

PLANNING OBJECTION

Application Reference: DC/20/04987

Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).

Land at Anchor Storage, Eye Road, Kenton, Stowmarket, Suffolk, IP14 6JJ

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1 INTRODUCTION

Instructions

- 1.1 AH Planning has been instructed by Kenton Parish Meeting to submit comments to Mid Suffolk District Council in relation to planning application ref. DC/20/04987 on Land at Anchor Storage, Eye Road, Kenton.
- 1.2 We are instructed to consider the papers, including the planning application form and supporting documents, against the relevant national planning policy and guidance and the Local Plan. Kenton Parish Meeting has concerns about the proposed development and has instructed us to consider the substance of the application and submit representations as appropriate.
- 1.3 Having reviewed the papers we have no option other than to object to the proposal, which would lead to unacceptable adverse impacts, contrary to the relevant policies in the Local Plan and the NPPF. The harms would, in our view, clearly and demonstrably outweigh the public benefits of the proposal. Furthermore, as submitted, the application does not provide sufficient information to consider the full impacts of the proposal. Should the applicant fail to provide this information (see section 2), the application should either be refused outright or withdrawn.

Description of Development

- 1.4 The description of development is as follows:

“Application for Outline Planning Permission (some matters reserved, access to be considered) for the erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).”

Government Advice and Local Plan Policy

- 1.5 In preparing the comments made within this report, we have considered the papers submitted with the application, including the planning application form and supporting documents, against the relevant national and local planning policy and guidance.

Principle of Development

- 1.6 It is considered that the proposed development is unacceptable in principle in that it is in clear conflict with the policies in the adopted Local Plan and the NPPF (as detailed in Sections 3 and 4 of this document).

Procedural Matters

- 1.7 It is our contention that on the evidence submitted to date, the Applicant has failed to provide sufficient supporting information to judge the impact of the proposals. Further, that the Applicant has failed to understand and consider the issues; as such any grant of consent (based on that failure) may well fall foul of the tests laid out in the Crown Estates case mentioned below and, if approved, may well be susceptible to a claim for Judicial Review. As you will appreciate, the matter of fairness in the determination of

planning applications is discussed at [2004] J.P.L. 1316 with particular reference to *Auborn Court Ltd v Kingston and St. Andrew Corporation* [2004] WLR 62219 and *R. (on the applicant of David Rubin) v First Secretary of State, Harrow London Borough Council*, 9 February 2004. Whilst we have every confidence in the Council's diligence in processing this application, I am instructed to evaluate the process against the legal requirements detailed in the above cases.

Localism Agenda

- 1.8 On 15th November 2011 the Localism Act 2011 received Royal Assent. The Act contains provisions amending the principal planning statutes, including the Town and Country Planning Act 1990 in a series of fundamental reforms to most aspects of the planning system. The Localism Act sets out a series of measures with the potential to achieve a substantial and lasting shift in power away from central government and towards local people. A guide to the Localism Act outlines the principles of the Act as follows:

"There are, however, some significant flaws in the planning system that this Government inherited. Planning did not give members of the public enough influence over decisions that make a big difference to their lives. Too often, power was exercised by people who were not directly affected by the decisions they were taking. This meant, understandably, that people often resented what they saw as decisions and plans being foisted on them. The result was a confrontational and adversarial system where many applications end up being fought over."

"The Localism Act contains provisions to make the planning system clearer, more democratic, and more effective."

"Instead of local people being told what to do, the Government thinks that local communities should have genuine opportunities to influence the future of the places where they live."

- 1.9 It is noted that the Parish Meeting supported the previous planning application on the site (DC/19/04553). However, this was due to a mistaken belief that the planning system was structured in a way that meant the village 'had to take' a housing development. This is clearly not the case. As will be set out within this Planning Objection, there are significant harms of the proposal, as well as policy conflict with the Local Plan and the NPPF, that indicate the planning application should again be refused.
- 1.10 The Parish Meeting has significant concerns, including in relation to specific harms of the proposal. As such, in the interests of the Localism Agenda and the desire to hand power back to local communities to influence the places where they live, we would strongly request that the local authority consider the relevant planning concerns raised by members of the local community.

2 FURTHER INFORMATION REQUIRED

Further Information required by the Local Planning Authority

- 2.1 The local planning authority may direct an applicant in writing to provide officers with any evidence in respect of the application, as is reasonable for them to call for, to verify any information given to them. If the direction is not complied with, the application is incomplete, and the local planning authority should notify the applicant accordingly.
- 2.2 We formally request the following documents:
- **Landscape and Visual Appraisal** –The site is located in a highly sensitive countryside location, with the topography offering long and short distance views to the site from the surrounding landscape, including from Public Rights of Way (PRoW). It is difficult to judge the impacts of the proposal on the landscape setting without additional evidence. At the very least, we would request that the Applicant be required to provide a Landscape and Visual Appraisal, with viewpoints agreed with the Local Planning Authority. This Planning Objection includes a series of photographs at Appendix A that show attractive countryside views of this rural site.
 - **Heritage Statement** – The site immediately abuts the curtilage of the Grade II listed Building (Sycamore Farmhouse, Listing No. 1300978), and the Applicant has accepted in the Planning Statement that the proposal could result in less than substantial harm to the significance of this asset. The application should be supported by a Heritage Statement that carefully appraises the impacts of the proposal as required by the NPPF.
 - **Transport Statement and Travel Plan** – The Applicant has not adequately considered the traffic impacts of the proposal. This is particularly important given the unsustainable location of the site in respect of access to local services and facilities. A Transport Statement and Travel should be provided to appraise the impacts and to ensure opportunities are taken to promote sustainable modes of transport.

Inchoate Application

- 2.3 Under s.327A (2) introduced by s.42 of the Planning and Compulsory Purchase Act 2004:
- “The Local Planning Authority must not entertain such an application if it fails to comply with the requirements.”*
- 2.4 ‘The requirement’ in this case is the formal manner in which the application must be made and the formal content of any document or other matter which accompanies the application. As detailed above, we would contest that the application, in its current form, is inchoate and does not provide sufficient information to give decision takers or neighbouring residents a clear understanding of the proposals. We would therefore ask that the Council refuse consent, in circumstances where the Applicant has submitted an application that does not meet “the requirements”, having regard to the referable tests set out in the statutory development plan.

3 NATIONAL PLANNING POLICY FRAMEWORK

- 3.1 The National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government in February 2019. The key paragraphs of relevance to the determination of this application include:

Achieving Sustainable Development

- 3.2 **Paragraph 8** states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 3.3 Comment: As will be set out within this objection, there are significant social and environmental harms that clearly and demonstrably outweigh the public benefits of the proposal. These include landscape harm and harm to the character and appearance of the countryside, harm to the setting of heritage assets and harm due to loss of employment. Furthermore, the proposal would be dependent on the use of the private car and would fail to promote sustainable modes of transport. For this reason, the application proposal does not represent sustainable development and should be refused.

Making Effective Use of Land

- 3.4 **Paragraph 117** states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

- 3.5 **Paragraph 118** outlines that planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

3.6 **Paragraph 121** states that local authorities should support the use of employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors and would be compatible with other policies in the Framework.

3.7 **Paragraph 122** outlines that planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

3.8 **Comment:** The proposal site is in a rural location with very limited access to local services and facilities. The area does not benefit from key services such as a local shop or school, and there is no regular bus service either existing or proposed. It is therefore reasonable to assume that the new residents of the development will rely heavily on the use of the private car for both leisure and commuting purposes, contrary to Paragraph 122(c) of the NPPF.

3.9 In relation to character and setting, it is our view that the proposed development would fail to preserve the area's prevailing character and appearance by reason of its scale and urban nature, contrary to Paragraph 122(d) of the NPPF.

- 3.10 Furthermore, and notwithstanding the harms associated with the loss of employment land, the proposal fails to demonstrate that the site is in an area of 'high housing market demand' as set out in Paragraph 121.

Achieving Well-Designed Places

- 3.11 **Paragraph 124** notes that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 3.12 **Paragraph 127** requires that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 3.13 **Paragraph 130** outlines that 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
- 3.14 **Comment:** The proposed development is of a scale and mass that would have detrimental visual impacts on the amenity of the surrounding countryside, including from Public Rights of Way (PRoW) in the vicinity of the site. Notwithstanding that the application is submitted in Outline with design reserved for future consideration, the

proposals fails to demonstrate how an acceptable design could be delivered on the site, contrary to Paragraph 130 of the NPPF. A series of photographs are included at Appendix A of this document that show the rural character of the site and its surroundings, including clear views from Public Rights of Way in the surrounding countryside. We would encourage the decision taker to appreciate these views on their site visit.

Conserving and enhancing the natural environment

- 3.15 **Paragraph 170** states that planning policies and decisions “should contribute to and enhance the natural and local environment by:

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

- 3.16 **Comment:** The proposal fails to recognise the intrinsic character and beauty of the countryside and would lead to unacceptable harm to the rural character of the site and its surroundings. The proposal would alter the character of the site and its surroundings from rural to urban, without any clear consideration of the impacts. There is no Landscape and Visual Appraisal submitted with the application to appraise the impacts, but for a short paragraph in the Planning Statement. The proposal therefore fails to recognise the intrinsic character and beauty of the countryside, contrary to Paragraph 170 of the NPPF.

Conserving and enhancing the historic environment

- 3.17 **Paragraph 193** states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the assets conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 3.18 **Paragraph 194** states that any harm to the significance of designated heritage assets should require clear and convincing justification.
- 3.19 **Paragraph 196** states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 3.20 **Comment:** The proposal will lead to less than substantial harm to the setting of Grade II listed Sycamore Farmouse, through the introduction of large-scale modern development immediately against the curtilage of the asset. Further, the benefits listed in the Applicant’s planning statement are not sufficient to outweigh the harm. The boundary landscaping is required due to the impact of the proposal, and will itself alter the character of the area from rural to urban/edge of settlement, and the reduction in HGV movements will be replaced by significant vehicle movements of new residents due to the poor accessibility of the site to key services and facilities. The less than substantial harm is not in this case outweighed by the public benefits of the proposal, contrary to Paragraph 196 of the NPPF.

