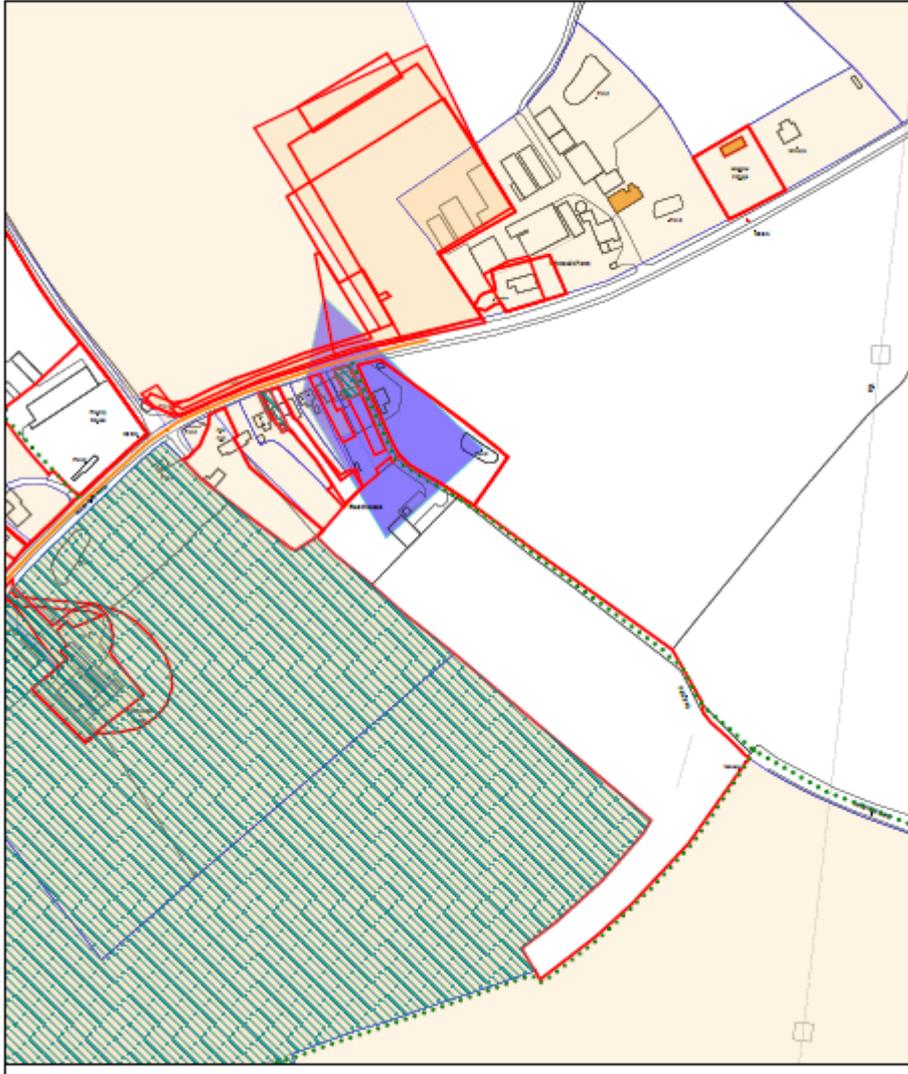
This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

The Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements taken from this plan may not match measurements taken from some points on the ground.

This title is dealt with by Land Registry, Kingston upon Hull Office.

# Site Location Plan



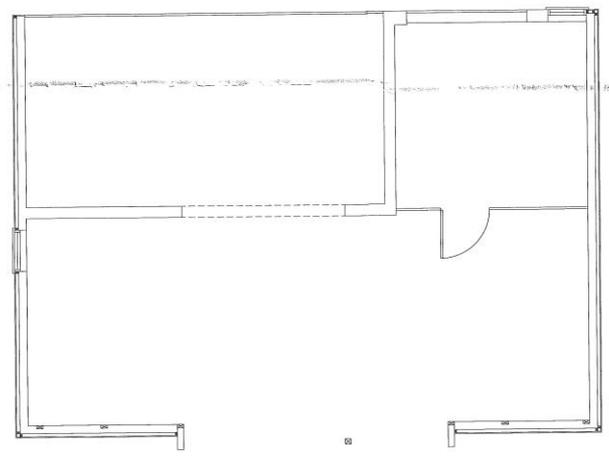
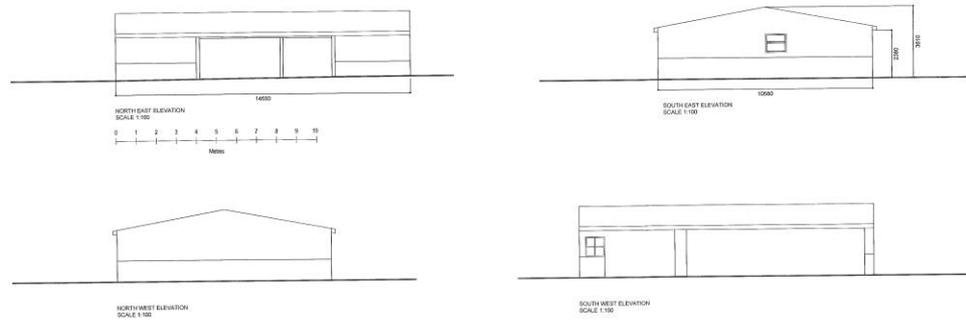


