

Consultee Comments for Planning Application DC/22/00225

Application Summary

Application Number: DC/22/00225

Address: Land To The Rear Of The Leas Quoits Meadow Stonham Aspal Suffolk

Proposal: Application for Outline Planning Permission (Access point to be considered, Appearance, Landscape, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of up to 5 no. dwellings and construction of new access (following demolition of existing dwelling).

Case Officer: Alex Scott

Consultee Details

Name: Mrs Alison Green

Address: Granary Cottage, Mill Green, Stonham Aspal Stowmarket, Suffolk IP14 6DA

Email: Not Available

On Behalf Of: Stonham Aspal Parish Clerk

Comments

At the meeting on 15th February 2022 the members of Stonham Aspal Parish Council unanimously agreed to object to this application on the basis that

Planning approval has been given for 66 properties other properties (with construction making progress) within the main village. This represents a 40% increase in houses. With the original application there was a need for development land however there is now 9.5 years of housing land supply so this is a speculative application

It is on a green field site outside of settlement boundary.

The need for smaller properties has been met by the football ground development

Previous refusals were made on the basis of impact on a heritage asset, Orchard Farm and the development being out of keeping with the rural character. These factors have not changed

The impact on the residential amenity of cul-de-sac of Quoits Meadow would be significant to all residents in particular No 5 and 3. The change in the environment, loss of privacy and impact of increased traffic are all factors. The threat of this change has been hanging over residents for 5 years.

The entrance to the site is also dangerous.

There are few amenities and the school is near capacity.

The parish council believe that the village does not need this development.

Your Ref: DC/22/00225
Our Ref: SCC/CON/0158/22
Date: 25 January 2022
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



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

Email: planning@baberghmidsuffolk.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/22/00225

PROPOSAL: Application for Outline Planning Permission (Access point to be considered, Appearance, Landscape, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of up to 5 no. dwellings and construction of new access (following demolition of existing dwelling).

LOCATION: Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk, IP14 6DE

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

Condition: No part of the development shall be commenced until details of the proposed vehicular access (including the position of any gates to be erected and vehicular visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time. This needs to be a pre-commencement condition because access for general construction traffic and other traffic is not otherwise achievable safely.

Condition: Before the development is commenced, details of the areas and infrastructure to be provided for the loading, unloading, manoeuvring and parking of vehicles including powered two-wheeled vehicles and electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with the current Suffolk Guidance for Parking where on-street parking and or loading, unloading and manoeuvring would be detrimental to highway safety. This is a pre-commencement condition because it must be demonstrated that the development can accommodate sufficient parking spaces before construction works may make this prohibitive and in the interests of ensuring highway safety.

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

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking (2019).

Condition: Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

Condition: Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

Note: It is an **OFFENCE** to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Suffolk County Council or its agents at the applicant's expense.

Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

or;

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Suffolk County Council drawings DM01 - DM14 are available from:

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

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

Yours sincerely,

Mohammedur Rashid-Miah
Transport Planning Engineer

Growth, Highways and Infrastructure

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

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

Your Ref:
Our Ref: FS/F200915
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 18/01/2022

Dear Sirs

LAND TO THE REAR OF THE LEAS, QUOITS MEADOW, STONHAM ASPAL, IP14 6DE
Planning Application No: DC/22/00225/OUT

I refer to the above application.

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

Access and Fire Fighting Facilities

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

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

Water Supplies

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 105M from the proposed build site and we therefore recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

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

/continued

OFFICIAL

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

Yours faithfully

Water Officer

Suffolk Fire and Rescue Service

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

Consultation Response Pro forma

1	Application Number	DC/22/00225 Land To The Rear of The Leas, Quoits Meadow, Stonham Aspal	
2	Date of Response	09/02/2022	
3	Responding Officer	Name:	Thomas Pinner
		Job Title:	Heritage and Design Officer
		Responding on behalf of...	Heritage Team
4	Summary and Recommendation	<p>As this is an outline application with all matters reserved except access, the full extent of the impact on the significance of the listed building cannot be ascertained.</p> <p>However, based on the information provided, I consider that the proposal would likely be considered to cause a certain level of less than substantial harm to Orchard Farmhouse because the proposed development would likely diminish the rural setting of the listed building, which is considered to make a positive contribution to its significance.</p>	
5	Discussion	<p>The application proposes Outline Planning Permission, with all matters reserved except for access, for the erection of up to five dwellings, following demolition of an existing dwelling. The heritage concern relates to the potential impact of the works on the significance of Orchard Farmhouse, a Grade II Listed late C16 timber-framed farmhouse/former farmhouse, to the southeast.</p> <p>The current application seeks to renew granted Outline Planning Permission DC/18/04191. The Heritage Team provided comments on DC/18/04191. As the current application is in effect the same as that approved (although no indicative layout plans are included this time), and there does not appear to have been any material heritage-related changes since this time, I therefore repeat the Heritage Team's comments on DC/18/04191 below, with minor adjustments as appropriate:</p> <p>The application follows a previous outline application for 9 dwellings on this site, which was refused (DC/17/04419) and a subsequent appeal which was dismissed (AP/18/00036). The Inspector at Appeal found that the application site "has inherent value as an established area of undeveloped space behind Quoits Meadow and within the setting of the listed building at Orchard Farm", and that "the proposed development would fundamentally change the appeal site's nature</p>	

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

		<p>and its relationship with the listed building, as the proposed houses would diminish the listed building's setting". The Appeal Inspector considered the level of harm to the significance of the listed building to be less than substantial.</p> <p>The current application has reduced the number of proposed dwellings to (up to) 5, on (up to) half of the previous application site, leaving the eastern half of the site undeveloped.</p> <p>As established at Appeal, the site in its undeveloped state contributes to the setting of Orchard Farm, therefore any development on this site has the potential to diminish the setting of the listed building. The reduction of the size of the application site and the decrease in number of dwellings does reduce the harm identified during the previous application. However, the relationship between the listed building and the wider landscape would still be diminished, as the current proposal would only preserve a limited connection between Orchard Farm and the countryside, in the form of a wedge of land opening up to the east. Five dwellings would likely still cut off the most direct relationship between the listed building and the landscape, to the north.</p> <p>Therefore, while the current proposed development would not fully embed the listed building in modern development, the Heritage Team considers that the reduction of its connection to the countryside would likely still cause a certain level of less than substantial harm to the significance of the listed building.</p> <p><i>Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i></p>
6	Amendments, Clarification or Additional Information Required	
7	Recommended conditions	

Please note that this form can be submitted electronically on the Council's 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 Council's website and available to view by the public.

From: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Sent: 27 Jan 2022 10:28:05
To:
Cc:
Subject: FW: (302572) DC/22/00225. Land Contamination
Attachments:

From: Nathan Pittam <Nathan.Pittam@baberghmidsuffolk.gov.uk>
Sent: 27 January 2022 10:19
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Cc: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>
Subject: (302572) DC/22/00225. Land Contamination

EP Reference : 302572
DC/22/00225. Land Contamination
Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, STOWMARKET, Suffolk.
Application for Outline Planning Permission (Access point to be considered, Appearance, Landscape, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of up to 5 no..

Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination – the Geoenvironmental report submitted in support of the application, and previous applications for the site, demonstrate that the risks posed by former uses of the site is sufficiently low as to not require any additional investigations/remedial works. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

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

For the purposes of clarity these comments **only** relate to matters of Land Contamination.

Regards

Nathan

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

Babergh and Mid Suffolk District Councils – Working Together

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

I am working flexibly - so whilst it suits me to email now, I do not expect a response or action outside of your own working hours

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: Vanessa Pannell <Vanessa.Pannell@baberghmidsuffolk.gov.uk>
Sent: 26 Jan 2022 12:41:15
To:
Cc:
Subject: FW: PLANNING APPLICATION DC/22/00225 STONHAM ASPAL
Attachments:

From: Susan Lennard <Susan.Lennard@baberghmidsuffolk.gov.uk>
Sent: 26 January 2022 12:30
To: BMSDC Planning Area Team Blue <planningblue@baberghmidsuffolk.gov.uk>
Cc: Alex Scott <Alex.Scott@baberghmidsuffolk.gov.uk>; Susan Lennard <Susan.Lennard@baberghmidsuffolk.gov.uk>
Subject: PLANNING APPLICATION DC/22/00225 STONHAM ASPAL

PLANNING APPLICATION: DC/22/00225

OUR REFERENCE:302571

PROPOSAL: Application for Outline Planning Permission (Access point to be considered, Appearance, Landscape, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of up to 5 dwellings following demolition of building on site.

LOCATION: Land to rear of The Leas, Quoits Meadow, Stonham Aspal.

CONSULTEE COMMENTS IN RESPECT OF NOISE, LIGHT, ODOUR SMOKE ONLY

Dear Sirs,

I write with regard to the above planning proposal. Having reviewed the planning documentation we understand that;

- Planning permission for dwellings on the site was granted under permission DC/18/04191.
- This application seeks to renew this outline permission. permission .
- Foul sewage is to be disposed of to the mains foul sewage network.
- There are a number of residential dwellings located on the southern boundary of the application site.

Having regard to the above, we would offer the following recommendations;

CONDITION

CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of;

- Details of the scheduled timing/phasing of the development for the overall construction period
- Wheel washing facilities
- Details of lighting.
- Management and control of dust.
- Management of demolition stages.
- Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling)

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Note: the Construction Management Plan shall cover both demotion and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

Reason: to minimise detriment to nearby residential amenity

CONDITION

CONSTRUCTION HOURS

Operations related to the construction (including site clearance and demolition) phases) of the permitted development/use shall only operate between the hours of 08.00 and 18.00hrs Mondays to Fridays and between the hours of 09.00 and 13.00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

Reason: to minimise detriment to nearby residential amenity

CONDITION

PROHOBITION ON BURNING.

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

Reason – To minimise detriment to nearby residential amenity.

AIR SOURCE HEAT PUMPS

If the applicant is proposing the use of air source heat pumps, then we would wish to see confirmation of compliance with the requirements of **MCS020 (MCS Planning Standards For permitted development installations of wind turbines and air source heat pumps on domestic premises)**.

Reason – To minimise detriment to nearby residential amenity.

Sue Lennard
Senior Environmental Protection Officer
Public Protection

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

Babergh and Mid Suffolk District Councils – Working Together

Susan.lennard@baberghmidsuffolk.gov.uk
01449 724943
www.babergh.gov.uk www.midsuffolk.gov.uk

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

Mid Suffolk District Council

Endeavour House, 8 Russell Road, Ipswich IP21 2BX

Website: www.midsuffolk.gov.uk



REFUSAL OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Philip Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe
IP11 9HB

Applicant:

Mr R Tydeman
The Leas
Quoits Meadow
The Street
STONHAM ASPAL
IP14 6DE

Date Application Received: 29-Aug-17

Date Registered: 04-Sep-17

Application Reference: DC/17/04419

Proposal & Location of Development:

Outline Planning Application (Access to be considered) - Erection of 9 no. dwellings and construction of new access

Land Rear Of The Leas, Quoits Meadow, The Street, Stonham Aspal Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled SITE LOCATION PLAN 1:2500 received 29/08/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan SITE LOCATION PLAN 1:2500 - Received 29/08/2017

Section B:

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

1. The proposed access would by reason of its location likely result in detriment to adjoining neighbours in respect of significant reduction in amenity. On this basis this development is contrary to Policy H16, GP1 and H13 of the Local Plan 1998 as well as NPPF.
2. There is insufficient information to judge the acceptance of the access route and development in respect of its relationship and impact on the place and character of the locality. Accordingly, the development fails to enhance local character in accordance with Core Strategy Review FC1.1 and Local Plan policies GP1, H13 and H15.
3. The proposal fails to demonstrate that the development would not result in harm to the setting of the nearby Grade II listed building at Orchard Farm. This is contrary to policies H13, HB1 and NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
 FC01 - Presumption In Favour Of Sustainable Development
 FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
 FC02 - Provision And Distribution Of Housing
 CS01 - Settlement Hierarchy
 CS05 - Mid Suffolk's Environment
 CS07 - Brown Field Target
 CS09 - Density and Mix
 GP01 - Design and layout of development
 H13 - Design and layout of housing development
 H14 - A range of house types to meet different accommodation needs
 H15 - Development to reflect local characteristics
 H16 - Protecting existing residential amenity
 H17 - Keeping residential development away from pollution
 HB01 - Protection of historic buildings
 HB14 - Ensuring archaeological remains are not destroyed
 CL08 - Protecting wildlife habitats
 T02 - Minor Highway improvements
 T09 - Parking Standards
 T10 - Highway Considerations in Development

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

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

This relates to document reference: DC/17/04419

Signed: Philip Isbell

Dated: 18th December 2017

**Corporate Manager
Growth & Sustainable Planning**

Appeals to the Secretary of State:

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Alex Scott

CASE REFERENCE: DC/17/04419

The Openness of Local Government Bodies Regulations 2014

The new national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Outline Planning Application (Access to be considered) - Erection of 9 no. dwellings and construction of new access

LOCATION: Land Rear Of The Leas, Quoits Meadow, The Street, Stonham Aspal Suffolk

PARISH: Stonham Aspal.