Promoting sustainable transport

- 3.21 **Paragraph 108** states that in assessing applications for development, “it should be ensured that:

...b) safe and suitable access to the site can be achieved for all users”

- 3.22 **Paragraph 110** states that applications for development should “a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas... c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles”
- 3.23 Comment: The proposal is in an unsustainable rural location with limited access to any key services or facilities. Due to the reliance on use of the private car for commuting and leisure purposes, the proposal would lead to an intensity of traffic movements from the site into the surrounding highways network. It is clear, therefore, that the proposal fails to give priority to pedestrian and cycle movements and fails to minimise scope for conflict between pedestrians, cyclists and vehicles, contrary to paragraph 110 of the NPPF.

4 LOCAL PLAN

- 4.1 This Section considers the relevant policies of the Mid Suffolk Local Plan. At the time of writing, this comprises the following documents:
- Saved policies of the Mid Suffolk District Local Plan (1998);
 - First Alteration to the Mid Suffolk Local Plan (2006);
 - Mid Suffolk District Core Strategy Development Plan Document (2008);
 - Mid Suffolk District Core Strategy Focused Review (2012)
- 4.2 This Section considers only the policies that are most relevant to the proposal and the main areas of objection.
- 4.3 In terms of designations, the site is allocated in the countryside in the village of Kenton, which does not feature in the settlement hierarchy and has no key services or facilities. There are no other designations on the site.
- 4.4 It is noted that although the Council is able to demonstrate a 5-year housing land supply, several policies most important to the determination of the application are considered 'out-of-date' as they are not fully consistent with the NPPF. These policies carry diminished weight as a result but remain the starting point for the determination of the application.
- 4.5 It is noted that this is a 'second go' application, following refusal of the first application in February 2020. It is disappointing that the Applicant has not taken the opportunity to adequately address the unacceptable harms that were set out within the Officer's Report and Decision Notice. As a result, many of the harms and policy conflicts will inevitably remain the same.

Saved Policies of the Mid Suffolk District Local Plan (1998)

Design and Layout

- 4.6 **Mid Suffolk District Local Plan (1998) Policy GP1 – Design and Layout of Development:** Policy GP1 sets out that proposals should “maintain or enhance the character and appearance of their surroundings and respect the scale and density of surrounding development” and landscaping “should be regarded as an integral part of design proposals”
- 4.7 Comment: The proposal, by reason of its scale and urbanising influence, would fail to maintain the character and appearance of its surroundings. The proposal site extends into the countryside to the east of the village so its particularly sensitive in the surrounding landscape. Notwithstanding that design is a reserved matter, the Applicant has failed to demonstrate how a development of the scale proposed could be delivered on the site without giving rise to unacceptable adverse impacts in relation to the character and appearance of the village and the countryside, contrary to Policy GP1.

Development in the Countryside

- 4.8 **Mid Suffolk District Local Plan (1998) Policy H7 – Restricting Housing Development Unrelated to the Needs of the Countryside:** Policy H7 states that outside of settlement boundaries there will be strict control over proposals for new housing, and that the provision of housing will normally form part of existing settlements.

- 4.9 Comment: Notwithstanding the diminished weight to Policy H7 due to some inconsistency with the NPPF, it is evident that the proposal is not in or related to any existing settlement on the settlement hierarchy. Kenton is a village located within the open countryside, meaning there is a clear policy conflict with Policy H7. Further, the Application fails to demonstrate that this is a sustainable location for new development of the scale and type proposed, having regard to the poor provision of services and facilities in the local area.

Loss of Employment

- 4.10 **Mid Suffolk District Local Plan (1998) Policy E4 – Protecting Existing Industrial/Business Areas for Employment Generating Uses:** Policy E4 states that the Council “will refuse proposals for development adjacent to or within existing industrial/business areas which would be likely to prejudice the continued use of those areas for primarily industrial or commercial purposes”.
- 4.11 **Mid Suffolk District Local Plan (1998) Policy E6 – Retention of Use within Existing Industrial/Commercial Areas:** Policy E6 sets out that the Council recognises the importance of existing industrial and commercial sites as providing local employment opportunities, and in considering applications for redevelopment of existing premises to non-employment generating activities, “the Council will expect a significant benefit for the surrounding environment, particularly in terms of improved residential amenity or traffic safety”.
- 4.12 Comment: The proposal would lead to the loss of an existing employment-generating use, without significant public benefits. The provision of new housing is a benefit that will attract only moderate weight given the Council’s strong housing land supply position, and this benefit will be weighed in the planning balance against the harms of the proposal, including heritage harm and landscape and visual harm to the character and appearance of the surrounding area. Further, the site is adjacent to an existing employment site and the proposal has so far failed to demonstrate that this would not have an unacceptable amenity impact on the new residents of the proposal site.

Mid Suffolk District Core Strategy Development Plan Document (2008)

Location of Development

- 4.13 **Mid Suffolk Core Strategy (2008) Policy CS1 – Settlement Hierarchy:** Policy CS1 sets out the settlement hierarchy for the district and where development will be focussed over the plan-period. The majority of new development “will be directed to towns and key service centres, but also with some provision for meeting local housing needs in primary and secondary villages”. Kenton is not listed in the settlement hierarchy. For settlements not listed in the settlement hierarchy, the policy states that these areas “will be designated as countryside and countryside villages, and development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and renewable energy”.
- 4.14 **Mid Suffolk Core Strategy (2008) Policy CS2 – Development in the Countryside and Countryside Villages:** Policy CS2 states that in the countryside, development will be restricted to defined categories – none of which include market housing.
- 4.15 Comment: Kenton is a village in the countryside, so proposals for major new housing development in this location are in conflict with the settlement hierarchy set out in Policy CS1 of the Core Strategy. Further, the proposal would lead to significant growth

in a settlement that has been identified as having very few local services and facilities. If this proposal were to be built, it would promote an unsustainable pattern of development, with clear harms, including increased use of the private car to access basic services and facilities, and landscape and visual harms to the character and appearance of the countryside.

- 4.16 The Parish Meeting has additional concerns that this level of harm would significantly alter the character of the village and make the surrounding area more prone to further unsuitable modern housing development as a result.

Landscape

- 4.17 **Mid Suffolk Core Strategy (2008) Policy CS5 – Mid Suffolk’s Environment:** Policy CS5 states that the Council “will protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District’s most important components and encouraging development that is consistent with conserving its overall character”
- 4.18 Comment: The proposal, by reason of its scale and location, would fail to conserve the overall character of the landscape, contrary to Policy CS5. The proposal would adversely impact on the character and appearance of the village in the surrounding landscape – a significant harm to be weighed against the proposal in the planning balance.

Heritage

- 4.19 **Mid Suffolk Core Strategy (2008) Policy CS5 – Mid Suffolk’s Environment:** Policy CS5 states that the Council will introduce policies to protect, conserve and where possible enhance the natural and built historic environment including the residual archaeological remains.
- 4.20 Comment: As set out above in Section 3, the proposal would result in less than substantial harm to the significance of Sycamore Farmhouse which is not outweighed by the public benefits of the proposal, contrary to Policy CS5 and the NPPF.

Services and Infrastructure

- 4.21 **Mid Suffolk Core Strategy (2008) Policy CS6 – Services and Infrastructure:** Policy CS6 states that new development will be expected to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of new development.
- 4.22 Comment: As set out above, the proposal is in an unsustainable location in respect of access to local services and facilities and does not propose to deliver any measures to improve this. As such, the proposal is both unsustainable and clearly contrary to Policy CS6.

Emerging Joint Babergh and Mid Suffolk Local Plan

- 4.23 It is noted that the Council is currently in the process of preparing a new Joint Local Plan with neighbouring Babergh District Council, which, on adoption, will form the statutory Local Plan for the District and supersede the existing documents discussed above in this section.

- 4.24 Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.25 At the time of writing, the Plan is currently at the Regulation 19 'Pre-Submission' consultation, which runs until 24th December 2020. As such, the Plan is at an early stage of preparation and afforded limited weight in planning decisions in accordance with paragraph 48.
- 4.26 It is noted however, that the site is not included as a proposed allocation in the emerging Local Plan. It is also noted that Kenton is progressing at this stage as a 'Hamlet' settlement, where only small-scale infill development will be acceptable. There is little indication, therefore, of any change in the policy approach towards development of the scale proposed by this planning application.

5 PLANNING COMMENT – PRINCIPLE OF DEVELOPMENT

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 requires a local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, as far as material to the application, and to any other material considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to determinations to be made under the Planning acts as follows:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.”

Location and Project

- 5.3 There is an elementary and fundamental problem which needs to be resolved at the outset in the making of decisions under s.38 (6). The first point is often determinative – location comes first followed by project because an examination of for example; the National Planning Policy Framework demonstrates that location governs what might or might not be granted permission in the area concerned.
- 5.4 In this regard, Policy CS1 is particularly referable, in circumstances where it not only addresses the issue of a sustainable location, but also site size and relationship with the local area which is directly referable to the scheme currently under consideration. In view of this, it is imperative that the proposal meets the Council’s requirements, as laid out at Policy CS1, detailed at Section 4 of this objection.
- 5.5 The ‘project’ in this instance is contrary to the provisions of the National Planning Policy Framework and the policies contained within the Local Plan as outlined at Sections 3 and 4 of this submission.

Statutory Development Plan

- 5.6 The statutory Development Plan comprises the following:
- Saved policies of the Mid Suffolk District Local Plan (1998);
 - First Alteration to the Mid Suffolk Local Plan (2006);
 - Mid Suffolk District Core Strategy Development Plan Document (2008);
 - Mid Suffolk District Core Strategy Focused Review (2012)

The principle of development falls to be considered against Policies CS1, CS2, CS5, GP1, H7, E4 and E6. All of these policies are dealt with in detail at Section 4 of this Statement and are contained within the draft reasons for refusal included at Section 6.

Summary

- 5.7 Given that the proposal does not constitute sustainable development and the criterion set out in Policies Policies CS1, CS2, CS5, GP1, H7, E4 and E6 of the adopted Local Plan are not met, there is a legitimate expectation, based on Section 70(2) of the Town and Country Planning Act 1990, Section 38(6) of the Planning and Compulsory

Purchase Act 2004 that the proposed development will be refused. The matter of other material considerations is dealt with in Section 7.