# Survey elevations and floor plan

Slide 6

4/9/68/jc

**GENERAL NOTES**



*No. Date Revision*  
**Revisions**

**HOLLINS**  
Architects, Surveyors &  
Planning Consultants  
11 Market Hill  
Framlingham  
Suffolk  
IP13 9BA  
Telephone: 01793 751909  
Email: info@hollins.co.uk  
Website: www.hollins.co.uk

**Client**  
MISS PAULINE WATT

**Site**  
1 RED HOUSES  
ALL SAINTS ROAD  
CREEING ST MARY  
IPSWICH IP8 8PN

**Project**  
AGRICULTURAL BUILDING  
CONVERSION - PRIOR NOTIFICATION

Planning Control  
Received  
15 DEC 2016

**Details**  
SURVEY

**Scale**  
1:50 & 1:100 @ A1

**Date**  
SEPTEMBER 2016

**Drawn by**  
RJB

**Drawing number**  
16208 1

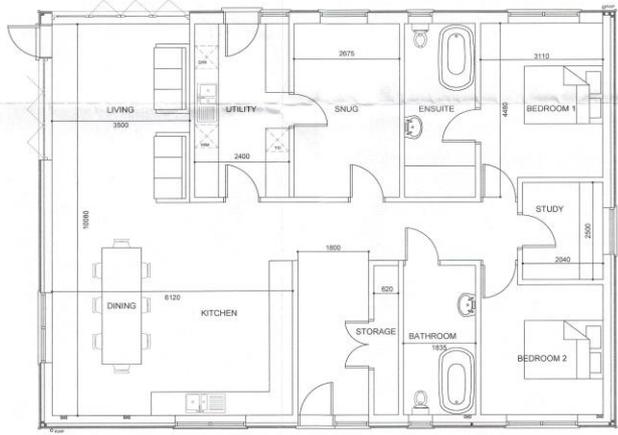
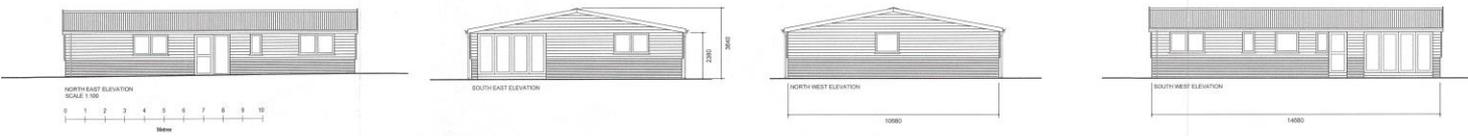
# Proposed Plan, elevations and location plan

Slide 7

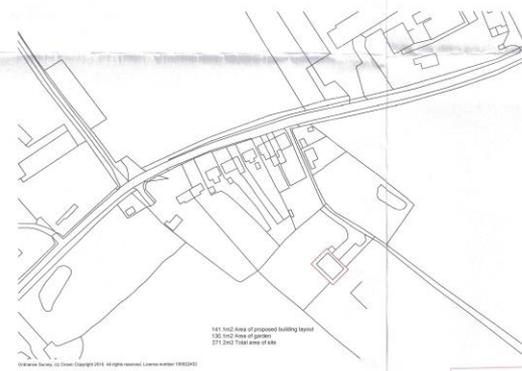
Page 103

L968/16

GENERAL NOTES



FLOOR PLAN  
SCALE 1:100



LOCATION PLAN  
SCALE 1:1000

No. Date Revisions

**HOLLINS**  
Architects, Surveyors & Planning Consultants  
41 Market Hill  
Framlingham  
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IP13 9BA  
Telephone 01728 723859  
Fax 01728 723862  
E-mail: info@hollins.co.uk  
Website: www.hollins.co.uk

