

Consultee Comments for Planning Application DC/19/04796

Application Summary

Application Number: DC/19/04796

Address: Land Opposite Broad Meadow Walsham Le Willows Suffolk

Proposal: Application under Section 73 of the Town and Country Planning Act. DC/17/02783 as amended by DC/18/04327 without compliance with Condition 21 (Ecology) and Condition 27 (Ecology).

Case Officer: Alex Scott

Consultee Details

Name: Mr Kevin Boardley

Address: Willow Cottage, The Street, Walsham Le Willows Bury St Edmunds, Suffolk IP31 3AA

Email: clerk@walshampc.myzen.co.uk

On Behalf Of: Walsham-Le-Willows Parish Clerk

Comments

THE PARISH COUNCIL MADE NO COMMENT



4 November 2019

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

By email only

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

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Dear Alex,

Thank you for consulting Place Services on the above application for without compliance of conditions

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the submitted Landscaping and Layout details submitted with this application. In addition, we have reassessed the submitted PEA Addendum (Base Ecology, September 2019) in relation to alternative mitigation options that would ensure that the flight line of the Annex II Barbastelle bats along the north of the site is adequately protected throughout all phases of the proposed development.

We welcome the review of baseline bat data in the locality alongside available Barbastelle research on flight patterns and behaviour in order to assess whether the proposed 15m buffer is proportionate and effective means to protect local barbastelle activity patterns.



We note that the findings of this study revealed that the standardised planning approach detailed within the BCTs best practice guidance on artificial lighting is unlikely to have the desired effect in securing a dark passage for Barbastelle bats using the southern edge of the tree line adjacent to the development site.

We are satisfied that the revised approach proposed is likely to avoid impacts on the foraging/commuting routes of Barbastelle bats using the tree line. A reduction in the width of the buffer zone with a fence and/or hedge, while improving the overall structure and associated quality of the flight line is acceptable as an alternative to the buffer secured by Condition on DC/17/02783 and amended by DC/18/04327.

We agree that the bespoke mitigation detailed within the PEA Addendum is based on scientific evidence and will deliver a workable buffer and for bats and improved ecology mitigation scheme. As per previous ecological comments, we also agree that the alternative measures must be complemented with a sympathetic design and use of appropriate lighting to avoid light pollution during construction and operational phases.

We support the recommendations of the PEA Addendum (Base Ecology, September 2019) and recommend that these are secured by a condition of any consent:

1) Safeguard a 5m buffer strip (i.e. the existing width of the access track) on the northern boundary and delimit the edge of the residential development by a hedge or fence.

2) Along the southern edge of the tree line, strengthened with additional planting (Hawthorn/Blackthorn) in the few places there are small gaps present.

3) Extend the tree line to the east by enhancing the existing hedgerow with additional planting (i.e. to fill any gaps present and provide a tree belt to continue the existing tree line). It is recommended species planted should be similar to that already present within the green lane and tree line (e.g. Field Maple, Hazel, Hawthorn, English Oak, Elder, Blackthorn and Common Elm).

We are therefore satisfied that sufficient information is available for determination of this application for consent without compliance with conditions attached to previous consents.

To secure the alternative mitigation scheme for Barbastelle bats, we also recommend that the details for the additional planting proposed within the red and blue line land (shown on the submitted plan “Proposed Tree Belt Extension Location Plan”) and its long-term management, are secured by a condition of any consent.

This will enhance conditions for Barbastelle bats commuting and foraging in the local landscape and may also improve connectivity between roost sites further afield.

This is necessary to provide the LPA with certainty of impacts on legally protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.



Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH RECOMMENDATIONS OF ECOLOGICAL REPORT

“All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report Addendum (Base Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

2. ACTION REQUIRED ECOLOGICAL MITIGATION AND MANAGEMENT PLAN FOR ECOLOGY BUFFER & TREE BELT EXTENSION

An Ecological mitigation and management plan (EMMP) for the planting of both gaps in the northern site boundary with the existing Tree Belt and the new Tree Belt Extension, as shown on the submitted “Proposed Tree Belt Extension Location Plan” and the long-term management of the above planting for to ensure establishment and shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the EMMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Aims and objectives of management.*
- c) Prescriptions for management actions.*
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- e) Ongoing monitoring and remedial measures.*

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



Reason: To allow the LPA to discharge its duties under UK Habitats Regulations 2017, s17
Crime and Disorder Act 1998, paragraph 118 of the NPPF and s40 of the NERC Act 2006
(Priority habitats & species)

Please contact us with any queries.

Yours sincerely,

Sue Hooton CEnv MCIEM BSc (Hons)
Principal Ecological Consultant
ecology.placeservices@essex.gov.uk

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

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

From: BMSDC Public Realm Consultation Mailbox <consultpublicrealm@baberghmidsuffolk.gov.uk>
Sent: 17 October 2019 15:40
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: RE: MSDC Planning Consultation Request - DC/19/04796

Hello Planning Support

The Public Realm Team note the reduction in width of the buffer strip and the reasons behind this requested change. This does not materially change the open space provision within the development and as long as the ecological reasons behind this change are supported by SWT and Place Services then there are no objections.

The additional tree planting along the extension of the boundary within the applicant's ownership is welcomed but should not be 'double counted' should a planning application be received for development on this adjoining land . Additional ecological enhancements will be required over and above those already agreed in this phase.

Regards

Dave Hughes
Countryside and Public Realm
Babergh & Mid Suffolk District Councils – Working Together

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Case Officer: Alex Scott

Consultee Details

Name: Mr Tony Bass

Address: Endeavour House, Ipswich IP1 2BX

Email: tony.bass@baberghmidsuffolk.gov.uk

On Behalf Of: Communities (Major Development)

Comments

No comment from Communities

Agenda Item 7b

Committee Report

Item No: 2

Reference: DC/17/02783

Case Officer: Elizabeth Thomas

Ward: Rickinghall & Walsham.