6 DRAFT REASONS FOR REFUSAL

- 6.1 As detailed throughout this objection, we consider that this application should be refused. To assist officers, please refer to the following draft reasons for refusal, which we consider summarise the key points raised within this document. They read as follows:

Reason for Refusal 1 – Unsustainable Location

The proposal site is in a rural location with limited access to local services and facilities. The area does not benefit from key services such as a local shop or school, and there is no regular bus service to the village. The new residents of the development would rely heavily on the use of the private car for both leisure and commuting purposes, contrary to Paragraph 122(c) of the NPPF.

Reason for Refusal 2 – Landscape

“The proposal would cause significant harm to the character of the landscape and the surrounding countryside. The proposal would also cause harm to the amenity value of the public footpaths to the east of the site. The proposal would therefore be contrary to Policy GP1 of the Local Plan and Paragraph 170 of the NPPF.”

Reason for Refusal 3 – Loss of Employment

“The proposal would result in the loss of an established local employment site, contrary to Policy E4 and E6 of the Local Plan. The proposal fails to provide sufficient justification for the loss of employment land, contrary to Paragraph 121 of the NPPF.

Reason for Refusal 4 – Heritage

“The proposal would cause less than substantial harm to the significance of Grade II listed Sycamore Farmhouse that is not outweighed by the public benefits of the proposal, contrary to Policy GP1 of the Local Plan and Paragraph 196 of the NPPF.”

Reasons for Refusal Comment

- 6.2 It is considered that the reasons outlined above are robust reasons for refusal, given that the development is contrary to the Local Plan and the National Planning Policy Framework. In circumstances where these considerations have been reflected in the above reasons, we would ask that the Council implement these as part of the ‘Refusal of Planning Permission’ notice.

7 PLANNING COMMENT – OTHER MATERIAL PLANNING CONSIDERATIONS

- 7.1 **Principle of Development - Other Material Considerations:** Where there are other material considerations which ‘indicate otherwise’ the development plan should nevertheless be the starting point, and those other material considerations weighed in reaching a decision. The issues involved are dealt with in the decision of the House of Lords in *City of Edinburgh Council v Secretary of State for Scotland* [1998] J.P.L. 224, HL. We have been asked to establish, in due course, whether the Council has had regard to the presumption in favour of the development plan, whether the other considerations which the Council regarded as material were relevant considerations to which they were entitled to have regard and whether, looked at as a whole, the decision is rational. Having reviewed the application it would be difficult to conclude other than the material considerations cited are of sufficient weight to override the fact that the development is not in accordance with the adopted development plan.
- 7.2 **Loss of visual amenity:** As correctly noted by the applicant in the Planning Statement, no one has a legal right to a view under the English planning regime. However, damage to the visual amenity of a locality is a material consideration, such as a building totally out of keeping with the surrounding area. In *Worcester City Council v Worcester Consolidated Municipal Charity* (1994) 9 P.A.D. 723 an inspector upheld the refusal of an application where the scale and location of the proposal would have a serious detrimental effect on the visual amenities of the locality.
- 7.3 **Design:** In determining whether or not to grant planning permission, the local planning authority clearly may use their own judgement as to whether the development in question is aesthetically ugly or visually intrusive.
- 7.4 The indicative site layout incorporates poor design given the scale, layout and form of development being proposed and would therefore be visually intrusive to neighbouring properties and the character and appearance of the surrounding area.
- 7.5 **Proposal itself offers poor amenity:** A quite distinct situation arises where the proposal itself offers poor amenity to the intended occupants, such as a lack of sunlight, over-crowded residential development generally, lack of amenity space, susceptibility to noise and so forth. In this instance given the scale of development being proposed, there are legitimate concerns that the proposal will not retain sufficient amenity space for both existing and future residents.
- 7.6 In *Jackson v Secretary of State for the Environment, Transport and the Regions and High Peak DC* (1999) J.P.L B41 the Inspector granted planning permission for a dwelling, which would obstruct not only the view but also the sunlight from a neighbour’s house. On Appeal the Learned Judge found, allowing the application, that the Inspector had erred when he concluded that the development “would not significantly detract from the character and appearance of the surrounding area, and from the quality of the living conditions of neighbourly properties as a result of loss of privacy, loss of sunlight and daylight, or the visual impact of the proposed house”.

- 7.7 In this instance it is considered that the proposal would significantly detract from the character and appearance of the surrounding area and could result in a poor quality of living conditions for the proposed residents
- 7.8 **Material consideration: sustainable development:** Sustainable development is a cornerstone of Government policy and is always a material consideration. It was held in *Aldi Stores Ltd and British Gas plc v Secretary of State for the Environment and Daventry DC (1996) J.P.L B93* that an inspector was entitled to find that there would be demonstrable harm in respect of proposals contrary to sustainability policies and the effects on local amenity. As laid out at Section 3 and 4, the development fails to demonstrate a sustainable form of development and as such should be refused outright.
- 7.9 **Decision Making: Planning Balance:** In addition to those matters relating to decision making, such as the development plan and sustainable development, there is inevitably a balancing exercise to be carried out; few decisions are free of such an approach. The phrase “overall-advantage” reflects this balance; the decision-maker must attach what weight they consider appropriate to the material consideration in question. The so-called “overall-advantage” is nothing more than the weighing of often disparate planning considerations so that it can be said that the advantages outweigh the disadvantages, or the reverse.
- 7.10 In this case, there are no other material considerations of sufficient weight to overcome the policy presumption against the development. We would therefore kindly request that the application be refused outright.
- 7.11 **Failure to take account of relevant matters:** There are several referable cases where there has been a failure to take account of the relevant matters two of which are noted, namely:
- 7.12 **Tameside Metropolitan Borough Council v Secretary of State for the Environment (1984) J.P.P. 180** It was alleged on appeal to the High Court that the Inspector had erred in law in that he had failed to take into account a material consideration, namely matters relating to traffic and other consequences likely to flow from the granting of planning permission. Held that the decision letter did not deal with the traffic issues raised at all, except referable in one sentence and thus a substantial point had not been properly dealt with. The decision was quashed.
- 7.13 The application fails to adequately take account of the issues of transport, heritage, and landscape, as set out in section 2 of this Planning Objection.
- 7.14 **Crown Estates Commissioners v. Secretary of State for the Environment and Holderness Borough Council (1994) J.P.P B113** Where there is evidence on a material issue, it is incumbent upon the Council to make a finding on that evidence, within reason. Further, the Council must be in a position to understand all live issues and thus be able to deal with them accordingly.
- 7.15 The decision-maker ought to take into account a matter, which might cause him to reach a different conclusion from which he would reach if he did not take it into account. Where statute obliges the decision-maker to take a matter into account, it is a matter of law whether or not it was done. *Bolton Metropolitan District Council v. Secretary for the Environment (1991) J.P.L 241*. This report details those matters, which the applicant has failed to deal with adequately, and failings in the applications.

7.16 It is our concern on the evidence submitted to date, that the Applicant has failed to provide sufficient supporting information to judge the impact of the proposals on the character and appearance of the local area, on heritage, and on transport and the local highway network. Further, the Applicant has not understood the live issues and has failed to deal with them; as such any grant of consent may well fall foul of the tests laid out in the Crown Estates case mentioned above and would be susceptible to a claim for Judicial Review if approved.

8 CONCLUSIONS

- 8.1 The Parish Meeting consider that this poorly conceived application has completely disregarded the provisions of the National Planning Policy Framework and the Local Plan. The proposed development would result in an unacceptable form of development to the detriment of the character and appearance of the surrounding countryside and local amenity, including from the surrounding countryside and Public Rights of Way.
- 8.2 The proposal site is in an unsustainable location in respect of access to local services and facilities, and the proposed development of 32 dwellings would cause unacceptable harm to the significance of heritage assets, contrary to national and local planning policy.
- 8.3 In view of the above we trust that the application will be refused outright or alternatively that the application be withdrawn. Should additional information be submitted, or a revised scheme be prepared, we would ask that third parties be given further opportunity to comment as necessary.
- 8.4 We would be grateful if you can telephone us to confirm receipt of this objection and to discuss the timeframe for determination of the application.

Appendix A

Photographs



Figure 1. Eye Road, looking south with the proposed site access far centre. Note the absence of footpaths and the rural character of the street scene



Figure 2. Eye Road, proposed site access. Note the absence of footpaths and the rural character



Figure 3. view from PRow looking west towards application site. Note the rural character of the site and the extent to which the site extends into the surrounding countryside



Figure 4. View from the PRow south east of the application site, looking south. Note the rural setting of the village.



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

Our ref: AE/2020/125644/01-L01
Your ref: DC/20/04987
Date: 25 November 2020

Dear Mr Scott

APPLICATION FOR OUTLINE PLANNING PERMISSION (SOME MATTERS RESERVED, ACCESS TO BE CONSIDERED). TOWN AND COUNTRY PLANNING ACT 1990 - ERECTION OF UP TO 32 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (RESUBMISSION OF DC/19/04553).

ANCHOR STORAGE, EYE ROAD, KENTON, STOWMARKET, SUFFOLK, IP14 6JJ

Thank you for your consultation dated 6 November 2020. We have reviewed the application as submitted and are raising a holding objection on foul drainage grounds. Details on how to overcome our objection can be found below. We have also included details relating to flood risk below. Our response remains unchanged from that of our response to the original submission (DC/19/04553).

Foul Drainage

We have reviewed the documents submitted and the application proposed the use of a package treatment plant for foul drainage. The applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed if a package treatment plant is used. No assessment of the risks of pollution to the surface water environment has been provided by the applicant or details of site drainage.

Also no confirmation of responsibility of the package treatment plant has been provided by the applicant on completion of the development. Until we receive sufficient basis for an assessment to be made of the risks of pollution to ground and surface water, along with confirmation that Anglian Water or another DEFRA approved organisation will be adopting the package treatment plant, we must continue to recommend a holding objection.

We ask to be re-consulted once the applicant has provided assessments that cover the above. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Please note that a discharge to the local watercourse, from a Package Treatment Plant of this size, will require a permit from the Environment Agency and may be refused if it cannot meet the requirements of permitting.