Client  
MISS PAULINE IVATT

Site  
1 RED HOUSES  
ALL SAINTS ROAD  
CREETING ST MARY  
IPSWICH IP6 8PN

Project  
AGRICULTURAL BUILDING  
CONVERSION - PRIOR NOTIFICATION

Planning Control  
Received  
15 DEC 2016

Details  
PROPOSED PLAN, ELEVATIONS & LOCATION PLAN

Scale 1:50 & 1:100 @ A1

Date NOVEMBER 2016

Drawn by RJB

Drawing number  
**16208 2**

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Your Ref: MS/4968/16  
Our Ref: 570\CON\4407\16  
Date: 06/01/2017  
Highways Enquiries to: kyle.porter@suffolk.gov.uk

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

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

**For the Attention of: Ruth Bishop**

Dear Ruth

**TOWN AND COUNTRY PLANNING ACT 1990**  
**CONSULTATION RETURN MS/4968/16**

**PROPOSAL:** Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development

**LOCATION:** Land To The Rear Of, 1 Red Houses, All Saints Road, Creeting St Mary

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

Before permission is granted the applicant should demonstrate that access improvements can be made to demonstrate that safe and suitable access can be achieved by all (National Planning Policy Framework para32).

Visibility splays of x=2.4m by y=90m in both directions to the nearside edge of the metalled carriageway are required with no obstruction over the height of 0.6m without encroaching 3<sup>rd</sup> party land.

This is to ensure that intensifying the use of the access can be completed without having a detrimental impact to highway safety at this location. If this cannot be accomplished Suffolk County Council will be recommending the current proposal be refused under highway safety grounds.

Yours sincerely,

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

**From:** Nathan Pittam  
**Sent:** 09 January 2017 08:24  
**To:** Planning Admin  
**Subject:** 4968/16/AGDW. EH - Land Contamination.

**M3 : 188169**

**4968/16/AGDW. EH - Land Contamination.**

**SH, Street Record, All Saints Road, Creeting St Mary, IPSWICH, Suffolk.  
Land to the rear of 1 Red Houses. Notification for prior approval for a  
proposed change of use of agricultural building to a dwellinghouse (Class C3)  
and for associated operational development.**

Many thanks for your request for comments in relation to the above application. Having reviewed the application I am happy to confirm that I have no objections to the proposed development from the perspective of land contamination. I would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

Regards

Nathan

**Nathan Pittam** BSc. (Hons.) PhD  
Senior Environmental Management Officer  
**Babergh and Mid Suffolk District Councils – Working Together**  
t: 01449 724715  
m: 07769 566988  
e: [Nathan.pittam@baberghmidsuffolk.gov.uk](mailto:Nathan.pittam@baberghmidsuffolk.gov.uk)  
w: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

**From:** Parish Clerk [mailto:clerk.csmpc@yahoo.co.uk]  
**Sent:** 17 January 2017 14:37  
**To:** Planning Admin  
**Cc:** Jennie Blackburn  
**Subject:** Re: Consultation on Planning Application 4968/16  
**Importance:** High

Thank you for allowing the council an extension to this consultation.

Please note that at the Creeting St Mary Parish Council meeting held on Mon 16 January 2017 there was an unanimous decision to SUPPORT this application.

regards

Mrs Ann Squirrell  
Acting Clerk to Creeting St Mary Parish Council  
18 St Marys Road, Creeting St Mary, Suffolk IP6 8LZ  
☎: 01449 721156  
✉: [clerk.csmpc@yahoo.co.uk](mailto:clerk.csmpc@yahoo.co.uk)

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

**From:** [planningadmin@midsuffolk.gov.uk](mailto:planningadmin@midsuffolk.gov.uk)  
**To:** [clerk.csmpc@yahoo.co.uk](mailto:clerk.csmpc@yahoo.co.uk)  
**Sent:** Thursday, December 22, 2016 3:40 PM  
**Subject:** Consultation on Planning Application 4968/16

Correspondence from MSDC Planning Services.

Location: Land to the rear of 1 Red Houses, All Saints Road, Creeting St Mary

Proposal: Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.

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

We request your comments regarding this application and these should reach us

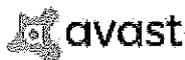
within 21 days. Please make these online when viewing the application.