WARD: The Stonhams.

APPLICANT: Mr R Tydeman

ENVIRONMENTAL IMPACT ASSESSMENT:

SITE NOTICE DATE: 21/09/2017

PRESS DATE: Affects Listed Building,

BACKGROUND DOCUMENTS

This decision refers to drawing number SITE LOCATION PLAN 1:2500 received 29/08/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan SITE LOCATION PLAN 1:2500 - Received 29/08/2017

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

SUMMARY OF CONSULTATIONS

Stonham Aspal Parish Clerk

Oppose this planning application - Proposal would result in increased traffic and parked vehicles on Quoits Meadow and the surrounding areas near its access on The Street at busy times.

Heritage Team

No Objection at this stage - Recommend a reserved matters application should consider a scheme which would minimise harm to the adjacent Grade II Listed Orchard Farm, pushing dwellings of a larger scale furthest away.

Suffolk Wildlife Trust

Further layout and landscaping information required at reserved matters stage in order to provide informed comment.

Environmental Health - Land Contamination

Further land contamination assessment required prior to commencement.

SCC - Archaeological Service

No Objection - Subject to the carrying out of an approved scheme of Archaeological works prior to commencement.

SCC - Highways

No Objections Raised - Access onto Quoits Meadow acceptable - However, consider accessing the public highway via the track to the south-east would be detrimental to highway safety and this access should be permanently stopped up to prevent an intensification of use of a substandard access - Parking and turning areas should be submitted, including areas provided for secure cycle storage facility so that the proposal can be properly determined in regards to potential conflict with the Suffolk Guidance for Parking 2015.

MSDC - Waste & Environment

No objection at this stage - More information required regarding access for dustcarts and plotting of presentation points at reserved matters stage.

Environmental Health - Sustainability Issues

No Objection - Encourage applicant to incorporate features to reduce the construction and on-going impact of the development.

SUMMARY OF REPRESENTATIONS

Letters of representation have been received from a total of nine (9) third party sources raising concern or objection to the application proposal. Comments received are summarised below:

- The Council has already granted permission for 13 new dwellings recently in Stonham Aspal;
- Proposed development is outside the settlement boundary;
- If the proposal is approved what is the purpose of settlement boundaries in the Local Plan?;
- The SHLAA discounted an adjacent field as it is not well related to the existing settlement;
- Concern that there will ultimately be more than 9 houses built on the site;
- Application infers that Stonham Aspal is a thriving/sustainable, it is not;
- Stonham Aspal is only a secondary village and not a sustainable location for larger housing developments;
- There is not an unfulfilled demand for housing in Stonham Aspal;
- Application is misleading, there is only one shop in the village and it is not sell convenience foods;
- Bus services to the village are limited (115 two services a day to Ipswich and only one back);
- Proposal would encroach into the countryside;
- Other examples of other recently approved developments in Stonham Aspal are not comparable as there are either infill developments or within the settlement boundary;
- There was a Supreme Court ruling earlier this year which entailed a presumption against such development on a green field site. This should still be enforced by a local authority unless there are over-riding benefits to the local community;

- Consider there is a case to be made that the district now has a sustainable housing supply due to recent approvals;
- Proposal would set precedent for similar developments;
- Proposal would endanger children who play in the Quoits Meadow Cul De Sac;
- Quoits Meadow regularly becomes full with School Parking and cars from other properties also park in the Cul De Sac. This prevents larger vehicles turning and causes hazards. The proposed development would make the situation more dangerous;
- Existing vehicular congestion in Quoits Meadow is a problem and making the cul de sac into a through road to a housing estate will only make matters worse;
- The proposed access road is not wide enough to accommodate larger delivery and emergency service vehicles;
- Pavements will be required in order that children can walk to school safely;
- Object to the partial or total demolition of 'The Leas' and the impact this would have on the character of the existing Cul De Sac;
- The proposed density is not in keeping with existing properties in the immediate vicinity;
- No detail of the layout and design of the dwellings has been provided;
- Proposal is backland development and should be refused;
- The proposal would impact existing neighbouring amenity with dwellings currently looking out over a peaceful field;
- Concern with regards the proposed access road on neighbouring amenity;
- Concern with regards the potential impact on a nearby listed building;
- Concern that there is a lack of proposed affordable housing;
- Site drainage is an issue;
- Existing sewage pipes are a problem and this development will make the situation worse;
- The land has a restrictive covenant in place for agricultural use only.

Letters of representation have been received from a total of fourteen (14) third party sources in support of the application proposal. Comments received are summarised below:

- Support this application for a small development;
- Site ideal for development within the village boundary, with minimal disruption;
- Happy with the plans, looks like a perfect spot to build more houses for the village;
- Proposal site would respect the existing built up line of the village;
- In-fill sites have been successful in other nearby villages - perhaps this could also be the case in this locality;
- Site is ideal area to infill especially by using the established entrance from the A1120;
- Support proposal which will support and strengthen local services and facilities;
- Proposal would have a positive impact on the local community, schools, small businesses etc.;
- Application makes good use of land in a village which would benefit from growth;
- Proposal will help meet the overall need for housing in the country, which are desperately needed;
- The development will only help the village expand to be able to carry some of the strain for new housing nationally;
- There is a clear shortage of housing locally;
- Demand for properties in the village has always been greater than that available;
- Proposal will help young people stay in the area and keep the village alive and vibrant;
- Young people have had to move away from the village due to lack of housing;
- Would like the opportunity to buy a property locally;
- The proposal is similar to developments at Walnut Tree Close and Wingfield Close, which have kept the village growing;
- Proposal site is off the main street which is a benefit;
- Proposal is beneficial as it would not require any additional access roads onto the A1120;

- 9 houses would not generate a significant amount of extra traffic and the main road is more than adequate to accommodate;
- Quoits Meadow will remain as is, only larger

PLANNING POLICIES

NPPF - National Planning Policy Framework
 FC01 - Presumption In Favour Of Sustainable Development
 FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
 FC02 - Provision And Distribution Of Housing
 CS01 - Settlement Hierarchy
 CS05 - Mid Suffolk's Environment
 CS07 - Brown Field Target
 CS09 - Density and Mix
 GP01 - Design and layout of development
 H13 - Design and layout of housing development
 H14 - A range of house types to meet different accommodation needs
 H15 - Development to reflect local characteristics
 H16 - Protecting existing residential amenity
 H17 - Keeping residential development away from pollution
 HB01 - Protection of historic buildings
 HB14 - Ensuring archaeological remains are not destroyed
 CL08 - Protecting wildlife habitats
 T02 - Minor Highway improvements
 T09 - Parking Standards
 T10 - Highway Considerations in Development

ASSESSMENT

Members resolved to recommend refusal of the application, contrary to officer recommendation of the following grounds:

- Proposed access in close proximity to existing neighbouring dwellings would be detrimental to existing neighbouring amenity contrary to the provisions of the NPPF and development plan policies GP1, H13 and H16;
- There is insufficient information submitted in order to judge the impact of the proposal on the character of the existing settlement and the landscape setting. As such, refusal is recommended as per the provisions of the NPPF and development plan policies FC1.1, GP1, H13 and H15; and
- The proposal would result in harm to the setting of a nearby grade II listed building at Orchard Farm, contrary to the provisions of the NPPF and development plan policy HB1.

CONCLUSION

Members resolved to recommend refusal of the application, contrary to officer recommendation of the following grounds:

- Proposed access in close proximity to existing neighbouring dwellings would be detrimental to existing neighbouring amenity contrary to the provisions of the NPPF and development plan policies GP1, H13 and H16;

- There is insufficient information submitted in order to judge the impact of the proposal on the character of the existing settlement and the landscape setting. As such, refusal is recommended as per the provisions of the NPPF and development plan policies FC1.1, GP1, H13 and H15; and
- The proposal would result in harm to the setting of a nearby grade II listed building at Orchard Farm, contrary to the provisions of the NPPF and development plan policy HB1.

RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and well being of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:

Granted

CONDITIONS OR REASONS

1. Proposed access in close proximity to existing neighbouring dwellings would be detrimental to existing neighbouring amenity contrary to the provisions of the NPPF and development plan policies GP1, H13 and H16.
2. There is insufficient information submitted in order to judge the impact of the proposal on the character of the existing settlement and the landscape setting. As such, refusal is recommended as per the provisions of the NPPF and development plan policies FC1.1, GP1, H13 and H15
3. The proposal would result in harm to the setting of a nearby grade II listed building at Orchard Farm, contrary to the provisions of the NPPF and development plan policy HB1

Case Officer Signature: Alex Scott

Date: 18/12/2017

Committee Report

Item No: 2

Reference: DC/18/04191

Case Officer: Alex Scott

Ward: The Stonhams

Ward Member: Suzie Morley

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (Access to be considered) - Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling

Location

Land to the rear of The Leas, Quoits Meadow, Stonham Aspal, STOWMARKET, IP14 6DE

Parish: Stonham Aspal

Expiry Date: 15/11/18

Application Type: Outline planning application

Development Type: Minor Dwellings

Applicant: Mr R Tydeman

Agent: Philip Cobbold Planning Ltd

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- The Ward Member has requested the application be brought before the committee.

Details of Previous Committee/Resolutions and Member Site Visit

- Outline planning permission ref: DC/17/04419 was refused by committee for the erection of 9 dwellings on the site on the 13th December 2017.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Planning Policy Framework 2018.

Relevant policies in the Core Strategy Focused Review 2012 and Mid-Suffolk Local Plan 1998:

FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

FC02 - Provision And Distribution Of Housing

CS01 - Settlement Hierarchy

CS05 - Mid Suffolk's Environment
CS07 - Brown Field Target
CS09 - Density and Mix
GP01 - Design and layout of development
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
HB1 - Protection of Historic Buildings
HB14 – Ensuring Archaeological remains are not destroyed
CL08 - Protecting wildlife habitats
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

Supplementary Planning Documents

Suffolk Adopted Parking Standards (2015)

There is currently no neighbourhood plan for Stonham Aspal village or parish.

Consultations and Representations

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

A: Summary of Consultations

Stonham Aspal Parish Council

Members of Stonham Aspal Parish Council agreed at a meeting on 16 October 2018 that they do not support this planning application on the following grounds. There is no need for the development of the proposed properties which impact on a quiet cul-de-sac in a secondary village. There would be safety implications and increased pollution with the addition of an estimated 32 vehicles regularly accessing Quoits Meadow. There would be a change in character of the Quoits Meadow cul-de-sac which would become a thoroughfare. This application does not appear to address the issues affected by the previous application which was refused by Mid Suffolk District Council and then refused again on appeal. This application does not appear to address the impact of the settlement of Orchard Farm as a listed property. The proposed development is outside the village envelope. Aspal Parish Councils previous comments still stand for this re-consultation

SCC Highways Authority

No Objection - Subject to compliance with suggested conditions.

County Archaeological Service

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

MSDC – Environmental Protection - Land Contamination

Further information with respect of land contamination assessment required.

Suffolk Wildlife Trust

The site appears to be partially surrounded by hedgerows. There is no information regarding the composition or fate of these hedgerows. Hedgerows are a UK and Suffolk Priority Habitat and could provide terrestrial habitat for great crested newts, which have been recorded in the parish. There are also a number of ponds in close proximity to the site, some of which are known to contain populations of great crested newts. Nesting birds may also be utilising the hedgerow.