Flood Risk

The applicant has sequentially sited all proposed development within Flood Zone 1. Our maps show the site boundary lies within fluvial Flood Zone 3a/2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high/medium probability of flooding. The proposal is for Outline Planning Application for 32No dwellings (existing buildings to be demolished) which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

We are satisfied that the flood risk assessment, undertaken by G.H. Bullard and Associates referenced 010/2018/FADDS and dated Sept 19, provides you with the information necessary to make an informed decision.

J Flow

The Flood Zone maps in this area are formed of national generalised modelling, which was used in 2004 to create fluvial floodplain maps on a national scale. This modelling was improved more recently, using a more detailed terrain model for the area. This modelling is not a detailed local assessment, it is used to give an indication of areas at risk from flooding.

JFLOW outputs are not suitable for detailed decision making. Normally, in these circumstances, an FRA will need to undertake a modelling exercise in order to derive flood levels and extents, both with and without allowances for climate change, for the watercourse, in order to inform the design for the site.

However, as the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, we feel it is unnecessary to request the applicant to further model the ordinary watercourse with regards to the safety of the proposed development because the development should remain dry and provide refuge throughout the 0.1% (1 in 1000) annual probability event.

FEH Catchment Analysis and Flood Risk

The applicant has undertaken an FEH catchment analysis to determine if there is capacity within the channel of the watercourse to take the flows produced by the 1% (1 in 100) year rainfall event plus allowance for climate change or, whether it would overspill onto the floodplain.

The details of this can be found in Appendix I. There are no details of the flood levels in m AOD associated with these flows but based on this catchment and channel assessment, the site is not expected to flood, and hence the site is not considered to be located within Flood Zone 3. There is therefore a safe, dry means of access/ egress on the site during the 1% (1 in 100) plus climate change event, as the water will be

contained within the channel.

The 0.1% (1 in 1000) year event has not been assessed. However, given that the properties are 2 story, there will be refuge available above this associated flood level.

If you feel you do not have sufficient information with regards to flood levels on the access/egress routes, we advise that 1D modelling should be undertaken to accurately establish the risk to the access/egress routes in terms of potential depths and locations of flooding. The watercourse should be modelled in a range of return period events, including the 1 in 20 (5%), 1 in 100 (1%) and 1 in 1000 (0.1%) year events, both with and without the addition of climate change. Please remember to request the new climate change allowances. The flood levels on the access/egress routes should be determined and compared to a topographic site survey to determine the flood depths and extents along the access/egress routes. This should be used to establish a route of safe access.

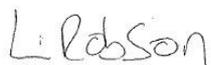
Modelling

Flood risk modelling undertaken by a third party has been used in support of this application and the we have applied a risk based approach to the assessment of this model. In this instance a basic review has been carried out.

We have not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.

We trust the above is useful.

Yours sincerely,



Mr Liam Robson
Sustainable Places - Planning Advisor

Direct dial 020 8474 8923

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

Our Ref: 20_03404_P
Your Ref: DC/20/04987

26/11/2020

Dear Sir/Madam

RE: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553). | Anchor Storage Eye Road Kenton Stowmarket Suffolk IP14 6J

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

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

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

Kind Regards,

Jess

Jessica Nobbs

Senior Sustainable Development Officer
Water Management Alliance



Jane Marson (Chairman) Michael Paul (Vice-Chairman)

Phil Camamile (Chief Executive)



Cert No. GB11990

Cert No. GB11991



Historic England

Sir/Madam Alex Scott
Babergh Mid Suffolk
Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Direct Dial: 01223 582791

Our ref: **W:** P01301330

13 November 2020

Dear Sir/Madam Scott

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

**ANCHOR STORAGE, EYE ROAD, KENTON, STOWMARKET, SUFFOLK, IP14 6JJ
Application No. DC/20/04987**

Thank you for your letter of 6 November 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Yours sincerely

Charlie Field

HISTORIC ENVIRONMENT ASSISTANT ADVISOR, EAST OF ENGLAND REGION:
REGION

E-mail: Charlie.Field@HistoricEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 10 November 2020 11:16
To: BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>
Subject: DC/20/04987 NE Response

Dear Mr Scott

Application ref: DC/20/04987
Our ref: 333317

Natural England has no comments to make on this application.

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

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

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

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours sincerely,
Heather Ivinson

Heather Ivinson
Operations Delivery
Consultations Team
Natural England
Hornbeam House, Electra Way
Crewe, Cheshire, CW1 6GJ
Tel: 0300 060 0475

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Your Ref:DC/20/04987
Our Ref: SCC/CON/4484/20
Date: 19 November 2020



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

Email: planning@babberghmidsuffolk.gov.uk

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

For the attention of: Alex Scott

Dear Alex,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/04987

PROPOSAL: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).

LOCATION: Anchor Storage Eye Road Kenton Suffolk IP14 6JJ

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

COMMENTS

The applicant has not adequately considered the impacts on the highway from the traffic generated by the development, especially during the peak hours. There may be a reduction in HGV traffic but a Transport statement is required as part of the formal planning permission consultation to determine if there is any intensification.

The NPPF focuses on the importance of promoting sustainable transport and give priority to pedestrian and cycle movements. We note the only scheduled bus services through Kenton are operated (infrequently) by High Suffolk Community Transport. Although there is not a frequent bus service at present, we recommend the developer looks into supplying a footway from the site to the existing bus stops and footway network in the village; this will also link the site to the PROW network.

The layout affects Public Right of Way Footpath 21 and at present, the footpath hasn't been considered within the layout. The footpath route must either be accommodated and unobstructed through the development, or legally diverted. As PROW comments dated 11th November, we recommend the applicant contacts the Definitive Maps team at SCC for more information regarding the legal alignment of FP01 and discuss their proposal further. Note, there is a fee for this service.

On receipt of the required documents, we will be able to respond to this application in full.

Yours sincerely,

Samantha Harvey
Senior Development Management Engineer
Growth, Highways and Infrastructure

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

Sent: 11 November 2020 08:47

To: BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>

Cc: David Falk <david.falk@suffolk.gov.uk>; Debbie Adams <Debbie.Adams@suffolk.gov.uk>; Sam Harvey <Sam.Harvey@suffolk.gov.uk>

Subject: RE: MSDC Planning Consultation Request - DC/20/04987

PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE

REF: Anchor Storage, Eye Road, Kenton, IP14 6JJ – DC/20/04987

Thank you for your consultation concerning the above application.

The proposed site does contain a public right of way (PROW): Footpath 21 Kenton. The Definitive Map for Kenton can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Kenton.pdf>. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

We object to this proposal on the basis that:

- **Neither the site plans nor the Design and Access Statement depict FP21;**
- **None of the documents describe the alignment of FP21;**
- **None of the documents explain how FP21 will be affected by the proposed development;**
- **None of the documents show how FP21 will be integrated and protected in the design of the proposed development;**
- **None of the documents explain how FP21 will be protected during construction;**

The Applicant MUST also take the following into account:

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

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

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

3. **The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW.** It **DOES NOT** give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:
- To apply for permission to carry out work on a PROW, or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. **PLEASE NOTE** that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
 - To discuss applying for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.
 - To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> **PLEASE NOTE** that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.
4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.
5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

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

Thank you for taking the time to consider this response.

Public Rights of Way Team
Growth, Highways and Infrastructure

Suffolk County Council
Phoenix House, 3 Goddard Road, Ipswich IP1 5NP
PROWplanning@suffolk.gov.uk

From: GHI Floods Planning <floods.planning@suffolk.gov.uk>
Sent: 10 November 2020 13:18
To: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Cc: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>
Subject: 2020-11-10 JS Reply Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ Ref DC/20/04987

Dear Alex Scott,

Subject: Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ Ref DC/20/04987

Suffolk County Council, Flood and Water Management have reviewed application ref DC/20/04987.

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

- Proposed Surface Water Drainage Layout Ref 010-2018-02 P2
- Flood Risk Assessment & Drainage Strategy Ref 010/2018/FRADS
- Flood Risk Assessment & Drainage Strategy Addendum Ref 010/2018/FRADS/ADD P1
- Indicative Layout Ref 4303 01
- Location Plan (No Ref)

The reason why we are recommending a holding objection is because the proposed site layout and surface water drainage is not conjunctive to good design and the proposed strategy for the disposal of surface water is also proposing to utilise a hybrid system.

The supplied information and the letter submitted from the Environment Agency dated the 6th July 2018 (appendix H) is out of date. This needs to be reassessed and shall clearly indicated that the applicants assessment of the site being entirely within flood zone 1 is correct and has been accepted by the Environment Agency.

Please note that interim guidance was published in February 2020 regarding SuDS and outline planning applications that shall be given due consideration.

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

1. Update the assessment of flood risk as the information provide is out of date e.g. flood maps. New national surface water flood maps were published in January 2020.
2. Resubmit the proposed surface water drainage strategy with the attenuation basin relocated away from of flood zone 3 or clearly demonstrate that the site is entirely within flood zone 1 and that this has been accepted by the Environment Agency
3. Demonstrate why a full SuDs system cannot be utilise after considering the LLFA guidance.
4. Discharge point from the basin is to be as far away from the inlets as possible

Kind Regards

Jason Skilton
Flood & Water Engineer
Suffolk County Council

Growth, Highway & Infrastructure
Endeavour House, 8 Russell Rd, Ipswich , Suffolk IP1 2BX

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

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

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

Sent: 06 November 2020 15:53

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

Subject: MSDC Planning Consultation Request - DC/20/04987

Please find attached planning consultation request letter relating to planning application - DC/20/04987 - Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ

Kind Regards

Planning Support Team

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

Babergh District Council and Mid Suffolk District Council (BMSDC) will be Data Controllers of the information you are providing. As required by the Data Protection Act 2018 the information will be kept safe, secure, processed and only shared for those purposes or where it is allowed by law. In some circumstances however we may need to disclose your personal details to a third party so that they can provide a service you have requested, or fulfil a request for information. Any information about you that we pass to a third party will be held securely by that party, in accordance with the Data Protection Act 2018 and used only to provide the services or information you have requested. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website.