The planning policies that appear to be relevant to this case are GP1, NPPF, CL8, C01/03, RT12, HB13, which can

be found in detail in the Mid Suffolk Local Plan.

We look forward to receiving your comments.

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[www.avast.com](http://www.avast.com)

Your Ref: MS/4968/16  
Our Ref: 570\CON\4407\16  
Date: 30/03/2017  
Highways Enquiries to: kyle.porter@suffolk.gov.uk

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

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

**For the Attention of:** Ruth Bishop

Dear Ruth

**TOWN AND COUNTRY PLANNING ACT 1990**  
**CONSULTATION RETURN MS/4968/16**

**PROPOSAL:** Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development

**LOCATION:** Land To The Rear Of, 1 Red Houses, All Saints Road, Creeting St Mary

Notice is hereby given that the County Council as Highways Authority recommends that permission be refused for the following reasons:

- Safe and suitable access cannot be achieved by all contrary to National Planning Policy Framework (para.32)

The proposed visibility splay is not considered to be sufficient for safe vehicular access and therefore not considered acceptable for development as at present the proposal would be detrimental to highway safety.

Achievable visibility splays to the South West are  $x=2.4m$  by  $y=10m$ , provided the frontage within the applicant's ownership boundaries as shown on "land registry site plan" are reduced to a height of 0.6m and there is an absence in on-street parking.

Visibility splays to the North East are acceptable and Suffolk County Council have no concerns with visibility in this direction as  $x=2.4m$  by  $y=150m$  are obtainable. There is a National Speed Limit Zone sign situated 20m from the access in this direction so it is expected that speeds are above 30mph as the bend is not sharp and therefore does not constitute as a traffic calming measure.

However, the requirement for visibility splays is  $x=2.4m$  by  $y=90m$  (Design Manual for Roads and Bridges) in each direction which is not achievable to the South West without encroachment of 3<sup>rd</sup> party land therefore is not securable. Without the guarantee that appropriate visibility can be achieved there is no way the access can facilitate the proposed intensification of use that the development would create.

Suffolk County Council would welcome any proposed speed survey if the developer believes there would be any merit in obtaining measured speeds if there is belief that 85<sup>th</sup>ile speeds would be low enough to justify the reduction in the visibility splay requirement. If this is to be executed the locations for the 7 day ATC speed survey would be outside the access, at the 30mph/National Speed Limit sign and 90m South East of the vehicular access.

Yours sincerely,

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

## Committee Report

Item No: 3

Reference: 0130/17  
Case Officer: Tilly Smith

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**Description of Development:** Installation of a metal energy panel on recessed part of external wall

**Location:** 137 High Street

**Parish:** Needham Market

**Ward:** Needham Market

**Ward Member/s:** Cllr Wendy Marchant. Cllr Mike Norris

**Conservation Area:** Yes

**Listed Building:** Grade II

**Received:** 04/03/17

**Expiry Date:** 29/04/17

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**Application Type:** LBC – Listed Building Consent

**Development Type:**

**Environmental Impact Assessment:** Environmental Impact Assessment Not Required

**Applicant:** Mrs W Marchant

**Agent:** Neil Stallard

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

List of applications supporting documents and reports:

Application Form, Site Location Plan at scale 1:1000 and unscaled Plan showing Part Ground Floor Layout & Position of Proposed Panel – all received 12/01/17

Design & Access Statement – received 18/02/17

Drawing showing Plans as Proposed and including a Schedule of Works, a Site Location Plan and a Block Plan – marked Amended – received 04/03/17

The application, plans and documents submitted by the Applicant can be viewed online. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

## **SUMMARY**

The proposed has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents a form of 'green energy' with a minor level of visual impact on the host dwelling, the immediate surroundings or the wider historic area.