MSDC - Heritage

Based on the information provided, the Heritage Team considers that the proposal would likely be considered to cause a certain level of less than substantial harm to Orchard Farmhouse because the proposed development would diminish the rural setting of the neighbouring listed building.

MSDC – Waste and Environmental Management

Details of bin presentation areas prior to final approval of reserved matters.

County Fire and Rescue Service

Recommend that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. 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.

Recommend that proper consideration be given to the provision of automatic fire sprinkler systems as part of the proposed development.

B: Representations

Letters of concern or objection have been received from a total of 9 third party individuals:

- The Proposal lies outside the village settlement boundary and so should not be approved;
 - The Council says it has over a 5 year housing land supply (6.5 years) there is, therefore no need for the proposed houses;
 - There have already been recent planning approvals for new dwellings in Stonham Aspal and the village does not require any more housing for the time being;
 - The proposal does not offer anything new or beneficial to the village;
 - The proposal fails to comply with MSDC's development plan and does not represent small-scale development;
 - Recent other approvals in the village are infill development and so cannot be compared with this proposal;
 - The proposal would encroach into the countryside and approval would set a precedent for future applications for housing developments in Stonham Aspal;
-

- The proposal represents backland development, intruding into open countryside outside the settlement boundary of a secondary village;
- The proposed development does not reflect the existing locality. Quoits Meadow has only 6 houses on a similar land area to the development. Furthermore it changes the fundamental character of Quoits Meadow from rural cul de sac to an access road for a larger development;
- The hedge on the eastern side of the site is an important wildlife corridor and Great Crested Newts may be using ponds in the vicinity of the site;
- The Council recently refused permission for a similar development on the site, which was also turned down at appeal. The current proposal is not significantly different and so should be refused also;
- Along the Street, Stonham Aspal (the A1120), there are very few parking spaces, even for residents and consequently Quoits Meadow has become an unofficial village Car Park. Entry into and exit from Quoits Meadow has become, in effect a single track road with Blind Corners. The anticipated additional vehicle movements, as a result of the proposed development, along this highway (reduced to a single track road with blind corner) would result in a significant adverse effect on road safety;
- The proposal would severely limit parking in Quoits Meadow and would result in more instances of onstreet parking on the main A1120, which is detrimental to highway safety;
- Concern with regards existing road network capacity to accept additional traffic movements associated with the proposed development. Note that when there is an event on at Stonham Barns then this already gridlocks the A140/A1120 crossroads;
- The planning statement says the proposal would create jobs. Work may be temporarily generated during construction; however this does not mean that new jobs and employment would be generated, even temporarily;
- Employment opportunities and services and facilities locally are very limited and future occupants would, therefore need to travel to work and to access services and facilities. The proposal is not, therefore, sustainable;
- The village has no food shop and there are no regular bus services. The proposal would, therefore, place full reliance on the private car as a mode of transport, which is unsustainable;
- The additional car movements generated would create pollution which would harm the environment;
- The proposal would still impact the amenities of neighbouring occupants, as per the previous refusal;
- The proposal would still result in harm to the setting of the nearby grade II listed building at Orchard Farm and so should be refused;
- Those in support of the application live outside of Stonham Aspal and so are not relevant;
- As housing has already been refused on the site, and turned down at appeal, surely this should not result in relentless and constant regurgitation in varying formats of the same declined application;
- Surface water drainage is a concern and existing soakaways are ineffective as the current site has caused waterlogging on adjacent land.

7 letters of support have also been received for the proposed development. Comments received are summarised below:

- Support this application for a small development;
- Site ideal for development within the village boundary, with minimal disruption;
- Happy with the plans, looks like a perfect spot to build more houses for the village;
- Proposal site would respect the existing built up line of the village;
- In-fill sites have been successful in other nearby villages – perhaps this could also be the case in this locality;

- Site is ideal area to infill especially by using the established entrance from the A1120;
- Support proposal which will support and strengthen local services and facilities;
- Proposal would have a positive impact on the local community, schools, small businesses etc.;
- Application makes good use of land in a village which would benefit from growth;
- Proposal will help meet the overall need for housing in the country, which are desperately needed;
- The development will only help the village expand to be able to carry some of the strain for new housing nationally;
- There is a clear shortage of housing locally;
- Demand for properties in the village has always been greater than that available;
- Proposal will help young people stay in the area and keep the village alive and vibrant;
- Young people have had to move away from the village due to lack of housing;
- Would like the opportunity to buy a property locally;
- The proposal is similar to developments at Walnut Tree Close and Wingfield Close, which have kept the village growing;
- Proposal site is off the main street which is a benefit;
- Proposal is beneficial as it would not require any additional access roads onto the A1120;
- 5 houses would not generate a significant amount of extra traffic and the main road is more than adequate to accommodate;
- Quoits Meadow will remain as is, only larger

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The application site extends to approximately 0.91 hectares and comprises an existing horse paddock set back from The Street, to the north of existing dwellings in the Quoits Meadow cul-de-sac.
- 1.2 To the north and east of the existing paddock lie agricultural fields, defined by hedgerow boundaries. An unmade access track runs adjacent to the south boundary of the paddock giving existing access to the paddocks and the agricultural fields to the east. Further to the south, on the opposite side of the track, lies the Grade II listed Orchard Farm with the existing housing estate at Walnut Tree Meadow beyond this. The existing Quoits Meadow estate and further dwellings fronting The Street lies to the west and south-west.
- 1.3 The site lies outside of, but adjacent to, the settlement boundary of the village. The site also affects the setting of a grade II listed building at Orchard Farm, to the south of the site, and affects an area of archaeological potential.

2. The Proposal

- 2.1. The application seeks outline planning permission (with all matters reserved except for access) for the erection of 5 no. new dwellings, following demolition of an existing dwelling within the Quoits Meadow cul-de-sac, known as 'The Leas'. The proposal would, therefore result in a net increase of 4 no. dwellings.

- 2.2 The proposal would also involve the construction of a new estate road access to Quoits Meadow, in the location of the existing dwelling at 'The Leas', proposed to be demolished. The proposed development would be accessed from 'The Street' via the existing Quoits Meadow junction and estate road. The proposed estate road would be located 12 metres and 10.5 metres from the existing dwellings at nos. 3 and 5 Quoits Meadow respectively.
- 2.3 Although the final layout and scale and appearance of the proposed dwellings is reserved the indicative layout provided with the application indicates that 1 no. detached dwelling, 2 no. semi-detached dwellings and 2 no. detached bungalows are proposed.
- 2.4 Although the final landscaping scheme is reserved the indicative layout provide shows existing boundary hedge planting to be retained. An additional landscape buffer is also proposed to be planted to the south-east site boundary.

3. The Principle of Development

- 3.1 Paragraph 73 of the National Planning Policy Framework (2018) states that: "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old". Furthermore, paragraph 11 d) of the NPPF states that "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of the policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". NPPF footnote 7 states that "This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ".
- 3.2 It is not considered that Mid Suffolk District Council currently has a five year supply of deliverable Housing, and as such the relevant planning policies contained within the existing development plan are considered to be out of date, as per the consideration of the NPPF (2018).
- 3.3 The application site is considered to lie within the existing settlement pattern of Stonham Aspal, which is a secondary village which benefits from a school, church, shop and village hall. The site and village also benefit from a paved footway to the north side of The Street (the A1120) highway which allows pedestrians to traverse the village safely away from the metalled carriageway. The application site is also within the existing 30mph speed limit and the development would result in only a marginal increase in pedestrian traffic when compared to the existing situation.
- 3.4 The village benefits from a number of services and there are bus services available providing access to various places, including Ipswich and its railway station, at such times as to be viable for employment purposes. Villages are, by their very nature, a mixture of people of varying characters and natures, whereby what does or doesn't work for one may be entirely appropriate for another. In this regard, the distances to facilities and services are not such that would be entirely unreasonable for people to cycle or access via public transport.
- 3.5 As such, the proposal is considered to represent sustainable development with regards to access to services and facilities.

- 3.6 With regards to a need for dwellings local to Stonham Aspal itself, the development would deliver 5 dwellings which would contribute to the wider supply of housing. The Council could not sustain a refusal of planning permission solely on the basis of their being no locally identified need in the village, particularly in the absence of a five year supply of deliverable land overall.
- 3.7 The provision of employment during the construction period would provide a short term economic gain. Whilst this does not weigh heavily in favour of the development, and therefore should be given little weight, it also does not result in any adverse impact to the economy, indeed it is considered that an increased population base would provide a greater catchment and more opportunities for local business growth as a result.
- 3.8 It is acknowledged that the proposed development would meet a social role as required by the NPPF by providing new family homes that would serve to support and grow local services and facilities.
- 3.9 In conclusion, the sustainability of the development relative to the NPPF has been taken into account when considering this proposal and it is not considered that the proposal conflicts with the NPPF to such an extent that would justify refusal of the application. Occupiers of the development would have access to a range of facilities and services via alternative means of transport, the development would not be isolated despite its position outside the settlement boundary and would therefore provide sustainable development in accordance with the NPPF when taken as a whole.

4. Site Access, Parking and Highway Safety Considerations

- 4.1 The proposed means of access to the proposal site would be through the existing Quoits Meadow housing estate, utilising the existing junction onto The Street.
- 4.2 The proposed estate road connection between Quoits Meadow and the proposal site is through the existing property on Quoits Meadow at 'The Leas'. The existing dwelling at 'The Leas' is proposed to be demolished to make way for the proposed estate road.
- 4.3 The site's existing access to The Street is via the existing unmade track to the south of the site. This existing means of access is not considered suitable for use by further development due to sub-standard visibility splays. Should the application be supported, a condition of approval should be the stopping up of the existing site access to the south, onto the unmade track.
- 4.4 The final proposed layout would be expected to provide off-street parking in accordance with current advisory highway parking standards. Should appropriate detail be secured in this regard then the proposal would not result in an increased need for on-street parking.
- 4.5 The local highway authority have assessed the application proposal and are satisfied with the principle of the proposed access to the site, through the existing Quoits Meadow estate, should the existing site access onto the unmade track to the south of the site be permanently stopped up. The proposal is not, therefore, considered to result in a severe impact on existing highway safety.
- 4.6 Access was a reason for refusal of prior application DC/17/04419 on the site. The present proposal is considered to have significant highway safety improvements, with increased space available to the access road, improving forward visibility and the ability for vehicles to pass safely. The proposed reduced number of dwellings would also result in less pressure on the ultimate point of access onto the main road, via the existing Quoits Meadow estate junction.

5. Design and Layout

- 5.1 The application proposes a housing density of 4.5 dwellings per hectare. This is below the 25 to 37 dwellings per hectare encouraged by Policy H15 of the Local Plan, however a lower density is considered appropriate in this circumstance in the interest of existing village character and the landscape character and quality of the adjacent countryside, in accordance with development plan policy CS9.
- 5.2 Although matters of layout, scale and appearance are at present reserved indicative information provided with the application shows a layout reflective of the existing estate road character of development projecting back from the highway on both sides of the street. The indicative layout is also considered to show an appropriate mix of types of dwellings, in accordance with development plan policy CS5.
- 5.3 Further consideration of the final detailed layout, scale and design of development will be undertaken as part of a reserved matters application. Further detail with regards landscaping is also expected as part of a reserved matters submission.

6. Listed Buildings

- 6.1 The application site is located in proximity to a grade II listed building at Orchard Farm, to the south, across the existing access track.
- 6.2 The Council's Heritage officers have assessed the application proposal and consider the proposal would result in a certain level of less than substantial harm as the proposal would diminish the rural setting of the farm buildings at Orchard Farm.
- 6.3 Having considered that the eastern portion of the existing paddock is not proposed to be developed, the existing impact of estate developments on the setting of these buildings, and the opportunity to provide increased soft landscape screening to the eastern boundary of the site (as indicated) your officers consider any harm to the setting and significance of these buildings would be minimal.
- 6.4 As required by the NPPF, any harm to the significance of heritage assets must be outweighed by the public benefits of a proposed development. The development proposal would deliver 4 no. additional homes in support of the District's housing delivery targets (which, are at present lacking) within a sustainable secondary village environment. The public benefits of the proposal are, therefore, considered to outweigh the minimal harm to the heritage assets.
- 6.5 Impact on the setting of the listed building was a reason for refusal of prior application DC/17/04419 on the site. The present proposal is considered to have significant improvements upon the setting of the heritage assets, when compared to the initial scheme, most significantly the reduced number of dwellings proposed, the increased visual break between the site and the heritage assets, and the additional landscape screening proposed. These provisions are considered to overcome the previous reasons given for refusal.