From: RM Archaeology Mailbox <archaeology@suffolk.gov.uk>
Sent: 11 November 2020 13:50
To: Planning Contributions Mailbox <planningcontributions.admin@suffolk.gov.uk>
Cc: Alex Scott <Alex.Scott@babberghmidsuffolk.gov.uk>
Subject: RE: Application - Kenton, Anchor Storage, Eye Road IP14 6JJ

Good afternoon,

Thank you for your email. As per the previous application received and discussions with the team at the time it is in our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

Many thanks,

Lisa

Lisamaria De Pasquale

Assistant Archaeological Officer (Technical Support)
Suffolk County Council Archaeological Service
Bury Resource Centre
Hollow Road
Bury St Edmunds
Suffolk IP32 7AY
Tel.:01284 741230
M: 07523931041
Email: lisa.depasquale@suffolk.gov.uk

Website: <http://www.suffolk.gov.uk/archaeology>
Suffolk Heritage Explorer: <https://heritage.suffolk.gov.uk>
Follow us on Twitter: [@SCCArchaeology](https://twitter.com/SCCArchaeology)
Like us on Facebook: [@SCCArchaeologicalService](https://www.facebook.com/SCCArchaeologicalService)
Follow us on Instagram: [@SCCArchaeology](https://www.instagram.com/SCCArchaeology)

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

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

Your Ref:
Our Ref: FS/F200783
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 10/11/2020

Dear Sirs

Anchor Storage, Eye Road, Kenton, Stowmarket IP14 6JJ

Planning Application No: DC/20/04987/OUT

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

I refer to the above application.

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

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

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

/continued

Sprinklers Advised

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

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

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

Yours faithfully

Water Officer

Suffolk Fire and Rescue Service

Enc: Hydrant requirement letter
Flood Risk Letter

Copy: info@philcobboldplanning.co.uk
Enc: Sprinkler information

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

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

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

Date: 10 November 2020

Planning Ref: DC/20/04987/OUT

Dear Sirs

RE: PROVISION OF WATER FOR FIRE FIGHTING
ADDRESS: Anchor Storage, Eye Road, Kenton, Stowmarket IP14 6JJ
DESCRIPTION: 32 Dwellings
HYDRANTS REQUIRED

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

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

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

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

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

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

Continued/

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

Yours faithfully

Water Officer

Suffolk Fire and Rescue Service

OFFICIAL

Created: September 2015

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



Dear Sir/Madam

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

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

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

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

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

Dispelling the Myths of Automatic Fire Sprinklers

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

Promoting the Benefits of Automatic Fire Sprinklers

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

OFFICIAL

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

The Next Step

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

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

Suffolk Fire and Rescue Service

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

Residential Sprinkler Association

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

British Automatic Fire Sprinkler Association

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

Fire Protection Association

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

Business Sprinkler Alliance

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

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

Yours faithfully

Mark Hardingham
Chief Fire Officer
Suffolk Fire and Rescue Service

Your ref: DC/20/04987/OUT
 Our ref: Kenton, Anchor Storage,
 Eye Road, IP14 6JJ.
 Matter No: 60095
 Date: 27 November 2020
 Enquiries to: Ruby Shepperson
 Tel: 01473 265063
 Email: Ruby.Shepperson@suffolk.gov.uk



By e-mail only:
planningblue@baberghmidsuffolk.gov.uk
Alex.Scott@baberghmidsuffolk.gov.uk

Dear Alex,

Kenton: Anchor Storage, Eye Road – developer contributions

I refer to the proposal: outline planning application (some matters reserved, access to be considered) – erection of up to 32 No. dwellings following demolition of existing buildings (resubmission of DC/19/04553).

Summary of infrastructure requirements:

CIL	Education	Capital Contribution
	- Primary	£138,144
	- Secondary	£142,650
	- Sixth form	£23,775
CIL	Early years	£51,804
CIL	Libraries improvements	£6,912
CIL	Waste	£4,352
S106	Education	
	- Secondary school transport	£36,150
S106	Highways	Tbc
S106	Monitoring fee for each trigger point	£412

Paragraph 56 of the National Planning Policy Framework (NPPF) 2018 sets out the requirements of planning obligations, which are that they must be:

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

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

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

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

The emerging Joint Local Plan contains policy proposals that will form an important tool for the day to day determination of planning application in both districts. Infrastructure is one of the key planning issues and the Infrastructure chapter states that the Councils fully appreciate that the delivery of new homes and jobs needs to be supported by necessary infrastructure, and new development must provide for the educational needs of new residents.

Community Infrastructure Levy

Mid Suffolk District Council adopted a CIL Charging Schedule on 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016.

New CIL Regulations were laid before Parliament on 4 June 2019. These Regulations (Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) came into force on 1 September 2019 (“the commencement date”). Regulation 11 removes regulation 123 (pooling restriction and the CIL 123 List in respect of ‘relevant infrastructure’).

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

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

- 1. Education.** Paragraph 94 of the NPPF states: ‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
 - a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’

- Furthermore, the NPPF at paragraph 104 states: ‘Planning policies should:
- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;’

The Department for Education (DfE) publication ‘Securing developer contributions for education’ (April 2019), which should be read in conjunction with the Planning Practice Guidance (PPG) advice on planning obligations [revised September 2019]. Paragraph 19 of the DfE guidance states, “We advise local authorities with education responsibilities to work jointly with relevant local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including both temporary and permanent education needs where relevant, such as school transport costs and temporary school provision before a permanent new school opens within a development site”.

In paragraph 15 of the DfE guidance ‘Securing developer contributions for education’ it says, “We advise that you base the assumed cost of mainstream school places on national average costs published annually in the DfE school place scorecards. This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the national average to reflect the costs in your region, using BCIS location factors”. The DfE scorecard costs have been adjusted for inflation using the latest Building Cost Information Service (BCIS) All-In Tender Price of Index (TPI), published March 2020. The technical notes state to adjust the national average to the region of interest, divide the national average cost by the weight for the region, given in the Scorecard underlying data (the regional weight has been calculated using the regional location factors).

The most recent scorecard is 2019 and the national average school expansion build cost per pupil for primary schools is £17,268 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£17,268 / 1.00) produces a total of £17,268 per pupil for permanent expansion of primary schools.

The most recent scorecard is 2019 and the national average school expansion build cost per pupil for secondary schools is £23,775 (March 2020). The regional weighting for the East of England based on BCIS indices, which includes Suffolk, is 1. When applied to the national expansion build cost (£23,775 / 1) produces a total of £23,775 per pupil for permanent expansion of secondary schools. The DfE guidance in paragraph 16 says, “further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place”.

School level	Minimum pupil yield:	Required:	Cost per place £ (2020/21):
Primary school age range, 5-11:	8	8	£17,268
High school age range, 11-16:	6	6	£23,775
Sixth school age range, 16+:	1	1	£23,775

Total education CIL contributions:	£304,569
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The local schools are Sir Robert Hitcham's CEVA Primary School (catchment school and second nearest), Bedford CEVC Primary School (nearest school), Debenham High School ((ages 11-16) catchment school and nearest but over 3 miles away from the proposed development), and Hartismere School (local school and sixth form). Based on the existing forecasts and potential developments in the area and local plans coming forward, SCC will have no surplus places available at the catchment primary and secondary schools.

At the primary school level, the strategy is to expand existing primary school provision to meet the demands arising from basic need and housing growth. The DfE publication talks about the importance of safeguarding land for schools by working with LPAs and developers to ensure that long-term pupil place planning objectives are secured.

At the secondary school and sixth form levels, the strategy is to expand existing provision to meet the demands arising from basic need and housing growth.

Based on existing school forecasts, SCC will have no surplus places available at the local primary, secondary and sixth form schools. On this basis, at the primary school level a future **CIL** funding bid of at least (8 pupils x £17,268) = £138,144 (2020/21 costs) will be made, at the secondary school level a future **CIL** funding bid of at least (6 pupils x £23,775) = £142,650 (2020/21 costs) will be made and at sixth form level a future **CIL** funding bid of a lease (1 pupil x £23,775) = £23,775 will be made.

If the Council considers that planning permission should be granted for the proposed development, this must be on the basis that s106 developer funding is secured by way of a planning obligation for the site-specific costs of secondary school transport. Contribution required is as follows:

- a) **School transport contribution** – 6 secondary-age pupils are forecast to arise from the proposed development. Developer contributions are sought to fund school transport provision for a minimum of five years for secondary-age pupils. Annual school transport cost per pupil is £1,205. Therefore, **S106** contribution is £1,205 x 6 pupils x 5 years = **£36,150** (2020/21 costs), increased by RPI.

- 2. Pre-school provision.** Provision for early years should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities'

The Childcare Act 2006 places a range of duties on local authorities regarding the provision of sufficient, sustainable and flexible childcare that is responsive to parents' needs. Local authorities are required to take a lead role in facilitating the childcare market within the broader framework of shaping children's services in partnership with the private, voluntary and independent sector. Section 7 of the Act sets out a duty to secure funded early years provision of the equivalent of 15 hours funded education per week for 38 weeks of the year for children from the term after their third birthday until they are of compulsory school age. The Education Act 2011 places a statutory duty on local authorities to ensure the provision of early education for every disadvantaged 2-year-old the equivalent of 15 hours funded education per week for 38 weeks. The Childcare Act 2016 places a duty on local authorities to secure the equivalent of 30 hours funded childcare for 38 weeks of the year for qualifying children from September 2017 – this entitlement only applies to 3 and 4 years old of working parents.

From these development proposals SCC would anticipate up to 3 FTE pre-school child arising (FTE is equivalent to 30 hours per week). This matter is in the Debenham ward where there is a deficit of FTEs. On this basis, an Early Years **CIL** contribution of (3 FTEs x £17,268) = **£51,804** (2020/21 costs) will be sought to go towards the enhancement and improvement to local provision.

- 3. Play space provision.** This should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities.' A further key document is the 'Quality in Play' document fifth edition published in 2016 by Play England.
- 4. Transport issues.** Refer to the NPPF Section 9 'Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of a planning application. This will include travel plan, pedestrian and cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 agreements as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. Suffolk County Council FAO Sam Harvey will coordinate a response, which will outline the strategy in more detail.

Suffolk County Council, in its role as a local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014 (updated 2019).

5. Libraries. Refer to the NPPF Section 8: 'Promoting healthy and safe communities'.

The libraries and archive infrastructure provision topic paper sets out the detailed approach to how contributions are calculated. A **CIL** contribution of £216 per dwelling is sought (i.e. £6,912) which will be spent on enhancing provision at the nearest library. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of (3 x £3,000) = £90,000 per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling.