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

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

- This application is reported to committee as the applicant is a District Councillor

## **PART TWO – APPLICATION BACKGROUND**

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### **History**

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

<b>REF:</b>	<b>PROPOSAL:</b>	<b>DECISION:</b>	<b>DATE:</b>
3499/15 LBC	Removal of existing canopy and erection of conservatory on rear elevation	Granted	20/11/15
3499/15 FUL	Removal of existing canopy and erection of conservatory on rear elevation	Granted	20/11/15
0456/13 FUL	Installation of 6 No. freestanding solar panels	Granted	24/04/13

### **All Policies Identified As Relevant**

3. The local and national policies relevant to the application site are listed below and form part of the consideration of your officers. Detailed assessment of specific policies in relation to the recommendation and specific issues highlighted in this case will be carried out within the assessment:

Summary of Policies:

Extant policies of the Mid Suffolk Local Plan 1998:

- HB1
- HB3
- H18

Core Strategy 2008 Policy:

- CS5

Core Strategy Focus Review 2012 policies:

- FC1
- FC2

The National Planning Policy Framework:

Section 12 – Conserving and Enhancing the Historic Environment

- Paragraphs 126, 129,131, 186 & 187

#### **Details of Previous Committee / Resolutions**

4. None

#### **Details of member site visit**

5. None

#### **Details of any Pre Application Advice**

6. The siting and form of the proposed new panel was discussed with the Heritage Team, including a site visit by the heritage case officer.

#### **List of other relevant legislation**

7. Below are details of other legislation relevant to the proposed development.

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

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

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#### **Summary of Consultations**

8. **BMSDC - Heritage Team**

The Heritage Team considers the impact of this development to be at the low end of the spectrum of 'less than substantial harm', and as such the proposal should be weighed against the public benefits. The panel should be painted the same colour as the wall onto which it is attached.

## **Representations**

9. None received

## **The Site and Surroundings**

10. The site dwelling is a Grade II Listed Building erected 1492. The dwelling has been extended including a kitchen extension in about 1980 and a conservatory erected in 2016.

The site dwelling is the northern most of a row of three large, two storey dwellings set facing the High Street to the east with the principle elevations opening directly onto the narrow pavement. There is a modest space between the adjacent neighbouring property to the north which allows pedestrian access to the rear garden of the site plot.

The site is within the Conservation Area for Needham Market and there are many listed and historic building within the immediate surroundings.

## **The Proposal**

11. This proposal seeks to install, on the recess of the northern side elevation created by the erection of the kitchen extension in the 1980's, a lightweight (8kg) aluminium panel which produces hot water using the principal of thermodynamics. The panel dimensions are 2m x 1m. The panel will stand slightly proud of the wall.

The panel will include feed-pipes leading into the existing airing cupboard and be attached to an existing cylinder via a control box. The airing cupboard is part of the 20<sup>th</sup> century extensions to the dwelling and, therefore, this proposal will have no negative impact upon internal timbers of historic fabrics.

The wall identified as 'the site' is dark brown in colour and the proposed panel is finished in a black colour.

## **NATIONAL PLANNING POLICY FRAMEWORK**

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

Section 12, paragraph 126:

Local Planning authorities should recognise that heritage Assets are irreplaceable resource and conserve them in a manner appropriate to their significance.

Section 12, paragraph 129:

The Local Planning Authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Section 12, paragraph 131:

In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of historic assets

Section 12, paragraph 186:

LPA's should approach decision taking in a positive way to foster the delivery of sustainable development.

Section 12, paragraph 127

LPA's should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

### **CORE STRATEGY**

13. Policy CS5 (page 34) states that all development will maintain and enhance the environment, including the historic environment, and retain local distinctiveness of the area.

### **SAVED POLICIES IN THE LOCAL PLAN**

14. HB1, page 21, Protection of Historic Buildings:

The District Planning authority places a high priority on protecting the character and appearance of all buildings of architectural or historic interest.

HB3, page 21, Conservation and Alterations to Historic Buildings:

Proposals for the conversion of, or alteration to, listed buildings or other buildings of architectural or historic interest will only be permitted if the District Planning authority are satisfied the proposal would not detract from the architectural or historic character of the existing building or its setting and, in the case of a timber framed building, the structure of the frame including its infill material remains largely unaltered.

HB8, page 25, Safeguarding the Character and Appearance of Conservation Areas

Priority will be given to protecting the character and appearance of conservation areas and the District Planning Authority will expect new building, alterations or other forms of development to conserve or enhance their surroundings.

### **Main Considerations**

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

The following are identified as the main considerations in assessing this application:

Impact on the host Grade II Listed Building  
Impact on the surrounding Conservation Area

## **The Principle Of Development**

16. In principle, works to Listed Buildings are acceptable subject to causing no detrimental impact upon the historic value of the host building. In this instance 137 High Street is a dwellinghouse and some alterations to ensure the property has an acceptable level of modern up-grading is acceptable. Alterations that do not cause loss of original timbers or materials, and, which not only form part of the historic life of the dwellinghouse but allow the dwelling to function with the expectations of modern family use, will have an overall positive impact upon the dwelling. The installation of a single solar panel which has a positive impact upon the environment whilst have little impact upon the host dwelling is considered to be acceptable.