Ward Member/s: Cllr Jessica Fleming. Cllr Derek Osborne.

Description of Development

Outline planning application (with all matters reserved) for the erection of up to 22 dwellings.

Location

Land Opposite, Broad Meadow, Walsham Le Willows, Suffolk

Parish: Walsham-Le-Willows

Site Area: 0.57ha

Conservation Area: no

Listed Building: no

Received: 23/05/2017

Expiry Date: 31/03/2018 on EOT

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment:

Applicant: Sunnyside Farms

DOCUMENTS SUBMITTED FOR CONSIDERATION

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings
-

PART TWO – APPLICATION BACKGROUND

History

There is no specific planning history in relation to this site per se. However, it is important to highlight the Council also has a live application pending consideration (1352/17 – Land West of Walsham le Willows), which is proposed to be located the opposite side of Wattisfield Road (west) and seeks outline planning permission with access for consideration for up to 60 dwellings. This live pending application is a material consideration in this case.

Furthermore, the existing development at Broad Meadow (south of the application site in question) was granted under applications 1137/87, 0336/86/OL and 0269/09, which again are material considerations in this case, although they are more historic decisions due to the developments established pattern and form of development, it forms part of the immediate character in this case for consideration.

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

None

Consultations and Representations

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

A: Summary of Consultations

Parish Council

The scale of development is considered appropriate to the needs of the village continuation of previous development, leeway about the number of dwellings on the site.

Environmental Health (contamination)

No objection to the phase 1 investigation with regard to land contamination. But request Environmental Health 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 lies with them.

SCC Flood and Water Engineer

Approval is recommended subject to conditions and informatives:

Additional information has been reviewed with regard to the following documents:

1. Site location Plan Ref E490/LP1
2. Drainage Strategy Report with appendices dated August 2017

3. Drainage Strategy Report Addendum by Bing Hall Associates
4. Topographical Surveys ref SJG2262

Arboricultural Officer

Subject to no alterations to the unmade track at the northern end of the site there are no arboricultural implications

Suffolk Fire and Rescue

Comments 11th July 2017

Fire hydrants need to be conditioned and the condition will carry a life term of the said development and transferred with any new ownership. If the fire authority is not consulted at the planning stages fire hydrants need to be installed retrospectively.

Comments 12th July 2017

The plans have been inspected by the Water Officer who makes the following comments:
Access to building for fire appliances and firefighters must be met in accordance with regulations. Requires a minimum carrying capacity for hard standing for pumping/high reach appliances and fire hydrants need to be installed within the development. The requirement for the hydrants will be determined at the water pumping stage when site plans are submitted to the water companies. Installation of automatic fire sprinkler system, flow rates need to be determined with the water authorities.

Infrastructure team

This development is within the CIL high value zone and would attract CIL at a rate of 115m² (subject to indexation). CIL would be calculated upon any reserved matters approval. The Infrastructure team request that they are consulted on any proposed S106 heads of terms.

Archaeology

The site is within an area of archaeological potential. There are records on the HER from the wider vicinity which suggests that the area was a focus of Roman and medieval occupation and there is evidence through cropmarks in the field. As such there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds for refusal. However, relevant conditions are recommended.

SCC Planning and Infrastructure Officer

Comments 24th July 2017

The requirement being sought via CIL are:

- Education primary - £73,086
- Education secondary - £73,420
- Education sixth form - £19,907
- Education per-school – 18,273
- Libraries £4,752

And £20,250 is being sought for school transportation costs via s106. It is also advised the proposal should accommodate for care for older people, Sustainable Drainage Systems should be provided unless demonstrated to be inappropriate, superfast broadband is recommended.

Comments 3rd November 2017

CIL contribution requests are still valid. Primary school provision raises the cumulative impact with another application for 60 dwellings. The county forecast no surplus places at the catchment primary school and the primary school cannot expand. The 6 primary pupils arising from this development need to be considered along with the undetermined application for 60 dwellings.

Consequently, not all pupils from the development would find a place at the catchment primary school and because of this the county have considered the % of out of catchment pupils. The latest census for Walsham-le-Willows from May 2017 states that at that time there were 138 pupils on roll and of these 41 pupils were out of catchment.

Of the total 6 primary age pupils forecast to arise SCC can assume 1 pupil will arise in each year from reception through to year 5, which would mean that over 7 years a total cost of £20,250 will arise in terms of additional school transport costs due to no surplus places being available. This will form a site specific mitigation, which will be covered by a S106 planning obligation.

Environmental Management Officer

No objection. However no reference to Policy CS3, it is acknowledged the application is in outline and sustainability strategy is required with regard to energy efficiency and sustainability standards of the LPA.

Environmental Protection Officer

No objections in principle to the proposed development. Recommends a planning condition which restricts the hours of construction noise

Anglian Water

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 requests a condition regarding adoption agreement. Anglian Water has advised the LLFA or internal drainage board are consulted.

SCC Highways

Additional information submitted addresses the previous concerns with regard to lack of footways linking the application site with the village amenities to the south. Whilst the Highway Authority does not approve the proposed design and layout they are content suitable detailed design can be agreed at reserved matters stage. Recommend conditions.

Ecology

Latest comments

Additional bat information (Soprano Pipistrelle, Noctule and the rare Barbastelle bat (listed on Annex II of the Habitats Directive) – within the immediate vicinity of the site, including commuting Barbastelles along the green lane along the northern boundary) has been drawn to the attention of the ecologist. It is therefore recommended for a condition to be added that is specific to the buffering area needed for bat mitigation in this case, which in turn will allow the agent to design within the scheme when it comes to the reserved matters stage. In order that the development could proceed without impacting bats using the local landscape, bat foraging and commuting corridors should be retained and protected. A buffer strip (minimum 15m) to the north of the residential development in addition to the 10m wide green-lane, should be secured for barbastelle bats and enhanced for bats. Foraging and commuting routes for bats would then be protected and consideration of lighting to maintain this as a dark corridor, avoiding light directed towards the boundary hedge and tree-line, should be secured at Reserved matters stage. Also bat boxes are recommended on the northern boundary.