Libraries CIL contribution:	£6,912
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6. Waste. All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

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

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

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

Every additional dwelling potentially accessing Stowmarket Recycling Centre is now exacerbating the need for a new Recycling Centre on this side of Ipswich. This is becoming a more urgent priority for the Waste Service as the likely cost of a new Recycling Centre is £3.35m. This is a priority site in the Waste Infrastructure Strategy and budget will be identified for this purpose. However, the Waste Service would expect contributions of £136 per household from any significant development in this area (2020/21 costs).

- 7. Supported Housing.** Section 5 of the NPPF seeks to deliver a wide choice of high-quality homes. Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, needs to be considered in accordance with paragraphs 61 to 64 of the NPPF.

Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations Part M 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition, we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the LPAs housing team to identify local housing needs.

- 8. Sustainable Drainage Systems.** Section 14 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. Suffolk County Council is the lead local flood authority. Paragraphs 155 – 165 refer to planning and flood risk and paragraph 165 states: 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.'

In accordance with the NPPF, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

A consultation response will be coordinated by Suffolk County Council FAO Jason Skilton.

- 9. Ecology, landscape & heritage.** These are matters for the Council to consider and address. In terms of good design, it is suggested that consideration should be given to incorporating suitable roosting and nesting boxes within dwellings for birds and bats, as well as providing suitable biodiversity features including plants to attract & support insects, reptiles, birds & mammals. Refer to the MHCLG guidance on the Natural environment [updated 21 July 2019].

- 10. Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early

consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting which will allow SCC to make final consultations at the planning stage.

- 11. Superfast broadband.** This should be considered as part of the requirements of the NPPF Section 10 'Supporting high quality communication'. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability.

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

- 12. Legal costs.** SCC will require an undertaking for the reimbursement of its own legal costs, whether or not the matter proceeds to completion.
- 13. Monitoring Fee.** The new CIL Regs allow for charging of monitoring fees. In this respect the county council charges **£412** for each trigger point in a planning obligation, payable upon commencement.
- 14. Time Limits.** The above information is time-limited for 6 months only from the date of this letter.

This development will mitigate its impact by contributing via both s106 and CIL as per the summary table on page 1. Site-specific matters identified by SCC services directly will also need to be secured by way of a planning obligation or planning conditions.

Yours sincerely,

Ruby Shepperson
Planning Officer
Growth, Highways & Infrastructure Directorate

cc Carol Barber, Suffolk County Council
Floods Planning, Suffolk County Council
Sam Harvey, Suffolk County Council

Planning Application – Consultation Response

Planning Application Reference:	DC/20/04987
Site:	Anchor Storage Eye Road Kenton Stowmarket Suffolk IP14 6JJ
Proposal:	Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).
Prepared by:	BMSDC Strategic Planning Policy and Infrastructure
Date:	09/12/2020

1. Introduction

A response to planning application DC/19/04553 was submitted from Strategic Planning Policy and Infrastructure in November 2019. Since this response, the Joint Local Plan has progressed to Pre-Submission Regulation 19 consultation stage. The principles of the response from a policy and infrastructure point of view remains the same, where this development proposal is not being supported, principally due to the unsustainability of its location.

2. Policy position

The relevant Development Plan policies to consider are:

- the National Planning Policy Framework (2019)
- the saved policies of the Mid Suffolk District Local Plan (1998)
- the First Alteration to the Mid Suffolk Local Plan (2006)
- the Mid Suffolk District Core Strategy Development Plan Document (2008)
- the Mid Suffolk District Core Strategy Focused Review (2012)

Kenton is currently identified as a village in the countryside in the adopted MSDC Core Strategy (<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/Mid-Suffolk-Core-Strategy/Core-Strategy-with-CSFR-label-and-insert-sheet-07-01-13.pdf>), policy CS1 (page 24-25), where: *development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy*, as stated in the policy.

The proposed development is considered contrary to policy, in respect to saved Policies GP1 and H7 of the Mid Suffolk Local Plan (1998), Policies CS2 and CS5 of the Mid Suffolk Core Strategy (2008) and Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012) which seek to direct development to settlements with a greater range of services and facilities, to control development in the countryside and maintain and enhance the environment, amongst other considerations.

As per our response to the previous planning application DC/19/04553, Kenton is progressing through the Regulation 19 Pre-Submission Joint Local Plan (November 2020) as a 'Hamlet' village, where only small-scale infill growth would be considered appropriate. The proposed development is for 32 dwellings, which is a large application

in a settlement where only small-scale growth is currently and proposed thought the Regulation 19 Pre-Submission Joint Local Plan to be considered appropriate.

3. Infrastructure Delivery Plan (IDP) position

The IDP of September 2020 provides an updated position from the previous IDP of July 2019, and it sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on the 12th November 2020 as evidence which supports the draft Pre-Submission Regulation 19 Joint Local Plan. The IDP is an iterative document which is updated annually to reflect the changes in infrastructure capacities, requirements and priorities.

The proposed development is not part of the proposed site allocations of the draft Joint Local Plan. For the purpose of this response, and to understand the impact on infrastructure capacity, the content of the IDP has been considered together with the existing planning permissions and responses from infrastructure providers.

Over the last five years, only minor development has taken place within the settlement, with no current pending or approved planning applications for over 10 dwellings, other than this outline application, subject to determination. There are no proposed site allocations for Kenton in the draft Joint Local Plan, and therefore there are no site-specific infrastructure needs set out for this site in the IDP.

This proposed development is not therefore part of the planned growth and the infrastructure required to support it are assessed through the planning application consultation process.

As referred above and stated in our response of November 2019, Kenton is a village in the countryside, where there are no key services or facilities. Whilst it is generally accepted that small scale growth can generally be supported through existing infrastructure and rural housing is encouraged in villages where it will support local services (NPPF, Paragraph 77-79). In this case, the local services are only available in Debenham (nearest to the development site) and will primarily be accessed by car. Access, including the means of access, to infrastructure, services and facilities is a key consideration in determining the sustainability of the proposal. In this regard there is considered to be limited and unsustainable access to services and facilities. The nearest facilities are located in Debenham, approximately 2.5 miles away from the site to the centre of Debenham (a Parish which has a made Neighbourhood Plan with proposed allocations).

Infrastructure considerations are:

- Education

There is no primary school within the settlement. The catchment primary school is Sir Robert Hitcham's CEVAP, in Debenham, and the nearest school is Bedfield CEVC Primary School. Sir Robert Hitcham is planned to expand in the IDP, Bedfield CEVC Primary School is not planned to expand in relation to the planned growth of the Joint Local Plan.

The catchment secondary school is Debenham High School, which is planned to expand in relation to planned and committed growth. For Post 16 education, Hartismere School (Sixth Form) in Eye, is the nearest, and is due to expand.

As stated by the County Council in their response of the 27th November 2020, contributions towards additional provision would be required to provide for this

development. CIL contributions would be required towards the expansion of Early Years, Primary, Secondary and Sixth Form education.

It is important to note that the pupils deriving from this development will primarily be driven or bused to their primary and secondary schools, as it is already the case for the existing pupils within Kenton, this additional unplanned growth would therefore create unnecessary adverse harm in respect of social and environmental conditions, and is contradictory to the paragraphs 103, 104a) and 108a) of the NPPF.

- Transport

Specific site details and required contributions would be provided through the County Council Highway response.

In relation to public transport, there are no regular bus services to and from Kenton, this further limits the opportunities for using sustainable modes of travel from this proposed development. Although Kenton is within 3 miles of the centre of Debenham, the two settlements are linked by country lanes, where no continuous footways exist to enable safe walking. It is therefore realistic to assume that most trip to access infrastructure and services generated from the development will be made by car, in contradiction with the objectives of the NPPF, paragraph 79. Further to this national policy, the proposal is also in contradiction with the Regulation 19 Pre-Submission Joint Local Plan policy LP32 concerning the strategy for Safe, Sustainable and Active Transport, where all developments are to maximise the uptake in sustainable and active transport.

Within the settlement itself there are poor footpath provision and although the development could provide additional connections to existing footpaths, there are no services and facilities available within the settlement.

- Health

The nearest health centre is the Debenham practice, where the IDP states that mitigation will be sought for cumulative growth in the vicinity of this practice, however the growth proposed from this site would increase capacity on an already over capacity surgery and therefore impacting on the provision made for the planned growth of the Joint Local Plan and the Neighbourhood Plan, and committed growth within Debenham.

4. Summary

It will be essential that the above points are considered in conjunction with the current application process and infrastructure needs are addressed in accordance with the respective infrastructure providers consultation replies, this response and the IDP.

As stated in our response to the previous planning application DC/19/04553, overall this application is a major development proposal in a small rural settlement with very limited accessibility to essential services and facilities. The impact of this proposal would be significantly different to that of small scale/ infill growth. Consequently, the proposed development is considered contrary to the relevant current development plan policies, national policy and the Regulation 19 Pre-Submission Joint Local Plan (November 2020).

From an education infrastructure point of view, the pupils deriving from this development will primarily be driven or bused to their primary and secondary schools. Although this is already the case for the existing pupils within Kenton, this additional, unplanned growth would create unnecessary adverse harm in respect of social and environmental conditions, and as such this proposal weighs against paragraphs 103,

104a) and 108a) of the NPPF. Adding to the fact that there are no other key services and facilities in Kenton, and no access to regular public transport, it is therefore realistic to assume that most trip to access infrastructure and services generated from the development will be made by car, in contradiction with the objectives of the NPPF, paragraph 79, and of draft Joint Local Plan policy LP32.

In consideration of the above the proposed development is not considered to conform to national and local planning policy and due to its remoteness/ poor accessibility is considered unsustainable and consequently harmful in accordance with para 79 and 103 of the NPPF.

It is not considered a suitable location for a major housing scheme, having regard to access to services and facilities, the Strategic Planning Team therefore cannot support the proposal and recommends that planning permission is refused.