7. Archaeology

- 7.1 The site lies in an area of archaeological potential recorded on the County Historic Environment Record, near the site of a probable medieval moat and its likely continuation and near find spots of Roman and Medieval metalwork and coins. Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and ground works

associated with the development have the potential to damage or destroy any archaeological remains which exist.

- 7.2 The County Archaeological Unit have assessed the application proposal and consider there are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with NPPF paragraph 141, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8. Ecology

- 8.1 The proposal site comprises a maintained area of equine grazing and exercising land and is not considered to provide suitable habitat for protected species.
- 8.2 Trees and hedgerows surrounding the site provide potential habitat for breeding birds and possibly Newts (pending further investigation), as such, it is expected that the final ecological mitigation and landscaping proposals for the site will conserve and provide enhancements to this existing habitat.

9. Impact on Residential Amenity

- 9.1 In indicative siting and scale of the proposed dwellings provided with the application is not considered to demonstrate significant harm to the amenities currently enjoyed by occupants of existing neighbouring properties.
- 9.2 Further assessment with regards the proposal's impact on the amenities of neighbouring properties will be required at reserved matters stage when final details of the layout, scale and appearance of the proposed buildings are provided.
- 9.3 The application proposal is not considered to result in demonstrable harm to the amenities currently enjoyed by neighbouring occupants due to increased number of traffic movements through Quoits Meadow, which are not considered to be adversely significant because this is a reduction from the 9 dwellings previously proposed and would result in less harm to that previously refused. In addition the proposed access road is considered to be an acceptable distance from existing neighbouring properties and is not considered to result in significant harm with regards increased noise and disturbance from vehicular traffic.
- 9.4 The proposal is considered to accord with the aspirations of local Policies H13 and H16 and paragraph 127 of the NPPF (2018).

10. Land Contamination

- 10.1 The applicant has provided a desk based contaminated land assessment with the application proposal, carried out by a suitably qualified individual, which concludes that it is not considered that the site would be designated "Contaminated Land" within the meaning of Part 2A of the Environmental Protection Act 1990. A site walkover assessment reveals that the site is currently undeveloped grazing land with no evidence of contaminating materials present. The site is not, therefore considered to pose a significant risk to future occupants from sources of land contamination.
- 10.2 Council's contaminated land specialists have assessed the proposal and consider further land contamination investigation is required prior to commencement.

11. Flooding and Drainage

- 11.1 The site is not prone to flooding, located in Flood Zone 1. It is considered that any issues regarding surface water management can be resolved via planning conditions, established industry practice for detailed engineering matters of this ilk.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously.
- 12.2 The Framework seeks to boost significantly the supply of housing and the development would contribute to housing supply in an area where there is a current acknowledged shortage. The proposed development would provide economic benefits relating to employment during the construction phase, although these would be limited and temporary and as such are afforded limited weight.
- 12.3 The proposed development would offer significant social benefits in respect of provision of new housing in support of the Districts existing housing need in a sustainable location. The proposal should, therefore, be attributed positive weight in terms of the social dimension of sustainable development.
- 12.4 In terms of the environmental pillar of sustainable development, by reason of its proximity to services and facilities and the existence of sustainable public transport links to Towns (however limited), the proposal is not considered to place absolute reliance on the private car as a means of transport which would minimise potential environmental harm in this respect. Whilst the proposal would not result in significant environmental benefit, proposed mitigation by way of landscape planting, sustainable land drainage and increased linkage to the Town's existing pedestrian network is considered to offset any harm. The proposal is therefore considered to have a neutral to small positive impact in terms of the environmental dimension of sustainable development.
- 12.6 The application proposal is, therefore, considered to on balance represent sustainable development.

RECOMMENDATION

That the Acting Chief Planning Officer be delegated authority to Grant Outline Planning Permission following conclusion of the statutory consultation period and no further issues being raised, subject to the conditions including :

- 1) Standard list of approved plans
- 2) Standard time limit for reserved matters
- 3) Standard reserved matters condition
- 4) Contaminated land investigation and mitigation prior to commencement
- 5) Programme of Archaeological works prior to commencement
- 6) Further protected species investigation and mitigation concurrent with reserved matters
- 7) Landscape scheme and aftercare
- 8) Surface water drainage scheme
- 9) Those required by the local highway authority
- 10) Details of location and number of proposed fire hydrants
- 11) Construction management scheme to be agreed.

Philip Isbell – Acting Chief Planning Officer
Growth & Sustainable Planning

Mid Suffolk District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

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Felixstowe
IP11 9HB

Applicant:

Mr R Tydeman
The Leas
Quoits Meadow
The Street
Stonham Aspal
IP14 6DE

Date Application Received: 19-Sep-18

Application Reference: DC/18/04191

Date Registered: 16-Jan-19

Proposal & Location of Development:

Outline Planning Application (Access to be considered) - Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling

Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 'Promap' - Red and Blue line plan - Scale 1:2500 received 16/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 'Promap' - Red and Blue line plan - Scale 1:2500 - Received 16/01/2019

Site Plan - Location Plan - 0818/128/01 - Received 16/01/2019

Block Plan - Proposed - Matters of layout, scale, appearance and landscaping are shown as indicative - 0818/128/01 - Received 16/01/2019

Section B:

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

1. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

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

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

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

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

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

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

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

4. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: CONTAMINATION

No development shall take place until a Phase I land contamination desk study, that complies with BS10175 and CLR11, comprising an overview of previous uses of the site as well as current site conditions as demonstrated through a site walkover and an assessment of risk by a technically competent person, shall be submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said study subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.

Following approval, any further investigation and remediation shall be carried out in accordance with the recommendations of the local planning authority, and in accordance with any timescales as may be agreed.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

6. PART 1 - ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL EVALUATION

No development shall take place until a scheme of archaeological evaluation of the site has been submitted to and approved in writing by the Local Planning Authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed to the satisfaction of the Local Planning Authority,

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

7. PART 2 - ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL WRITTEN INVESTIGATION

No development shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local Planning Authority and that

confirmation by the Local Planning Authority has been provided that no further investigation work is required in writing.

Should the Local Planning Authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

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

The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously approved in writing by the Local Planning Authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

8. PART 3 - ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No building shall be occupied until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local Planning Authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local Planning Authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

9. ACTION REQUIRED CONCURRENTLY WITH AN APPLICATION FOR APPROVAL OF RESERVED MATTERS - DETAILS WITH REGARDS EXISTING HEDGEROWS

Concurrently with an application for approval of reserved matters details shall be provided to, and approved in writing by, the local planning authority with regards the composition and intended retention or removal of existing hedgerows surrounding the site.

Reason - Hedgerows are a UK and Suffolk Priority Habitat and could provide terrestrial habitat for great crested newts, which have been recorded in the parish. There are also a number of ponds in close proximity to the site, some of which are known to contain populations of great crested newts.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SURFACE WATER DRAINAGE DETAILS

Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building it would serve are commenced. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding.

11. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: PROVISION OF ROADS AND FOOTPATHS.

Before the development is commenced, details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage and a timetable for said works, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety in accordance with the timetable agreed.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS.

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details.

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

13. ACTION REQUIRED CONCURRENTLY WITH AN APPLICATION FOR APPROVAL OF RESERVED MATTERS - HIGHWAYS: PROVISION OF PARKING AND TURNING.

Concurrently with an application for approval of reserved matters details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved, in writing, by the Local Planning

Authority. The approved scheme shall be carried out in its entirety before the development is brought into first use/occupied and shall be retained thereafter and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and used for no other purpose.

Reason - To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway. This condition is required to be implemented prior to commencement to ensure highway safety is secured early for the development. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety should proper layout not be achieved.

14. ACTION REQUIRED CONCURRENTLY WITH AN APPLICATION FOR APPROVAL OF RESERVED MATTERS: REFUSE BINS AND COLLECTION AREAS

Concurrently with an application for approval of reserved matters details of the areas to be provided for storage of Refuse/Recycling bins and any associated collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided in their entirety before the development is first occupied and shall be retained thereafter for no other purpose.

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

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

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

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

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

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

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portalooos.

i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition. The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS05 - Mid Suffolk's Environment
CS07 - Brown Field Target
CS09 - Density and Mix
GP01 - Design and layout of development
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
CL08 - Protecting wildlife habitats
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case negotiation occurred and revisions to the scheme, as initially proposed, were secured which enabled the application to be supported and ultimately approved.

2. **Highways Note**

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to

carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's Central Area Manager should be contacted on Telephone 01473 341414. Further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

3. **Protected Species Note**

Suffolk Wildlife Trust has assessed the application proposal and consider that existing hedgerows surrounding the site have potential to provide habitat for Great Crested Newts and/or Nesting Birds. The developer is advised to have regard to the following:

Great crested newts are fully protected under the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017). It is illegal to kill, injure, capture or disturb them or to obstruct access to areas where they live and breed. The terrestrial habitat used by the newts may extend up to 500 metres from their breeding pond and both these habitats are also protected from damage and destruction.

Nesting birds may also be utilising the hedgerow. Nesting birds are protected under the Wildlife and Countryside Act (1981) (as amended), which gives protection to all wild birds and makes it an offence to intentionally kill, injure or take any wild bird; take, damage or destroy the nest of any wild bird, whilst it is in use or being built or take or destroy the egg of any wild bird (subject to certain exceptions).

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

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

This relates to document reference: DC/18/04191

Signed: Philip Isbell

Dated: 7th February 2019

**Acting Chief Planning Officer
Growth & Sustainable Planning**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

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

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

Discharging your obligations under a condition:

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

Building Control:

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

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

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

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

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

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

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

Babergh District Council

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Telephone: (0300) 1234 000
SMS Text Mobile: (07827) 842833
www.babergh.gov.uk

Mid Suffolk District Council

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OFFICER'S REPORT AND RECOMMENDATION**CASE OFFICER:** Alex Scott**CASE REFERENCE:** DC/20/03291**The Openness of Local Government Bodies Regulations 2014**

The new national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Application for approval of reserved matters following grant of outline application DC/18/04191 dated 07/02/2019 Appearance, Layout, Scale and Landscaping for the erection of 5No dwellings and new access (following demolition for existing dwelling).

LOCATION: Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

PARISH: Stonham Aspal.

WARD: Stonham.

APPLICANT: Mr Tydeman

ENVIRONMENTAL IMPACT ASSESSMENT:

SITE NOTICE DATE: 03/11/2020

PRESS DATE: Affects Setting Listed Building,

BACKGROUND DOCUMENTS

This decision refers to drawing number 'Promap' - Red and Blue line plan - Scale 1:2500 received 16/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 'Promap' - Red and Blue line plan - Scale 1:2500 - Received 16/01/2019

Topographic Survey 470 02 - Received 04/08/2020

Block Plan - Proposed 470 03A Proposed - Received 04/08/2020

Site Plan 470 04B Proposed - Received 04/08/2020

Proposed Plans and Elevations 470 05A Plot 1 - Received 04/08/2020

Proposed Plans and Elevations 470 06A Plot 2 - Received 04/08/2020

Proposed Plans and Elevations 470 07A Plot 3 - Received 04/08/2020

Proposed Plans and Elevations 470 08A Plot 4 - Received 04/08/2020

Proposed Plans and Elevations 470 09A Plot 5 - Received 04/08/2020

Proposed Plans and Elevations 470 10 Garages - Received 04/08/2020

2007-469-002 Road Layout - Received 28/09/2020

2007-469-005 Engineering Layout - Received 28/08/2020

2007-469-006 Road Construction -1 - Received 28/08/2020

2007-469-007 Road Construction -2 - Received 28/08/2020
2007-469-009 Drainage Construction 1 - Received 28/08/2020
Drainage Details 2007-469-010 Drainage Construction 2 - Received 28/08/2020
Drainage Details 2007-469-011 Drainage Construction 3 - Received 28/08/2020
2007-469-012 Basin Cross Section - Received 28/08/2020
Sectional Drawing 2007-469-015 Road long section - Received 28/08/2020

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

SUMMARY OF CONSULTATIONS

SCC - Archaeological Service

Investigations completed - No further conditions required

Heritage Team

Do not currently support proposal - Medium level of less than substantial harm to significance of designated heritage asset (Orchard Farmhouse).