## **Design And Layout**

17. The design of the proposed panel is a simple rectangle shape of 2m x 1m. The impact upon the local street scene will be very minimal due to siting.

## **Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]**

18. The proposed solar panel while having less than substantial harm, is outweighed by environmental benefits and is considered not to have a material negative impact upon the historic materials of the Grade II host dwelling. Its simple form and colouring will allow the panel to weather and naturally blend into the background of the side elevation of the host dwelling.

The local impact upon the Conservation Area will be minimal and the panel is unlikely to be visible to passers-by.

The building directly to the north of the site, The Old Methodist Church, is not a listed building but is considered to be a heritage asset. The impact of the proposed panel is unlikely to cause any detrimental impact upon that property due to siting and the gap between the two properties.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

19. On balance, the proposed solar panel is unlikely to cause material harm to the host dwelling or its Grade II status, to the immediate surrounding or the local Conservation Area to warrant refusal and, for those reasons, this proposal is considered acceptable.

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

20. 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 applicant made use of the pre-application service and a Heritage Officer attended a site visit.

### **RECOMMENDATION**

That authority be delegated to the Corporate Manager - Growth & Sustainable Planning to GRANT Listed Building Consent.

Condition recommended: Time Limit - Commencement





## Verbal Updates:

- Confirmation and summary of any 3<sup>rd</sup> Party representations received not previously issued to members.
- Confirmation and summary of any consultee responses received not previously issued to members
- Confirmation of any changes to recommendation, conditions or reasons.

# Site Location Plan

Slide 3

Page 119



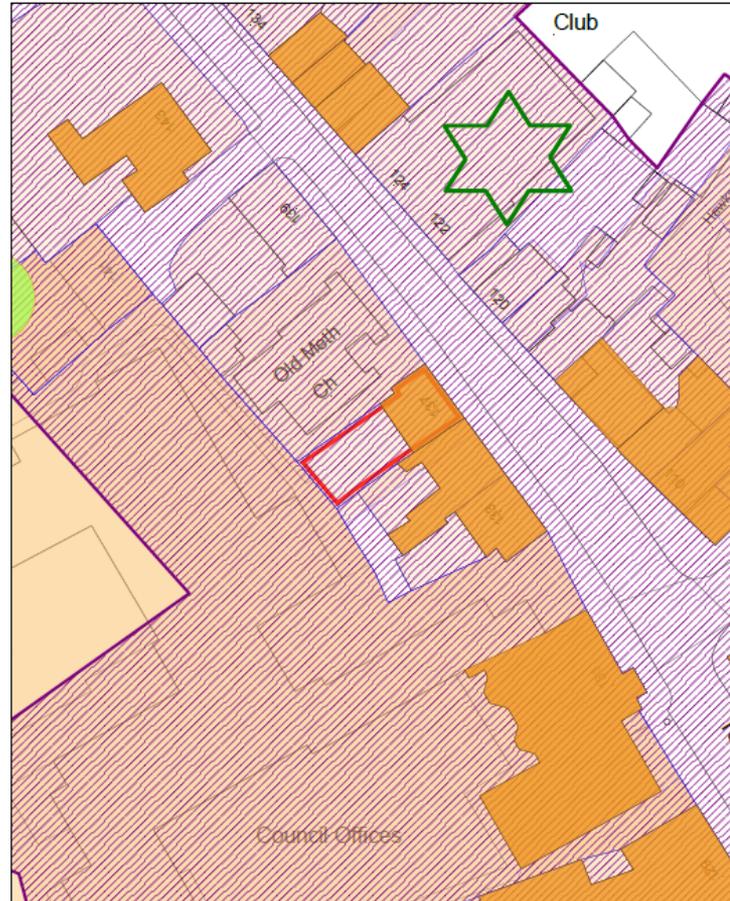
**Title:** Site location  
**Reference:** 0130/17  
**Site:** 137 High Street, Needham Market

	<b>MID SUFFOLK DISTRICT COUNCIL</b> 131, High Street, Needham Market, IP6 8DL Telephone : 01449 724500 email: customerservice@csduk.com www.midsuffolk.gov.uk	SCALE 1:500 Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2017 Ordnance Survey Licence number 100017810 Date Printed : 21/04/2017