Anik Bennett, Infrastructure Officer
Strategic Planning Policy and Infrastructure
Babergh and Mid Suffolk District Councils

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

Sent: 27 November 2020 17:59

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

Subject: DC 20 04987 Kenton

Heritage consultation response

Alex

The scheme is essentially a re-submission of that refused as DC/19/04553, which my colleague commented on. I cannot detect any additions or amendments which would alter our assessment of the impact of the scheme in heritage terms, and therefore can only repeat my colleague's comment:

This is an outline planning application for the erection of up to 32 dwellings next to the Grade II listed Sycamore Farmhouse, following the demolition of existing warehouses. Only access is considered, although an indicative layout has been submitted. The heritage concern relates to the impact of the principle of residential development on this site (following demolition of the existing buildings) on the setting of the listed building, which contributes to its significance.

Sycamore Farmhouse is located to the north of the historic core of Kenton. Historic OS maps show a scattering of farmhouses with outbuildings spread out along this part of the road, which were gradually connected by modern development throughout the C20. The 1884 and 1904 maps show Sycamore Farmhouse with a close grouping of outbuildings to the south and two ponds and possibly an orchard to the north, separating the farmhouse from Sycamore Cottage. By 1978, the smaller outbuildings to the south of the farmhouse were replaced with large structures, surrounding the farmhouse from the north-east to the south, leaving only the area immediately to the north of the listed building undeveloped. The physical form and character of these warehouses compromise the setting of the listed building and its connection to the surrounding landscape to the east.

The introduction of up to 32 dwellings on this site would be contrary to the existing linear pattern of development on this part of Eye Road and would change the character of this land. However, the existing structures and their character currently detract from the setting of Sycamore Farmhouse, therefore their demolition would be positive. Smaller scale dwellings may be less harmful to the setting of the listed building than the existing buildings.

There would likely be some harm associated with the introduction of a residential development on this site. However, this harm would be limited by the extent that the setting of the listed building has already been compromised. The full extent of the impact on the setting of the listed building would depend on the layout, scale, design, boundary treatment and use of materials of the proposed development. Based on the information submitted at this stage, the resulting level of harm would likely be a low to medium level of less than substantial harm, which should be weighed against public benefits as per para. 196 of the NPPF.

To minimise the level of harm, the layout of the development as shown on the indicative drawing could be improved. For example, maintaining the undeveloped area to the front of the site as open space would better preserve the immediate setting of Sycamore Farmhouse and its position in the streetscape.

Paul

Paul Harrison

Heritage and Design Officer

T 01449 724677 | 07798 781360

E paul.harrison@babberghmidsuffolk.gov.uk

E heritage@babberghmidsuffolk.gov.uk

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

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

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



23 November 2020

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

By email only

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

Application: DC/20/04987
Location: Anchor Storage Eye Road Kenton Stowmarket Suffolk IP14 6JJ
Proposal: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).

Dear Alex,

Thank you for consulting Place Services on the above outline application.

Holding objection due to insufficient ecological information

Summary

We have reviewed the Extended Phase 1 Survey Report (Hillier Ecology Limited, September 2018) provided by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority species/habitats.

We are not satisfied that sufficient ecological information is currently available for determination. This is because the Extended Phase 1 Survey Report (Hillier Ecology Limited, September 2018) is out of date to accompany this application, following the Chartered Institute of Ecology and Environmental Management (CIEEM) - Advice note on the Lifespan of Ecological Reports and Surveys (April 2019) - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>.

Therefore, it is recommended that the professional ecologist will need to undertake a site visit and may also need to update desk study information for this application. An addendum to the ecological report should then be provided, with appropriate justification on the validity of the report. In addition, the addendum must also consider whether further ecological considerations will be required from this amended application.



Consequently, this further information is required to enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to provide the additional information to overcome the holding objection.

Please contact us with any queries.

Yours sincerely,

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

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

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

From: Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>
Sent: 01 December 2020 11:03
To: Alex Scott <Alex.Scott@babberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Mailbox <planning@babberghmidsuffolk.gov.uk>
Subject: DC/20/04987. Land Contamination

Dear Alex

EP Reference : 285240
DC/20/04987. Land Contamination
Anchor Storage, Eye Road, Kenton, STOWMARKET, Suffolk, IP14 6JJ.
Application for Outline Planning Permission (some matters reserved, access to be considered).Town and Country Planning Act 1990 - Erection of up to 32 dwellings

Many thanks for your request for comments in relation to the above application. Having reviewed the application and support Geoenvironmental Risk Assessment by Sue Slaven (reference : P0135/R01 Issue 1 dated October 2020) I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Kind regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babberghmidsuffolk.gov.uk
Work: 01449 724715
websites: www.babergh.gov.uk www.midsuffolk.gov.uk

Thank you for contacting us

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

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



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

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:
 - re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or
 - treatment of material on site to meet compliance targets so it can be re-used; or
 - removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

From: Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>
Sent: 13 November 2020 13:21
To: Alex Scott <Alex.Scott@babberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Mailbox <planning@babberghmidsuffolk.gov.uk>
Subject: DC/20/04987. Air Quality

Dear Alex

**EP Reference : 283510
DC/20/04987. Air Quality
Anchor Storage, Eye Road, Kenton, STOWMARKET, Suffolk, IP14 6JJ.
Application for Outline PP (some matters reserved, access to be
considered).Town and Country Planning Act 1990 - Erection of up to 32
dwellings following demolition of existing buildings (resubmission of
DC/19/04553).**

Many thanks for your request for comments in relation to the above application from the perspective of Local Air Quality Management. Having reviewed the application I can confirm that the likelihood of a development of this scale is highly unlikely to cause a significant adverse impact on local air quality when measured against guidance of the Institute of Air Quality Management and DEFRA and as such we would have no objection to the proposed development.

Kind regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babberghmidsuffolk.gov.uk

Work: 01449 724715

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

From: Andy Rutson-Edwards <Andy.Rutson-Edwards@baberghmidsuffolk.gov.uk>
Sent: 12 November 2020 11:03
To: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Subject: DC/20/04987

Environmental Health -
Noise/Odour/Light/Smoke

APPLICATION FOR OUTLINE PLANNING PERMISSION - DC/20/04987

Proposal: Application for Outline Planning Permission (some matters reserved, access to be

considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).

Location: Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ

Thank you for consulting me on this application. From the proposed layout I can see that residential premises are to be in close proximity to the adjacent existing agricultural/commercial premises. There is potential for significant loss of amenity at new dwellings due to noise.

If the class of use of this adjacent land has any commercial use or there are commercial units operating on the adjacent site I shall require an Environmental Noise Assessment (ENA) for the residential development prepared by competent person.

The assessment and any mitigation identified shall ensure through design that internal and external WHO and BS8223 guideline values for both daytime and night-time will not be exceeded.

I would also recommend that following condition is included in any permissions granted:

No development shall commence until a Construction and Environmental Management Plan (CEMP), to cover both demolition/site clearance and construction phases of the development, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be undertaken in accordance with best practice guidelines and BS: 5228:2009 + A1:2014 (and any revisions thereof). The plan shall include details of operating hours, scheduled timing/phasing of development for the overall construction period, means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors), loading and unloading of plant and materials, location and management of wheel washing facilities, external lighting, location and nature of compounds and storage areas (including maximum storage heights), waste removal, location and nature of temporary buildings and boundary treatments, dust management, noise management (both in terms of workers and local residents, and to include noise limit at the nearest sensitive residential property, or agreed representative accessible monitoring point) and waste/litter management during the construction phases of the development. Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall be submitted in phases for each phase of construction so as to take account of protection measures for both newly constructed (and occupier) dwellings as well as those dwellings which existed prior to commencement

- *No burning shall take place on site during the site clearance/demolition or construction phases of the development.*

Andy

Andy Rutson-Edwards, MCIEH AMIOA

Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together

Tel: 01449 724727

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

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

From: Peter Chisnall <Peter.Chisnall@babberghmidsuffolk.gov.uk>
Sent: 26 November 2020 17:22
To: BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>
Subject: DC/20/04987

Dear Alex,

APPLICATION FOR OUTLINE PLANNING PERMISSION - DC/20/04987

Proposal: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).

Location: Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ

Many thanks for your request to comment on the sustainability/Climate Change aspects of this application.

It is acknowledged that the application is for outline permission but considering the size of the development some consideration of this topic area is expected.

Babergh and Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

I raise no objections to this application. If the planning department decided to set conditions on the application, I would recommend the following.

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, and NPPF) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day).

The Sustainability and Energy Strategy requires the applicant to indicate the retrofit measures and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage.

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Clear commitments and minimum standards should be declared and phrases such as 'where possible, subject to, where feasible' must not be used.

Evidence should be included where appropriate demonstrating the applicants previous good work and standards achieved in areas such as site waste management, eg what recycling rate has the applicant achieved in recent projects to show that their % recycling rate commitment is likely.

I note that the applicant confirms compliance with the Suffolk Parking Guide. Details as to the provision for electric vehicles should also be included please see the Suffolk Guidance for Parking, published on the SCC website on the link below:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/parking-guidance/>

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

Guidance can be found at the following locations:

<https://www.midsuffolk.gov.uk/environment/environmentalmanagement/planningrequirements/>

Regards,

Peter

Peter Chisnall, CEnv, MIEMA, CEnvH, MCIEH
Environmental Management Officer
Babergh and Mid Suffolk District Council - Working Together
Tel: 01449 724611
Email: peter.chisnall@baberghmidsuffolk.gov.uk
www.babergh.gov.uk www.midsuffolk.gov.uk

MID SUFFOLK DISTRICT COUNCIL

MEMORANDUM

TO: Alex Scott - Planning

From: Sacha Tiller – Strategic Housing

Date: 13th November 2020

Proposal: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of 32 dwellings following demolition of existing buildings (re-submission of DC/19/04553)

Location: DC-20-04987 - Anchor Storage, Eye Road, Kenton, Stowmarket, Suffolk, IP14 6JJ

Key Points

1. Background Information

A development proposal for 32 dwellings.

The policy position would be for 35% affordable housing on any site of 10 or more units or site area in excess of 0.5 hectares.

32 dwellings equates to 11.2 dwellings for this submission to be policy compliant. Therefore we require 11 dwellings and 0.2 as a commuted sum.