Stonham Aspal Parish Clerk

Object - Proposal does not accord to Outline Permission; Proposed access is too narrow, with no footpath; Concern with regards impact on neighbouring amenity; Proposal out of character and would impact setting of listed building.

SCC - Highways

Note access road no longer has adjacent footpath proposed - Consider this to be acceptable.

Environmental Health - Land Contamination

No comments to make.

SCC - Fire & Rescue

No response

SUMMARY OF REPRESENTATIONS

Letters of concern or objection have been received from 6 no. third parties during the course of determination. Issues raised are summarised below:

- Proposal is not in accordance with the Outline Planning Permission: Existing Dwelling is no longer proposed to be removed, resulting in a net increase in 5 no. dwellings rather than 4 no., which is significant; Proposal now proposes 2 no. large 5 bedroom properties instead of Bungalows previously proposed; and a pair of semi-detached properties was previously proposed, which are not omitted;
- Concerns with regards reduced width of the proposed access road, the loss of the siding footway, and the impact on highway and pedestrian safety which would result;
- Consider the proposed dwellings are out of character with those existing in Quoits Meadow;
- Proposal would impact the setting of a Grade II Listed Building at Orchard Farm;
- Proposal would impact neighbouring amenity due to close proximity of access road to neighbouring dwelling.

PLANNING POLICIES

H16 - Protecting existing residential amenity
NPPF - National Planning Policy Framework

FC01 - Presumption In Favour Of Sustainable Development
 FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
 CS05 - Mid Suffolk's Environment
 CS09 - Density and Mix
 GP01 - Design and layout of development
 H13 - Design and layout of housing development
 H15 - Development to reflect local characteristics
 H17 - Keeping residential development away from pollution
 HB01 - Protection of historic buildings
 CL08 - Protecting wildlife habitats
 T02 - Minor Highway improvements
 T09 - Parking Standards
 T10 - Highway Considerations in Development

PLANNING HISTORY

DC/17/04419	Outline Planning Application (Access to be considered) - Erection of 9 no. dwellings and construction of new access	Refused 18/12/2017
DC/18/04191	Outline Planning Application (Access to be considered) - Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling	Granted 07/02/2019

ASSESSMENT

DC/20/03291/RES - Reserved Matters - Quoits Meadow, Stonham Aspal

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

Details of Amended Plans and Negotiations

The application was not subject to receipt of amended plans or other additional documents during the course of determination.

Site and Surroundings

The application site extends to approximately 0.91 hectares and comprises part of an existing horse paddock set back from The Street, to the north of existing dwellings in the Quoits Meadow cul-de-sac.

To the north and east of the existing paddock lie agricultural fields, defined by hedgerow boundaries. An unmade access track runs adjacent to the south boundary of the paddock giving existing access to the paddocks and the agricultural fields to the east. Further to the south, on the opposite side of the track, lies the Grade II listed Orchard Farm with the existing housing estate at Walnut Tree Meadow beyond this. The existing Quoits Meadow estate and further dwellings fronting The Street lies to the west and south-west.

The site lies outside of, but adjacent to, the settlement boundary of the village. The site also affects the setting of a grade II listed building at Orchard Farm, to the south of the site, and affects an area of archaeological potential.

Case History

Outline planning permission ref: DC/17/04419 was refused by MSDC Development Committee A, for the erection of 9 dwellings on the site, on the 13th December 2017 for the following reasons:

"Proposed access in close proximity to existing neighbouring dwellings would be detrimental to existing neighbouring amenity contrary to the provisions of the NPPF and development plan policies GP1, H13 and H16."

"There is insufficient information submitted in order to judge the impact of the proposal on the character of the existing settlement and the landscape setting. As such, refusal is recommended as per the provisions of the NPPF and development plan policies FC1.1, GP1, H13 and H15."

"The proposal would result in harm to the setting of a nearby grade II listed building at Orchard Farm, contrary to the provisions of the NPPF and development plan policy HB1."

A revised outline planning application (ref: DC/18/04191) was then submitted in September 2018 which reduced the site area and number of dwellings previously proposed to 5 no. and proposed the complete demolition and removal of an existing dwelling at 'The Leas' (or No. 4 Quoits Meadow). This revised proposal was considered to address the reasons previously given for refusal of application ref: DC/17/04419 and application ref: DC/18/04191 was granted Outline Planning Permission by MSDC Development Committee B on 30th January 2019, subject to conditions.

Proposal

The application seeks approval of matters reserved by way of outline planning permission ref: DC/18/04191, and seeks approval of matters relating to Appearance, Scale, Layout and Landscaping for the 5 no. dwellings previously granted outline permission.

Matters of access have previously been considered and approved by way of outline planning permission ref: DC/18/04191 and have been approved, subject to conditions attached to that planning permission.

Principle of Development

The principle of the proposed development, for the erection of 5 no. new dwellings, following demolition of 1 no. existing dwelling, has previously been considered and approved as part of outline planning permission ref: DC/18/04191.

Preliminary Matter - Retention of existing Dwelling at The Leas

Outline Planning Permission ref: DC/18/04191 granted outline planning permission for "Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling". The existing dwelling proposed to be demolished is shown to relate to 'The Leas' (or no. 4 Quoits Meadow) on the approved site plan and indicative layout. The proposed removal of 'The Leas' forms part of the approved description of development relating to outline planning permission ref: DC/18/04191.

The current reserved matters application proposes now the retention of the existing dwelling at 'The Leas' (or No. 4 Quoits Meadow) and now proposes only part demolition of this existing dwelling.

The proposed retention of the existing dwelling at 'The Leas' is considered contrary to the development agreed under outline planning permission ref: DC/18/04191 as this would not accord with the approved description of development and would result in a net increase in 5 no. dwellings, rather than 4 no. as approved by the outline planning permission.

The current reserved matters application and proposed layout, therefore, materially alter the outline planning permission description of development and materially affect assessment of principle of the proposed development as an additional dwelling is now, in effect proposed.

It is not, therefore, possible to consider the proposed net additional dwelling as part of the current reserved matters application and further planning permission would be required for this proposal. For this reason the application is refused.

Layout, Scale, Appearance and Impact on Heritage Assets

The application concerns Reserved Matters details for Appearance, Scale, Layout and Landscaping, for the erection of 5 no. new dwellings. The heritage concern relates to the potential impact of the works on the significance of Orchard Farmhouse, a Grade II Listed late 16th Century timber-framed farmhouse, to the south east.

The current application follows the approval of Outline Planning Permission for the erection of five dwellings on the site, following demolition of the existing dwelling, with access to be considered, under DC/18/04191. The Heritage Team previously identified a potential range of less than substantial harm arising from this application, dependent to some extent upon Reserved Matters details, due to the development of an undeveloped area that makes a positive contribution to the setting and thus significance of Orchard Farmhouse, as evidence of this listed building's historic relationship to the surrounding countryside.

The positive contribution the site makes to the significance of the listed building was also outlined by the Planning Inspector for a dismissed appeal on a previous application proposing nine dwellings on the site (ref: DC/17/04419).

Whilst MSDC Heritage Officers consider that some amount of harm to the setting and significance of Orchard Farmhouse is unavoidable, Heritage Officers consider that there is sufficient and reasonable scope to ensure that the harm is reduced/mitigated as far as possible. Partly, it is considered that this would be by ensuring that the new dwellings are as discreet and unobtrusive as possible and erode the remaining rural setting of Orchard Farmhouse as little as possible.

Heritage Officers assess that the scale and mass of the dwellings currently proposed is considerable and that they would be fairly prominent and clearly domestic in terms of their appearance and design. Consequently, Heritage Officers consider that the proposed dwellings would be a particularly noticeable erosion of the remaining rural, undeveloped setting of Orchard Farmhouse.

MSDC Heritage Officers note that it is now proposed to retain the existing dwelling on the site, by rerouting the spine road, and that this results in a net increase in the number of dwellings on site over the approved Outline. Heritage Officer consider that this change from Outline Permission now all but ensures that all the new dwellings are located on the eastern part of the site, thus likely increasing the level of harm to the setting and significance of Orchard Farmhouse.

Heritage Officers consider that the proposal would result in a medium level of less than substantial harm to a designated heritage asset because the proposed development would constitute a considerable erosion of the remaining historically rural character of the setting of Orchard Farmhouse, particularly due to the scale and design of the dwellings. The net increase in dwellings from the outline approval is also considered to reduce opportunities for a more acceptable layout and design.

Planning officers consider that there is scope to significantly reduce the harm to the setting and significance of the heritage asset identified by reducing the scale and net number of dwellings currently proposed and by amending the layout currently proposed. Furthermore the scheme as currently designed is not considered to offer significant public benefit, that would outweigh the harm to the significance of the heritage asset identified, in accordance with NPPF paragraph 196, that could not otherwise be addressed by an alternative scheme.

The SCC Archaeological Unit has been consulted on the application and advise that Archaeological investigations on the site have been completed as part of the outline application DC/18/04191. Despite the potential for Roman and medieval archaeological features and finds, as indicated by the Historic Environment Record, none were found during the evaluation. Based on the results of the archaeological evaluation SCC-Archaeology would not require any further archaeological work on the site and advise that the current reserved matters application (DC/20/03291) does not require further conditions for archaeological investigation and recording.

Landscaping

Whilst no particular objection is raised with regards the proposed scheme of landscaping, and the proposed native species soft landscape planting to site boundaries is welcomed, the proposed landscaping is not considered to sufficiently screen the development and mitigate the harm to the setting and significance of the heritage asset, as identified by MSDC Heritage Officers.

Highway Safety (Parking, Access, Layout)

The proposed estate road access to Quoits Meadow was considered and approved as part of outline planning permission ref: DC/18/04191, subject to conditions. The location of this proposed access as identified in the current reserved matters application is considered to be broadly as approved at outline stage and, therefore, acceptable and appropriate as part of the current submission.

Whilst it is noted that the proposed estate access road appears narrower than indicated at outline stage, and that it does not comprise a siding pedestrian footway as was previously indicated, it is considered that this forms part of matters relating to layout and not access and it is, therefore, considered appropriate to assess such matters at the current reserved matters stage.

The current layout proposes 4 no. on-site parking spaces per 5 bedroom dwelling proposed and 3 no. parking spaces per 4 bedroom dwelling proposed.

SCC Highways have assessed the current proposal and, whilst it is acknowledged that the current proposal does not contain a siding footway as indicated at outline stage, for a development of the scale proposed (5 no. new dwellings) SCC Highways advise this is acceptable and, therefore, it is presumed that pedestrians using the access driveway a shared surface is also considered acceptable.

Whilst it is agreed that the proposed access road layout varies to that indicated at outline stage it is not considered that the proposed layout would result in a severe impact on highway and pedestrian safety, such that refusal could be considered on such grounds. The proposed amount, design and location of on-site turning and parking is also considered to be in accordance with current highways advisory standards.

No objection is, therefore, raised with regards impact on highway safety.

Residential Amenity

NPPF Paragraph 127 requires that all developments should ensure a high standard of amenity of all existing and future users. Furthermore, development plan policy H16 provides that the LPA will refuse development that materially reduces the amenity of adjacent dwellings.

A reason previously given by the LPA for refusal of a similar development proposal on the site (Ref: DC/17/04419) are also considered material in the assessment of the current application. When assessing application ref: DC/17/04419 the Council raised concern with regards the close proximity of the proposed access road to existing neighbouring dwellings and it was considered that such close proximity would result in detrimental harm to the amenities of existing occupants by reason of noise and disturbance from traffic and pedestrians, as well as disturbance from car headlamps during hours of darkness. This resulted in the proposed demolition of the existing dwelling at 'the Leas', in order that the proposed access road could be moved an acceptable distance from neighbouring properties, when the scheme was re-submitted (ref: outline application DC/18/04191).

Whilst no objection is raised with regards residential amenity impacts in relation to the proposed dwellings themselves, the proposed access road would be constructed 3.5 metres from the existing dwelling at no. 5 Quoits meadow and would be adjacent to no. 4 Quoits meadow. At such close proximity, the proposed access road is considered to result in demonstrable harm to the enjoyment of existing and future uses of these properties by reason of increased noise and disturbance from vehicles and pedestrians and disturbance from vehicles headlamps during hours of low daylight and darkness.