# Constraints Map

Slide 4

Page 120



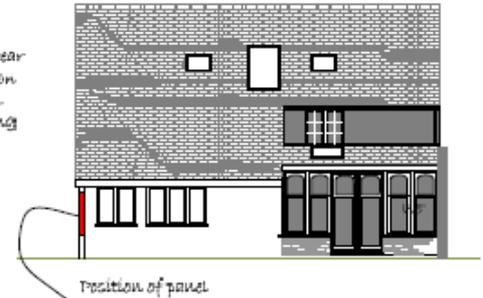
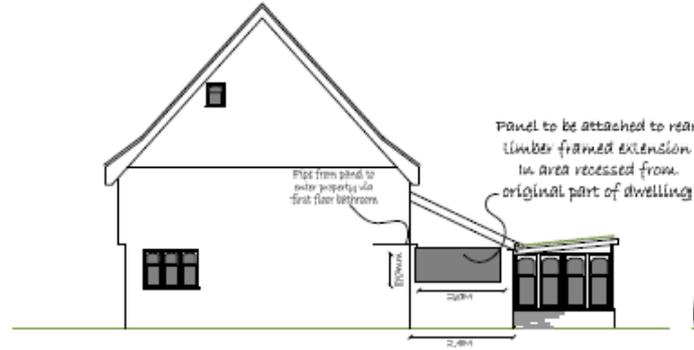
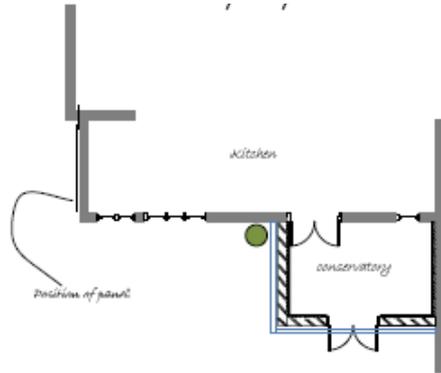
Title: Constraints map  
 Reference: 0130/17  
 Site: 137 High Street, Needham



**MID SUFFOLK DISTRICT COUNCIL**  
 131, High Street, Needham Market, IP6 8DL  
 Telephone : 01449 724500  
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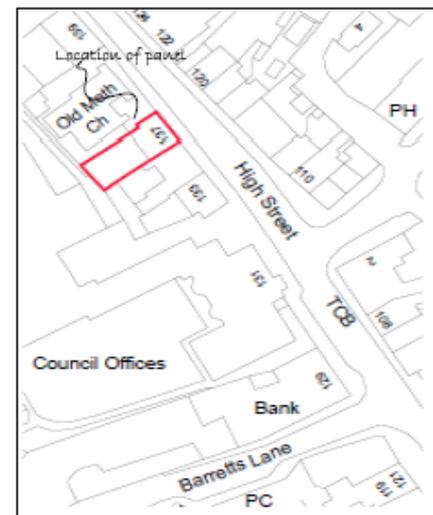
## Schedule of works

- 1) where wall is covered and loose timber cladding, attach brackets and lightweight insulation to eaves.
- 2) finish panel off brackets and run pipe work into bathroom through side wall.
- 3) connect the panel pipework to the thermal box within the airing cupboard and to the existing immersion cylinder.
- 4) render over side gable wall, use waterproof with existing paint if required