Original comments

No objections subject to ecology enhancement and mitigation via condition.

Strategic Housing Officer

This site triggers an affordable housing requirement of 35% in accordance with Amended Local Plan Policy H4, which means the site will need to provide 7 affordable units (35% of 22 = 7).

The tenure split needed is
Affordable Rent = 5 units
All rented units will be let as Affordable Rent Tenancies
Intermediate = Shared Ownership = 2 units

B: Representations

There have been a number of objection/comment representations received raising the following matters/concerns:

Design and layout creating a range of issues such as density, scale, overbearing, general dislike of the proposal
Inadequate assess
Impact on landscape including trees and wildlife
Increase in pollution
Overdevelopment
Inadequate facilities
Sustainability issues
Safety issues, building work, noise
Inadequate parking
Loss of light, space, views and affect to property value
Out of character
Boundary issues
Danger of flooding and drainage system
Highways and traffic issues
Conflicts with local plan
Impact on the conservation area
Impact on the local school
Impact on residential amenity
Parking issues
Not the best location for the development
Object to tenure
Footpaths issue and sustainable access routes
Visibility issues
Considered isolated development need to consider surrounding context including the application opposite the road
Lack of school places
Housing needs
Contrary to policy and outside the boundary
Application DC/17/02783 and 1352/17 need to be considered together
School is close to capacity
Drainage

PART THREE – ASSESSMENT OF APPLICATION

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.

During this application process the case officer has changed and additional information has been provided to overcome some of the consultation responses issues raised, which have been addressed within this report.

1. The Site and Surroundings

1.1 The site in question is currently open countryside and approx. 0.57ha of agricultural land (grade 3). The site contains a natural enclosure from the wider open countryside due to the existing mature hedges and tree belt that surround the site to the north and east. There is also an existing track that runs along the northern edge of the site as seen on the submitted site context plan ref: E490/SCP1. It is also acknowledged on the Indicative layout plan and street scene drawing 01 the existing mature tree belt (north of the site) and existing mature hedgerow (east of the site) is to be retained, which would ensure natural screening from wider open countryside and include the application site with existing built form to the south.

1.2 The site is adjacent to the settlement boundary of Walsham-le-Willows, which is a designated primary village in accordance with Policy CS1 of the adopted Mid-Suffolk Core Strategy (2008), and is known as a Core Village in the emerging Babergh & Mid-Suffolk Joint Local Plan. The site in question is allocated (site ref: SS0369) as a potential development site in accordance with the Babergh & Mid Suffolk Joint Local Plan: Consultation Draft – August 2017 (page 304). However, no weight can be given to this document for Development Management purposes due to the document being at the very early stages of the plan-led process, which is at Planning Policy stage Regulation 18 consultation. Nevertheless, what this does show is the very early stages of draft strategic thinking for potential allocations in this area.

1.3 Walsham-le-Willows being a primary village some basic local services can be found to meet local needs, affordable housing is appropriate in this case and school provision will be addressed later in this report. The agent has also highlighted within the submitted Design and Access Statement some services and facilities.

2. The Proposal

2.1 This proposal seeks outline planning permission with all matters reserved for the erection of up to 22 new dwellings. The proposal also includes the offer of 35% affordable housing provision as stated within the submitted Design and Access Statement, which is in accordance with Altered Affordable Housing Policy H4. As a result of the full 35% affordable housing being offered there are no comments from the viability officer.

2.2 The main matter for consideration in this case is the principle of residential use.

3. National Planning Policy Framework

3.1. 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.

3.2. The following parts of the NPPF are considered to be applicable to this proposal.

NPPF section 01: Building a strong competitive economy
NPPF section 03: Supporting a prosperous rural economy
NPPF section 04: Promoting sustainable transport

NPPF section 05: Supporting high quality communications infrastructure
NPPF section 06: Delivering a wide choice of high quality home
NPPF section 07: Requiring good design
NPPF section 08: Promoting healthy communities
NPPF section 10: Meeting the challenge of climate change, flooding and coastal change
NPPF section 11: Conserving and enhancing the natural environment
NPPF section 12: Conserving and enhancing the historic environment

4. Core Strategy

4.1. The following parts of the Core Strategy Focused Review 2012 are considered to be applicable to the scheme:

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing

4.2. The following parts of the Core Strategy 2008 are considered to be applicable to this scheme:

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. There is currently no neighbourhood plan for Walsham le Willows or the parish of Rickingham & Walsham, where this site is located.

5.2 There is a Village Design Statement for Walsham le Willows (2007)

5.3 An initial Joint Local Plan consultation has been undertaken back in August 2017, which was for the early stages of consultation Regulation 18.

6. Saved Policies in the Local Plans

6.1. The following parts of the Mid-Suffolk Local Plan 1998 are considered to be applicable to this scheme:

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
SB02 - Development appropriate to its setting

HB14 - Ensuring archaeological remains are not destroyed
 HB13 - Protecting Ancient Monuments
 HB14 - Ensuring archaeological remains are not destroyed
 H07 - Restricting housing development unrelated to needs of countryside
 H04- Altered Policy H4
 H13 - Design and layout of housing development
 H14 - A range of house types to meet different accommodation needs
 H15 - Development to reflect local characteristics
 H16 - Protecting existing residential amenity
 H17 - Keeping residential development away from pollution
 CL08 - Protecting wildlife habitats
 CL11 - Retaining high quality agricultural land
 T09 - Parking Standards
 T10 - Highway Considerations in Development
 RT12 - Footpaths and Bridleways
 GP01 - Design and layout of development
 HB14 - Ensuring archaeological remains are not destroyed
 GP01 - Design and layout of development
 CS09 - Density and Mix
 CS01 - Settlement Hierarchy
 CS02 - Development in the Countryside & Countryside Villages
 FC01 - Presumption In Favour of Sustainable Development
 FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
 FC02 - Provision and Distribution of Housing
 CL08 - Protecting wildlife habitats
 RT04 - Amenity open space and play areas within residential development
 HB01 - Protection of historic buildings
 H07 - Restricting housing development unrelated to needs of countryside