The proposal is, therefore, not considered to ensure a high standard of amenity for existing and future users of the properties identified, contrary to the provisions of NPPF paragraph 127 and development plan policy H16.

Other Matters

Matters relating to: Land Contamination; Ecology; and Flood Risk were previously considered as points of principle in relation to outline planning application DC/18/04191, and no objection was raised subject to compliance with conditions imposed by way of that planning permission. Such conditions remain relevant to the current application proposal.

CONCLUSION

The proposed retention of the existing dwelling at 'The Leas' is considered contrary to the outline planning permission ref: DC/18/04191.

The current layout and scale and appearance of buildings proposed is considered to result in harm to the setting and significance of a grade II listed building, with no public benefit(s) present which would outweigh that harm.

The close proximity of the proposed access road to 2 no. existing properties in Quoits Meadow would result in significant harm to the amenities currently enjoyed by occupants of these properties by reason of noise and disturbance and car headlamp disturbance during low daylight and dark hours.

The proposed development is therefore considered contrary to the outline planning permission, to development plan policies CS5, HB1 and H16, and to the provisions of the NPPF when taken as a whole.

RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and well being of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:

Refused

CONDITIONS OR REASONS

1. REASON(S) FOR REFUSAL - RESERVED MATTERS NOT IN ACCORDANCE WITH OUTLINE PLANNING PERMISSION

Outline Planning Permission ref: DC/18/04191 granted "Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling". The existing dwelling proposed to be demolished is shown to relate to 'The Leas' (or no. 4 Quoits Meadow) on the site location plan and indicative layout approved as part of this permission. The proposed removal of 'The Leas', therefore, forms part of the approved description of development relating to the outline planning permission.

The current reserved matters application proposes the retention of the existing dwelling at 'The Leas' (or No. 4 Quoits Meadow).

The proposed retention of the existing dwelling at 'The Leas' is considered contrary to the development agreed under the outline planning permission as this would not accord with the approved description of development and would result in a net increase in the resultant number of dwellings proposed.

The current reserved matters application and proposed layout, therefore, materially alters the outline planning permission description of development.

It is not, therefore, considered possible to consider the proposed net additional dwelling as part of the current reserved matters application and further planning permission is considered to be required for such a proposal. For this reason the application is refused.

2. REASON(S) FOR REFUSAL - IMPACT ON SIGNIFICANCE OF HERITAGE ASSET

Development plan policy CS5 requires all development proposals to protect, conserve and where possible enhance the built historic environment. Development Plan Policy HB1 requires that all such proposals should protect the character and appearance of all buildings of architectural or historic interest. Furthermore paragraph 196 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed layout and scale and appearance of the buildings proposed would constitute a considerable erosion of the remaining historically rural character of the setting of the Grade II Listed Orchard Farmhouse. The proposal is considered to result in a medium level of less than substantial harm to the setting and significance of this heritage asset. The public benefit(s) of the

proposed layout, scale and appearance of buildings is not considered to outweigh the level of harm identified. The proposal is, therefore, contrary to the provisions of the aforementioned planning policies for these reasons.

3. REASON(S) FOR REFUSAL - IMPACT ON RESIDENTIAL AMENITY

NPPF Paragraph 127 requires that all developments should ensure a high standard of amenity of all existing and future users. Furthermore, development plan policy H16 provides that the LPA will refuse development that materially reduces the amenity of adjacent dwellings.

The close proximity of the proposed access road to 2 no. existing residential properties would result in significant harm to the enjoyment of existing and future uses by reason of increased noise and disturbance from vehicles and pedestrians and disturbance from vehicles headlamps during hours of low daylight and darkness.

The proposal is, therefore, not considered to ensure a high standard of amenity for existing and future users of the properties identified, contrary to the provisions of NPPF paragraph 127 and development plan policy H16.

NOTES

1. NPPF - DEPARTURE FROM POLICY

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the proposal represents a clear departure from the outline planning permission and policies contained in the NPPF and Development Plan, and no amount of negotiation and amendment would enable the in principle issues to be resolved within the bounds of this current reserved matters application.

2. REFUSED PLANS & DOCUMENTS

The drawings and documents considered by the local planning authority in determination of this application are listed under Section A above.

Case Officer Signature: Alex Scott	
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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 RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Mr Craig Beech
Church Farm Barn
The Street
Thorndon
IP23 7JR

Applicant:

Mr Tydeman
The Leas, The Street
Stonham Aspal
IP14 6DE

Date Application Received: 05-Aug-20

Application Reference: DC/20/03291

Date Registered: 20-Nov-20

Proposal & Location of Development:

Application for approval of reserved matters following grant of outline application DC/18/04191 dated 07/02/2019 Appearance, Layout, Scale and Landscaping for the erection of 5No dwellings and new access (following demolition for existing dwelling).

Land to The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 'Promap' - Red and Blue line plan - Scale 1:2500 received 16/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 'Promap' - Red and Blue line plan - Scale 1:2500 - Received 16/01/2019
Topographic Survey 470 02 - Received 04/08/2020
Block Plan - Proposed 470 03A Proposed - Received 04/08/2020
Site Plan 470 04B Proposed - Received 04/08/2020
Proposed Plans and Elevations 470 05A Plot 1 - Received 04/08/2020
Proposed Plans and Elevations 470 06A Plot 2 - Received 04/08/2020
Proposed Plans and Elevations 470 07A Plot 3 - Received 04/08/2020
Proposed Plans and Elevations 470 08A Plot 4 - Received 04/08/2020
Proposed Plans and Elevations 470 09A Plot 5 - Received 04/08/2020
Proposed Plans and Elevations 470 10 Garages - Received 04/08/2020

2007-469-002 Road Layout - Received 28/09/2020
2007-469-005 Engineering Layout - Received 28/08/2020
2007-469-006 Road Construction -1 - Received 28/08/2020
2007-469-007 Road Construction -2 - Received 28/08/2020
2007-469-009 Drainage Construction 1 - Received 28/08/2020
Drainage Details 2007-469-010 Drainage Construction 2 - Received 28/08/2020
Drainage Details 2007-469-011 Drainage Construction 3 - Received 28/08/2020
2007-469-012 Basin Cross Section - Received 28/08/2020
Sectional Drawing 2007-469-015 Road long section - Received 28/08/2020

Section B:

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

1. REASON(S) FOR REFUSAL - RESERVED MATTERS NOT IN ACCORDANCE WITH OUTLINE PLANNING PERMISSION

Outline Planning Permission ref: DC/18/04191 granted "Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling". The existing dwelling proposed to be demolished is shown to relate to 'The Leas' (or no. 4 Quoits Meadow) on the site location plan and indicative layout approved as part of this permission. The proposed removal of 'The Leas', therefore, forms part of the approved description of development relating to the outline planning permission.

The current reserved matters application proposes the retention of the existing dwelling at 'The Leas' (or No. 4 Quoits Meadow).

The proposed retention of the existing dwelling at 'The Leas' is considered contrary to the development agreed under the outline planning permission as this would not accord with the approved description of development and would result in a net increase in the resultant number of dwellings proposed.

The current reserved matters application and proposed layout, therefore, materially alters the outline planning permission description of development.

It is not, therefore, considered possible to consider the proposed net additional dwelling as part of the current reserved matters application and further planning permission is considered to be required for such a proposal. For this reason, the application is refused.

2. REASON(S) FOR REFUSAL - IMPACT ON SIGNIFICANCE OF HERITAGE ASSET

Development plan policy CS5 requires all development proposals to protect, conserve and where possible enhance the built historic environment. Development Plan Policy HB1 requires that all such proposals should protect the character and appearance of all buildings of architectural or historic interest. Furthermore paragraph 196 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed layout and scale and appearance of the buildings proposed would constitute a considerable erosion of the remaining historically rural character of the setting of the Grade II Listed Orchard Farmhouse. The proposal is considered to result in a medium level of less than substantial harm to the setting and significance of this heritage asset. The public benefit(s) of the proposed layout, scale and appearance of buildings is not considered to outweigh the level of harm identified. The proposal is, therefore, contrary to the provisions of the aforementioned planning policies for these reasons.

3. REASON(S) FOR REFUSAL - IMPACT ON RESIDENTIAL AMENITY

NPPF Paragraph 127 requires that all developments should ensure a high standard of amenity of all existing and future users. Furthermore, development plan policy H16 provides that the LPA will refuse development that materially reduces the amenity of adjacent dwellings.

The close proximity of the proposed access road to 2 no. existing residential properties would result in significant harm to the enjoyment of existing and future uses by reason of increased noise and disturbance from vehicles and pedestrians and disturbance from vehicles headlamps during hours of low daylight and darkness.

The proposal is, therefore, not considered to ensure a high standard of amenity for existing and future users of the properties identified, contrary to the provisions of NPPF paragraph 127 and development plan policy H16.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

H16 - Protecting existing residential amenity
NPPF - National Planning Policy Framework
FC01 - Presumption in Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
GP01 - Design and layout of development
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
CL08 - Protecting wildlife habitats
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

NOTES:

1. NPPF - DEPARTURE FROM POLICY

When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the proposal represents a clear departure

from the outline planning permission and policies contained in the NPPF and Development Plan, and no amount of negotiation and amendment would enable the in principle issues to be resolved within the bounds of this current reserved matters application.

2. REFUSED PLANS & DOCUMENTS

The drawings and documents considered by the local planning authority in determination of this application are listed under Section A above.

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

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

This relates to document reference: DC/20/03291

Signed: Philip Isbell

Dated: 14th January 2021

**Chief Planning Officer
Sustainable Communities**

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

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

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

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

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

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

Committee Report

Item No:

Reference: DC/21/03589

Case Officer: Alex Scott

Ward: Stonham.

Ward Member/s: Cllr Suzie Morley.

RECOMMENDATION – REFUSE RESERVED MATTERS

Description of Development

Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings and construction of new access, following demolition of 1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire Hydrants) and Condition 16 (Construction Management)

Location

Land to the rear of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

Expiry Date: 12/11/2021

Application Type: RES - Reserved Matters

Development Type: Minor Dwellings

Applicant: Mr Tydeman

Agent: Beech Architects

Parish: Stonham Aspal

Site Area: 0.91 hectares

Density of Development:

Gross Density (Total Site): 5.49 dwellings per hectare (dph)

Net Density (Developed Site, excluding open space and SuDs): 8.66 dph

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

- Outline Planning Application ref: DC/17/04419, for 9 no. dwellings, was considered by Members at Committee on 13th December 2017 - Members resolved to refuse planning permission;
- Outline Planning Application ref: DC/18/04191, for 5 no. dwellings, was considered by Members at Committee on 30th January 2019 - Members resolved to grant planning permission;
- This current application (ref: DC/21/03589) was previously considered by Members at Committee on 10th November 2021 - Members resolved to defer determination to seek an expert heritage assessment and review.

The relevant decision notices are appended to this report.

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes
Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee at the request of the Ward Member.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Stonham Aspal Parish Council - 1st September 2021 & 20th October 2021:

Object:

- Access to site not wide enough for two cars to pass and has no footpath;
- Loss of wildlife habitat and one mature tree;
- Larger dwellings and more bedrooms proposed than indicated at Outline stage;
- Increase in bedroom numbers will result in increased vehicles travelling down the narrow road;
- The proposal would have an adverse impact on the adjacent listed building, even more than indicated previously;
- Concerns with regards MSDC Heritage Officers' comments as they previously objected to a prior proposal on the site;
- Concerns with regards a pond indicated on adjacent land - Question does this need planning permission;
- Concerns with regards proposed construction compound and impact on residents during construction;
- Concerns that there is no proposal for household waste bin storage and presentation points - These cannot be on the road;
- 2 no. mature trees have been removed on the site, shown to be retained on the proposed plans.

National Consultee (Appendix 4)

NA.

County Council Responses (Appendix 5)

SCC - Highways - Initial Response - 26th August 2021:

No objection - Subject to compliance with suggested conditions - Further info requested with regards construction management

SCC - Highways - Subsequent Response - 7th October 2021:

All elements of the reserved matters and conditions to be discharged are now acceptable to the Highway Authority

SCC - Lead Local Flood Authority (LLFA) - 18th August 2021 and 29th September 2021:

As this is a minor application we have no comment to make and we would point the LPA and the applicant towards standing advice.