indicative photo showing brackets



## Block plan (1-500)

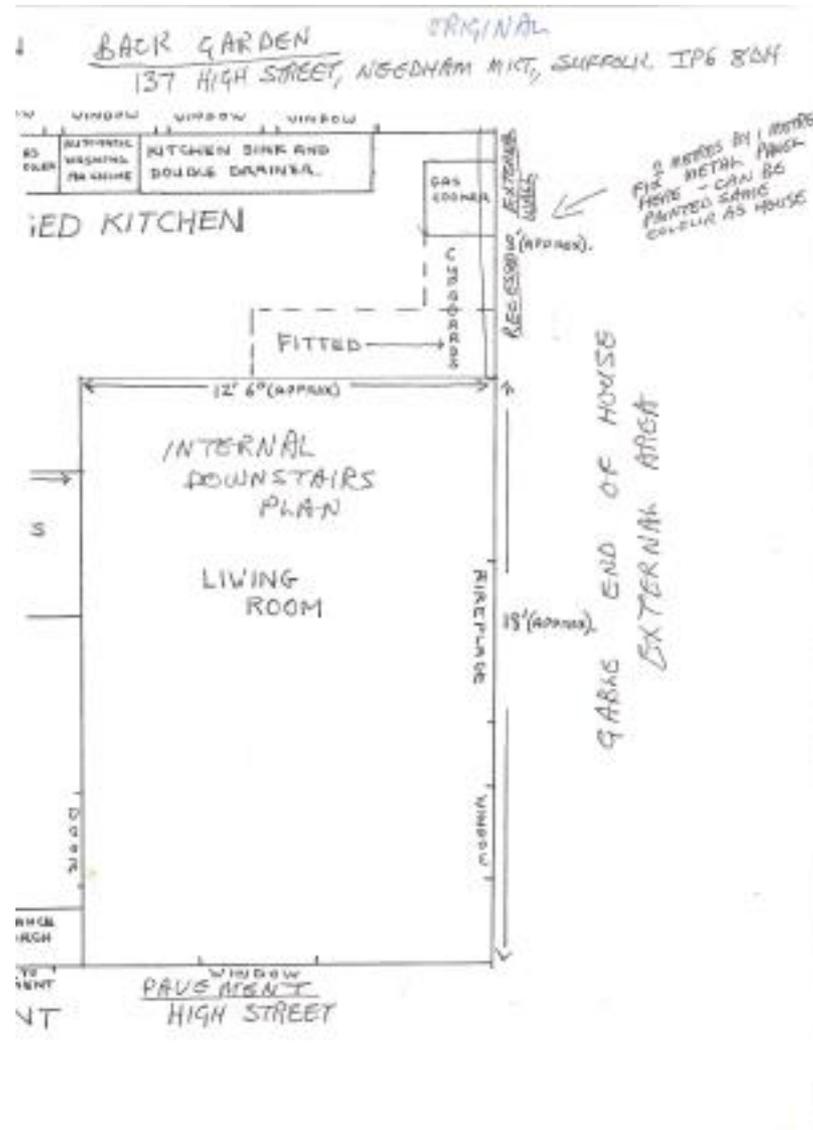


## Site location plan (1-1250)



Name: Wendy Marchant  
 Title:   
 Installation of solar panel to gable end of property  
 137 High Street Needham Market  
 Plans elevations and sections  
 No: A1  
 Date: February 2017  
**Stonham Consultants**  
 Ten Steps, South Hill, Debenham Road, Stonham Apes,  
 Needham Market, Suffolk IP19 6NU  
 01449 711142  
 0791517272  
 w.marchant@stonham.co.uk

# Floor plan



# Consultee Comments for application 0130/17

## Application Summary

Application Number: 0130/17

Address: 137 High Street, Needham Market IP6 8DH

Proposal: Installation of a metal energy panel on recessed part of external wall

Case Officer: Tilly Smith

## Consultee Details

Name: Mr kevin hunter

Address: town council office, school street, needham market IP6 8BB

Email: clerk@needhammarkettc.f9.co.uk

On Behalf Of: Needham Market Town Clerk

## Comments

Needham Market Town Council supports approval of the application.



## Consultation Response Pro forma

<b>1</b>	<b>Application Number</b>	0130/17 137 High Street, Needham Market	
<b>2</b>	<b>Date of Response</b>	19.4.2017	
<b>3</b>	<b>Responding Officer</b>	Name:	Jonathan Duck
		Job Title:	Heritage and Design Officer
		Responding on behalf of...	Heritage Team
<b>4</b>	<b>Summary and Recommendation</b> (please delete those N/A)  Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	The Heritage team considers the impact of this development to be at the low end of the spectrum of 'less than substantial harm', and as such the proposal should be weighed against the public benefits.	
<b>5</b>	<b>Discussion</b> Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	This application concerns the installation of an Energie panel to the return on the north west gable of this listed building. The issues of heritage concern therefore relate both to its impact on the character and appearance of this part of the CA, and on the impact to the significance of the listed building.  The panel is to be sited relatively inconspicuously on the wall and can apparently be painted to match the house wall onto which it is attached.  Subject therefore to painting the panel to reflect the finished colour of the wall its visual impact would be very limited - and on balance would have a very low impact on both the CA and the listed building. In terms of the NPPF, it would be at the very low end of 'less than substantial harm'.	
<b>6</b>	<b>Amendments, Clarification or Additional Information Required</b> (if holding objection)  If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate	<i>Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i>  <i>Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special attention which shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i>	
<b>7</b>	<b>Recommended conditions</b>	The panel should be painted the same colour as the wall onto which it is to be attached.	

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