7. The Principle of Development

7.1 The site is located outside the defined settlement boundary although adjacent to it in accordance with the Inset proposal map 84 of the Mid-Suffolk Local Plan (1998). The Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing land within the Mid-Suffolk district, as required by paragraph 47 of the National Planning Policy Framework (NPPF), currently the Mid-Suffolk land supply sits at 3.9 years in accordance with the AMR (2016-2017). Therefore, paragraph 14 and 49 of the NPPF apply and are invoked in the decision-making process, as the Supreme Court Judgement (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnerships LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) is relevant in confirming that a shortfall in housing land supply triggers the second part of paragraph 14 (NPPF). This means the proposal should be considered in the context of the presumption in favour of sustainable development, for the purposes of decision-making, granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole. As such, this report focuses on a balanced assessment between any harms and any benefits of the proposal to conclude a sound recommendation.

7.2 It is also important to highlight the aforementioned judgement confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing. The narrow interpretation states: *limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area.* It is fair to say not all Mid-Suffolk's local housing policies should be considered out-of-date as they are not all specific to housing numbers and distribution.

It is considered a matter of planning judgement for the decision-maker to have regard to the amount of weight attributed to such policies in their decision-making, and in this case whilst consideration has been given to Mid-Suffolk's local housing policies CS1, CS2 and FC2 in the first instance, paragraph 14 and 49 of the NPPF have been given full weight, with the absence of a full 5-year land supply.

8. Sustainability Assessment of Proposal

8.1 The NPPF (Para 187) provides that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

8.2 Concerns have been raised through the consultation process regarding the location of the proposal site outside the designated settlement boundary and being contrary to saved local plan policies, in reviewing all local policies (specifically Mid-Suffolk housing policies CS1, CS2 and FC2), national policies and all material considerations in this case. It is evident the Council are unable to demonstrate a 5-year housing land supply (para 47, NPPF). As such local plan policies receive less weight allowing the NPPF to receive more weight in the decision-making process, specifically having regard to para 14 and 49 of the NPPF.

8.3 Refusing the application solely based on the development being outside the development boundary and on green field land does not accord with the NPPF, which seeks to consider the sustainability of the development in relation to the environmental, social and economic roles of sustainability to be sought jointly through the planning system.

8.4 The proposal has highlighted (as assessed further below in this report) the development would give rise to some issues, such as design & layout, highways/footways/transportation, surface water drainage and the assessment of cumulative impacts.

8.5 However, it is clear this application has addressed certain matters to satisfy this outline proposal and the rest of the detailed matters could be overcome and mitigated via conditions, CIL and s106 agreement, furthermore a reserved matters application would need to follow this outline, and despite, the proposal being located in the countryside outside the development boundary, but adjacent to it, the proposal when assessed as a whole is considered to represent a sustainable development due to its significant benefits from a social and economic perspective, which outweighs any modest harm to the environmental aspects.

8.6 In addition, although accessibility to services and facilities are considered less than those of a main town or key service centre (KSC) the site is positioned adjacent to a designated primary village in accordance with Policy CS1. As such, is higher up the settlement hierarchy (just below a KSC) and capable of limited growth that needs to be established. As identified earlier in this report currently the Council does not have a 5 year housing land supply and the allocation for sites is in the early stages of the plan-led process. Therefore, although this application could be considered premature and speculative, due to the local policy position this is not a reason for refusal as all cases have to be determined on their own merits.

8.7 Therefore, this proposal is not considered to have any significant harmful cumulative impacts that would override the significant benefits this proposal would create. For the reasons set out and comprehensively assessed this proposal is considered to comply with all relevant local and national policies and is considered to represent a sustainable development subject to imposed conditions, CIL and s106 agreement in the context of the NPPF and is, therefore, recommended for approval.

8.8 The main matters pertinent to this proposal and assessed below are:

9. Indicative design, layout, archaeology and heritage
10. Landscape (inc; trees and hedgerows), ecology and biodiversity impact
11. Environmental Impacts – pollution/contaminated land, drainage and flooding matters
12. Highways
13. Impact on Residential amenity
14. Other matters/third party representations
15. Viability
16. Planning obligations (s106) and CIL

9. Indicative design, layout, archaeology and heritage

9.1 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area and create a strong sense of place. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or stifling appropriate innovation. The NPPF goes on to state it is “proper to seek to promote or reinforce local distinctiveness” (para 60) and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (Para 64). In addition, Local Policy CS5 provides that “All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area” and echoes the provisions of the NPPF.

9.2 The indicative layout identifies how the site could accommodate up to 22 new dwellings, subject to appropriate design detail being agreed at reserved matters stage. The consultation process has clearly highlighted the design and layout of the site will be determined by relevant statutory consultees being satisfied at reserved matters stage to reach a comprehensive successful scheme. The indicative proposal identifies any such scheme at reserved matters stage will ensure efficient use of the land, which will accord with the provisions of the NPPF. It is likely given the indicative street scene the design of the proposal may take reference from to the development south at Broad Meadow.

9.3 The consultation responses show the Highways Authority do not fully support the indicative design and layout and recommendations for improvement have been made to be sought at the reserved matters stage. The waste management service has informed firefighting facilities need to be provided in accordance with building regulations. It is recommended for five hydrants to be installed within the development, although not possible to determine the exact amount at this stage, and also provision for automatic fire sprinkler system needs to be made. This coincides with the fire and rescue service which have required fire hydrants as a condition. The planning obligations officer has identified consideration needs to be given to adequate play space provision, care for older people, sustainable drainage systems, superfast broadband via fibre optic.