2. Housing Need Information:

- 2.1 The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2019, confirms a continuing need for housing across all tenures and a growing need for affordable housing.
- 2.2 The 2019 SHMA indicates that in Mid Suffolk there is a need for 127 new affordable homes per annum. **Ref1 SHMA 2019, p.122 – Summary section.**
- 2.3 The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and for older people who are already in the property owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.

3. Preferred Mix for Open Market homes.

3.0 There is strong need for homes more suited to the over 55 age brackets within the district and the supply of single storey dwellings or 1.5 storeys has been very limited over the last 10 years in the locality. Mid Suffolk and the county as a whole faces a large increase in the population of over 65-year olds so we need to ensure there are suitable housing choices for older people to remain in their communities.

3.1 There is growing evidence that housebuilders need to address the demand from older people who are looking to downsize or right size and still remain in their local communities.

3.2 Broadband and satellite facilities as part of the design for all tenures should be standard to support.

3.3 All new properties need to have high levels of energy efficiency.

4. Preferred mix for Affordable Housing = 11 affordable housing homes

Affordable Rented = 8 homes required

2 x 1 bed 2-person houses @ 58 sqm

4 x 2 bed 4-person houses @ 79 sqm

2 x 3 bed 5-person houses @ 93 sqm

Shared Ownership = 3 homes required

3 x 2 bedroom 4-person houses @ 79 sqm

4.1 The scheme will need to pay 0.2 of the site as a commuted sum.

5. Other requirements for affordable homes:

- Properties must be built to current Homes England National Housing Standards March 2015.
- The council is granted 100% nomination rights to all the affordable units on first lets and 100% on subsequent lets.
- Any Shared Ownership properties must have an initial share limit of 70%.
- The Council will not support a bid for Homes England grant funding on the affordable homes delivered as part of an open market development. Therefore, the affordable units on that part of the site must be delivered grant free.
- The location and phasing of the affordable housing units must be agreed with the Council to ensure they are integrated within the proposed development according to current best practice.

- (a) not Occupy or permit Occupation of more than fifty per cent (50%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (50%) of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider; and
- (b) not Occupy or permit Occupation of more than eighty per cent (80%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until all of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider
- On larger sites, the affordable housing should not be placed in groups of more than 8 units
- Adequate parking provision is made for the affordable housing units and cycle storage and bin stores.
- It is preferred that the affordable units are transferred to one of the Council's partner Registered Providers – please see www.baberghmidsuffolk.gov.uk under Housing and Affordable Housing for full details.

Consultation Response Pro forma

1	Application Number	DC/20/04987	
2	Date of Response		
3	Responding Officer	Name:	James Fadeyi
		Job Title:	Waste Management Officer
		Responding on behalf of...	Waste Services
4	Recommendation (please delete those N/A) Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	No objection subject to conditions	
5	Discussion Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<p>Ensure that the development is suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around attached are the vehicle specifications.</p> <div style="text-align: center;">  ELITE 6 - 8x4MS (Mid Steer) Wide Track Dat </div> <p>See the latest waste guidance on new developments.</p> <div style="text-align: center;">  SWP Waste Guidance v.21.docx </div> <hr style="width: 20%; margin: 10px auto;"/> <p>The road surface and construction must be suitable for an RCV to drive on.</p> <p>To provide scale drawing of site to ensure that access around the development is suitable for refuse collection vehicles.</p> <p>Please provide plans with each of the properties bin presentations plotted, these should be at edge of the curtilage or at the end of private drive and there are suitable collection presentation points. These are required for approval.</p>	

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

6	Amendments, Clarification or Additional Information Required (if holding objection) If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate	
7	Recommended conditions	Meet the conditions in the discussion.

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

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

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

Sent: 10 November 2020 10:21

To: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>

Subject: RE: MSDC Planning Consultation Request - DC/20/04987

Public Realm Officers note the provision of an area of public open space within this development including what appears to be an attenuation basin within this area. In the detailed design Officers would like to see plans that show an adequate area of usable open space that does not include water storage. Attenuation basins are often deep and require fencing and in these cases should not be treated as public open space when calculating open space requirements within a proposed development.

In addition, for a development of this size (32 houses) some provision for on site play would be expected in the more detailed design

Regards

Dave Hughes
Public Realm Officer

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

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

Sent: 06 November 2020 15:52

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

Subject: MSDC Planning Consultation Request - DC/20/04987

Please find attached planning consultation request letter relating to planning application - DC/20/04987 - Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ

Kind Regards

Planning Support Team

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

Babergh District Council and Mid Suffolk District Council (BMSDC) will be Data Controllers of the information you are providing. As required by the Data Protection Act 2018 the information will be kept safe, secure, processed and only shared for those purposes or where it is allowed by law. In some circumstances however we may need to disclose your personal details to a third party so that they can provide a service you have requested, or fulfil a request for information. Any information

about you that we pass to a third party will be held securely by that party, in accordance with the Data Protection Act 2018 and used only to provide the services or information you have requested. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website.

Comments for Planning Application DC/20/04987

Application Summary

Application Number: DC/20/04987

Address: Anchor Storage Eye Road Kenton Stowmarket Suffolk IP14 6JJ

Proposal: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of up to 32 dwellings following demolition of existing buildings (resubmission of DC/19/04553).

Case Officer: Alex Scott

Customer Details

Name: Mrs Linda Hoggarth

Address: 26 Gipping Way, Bramford, Ipswich, Suffolk IP8 4HP

Comment Details

Commenter Type: Amenity Group

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The Mid Suffolk Disability Forum would like to see a commitment to ensuring that all dwellings will meet Part M4 of the Building Regulations in an outline planning application.

Additionally, all dwellings should be visitable and meet Part M4(1), and 50% of the dwellings should meet the 'accessible and adaptable' standard Part M4(2). It is our view that in housing developments of over 10 dwellings, at least one of the dwellings should be built to wheelchair standard Part M4(3).

It is also our view that 3% of the dwellings in housing developments of over 10 dwellings should be bungalows to assist people with mobility problems and to assist people who wish to downsize from larger dwellings.

Every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm, and that any dropped kerbs are absolutely level with the road for ease of access.

Surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used.

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

From: BMSDC Economic Development

<BMSDCEconomicDevelopment@baberghmidsuffolk.gov.uk>

Sent: 29 January 2021 16:23

To: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>

Cc: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>

Subject: RE: MSDC Planning Consultation Request - DC/20/04987 - 27/11/2020

Good afternoon

Thank you for this consultation.

Employment opportunity in rural areas is important to the sustainability of our communities, however it is limited and once employment space is lost to other uses is rarely recovered. This site currently provides employment to 14 people and therefore cannot demonstrate that it is unsuitable for continued employment use either by the current business or an alternative user.

Economic development do not support this application, objecting to the loss of employment uses at this site.

Kind Regards

Clare

Sector and Skills Specialist – Economic Development and Regeneration team Babergh and Mid Suffolk District Councils – Working Together

t: 01449 724880

m: 07860827637

e: clare.free@baberghmidsuffolk.gov.uk

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

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

Sent: 06 November 2020 15:59

To: BMSDC Economic Development

<BMSDCEconomicDevelopment@baberghmidsuffolk.gov.uk>

Subject: MSDC Planning Consultation Request - DC/20/04987 - 27/11/2020

Please find attached planning consultation request letter relating to planning application - DC/20/04987 - Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ

Kind Regards

Planning Support Team

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Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



REFUSAL OF OUTLINE PLANNING PERMISSION

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

Correspondence Address:

Philip Cobbold
Phil Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe IP11 9HB

Applicant:

Anchor Storage Ltd
Anchor Storage
Eye Road
Kenton
Stowmarket
Suffolk IP14 6JJ

Date Application Received: 27-Sep-19

Application Reference: DC/19/04553

Date Registered: 05-Oct-19

Proposal & Location of Development:

Outline Planning Application (some matters reserved - access to be considered) - Erection of up to 32No dwellings (existing buildings to be demolished).

Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ

Section A – Plans & Documents:

This decision refers to drawing no./entitled un-numbered received 31/10/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan un-numbered - Received 31/10/2019

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. The proposed development, remote from local services and lacking accessible sustainable transport modes, will result in a high level of car dependency for future occupants. The

density and scale of the development would result in landscape harm. The identified adverse impacts outweigh the scheme's public benefits, and therefore the proposal does not constitute sustainable development, contrary to Policies FC1 and FC1_1 of the Core Strategy Focused Review 2012 and the National Planning Policy Framework 2019.

2. The proposal would also lead to the loss of employment land, with no significant benefit or alternative schemes provided, contrary to the directions of Saved Local Plan policy E4 and E6. Similarly, the area has not been shown to be one in high demand for housing such that the employment uses present on site should be replaced in line with the provisions of paragraph 121 of the NPPF.
3. While it is acknowledged that the removal of the existing buildings from the site would be read as a benefit to the setting of Sycamore Farmhouse, the replacement of these buildings would still result in harm to its setting. This harm has been identified as being less than substantial when read against the NPPF and the public benefits offered by the site are insufficient to counter this harm due to the adverse impacts arising from the location of the scheme. This runs contrary to paragraph 196 of the NPPF and to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The application fails to demonstrate that the site is suitable for housing in the context of land contamination and cannot demonstrate that the remediation of the entirety of the site would result in land that was considered suitable for residential uses. This runs contrary to the requirements of paragraphs 178 and 180 of the National Planning Policy Framework 2019 which seeks to avoid development on sites which may reasonably pose a health risk to its end user.
5. Paragraph 165 of the National Planning Policy Framework 2019 requires major developments to incorporate sustainable drainage systems, including taking advice from the lead local flood authority. The application fails to take account the advice from the lead local flood authority, contrary to paragraph 165 of the National Planning Policy Framework 2019 .

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H04- Proportion of Affordable Housing
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development

H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
E03 - Warehousing, storage, distribution and haulage depots
E04 - Protecting existing industrial/business areas for employment generating uses
E05 - Change of Use within existing industrial/commercial areas
E06 - Retention of use within existing industrial/commercial areas
CL08 - Protecting wildlife habitats
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways

NOTES:

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

In this case the Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that would have enabled the proposals to be considered more favourably.

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

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

This relates to document reference: DC/19/04553

Signed: Philip Isbell

Dated: 19th February 2020

**Chief Planning Officer
Sustainable Communities**

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

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

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

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

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

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