SCC - Archaeology - 20th August 2021:

No further archaeological work required and no conditions required - An archaeological evaluation was undertaken on this site as part of the outline application DC/18/04191. Despite the potential to encounter archaeological features and finds within the proposed development site, as indicated by the county Historic Environment Record, none were found during the archaeological evaluation.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage Team - Initial Response - 3rd September 2021:

No comments will be provided by the Heritage Team - Proposals are not considered to be sufficiently harmful to warrant Heritage Involvement.

MSDC - Heritage Team - Subsequent Response - 18th November 2021:

The proposal would cause a low to medium level of less than substantial harm to the setting and significance of the Grade II Listed Orchard Farmhouse - The proposed dwellings would be fairly prominent intrusions into the historically rural character of the setting of Orchard Farmhouse, which contributes to its significance - Recommend that the scale and design of the dwellings is revised to reduce the level of harm as far as feasible.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - 24th August 2021:

Do not have any further comments in respect to noise and other environmental health issues and no objection to condition 16 being discharged.

MSDC - Environmental Protection - Land Contamination Issues - 8th September 2021 and 14th October 2021:

No comments to make with respect to land contamination in addition to those made previously.

B: Representations

At the time of writing this report at least 9 letters/emails/online comments have been received. It is the officer opinion that this represents 8 objections, 1 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Representations raising concern or objection to the application:

- Proposed dwellings and bedroom numbers are larger than indicated at Outline Planning Stage;
- The proposal is not in line with what was agreed at outline stage and so should be refused;
- The proposed scale and design bears no resemblance to existing dwellings in Quoits Meadow, or what was previously approved at outline stage;
- The proposal will impact the amenities of neighbouring properties;
- Neighbouring properties will be overlooked by the development;
- The proposal will potentially have 3 or 4 cars per property and will more than double the residential traffic using Quoits Meadow;
- The proposed layout is detrimental to road safety;

- Quoits meadow is currently used as a convenient parking location, due to the inability for cars to park on the busy main road which runs through the village, the resultant additional vehicle movements will, therefore result in further congestion to the detriment of highway safety;
- The proposal will result in increased traffic congestion due to increased vehicles using Quoits Meadow and increased noise and pollution as a result, which will impact existing residential amenity;
- The lack of pavements proposed will result in pedestrians walking in the vehicular highway, which will result in conflict between pedestrians and cars, to the severe detriment of pedestrian safety - Particular concern with regards Children walking to School;
- The proposed refuse collection points are along way from the proposed properties and the proposed collection point will impact the amenities of neighbouring properties;
- The proposed access road is not suitable for refuse collection vehicles or larger vehicles, including emergency service vehicles;
- The revised proposal for larger properties will further harm and impact the setting of the adjacent Grade II listed building at Orchard Farm;
- MSDC Heritage Officers previously objected to previous applications on the site - Question why they are now not raising objection when the current proposal would be more impactful on the setting of the adjacent listed building;
- The proposed drainage basin lies outside of the application red line plan - question whether this need further planning permission;
- The current plans do not make provision for electric vehicle charging;
- Concerns with regards removal of 2 no. mature Trees from site frontage – Shown to be retained on proposed plans.

Representations in support of the application proposal:

- Stonham Aspal is calling out for some new, modern family homes;
- Proposed homes will complement the Village;
- The proposal will make good use of space without impacting the environment;
- The proposed smaller, more village focused, development is exactly what the Village need;
- People in the Village are moving away due to housing shortages - let's give people what they need.

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

PLANNING HISTORY

REF: DC/20/03291	Application for approval of reserved matters following grant of outline application DC/18/04191 dated 07/02/2019 Appearance, Layout, Scale and Landscaping for the erection of 5No dwellings and new access (following demolition for existing dwelling).	DECISION: REF 14.01.2021
REF: DC/18/04191	Outline Planning Application (Access to be considered) - Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling	DECISION: GTD 07.02.2019

REF: DC/17/04419	Outline Planning Application (Access to be considered) - Erection of 9 no. dwellings and construction of new access	DECISION: REF 18.12.2017
REF: 1859/11	Retention of stables, alterations to existing roof and continued use of land as paddock without compliance with condition 1 of planning permission 2874/10 requiring removal of eucalyptus trees.	DECISION: GTD 25.07.2011
REF: 2874/10	Retention of stables, alterations to existing roof (per submitted drawings) and continued use of land as paddock (revised scheme to that previously permitted under planning permission 3062/06).	DECISION: GTD 15.12.2010
REF: 3062/06	Proposed change of use of agricultural land to paddock and erection of a stable block (following removal of existing buildings).	DECISION: GTD 22.05.2007
REF: 1836/05	Retention of vehicular access, storage facilities and parking area, and the erection of a shelter and hay storage building. All associated to adjacent paddock for the keeping and grazing of horses.	DECISION: REF 25.11.2005

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site extends to approximately 0.91 hectares and comprises part of an existing horse paddock set back from The Street, to the north of existing dwellings in the Quoits Meadow cul-de-sac.
- 1.2. To the north and east of the existing paddock lie agricultural fields, defined by hedgerow boundaries. An unmade access track runs adjacent to the south boundary of the paddock giving existing access to the paddocks and the agricultural fields to the east. Further to the south, on the opposite side of the track, lies the Grade II listed Orchard Farm with the existing housing estate at Walnut Tree Meadow beyond this. The existing Quoits Meadow estate and further dwellings fronting The Street lies to the west and south-west.
- 1.3. The site lies outside of, but adjacent to, the settlement boundary of the village. The site also affects the setting of a grade II listed building at Orchard Farm, to the south of the site, and affects an area of archaeological potential.

2. The Proposal

- 2.1. The application seeks approval of matters reserved by way of outline planning permission ref: DC/18/04191, and seeks approval of matters relating to Appearance, Scale, Layout and Landscaping for the 5 no. dwellings previously granted outline permission.
- 2.2. Matters of access have previously been considered and approved by way of outline planning permission ref: DC/18/04191 and have been approved, subject to conditions attached to that planning permission.
- 2.3. The application proposes 3 no. detached 1.5 storey, 5 bedroom, dwellings and associated garages, and 2 no. detached two-storey, 4 bedroom, dwellings, with integral garages.
- 2.4. The proposed 1.5 storey dwellings would have maximum ridge heights of 6.5 metres and the proposed two-storey dwellings would have maximum ridge heights of 7.8 metres.
- 2.5. The proposed dwellings all have on-site parking provision for at least 4 no. vehicles, within the proposed garages and on driveways immediately in front of them.
- 2.6. The proposals would include generously sized rear gardens, with proposed dwellings being located a minimum distance of 24 metres from any existing dwelling. The proposed layout also avoids back to back arrangements.
- 2.7. The proposed layout includes a shared private access road and access onto Quoits meadow, the principle of which has already been approved at outline planning stage. The proposed access road would have large green verges to either side.
- 2.8. The proposed layout also includes a large turning head within the development, suitable for use by Fire appliances. The layout also includes provision of a fire hydrant within the grass verge at the front of Plot 1.
- 2.9. The proposed also includes for the discharge of a number of conditions attached to the outline planning permission (DC/18/04191), relating to:
 - Hedgerows (Condition 9);
 - Surface Water Drainage Details (Condition 10);
 - Roads and Footpaths (Condition 11);
 - Parking and Turning (Condition 13);
 - Bin Collection Areas (Condition 14);
 - Fire Hydrants (Condition 15); and
 - Construction Management (Condition 16).

3. The Principle of Development

- 3.1. The principle of the proposed development, for the erection of 5 no. new dwellings, following demolition of 1 no. existing dwelling, has previously been considered and approved as part of outline planning permission ref: DC/18/04191.

- 3.2. There is not the opportunity to re-visit the principle of the proposal by way of this current reserved matters application. This also includes affordability and housing mix raised by the Ward Member in the call in request. The reserved matters are only

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

It is these along with the details of the conditions before members.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. The proposed estate road access to Quoits Meadow was considered and approved as part of outline planning permission ref: DC/18/04191, subject to conditions. The location of this proposed access as identified in the current reserved matters application is considered to be broadly as approved at outline stage and, therefore, acceptable and appropriate as part of the current submission.
- 4.2. Whilst it is noted that the proposed estate access road appears narrower than indicated at outline stage, and that it does not comprise a siding pedestrian footway as was previously indicated, it is considered that this forms part of matters relating to layout and not access and it is, therefore, considered appropriate to assess such matters at the current reserved matters stage.
- 4.3. The current layout proposes 4 no. on-site parking spaces per 4 and 5 bedroom dwelling proposed. Such provision is considered acceptable, on accordance with current SCC-Highways advisory parking standards and the proposal would not result in a need for tandem (three parked cars in a row, including garages) parking.

- 4.4. SCC Highways have assessed the current proposal and, whilst it is acknowledged that the current proposal does not contain a siding footway as indicated at outline stage, for a development of the scale proposed (5 no. new dwellings) SCC Highways advise this is acceptable and, therefore, it is presumed that pedestrians using the access driveway a shared surface is also considered acceptable. It is also considered that the proposed grassed verges would afford pedestrians sufficient refuge from vehicles, should such conflict occur.
- 4.5. Whilst it is agreed that the proposed access road layout varies to that indicated at outline stage it is not considered that the proposed layout would result in a severe impact on highway and pedestrian safety, such that refusal could be considered on such grounds. The proposed amount, design and location of on-site turning and parking is also considered to be in accordance with current highways advisory standards.
- 4.6. SCC-Highway have advised that the latest information submitted by the applicant is sufficient to discharge conditions: 11 (Roads and Footpaths); 13 (Parking and Turning); 14 (Bin Collection Areas); and 16 (Construction Management).
- 4.6. No objection is, therefore, raised with regards impact on highway safety.

5. Design, Layout and Impact on Street-scene Character

- 5.1. The proposed design and layout is generally considered to present a varied character of buildings and an appropriate low development density, sympathetic the edge of settlement character in this location.
- 5.2. Whilst it is agreed that the character of development proposed does not reflect that of the existing Quoits Meadow estate, the site is considered to be significantly detracted from this existing character area such that the proposed character and density is appropriate, without resulting in a significant impact on the existing street-scene.

6. Heritage Issues

- 6.1. Following deferral of the application at the previous committee, your Heritage Officers have reviewed the current layout, scale, appearance and landscaping detail proposed, and advise the following:
- 6.2. The application concerns Reserved Matters details for Appearance, Scale, Layout and Landscaping, following Outline approval, under DC/18/04191, for the erection of five dwellings, following demolition of an existing dwelling. The heritage concern relates to the potential impact of the works on the significance of Orchard Farmhouse, a Grade II Listed late sixteenth century (C16) timber-framed farmhouse, to the southeast.
- 6.3. The current application is a second submission for Reserved Matters details, following a previous submission under DC/20/03291, which was refused. Under that application, your heritage officers identified a medium level of less than substantial harm to Orchard Farmhouse, within the range of

harm originally identified at Outline Stage. Please refer to the heritage comments on DC/20/03291 for further detail (Appended).

- 6.4. An initial Reserved Matters scheme was submitted under the current application reference, followed by an amended scheme. As your Heritage Officers have not previously assessed either iteration, both schemes are considered as follows:

Initial Scheme

- 6.5. This scheme changes three of the dwellings, including the two closest to Orchard Farmhouse, to one-and-a-half storey dwellings of reduced height, with a more agricultural external appearance, compared to the larger scale two-storey dwellings proposed under DC/20/03291. Your Heritage Officers consider that this reduces the harm to Orchard Cottage from the previous Reserved Matters application, as these dwellings would likely be less-prominent intrusions into its formerly agricultural setting, given both the reduction in scale and change in appearance.
- 6.6. However, your Heritage Officers consider that there is likely still reasonable scope to reduce the scale (mass/height etc.) of all the dwellings further, without compromising their viability as dwellings, and that this could discernibly further mitigate the harm to Orchard Farmhouse.
- 6.7. Your Heritage Officers advise that there are also some changes to the layout of the dwellings from DC/20/03291, including positioning the garage block for Plots 1 and 2 slightly closer to Orchard Farmhouse. Nonetheless, your Heritage Officers consider that none of the changes to the layout would discernibly change the impact on the listed building over DC/20/03291.
- 6.8. Your Heritage Officers note an attenuation basin has now been added to the east of the site. However, they consider this would not result in any additional harm, subject to a condition if it is to have any associated boundary treatments or lighting, as sometimes this is proposed for these features.
- 6.9. Therefore, you Heritage Officers characterise the level of harm from this scheme as a low to medium level of less than substantial. Furthermore, they consider there is probably still scope to reduce the harm further within the parameters of the Outline approval, mainly through further reduction in the scale of the dwellings.