9.4 The strategic housing officer has informed the 35% affordable housing tenure split needed is 75% affordable rent and 25 % Intermediate e.g. New Build Homebuy accommodation, intermediate rent, shared ownership, which equates to 5 affordable rent units and 2 shared ownership units.

9.5 The site is known to sit within an area of archaeological potential and as such any artefact(s) found are to be preserved in situ of any important heritage assets before damage or destroyed, as such relevant conditions will be applied. The proposal is not considered to have any harmful impact on the character or appearance of the conservation area or listed buildings, as it is understood the conservation area of Walsham-le-Willows is focused on the historic core of the village and as such the proposal is not

considered to alter the historic core or relationship of the village conservation area with its surrounding landscape. In my opinion, subject to satisfactory reserved matters proposal is considered to comply with Local Plan Policies GP01, HB01, HB14, H13, H15 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

10. Landscape (inc; trees and hedgerows), ecology and biodiversity impact

10.1 Paragraph 58 of the NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality and this requirement is repeated in one of the requirements of Mid-Suffolk local policy H13. Also, Policy CS5 seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimensions of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

10.2 The landscape in question is not designated in any way and it not subject to the protection afforded in the NPPF. However, the site is situated within the countryside and is still important to protect and enhance appropriately in accordance with Section 11 of the NPPF. But, also in accordance with the Suffolk Landscape Character Assessment the site is within the Ancient Plateau Claylands landscape character type. This means the area is characterises by flat or gently rolling arable landscape dissected by small river valleys, field pattern of ancient enclosure, loosely clustered villages, scattered ancient woodland parcels and hedgerow with hedgerow trees all of which needs to be taken into account at the detailed reserved matters stage.

10.3 Given the scale of the proposal it is inevitable any scheme would have an impact on the landscape and would change the existing appearance to a significant degree. However, with the existing development at Broad Meadow it is likely inspiration may be taken from that scheme. At reserved matters stage the scheme needs to take account of the arboricultural officers comments and ensure the design of the proposal responds well to its landscape setting to sensitively integrates to prevent negative visual effect. It is requested that no alterations are to be made to the unmade track at the northern end of the site to prevent arboricultural implications. The existing hedgerows (east) and trees (north) are to be incorporated into the design at reserved matters stage.

10.4 The ecologist has recommended conditions to secure ecological mitigation and enhancements, which will ensure measured identified in the preliminary appraisal are to be secured and implemented in full. This is necessary to conserve and enhance protected and priority species, in particular nesting birds, bats and hedgehogs. A condition with regard to lighting will also be sought to prevent potential impacts to foraging and commuting bats, which may use the boundary features. It is considered that a suitable scheme could be provided in accordance with relevant Local Plan Policies at reserved matters stage. Relevant conditions are recommended and will be imposed.

11. Environmental Impacts – pollution/contaminated land, drainage and flooding matters

11.1 Paragraph 121 of the NPPF makes clear that planning decisions should make sure that the site is suitable for new use taking account of the hazards of any previous use. The Environmental Protection Officer has not raised any objection with the proposal in principle, but has recommended a condition to restrict hours of construction noise to protect amenity, and the Environmental Contamination Officer has no objection to the Phase 1 contamination investigation, but requested to be informed of any unexpected ground conditions being encountered during construction, and that it is the responsibility of the developer to inform if contamination is found. The sustainability officer encourages reference to policy CS3 should be made to ensure a sustainability strategy is required with regard to energy efficiency and sustainability standards of the LPA.

11.2 Previous issues relating to surface water drainage has now been sufficiently demonstrated that the surface water drainage proposal meets the national and local policies on managing surface water for the purpose of this outline proposal. Since the additional information has been submitted the Suffolk County Flood and Water Management Officer has recommended surface water drainage conditions. Anglian Water have informed they own assets within or close to the development boundary, which are subject to adoption agreements and may affect the layout of the site, this will need to be fully understood and addressed at the reserved matters stage, as such a condition is requested regarding adoption agreements. Anglian Water has advised within their comments that the LLFA or internal drainage board are consulted. In this case, SCC flood and water management officer has been consulted.

11.3 As previously mentioned earlier in this report the land in question is grade 3 agricultural land that is not the best and most versatile in accordance with paragraph 112 of the NPPF. However, the land could be farmed, but currently contains an overgrown vacant nature in comparison to surrounding fields. This could be due to the site size and location in combination with the existing mature boundary treatment and existing built form to the south of the site that does not make the site the most practical for farming with modern day large farm machinery. As a result of the proposal there will be a loss of approx 0.57ha of agricultural land that could be used for food production and could contribute to the local economy, which is considered a modest loss in this case.

11.4 Paragraph 100 of the NPPF makes clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of high risk. Mid-Suffolk's Local Policy CS4 is in line with the requirements of the NPPF in terms of flood risk and therefore carries significant weight. The County flood and water management officer has removed their holding objection since additional information has been provided with regard to surface water drainage.

11.5 Having regard to the above, it is considered in terms of flood risk, water supply, drainage and contamination that the scheme can be made acceptable subject to appropriate conditions and s106 to meet the requirements of para 100 of the NPPF and local policy CS4.

12. Highways

12.1 Policy T10 of the Mid-Suffolk Local Plan requires Local Planning Authorities to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T9 supplements policy T10, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residential cumulative impacts or development are severe.

12.2 This application is in outline with all matters reserved, however, it is apparent the indicative plan (DWG ref 01) shows Broad Meadow south of the site to be the main vehicular access point, which would be shared with the existing properties to the south. Additional information submitted addresses the previous concerns with regard to lack of footways linking the application site with the village amenities to the south, and it is apparent the proposal will need to ensure the reserved matters application addresses suitable access onto Wattisfield Road with appropriate visibility splays, footway connecting along Wattisfield Road heading south to connect with the existing footway, which currently ends south of Mill Close. It is apparent this can be delivered subject to appropriate collaboration with the highways authority and the community at detailed stages to ensure boundaries and ownerships are addressed properly, and it is strongly advised the agent/owner addresses this matter prior to submitting any reserved matters application. The Highway Authority has made clear whilst it does not approve the proposed design and layout at this stage they are content suitable detailed design can be agreed at reserved matters stage and therefore recommends relevant conditions to make the proposal acceptable in principle.

12.3 Some third-party objection representations have been received with regard to road dangers and speeding, as identified above statutory related highway matters have and can be overcome via the reserved matters application. It is also important to note there is a 30mph speed limit restriction in place along Wattisfield Road up towards the north of the application. The Parish Council consider the scale of development is considered appropriate to the needs of the village continuation of previous development, and notes there is leeway about the number of dwellings on the site.

12.4 County transportation costs with regard to primary school provisions for the additional school pupils have been covered in the planning obligations and CIL section of this report. Transportation requirements would be dealt with via planning conditions and s106 as appropriate and infrastructure delivery to adoptable standards via Section 38 and Section 278.

13. Impact on Residential amenity

13.1 Policies within the Mid-Suffolk local plan such as H13 and H16 (amongst other matters) require that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties or future occupiers. This requirement is also in line with the NPPF core values (para 17), to seek good standard of amenity for all existing and future occupants of land and buildings.

13.2 This proposal is in indicative outline form to show an indication for up to 22 new dwellings could be accommodated on the site. However, the detail of such scheme are not being approved as part of this application, which only focuses on the principle of residential use all other matters are to be assessed at the subsequent reserved matters stage.

13.3 It is considered a scheme could be designed to prevent any significant impacts on residential amenity. The consultee responses have highlighted a number of factors that will need to be considered into the final design and layout of the proposal, which in-turn will determine the appropriate number of dwellings that can be successfully achieved on the site for amenity issues to be considered. Some third party objection representations have raised concerns that the proposal would increase noise. It is inevitable the proposal would create further noise through the construction of the proposal and the change in use of the land to residential. However, these types of matters are not considered significant enough to justify refusal, as construction is a short-term matter whilst the dwellings are being built, a condition will be imposed with regard to construction hours of work to help safeguard residential amenity immediately to the south of the site at Broad Meadow. It is also important to recognise the residential scheme is for ordinary private residential use the same as the adjacent existing properties to the south of the site. Furthermore, there have also been matters with regard to light pollution made, again the quantum of development proposed will increase light, but the reserved matters application is to ensure the proposed detail does not significantly impact on existing and future occupier amenity to a harmful degree along with the protection of ecology species.

13.4 If permission is granted a condition can be imposed requesting that the applicant enters into a construction management agreement with the Council to safeguard the living conditions of the surrounding occupiers.

14. Other matters/third party representations

14.1 A number of third party comments have been made strongly objecting to this proposal. The parish council does not object to the proposal and considers its scale of development is considered appropriate to the needs of the village continuation. All third party comments have been addressed within this report. It is also important to note the cumulative impacts of this proposal have been considered in connection with the other pending application (1352/17) the opposite side of Wattisfield Road. Furthermore, both this

application and application 1352/17 will be taken to the same planning committee (14th March 2018) and both applications raise similar matters.

15. Viability

15.1 The applicant is offering 35% affordable housing policy requirement and therefore the viability officer does not feel the need to comment in this case. The proposal is considered to comply with altered Policy H4.

15.2 The Mid-Suffolk Infrastructure officer has informed the development is within the CIL high value zone and is likely to attract a CIL rate of 115m² (subject to indexation). CIL would be calculated upon any reserved matters approval.

16. Planning obligations (s106) and CIL

16.1 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.

16.2 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 maybe, wholly or partly funded by CIL.

16.3 The highways authority has made clear the additional information regarding footways addresses concerns at this stage and the reserved matters stage can address details. The SCC Planning Obligations Officer has advised the following is capable of being funded by CIL rather than planning obligations:

- Education primary - £73,086
- Education secondary - £73,420
- Education sixth form - £19,907
- Education per-school – 18,273
- Libraries £4,752

16.4 The SCC Planning Obligations Officer has made clear the school is at capacity, but adjustments in catchment will catch up and SCC has not sought a contribution for a new school. Transportation costs could be a CIL matter and Infrastructure improvements will be sought via s106.

16.5 The development seeks to secure 35% affordable housing and accords with the Altered Local Policy H4. The mix and tenure will be secured through the Reserved Matters application and through the S106 agreement.

16.6 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

17. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

17.1. The development will lead to:

- Council Tax payments from the dwellings when built
- Planning Delivery Grant from Central Government for delivering the dwellings

- CIL calculated at reserved matters stage

PART FOUR – CONCLUSION

18. Statement Required By Article 35 of The Town and Country Planning (Development Management Procedure) Order 2015.

18.1. 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.

18.2. In this case, the Officers have worked with the agent to resolve main issues relating to highways and highways and surface water.

19. Planning Balance

19.1. The Council accepts that it cannot demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant local policies for the supply of housing receive less weight due to this, and the fact that the majority of local policies are pre-NPPF, but also some local housing policies directly relate to numbers and distribution of housing, which the Supreme Court Judgement confirms in accordance with the narrow interpretation policies receive less weight and a shortfall in housing land supply triggers the second part of paragraph 14. Therefore, a balanced assessment between any harms and any benefits of the proposal has been undertaken.

19.2 Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.

19.3 The design and layout to be established at reserved matters stage is to take reference from the existing Broad Meadow development south/east of the site and take account of relevant statutory consultation recommendations as highlighted in this report. In this case, existing surrounding dense development contributes to the areas characteristics.

19.4 The assessment has identified the proposal did raise highway issues, with regard to footway links, visibility splays and surface water drainage. However, since these issues were identified through the consultation process. The agent has sought to address the matters through submitting additional relevant information, and has now addressed any previous significant harms arising, and as such the highways officer and SCC Flood and Water Engineer have removed their objection further details will be sought via condition and s106.