Amended Scheme

- 6.10. The amended scheme relocates the position of the Site Compound. Other than negating the need for a condition, your Heritage Officers would otherwise have requested regarding the original site compound location; this is not considered to affect the impact of the scheme on Orchard Farmhouse. There are no other changes evident that you Heritage Officers consider would affect the impact on Orchard Farmhouse over the initial iteration
- 6.11. Your Heritage Officers conclusion is that the layout, scale, appearance and landscaping details currently proposed would result in a low to medium level of less than substantial harm to a designated heritage asset (Orchard Farmhouse) because the proposed dwellings would still be fairly prominent intrusions into the historically rural character of the setting of Orchard Farmhouse, which contributes to its significance, despite their reduction in scale from the previous Reserved Matters Application. Your Heritage Officers advise that consideration should be given to further amendments to further mitigate the current harm identified to Orchard Farmhouse.
- 6.12. The NPPF paragraph 201 states that where a proposal will lead to less than substantial harm to the significance of heritage assets this harm should be weighed against the public benefits of the

proposal. Your Heritage Officers have identified that the current proposal would result in a low to medium level of less than substantial harm to the setting and significance of a designated Heritage Asset, that of the Grade II Listed Orchard Farmhouse, located in close proximity to the south of the site. Your Heritage Officer have also advised further amendments to the scheme in order to further mitigate the harm identified. It is the opinion and advice of your Planning Officers that the public benefits of the proposal, most significantly the increase in the supply of houses in support of local and national housing targets, are not so significant, by reason of the relatively small scale of the development proposal, and the absence of affordable housing, that such public benefits would justifiably outweigh the harm to the significance of the Heritage Asset identified.

7. Archaeology

- 7.1. The SCC Archaeological Unit has been consulted on the application and advise that Archaeological investigations on the site have been completed as part of the outline application DC/18/04191.
- 7.2. Despite the potential for Roman and medieval archaeological features and finds, as indicated by the Historic Environment Record, none were found during the evaluation. Based on the results of the archaeological evaluation SCC-Archaeology would not require any further archaeological work on the site and advise that the current reserved matters application does not require further conditions for archaeological investigation and recording.

8. Landscape Impact and Trees

- 8.1. The proposed scheme of native species soft landscape planting to site boundaries, and additional Tree planting to the south-east boundary, is welcomed. Such detail is considered sufficient to address the further information required by Condition 9 (Hedgerows) of the Outline Planning Permission (DC/18/04191).
- 8.2. The proposed landscaping scheme is considered appropriate for such an edge of settlement location, sufficient to soften and screen the development and mitigate harm to the setting and significance of the nearby heritage asset (as identified above).
- 8.3. Whilst it is noted that 2 no. significant Trees have been removed from the frontage of the site, these Trees were not protected by way of Tree Preservation Orders (TPOs) or a Conservation Area designation. As such no form of consent was required by the Council prior to their removal.
- 8.4. It is noted that the proposed landscaping scheme includes for the planting of a significant amount (over 14 no.) new trees within the site which would compensate the Trees lost and proposed to be lost as part of the overall development proposal and would increase the number of trees on the site and within the village more generally.

9. Impact on Residential Amenity

- 9.1. NPPF Paragraph 130 requires that all developments should ensure a high standard of amenity of all existing and future users. Furthermore, development plan policy H16 provides that the LPA will refuse development that materially reduces the amenity of adjacent dwellings.
- 9.2. By reason of: the proposed buildings' siting, of at least 24 metres from any existing neighbouring dwelling; The proposed buildings' orientation, not front or rear elevation directly facing rear gardens of existing neighbouring properties; and having also considered site level changes on and surrounding the site, the proposed development is not considered to result in significant harm to the amenities currently enjoyed by occupants of neighbouring properties in terms of visual dominance, loss of daylight, and loss of privacy.
- 9.3. By reason of the low noise impacts associated with such C3 land use class developments, compatible within existing residential environments, the proposal would not result in significant harm to the amenities currently enjoyed by occupants of neighbouring properties by reason of increased noise and disturbance.
- 9.4. The proposed access road is also considered to be an acceptable distance from existing neighbouring dwellings (minimum distance of 11 metres) so as to not result in significant harm to neighbouring amenity with regards noise and disturbance due to traffic movements.
- 9.5. The proposed design and layout is also considered to provide a high standard of amenity for future occupants.
- 9.6. Your Environmental Protection Officers have been consulted on the application proposal and have raised not objection with regards the proposal's impact on residential amenity. Environmental Protection Officers also raise no objection with regards the proposed discharge of condition 16 of the outline planning permission, with regards the proposed scheme of construction management.

10. Surface Water Drainage

- 10.1. The application includes detailed surface water drainage information in the interest of addressing the requirements of condition 10 of the outline planning permission.
- 10.2. The proposed scheme of surface water drainage involves surface water being directed to an attenuation basin to the east of the site, on land within the applicant's ownership to enable surface water to be attenuated for controlled sustainable drainage dispersal. The outline permission and scale of development (under 10 dwellings) does not automatically require a SuDs approach, but the applicant has sought to achieve this in this case. While it is unusual for the development of the basin to be beyond the red line plan, it is not beyond the scope of the planning condition to control and ensure it is fully implemented to serve the development. However, the applicant will need separate planning permission for the associated change and works of the basin that will need to be assessed on its own merits and will be a risk to the applicant.

- 10.3. The proposed drainage basin would be significantly large due to the clay nature of the soil which prevents rapid draining of surface water. Therefore, a large attenuation surface is needed.
- 10.4. The proposed drainage basin would have 1 in 3 and 1 in 4 side slopes, with a maximum water depth of 0.85 metres (33.46 inches) during a 1 in 100 year event. The maximum water depth within the basin, for a common 1 in 2 year event is calculated to be no more than 0.48 metres (18.9 inches).
- 10.5. The Lead Local Flood Authority have been consulted on the application proposal and have not raised objection to the proposed scheme. As such, the proposed scheme of surface water disposal is considered acceptable and sufficient to discharge condition 10 of the outline planning permission.

11. Other Matters

- 11.1. Matters relating to: Land Contamination; Ecology; and Flood Risk where previously considered as points of principle in relation to outline planning application DC/18/04191, and no objection was raised subject to compliance with conditions imposed by way of that planning permission. Such condition remain relevant to the current overall application proposal.

12. Parish Council Comments

- 12.1. It is considered that the matters raised by Stonham Aspal Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1. The principle of development has been agreed for the number of dwellings proposed as well as the access arrangements.
- 13.2. The detailed layout, scale, appearance and landscaping of the development proposal is considered to result in a low to medium level of less than substantial harm to the setting and significance of a designated heritage asset. The public benefits of the proposal are not considered to outweigh the level of harm identified.
- 13.3. No significant objection is raised with regards the following material issues: Highway Safety; Residential Amenity; Flood Risk and Surface Water Drainage; and Biodiversity.

RECOMMENDATION

REFUSE reserved matters for the following reasons, and/or those reasons as may be deemed necessary by the Chief Planning Officer:

RECOMMENDED REASON(S) FOR REFUSAL - IMPACT ON SIGNIFICANCE OF HERITAGE ASSET

Development plan policy CS5 requires all development proposals to protect, conserve and where possible enhance the built historic environment. Development Plan Policy HB1 requires that all such proposals should protect the character and appearance of all buildings of architectural or historic interest. Furthermore, the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposed layout and scale and appearance of the buildings proposed would constitute a considerable erosion of the remaining historically rural character of the setting of the Grade II Listed Orchard Farmhouse and harm its character. The proposal is considered to result in less than substantial harm to the setting and significance of this heritage asset. The public benefit(s) of the proposal are not considered to outweigh the level of harm identified. The proposal is, therefore, contrary to the provisions of the aforementioned planning policies for these reasons.

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



REFUSAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Beech Architects
Church Farm Barn
The Street
Thorndon
IP23 7JR

Applicant:

Mr Tydeman
The Leas
The Street
Stonham Aspal
IP14 6DE

Date Application Received: 24-Jun-21

Application Reference: DC/21/03589

Date Registered: 02-Aug-21

Proposal & Location of Development:

Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings and construction of new access, following demolition of 1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire Hydrants) and Condition 16 (Construction Management)

Land To The Rear Of The Leas, Quoits Meadow, Stonham Aspal, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 'Promap' - Red and Blue line plan - Scale 1:2500 received 16/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

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

Defined Red Line Plan 'Promap' - Red and Blue line plan - Scale 1:2500 - Received 16/01/2019
Topographic Survey 470 - 02 - Received 24/06/2021

Block Plan - Proposed - Including Floor Plans - 470 - 03 - H - Received 21/09/2021

- Construction Site Plan - 470 - 04 - H - Received 21/09/2021

Proposed Plans and Elevations - Plots 1, 2 & 3 - 470 - 05 - D - Received 02/08/2021

Proposed Plans and Elevations - Plots 4 & 5 - 470 - 06 - D - Received 02/08/2021

Proposed Plans and Elevations - Garages - 470 - 07 - B - Received 24/06/2021

Block Plan - Proposed - Including Roof Plans - 470 - 08 - E - Received 24/06/2021
- Highways Engineering Plan - 2007-469-002A - Received 02/08/2021
Drainage Details - Engineering Drawing - Whole Site - 2007-469-005A - Received 02/08/2021
- Hard Surface details - 2007-469-006 - Received 02/08/2021
- Hard Surface details - 2007-469-007 - Received 02/08/2021
- Private Drainage Details - 2007-469-009 - Received 02/08/2021
- Private Drainage Details - 2007-469-010 - Received 02/08/2021
- Private Drainage Details - 2007-469-011 - Received 02/08/2021
Drainage Details - Drainage Basin Details - 2007-469-012 - Received 02/08/2021
- Road Sectional Drawing - 2007-469-015A - Received 02/08/2021

Section B:

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

1. REASON(S) FOR REFUSAL - IMPACT ON SIGNIFICANCE OF HERITAGE ASSET

Development plan policy CS5 requires all development proposals to protect, conserve and where possible enhance the built historic environment. Development Plan Policy HB1 requires that all such proposals should protect the character and appearance of all buildings of architectural or historic interest. Furthermore, the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposed layout and scale and appearance of the buildings proposed would constitute a considerable erosion of the remaining historically rural character of the setting of the Grade II Listed Orchard Farmhouse and harm its character. The proposal is considered to result in less than substantial harm to the setting and significance of this heritage asset. The public benefit(s) of the proposal are not considered to outweigh the level of harm identified. The proposal is, therefore, contrary to the provisions of the aforementioned planning policies for these reasons.

2. REASON(S) FOR REFUSAL - OUT OF KEEPING WITH SURROUNDING RURAL CHARACTER

Development Plan Policy GP1 provides that proposals should maintain or enhance the character and appearance of the site and their surroundings. Local Plan Policy H13 provides further that new housing development will be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings and should take account of the character of the proposal site and the relationship of the proposed development to its surroundings. Furthermore, Local Plan Policy H15 provides that proposed new housing should be consistent with the character of its setting.

The proposed housing development, for reasons of density, scale and design is considered to be out of keeping with the rural countryside character of the site and its surroundings, to the north-east and north-west, contrary to the aforementioned planning policies for these reasons.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
CS01 - Settlement Hierarchy
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development

NOTES:

1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2. Refused Plans and Documents

The plans and documents assessed in determination of this application are listed at Section A, above.

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

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

This relates to document reference: DC/21/03589

Signed: Philip Isbell

Dated: 10th December 2021

**Chief Planning Officer
Sustainable Communities**

Appeals to the Secretary of State

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

Planning Applications: Section 78 Town and Country Planning Act 1990

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

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

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

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

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

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