19.5 The cumulative impacts of additional primary school pupils and the logistics that are in connection with this have also been considered in combination with the additional pending application (1352/17) for up to 60 dwellings the opposite side of Wattisfield Road.

19.6 It is also noted the proposal would create the loss of agricultural land that could be used for food production, and which could contribute to the economy. However, the loss of approx. 0.57ha of grade 3 land is not considered significantly harmful, when weighed against the benefits of the scheme. Furthermore, all other environmental matters with regard to ecology, and the hedgerows and trees can be effectively managed and mitigated via conditions. In addition, a scheme for up to 22 dwellings (including 35% affordable homes) would generate more for the economy and social aspect in the long

and short term in comparison to the agricultural land use. The report also highlights the proposal would not cause any significant impacts to the conservation area. Although the site is within an area of archaeological potential relevant conditions can address this aspect.

19.7 Having considered all social, economic and environmental matters in this case it is considered the significant benefits for up to 22 new dwellings on the site adjacent to the settlement boundary in close proximity to existing dwellings and in a location where there is a housing shortfall would outweigh any modest harms the development may create. The application is therefore recommended for approval as the benefits of this proposal considerably outweigh any modest harm.

RECOMMENDATION

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager – Planning for Growth to secure:
 - Secure 35% affordable units including mix and tenure
 - Infrastructure improvements (£20,250 school transportation costs)
- (2) That the Corporate Manager – Planning for Growth be authorised to grant Outline Planning Permission subject to conditions and Informatives including:
 - Standard time limit
 - Submission of reserved matters
 - Location and phasing of the affordable housing units
 - Details of materials
 - Land contamination
 - Arboricultural - no alterations to the unmade track at the northern end of the site
 - Archaeological written scheme of investigation
 - Safeguard archaeological
 - Play space provision
 - Bin presentation points
 - Construction – hours of work
 - Anglian water adoption agreements
 - Footway is to be provided along Wattisfield Road from the application site to link with the existing footway to the south of Mill Close
 - Proposed access (including the position of any gates to be erected and visibility splays provided)
 - Storage of Refuse/Recycling bins
 - Estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage)
 - Carriageways and footways serving that dwelling have been constructed to at least Binder course level or better
 - Deliveries Management Plan
 - Manoeuvring and parking of vehicles including secure cycle storage
 - Visibility splays
 - Fire hydrants to be installed
 - Compliance with the recommendations of the ecological report
 - Lighting and design scheme prior to occupation
 - Concurrent with the first reserved matters application(s) a surface water drainage scheme in accordance with the FRA (inc; dimensioned plans & drawings, if infiltration is not possible then modelling shall be submitted for surface water runoff, modelling of surface water drainage scheme, Modelling of the surface water conveyance network in the 1 in 30 year rainfall

- Topographical plans depicting all exceedance flow paths
 - Sustainable Urban Drainage System
 - Construction Surface Water Management Plan (CSWMP)
 - Ecology – compliance with the recommendations of the ecology report
 - Ecology - lighting design scheme prior to occupation
 - Ecology – bats buffer strip (min 15m north & 10m width green-lane)
 - Ecology – bat boxes north boundary
 - Construction management plan/agreement – Residential amenity
- (3) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Corporate Manager – Planning for Growth be authorised to refuse planning permission on appropriate grounds.

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

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

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

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

Correspondence Address:

Mr Steven Bainbridge
Opus House
Elm Farm Park
Thurston
Bury St Edmunds
IP31 3SH
United Kingdom

Applicant:

Sunnyside Farms
Cranmer Farm
Walsham Le Willows
IP31 3BJ

Date Application Received: 23-May-17

Application Reference: DC/17/02783

Date Registered: 31-May-17

Proposal & Location of Development:

Outline planning application (with all matters reserved) - Erection of up to 22 dwellings.

Land Opposite, Broad Meadow, Walsham Le Willows, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled Site Location Plan E490/LP1 - Received 23/05/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Site Location Plan E490/LP1 - Received 23/05/2017
Site Plan E490/SCP1 Site context plan - Received 23/05/2017
Site Plan E490/SP1 Site plan - Received 23/05/2017
Site Plan 3203_100 REV P1 Footway scheme - Received 02/10/2017

Section B:

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

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

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

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF LOCATION AND PHASING OF AFFORDABLE HOUSING DEVELOPMENT

Before any development is commenced, and concurrently with the submission of reserved matters referred to in Conditions 2 above, the location and phasing of the 35% affordable housing units shall be submitted to the Local Planning Authority for approval.

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development provided in appropriate phases to ensure minimal detriment to residential amenity, the environment and highway safety prior to the commencement of such development.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED ARBORICULTURAL - UNMARKED TRACK

No alterations to the unmarked track at the northern end of the site.

Reason: To prevent any arboricultural implications to the existing mature tree and hedgerow species along the northern side and to ensure the development sensitively integrates with the context of the area. Local Plan Policies CL2 and CL8

6. ACTION REQUIRED ARCHAEOLOGICAL - WRITTEN SCHEME OF INVESTIGATION
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.

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), Local Plan Policy HB14 and the National Planning Policy Framework (2012).

7. ACTION REQUIRED SAFEGUARD ARCHAEOLOGICAL ASSETS

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008), Local Plan Policy HB14 and the National Planning Policy Framework (2012).

8. ACTION REQUIRED PLAY SPACE PROVISION

Adequate play space provision must be provided for at the reserved matters stage. Consideration should be given to 'Play Matters: A Strategy for Suffolk', which will advise of the vision for providing more open space where children and young people can play. Matters such as variety of supervised and unsupervised places for play, attractive, welcoming, engaging and accessible design, safe and interesting places and safe routes and accessibility for all will need to be taken into consideration

Reason: To ensure compliance with Local policy and guidance and to create quality of place.

9. ON GOING REQUIREMENT FOR DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS

The area/s to be provided for storage of Refuse/Recycling bins as shown on the approved drawings shall be provided in its entirety before the development hereby approved is brought into first use/occupation 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.

10. ON GOING CONSTRUCTION -HOURS OF WORK

Intrusive work during the construction of the development must take place between the following hours:

Monday to Friday between 08:00hrs and 18:00hrs

Saturday between 09:00hrs and 13:00hrs

No work to be undertaken on Sunday, bank or public holidays

The above is to apply to deliveries to.

Reason - to minimise detriment to nearby residential amenity in the short-term, Local Plan Policy H16

11. ACTION REQUIRED ANGLIAN WATER ADOPTION AGREEMENT

The site layout should take account of and accommodate Anglian Water assets close to or crossing this site. If this is not practicable then the sewers will need to be diverted at the developers/owners 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. Diversion works should normally be completed before development can commence.

Reason: to ensure the reserved matters stage accommodates a site layout that does not affect Anglian Water assets. Local Plan Policy CS6 and Section 10 of the NPPF

12. ACTION REQUIRED FOOTWAY

Before any new dwelling is first occupied a footway is to be provided along Wattisfield Road from the application site to link with the existing footway to the south of Mill Close. The footway shall be provided in accordance with layout and design details that shall be submitted to and approved by the Local Planning Authority. Thereafter it shall be retained in the approved form.

Reason: In order to provide a safe pedestrian route from the application site to the existing footway network for new residents to access the village amenities. Local Plan Policies T10, T11 and T12.

13. ACTION REQUIRED PROPOSED ACCESS

No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected 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 first occupation of any dwelling. 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. Local Plan Policy T10

14. ACTION REQUIRED STORAGE/REFUSE/RECYCLING BINS

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. Local Plan Policies H13 and T10

15. ACTION REQUIRED ESTATE ROADS AND FOOTWAYS

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

Reason: To ensure that roads/footways are constructed to an acceptable standard. Local Plan Policies T1, T2 and H13

16. ACTION REQUIRED CARRIAGWAYS AND FOOTWAYS

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. Local Plan Policies T1, T2 and H13

17. ACTION REQUIRED DELIVERIES MANAGEMENT PLAN

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

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

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas. Local Plan Policy T10

18. ACTION REQUIRED MANOEUVRING, PARKING AND CYCLE STORAGE

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

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety. Local Plan Policy T9 and T10

19. ACTION REQUIRED VISIBILITY SPLAYS

Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action. Local Plan Policy T10

20. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

21. COMPLIANCE WITH THE RECOMMENDATIONS OF THE ECOLOGICAL REPORT

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Base Ecology, November 2016) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

In addition, a buffer strip (minimum 15m width is required between the northern boundary of the proposed development and the green lane with hedges & trees."

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

22. ACTION REQUIRED LIGHTING AND DESIGN SCHEME PRIOR TO OCCUPATION

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

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

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

23. ACTION REQUIRED SURFACE WATER DRAINAGE SCHEME

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. Section 10 of the NPPF

24. ACTION REQUIRED SURFACE WATER DRAINAGE FLOW PATHS

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

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 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;
- c. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- d. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

e. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

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. Section 10 of the NPPF

25. ACTION REQUIRED SUSTAINABLE URBAN DRAINAGE SYSTEM

The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act. Section 10 of the NPPF

26. ACTION REQUIRED CONSTRUCTION SURFACE WATER MANAGEMENT PLAN

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan. Section 10 of the NPPF

27. ACTION REQUIRED ECOLOGY BUFFER

An ecological mitigation and management plan (EMMP) for the 10m buffer between the development and the green lane to the north of the site shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the EMMP shall include the following.

- a) Description and evaluation of buffer land to be managed to prevent disturbance to bats
- b) Aims and objectives of management.
- c) Prescriptions for management actions.
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- e) Details of the body or organization responsible for implementation of the plan.

f) Ongoing monitoring and remedial measures.

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

Reason: To allow the LPA to discharge its duties under UK Habitats Regulations 2017, s17 Crime and Disorder Act 1998, paragraph 118 of the NPPF and s40 of the NERC Act 2006 (Priority habitats & species)

28. ACTION REQUIRED ECOLOGY BAT BOXES

A biodiversity enhancement strategy containing the details and locations of four integrated bat boxes shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under paragraph 118 of the NPPF and s40 of the NERC Act 2006 (Priority habitats & species)

29. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT:
CONSTRUCTION MANAGEMENT TO BE AGREED

Prior to the commencement of development details of the construction methodology shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition. The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction

process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CL02 - Development within special landscape areas
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
SB02 - Development appropriate to its setting
HB14 - Ensuring archaeological remains are not destroyed
HB13 - Protecting Ancient Monuments
H07 - Restricting housing development unrelated to needs of countryside
H04- Altered Policy H4
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T09 - Parking Standards
T10 - Highway Considerations in Development
RT12 - Footpaths and Bridleways
RT04 - Amenity open space and play areas within residential development
HB01 - Protection of historic buildings

NOTES:

1. Works within the public highway
It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's Central Area Manager must be contacted on Telephone: 01473 341414. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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

2. Public Utility apparatus

Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer. Those that appear to be affected are all utilities including telegraph poles and overhead cables.

3. Agreement with Highways

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.

4. Street lighting system

The existing street lighting system may be affected by this proposal. The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.

5. Design and construction of works

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.

6. Unexpected ground conditions

Environmental Management 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.

7. Watercourse or groundwater

- o Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- o Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
- o Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be subject to payment of a surface water developer contribution

8. Scheme of archaeological investigation

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

Guidance can be offered on the archaeological work required by the SCC Archaeological Service.

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

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

This relates to document reference: DC/17/02783

Signed: Philip Isbell

Dated: 29th May 2018

**Corporate Manager
Growth & Sustainable Planning**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

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

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

Discharging your obligations under a condition:

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

Building Control:

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

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

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

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

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

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

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