

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE -

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**AGENDA ITEM NO** 1  
**APPLICATION NO** 4071/16  
**PROPOSAL** Variation of condition 5 following grant of planning permission 0958/16.  
**SITE LOCATION** 9 Finborough Road, Stowmarket, IP14 1PN  
**SITE AREA (Ha)**  
**APPLICANT** Mr Netton  
**RECEIVED** September 28, 2016  
**EXPIRY DATE** December 29, 2016

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**REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason :

it is a "Major" application for a residential land allocation for 15 or over dwellings

**PRE-APPLICATION ADVICE**

1. No pre-application advice was sought in respect of the proposal to vary the condition.

**SITE AND SURROUNDINGS**

2. The application site is situated on the corner of Finborough Road and Iliffe Way. The site currently accommodates a single residential dwelling set back from the Finborough Road frontage and indeed separated by means of a pond, which extends across this site and the neighbouring No. 7 Finborough Road.

There are trees both to the Finborough Road and Iliffe Way frontages, those on Iliffe Way having a Tree Preservation Order and those to Finborough Road protected by the Conservation Area designation of this part of the site.

The neighbouring No. 7 Finborough Road consists of several parts having been redeveloped, to the front, parallel to the existing dwelling on the application site are Orbit Housing Offices, converted from the original dwelling, to the rear of this is a respite care facility and two bungalows.

The surrounding area in respect of Finborough Road is predominantly residential and forms part of the Stowmarket Conservation Area, and which includes the front part of the application site.

To the south of the site the character of the area varies, this area being used for car parking for access to the supermarket, various shops and the town centre.

The Conservation Area in the vicinity of the site is characterised by a predominantly linear form of development with plots facing the road, being

Victorian and early 20th century semi-detached and terraced brick dwellings.

### HISTORY

3. The planning history relevant to the application site is:

0958/16	Demolition of existing dwelling and construction of 22no. new dwellings with 18no. parking spaces to the rear. Creation of new vehicle access from Iliffe Way	Granted 28/09/2016
1424/08	Remove one cedar tree.	Raise No Objection 01/05/2008
2226/05	Canopy reduce one yew tree by 50%.	Raise No Objection 14/11/2005
0763/80	Erection of extension to dwelling	Granted 27/08/1980

### PROPOSAL

4. Following the grant of planning permission 0958/16 this application has been submitted to vary the terms of condition 5 of that consent to allow the development to commence in advance of the agreement of works to move the pedestrian crossing and the implementation of such works.

### POLICY

5. **Planning Policy Guidance**

See Appendix below.

### CONSULTATIONS

6. **Stowmarket Parish Council**

The Town Council opposes the application. Allowing the site to be established prior to the existing dropped kerbs and tactile paving on Iliffe Way being relocated, will raise pedestrian safety issues.

#### **Suffolk County Council Highways**

I have no objection to the desired change to Condition 5 of 0958/16 to allow demolition and site set up using the existing access to the site.

#### **MSDC Environmental Health**

With respect to "other" environmental health issues I have no objection.

**MSDC Tree Officer**

**LOCAL AND THIRD PARTY REPRESENTATIONS**

7. This is a summary of the representations received.

**One objection received**

Moving the drop curb is necessary before any suitable access to the site can begin.

**ASSESSMENT**

8. There are two main considerations which will be addressed as follows.

- Principle of Development
- Highway Safety

**• PRINCIPLE OF DEVELOPMENT**

**National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012. It provides that the NPPF *"does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise"*.

**Development Plan**

The application site is situated within the settlement boundary of Stowmarket, designated as a Town in Core Strategy Policy CS1. The principle of the provision of residential development within the settlement boundary is considered to be acceptable in principle. As such the proposal is considered to be acceptable in principle subject to detailed compliance with Policies GP1, H3, H10, H13, H14, H15, H16, HB13, CL2, CL8, T9 and T10 of the saved Mid Suffolk Local Plan (1998), Policy CS1, CS3 and CS5 of the Core Strategy (2008) and Policies FC1 and FC1.1 of the Core Strategy Focused Review (2012) and other material considerations.

However paragraph 49 of the NPPF states that:

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Mid Suffolk District Council does not have this housing land supply at this time and as such the relevant policies set out above are not considered to be up to date. However, the NPPF nevertheless requires that development be

sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle.

This principle has been considered with the site having extant permission for the erection of 22 dwellings and the creation of a new access to the site.

The proposal in this instance as such solely relates to the variation of a condition, which is not unacceptable in principle subject to detailed compliance with relevant local plan policies and other material considerations.

- **HIGHWAY SAFETY**

On the extant consent (0958/16) condition 5 states:

*Prior to the commencement of development the existing dropped kerbs and tactile paving on Iliffe Way associated with the pedestrian crossing shall be relocated to avoid the proposed new vehicular access. The replacement pedestrian crossing point shall be laid out and constructed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that a replacement pedestrian crossing is provided due to the existing crossing conflicting with the new vehicular access location.*

This condition prevents any works from being undertaken for the commencement of the development, including any works for site set-up and demolition until the scheme for the dropped kerb has been agreed and the relocation undertaken.

In order to facilitate the earliest possible start on site the applicants have applied to discharge this condition to agree the scheme, however they have also applied through this variation to enable the commencement of the development before the dropped kerb has been relocated.

The demolition of the existing building could be undertaken using the existing site access, thereby not affecting the existing dropped kerb, and indeed a demolition notice has been granted in this regard.

In the light of this and that the condition could be amended to both ensure the provision of the relocated dropped kerb before the new access is first used and enable the commencement of construction works it is not considered that the proposed variation of this condition would harm highway safety or result in unacceptable harm to consider refusal in this respect.

No other alterations to the scheme are proposed and Suffolk County Council Highways raise no objection to the change to condition 5 to allow demolition and site set-up using the existing access to the site.

- **CONCLUSION**

Works for demolition could be safely carried out using the existing access to the site and the condition could still require the relocation of the dropped kerb before the construction of the new site access and construction.

The development is considered to be in accordance with the relevant Local Plan, Core Strategy and Core Strategy Focused Review policies and the objectives of the NPPF.

### **RECOMMENDATION**

**Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Professional Lead - Growth and Sustainable Planning to secure:**

- Affordable housing

**That the Planning Lead - Growth and Sustainable Planning by authorised to grant Full Planning Permission subject to conditions as 0958/16:**

- Standard time limit
- Approved plans
- Implementation of surface water strategy prior to construction of hard standing
- Access completed in accordance with drawing and available for use prior to first occupation
- New vehicular access surfaced with bound material
- Details to show means to prevent discharge of surface water onto the highway
- Any gates set back a minimum of 10m
- Removal of permitted development rights such that access shall only be from Iliffe Way
- Parking and manoeuvring areas provided prior to first occupation
- Hard and soft landscaping details and implementation
- Biodiversity protection and enhancement measures
- Foundation design and no dig construction methods
- Details for leaf-drop measures
- Materials
- Construction working hours
- Levels to be agreed

#### **And amended condition:**

The existing site access shall only be used for access to the site for tree protection, site set-up and demolition.

Prior to the commencement of any works other than listed above the existing dropped kerbs and tactile paving on Iliffe Way associated with the pedestrian crossing shall be relocated to avoid the proposed new vehicular access.

The replacement pedestrian crossing point shall be laid out and constructed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Philip Isbell  
Professional Lead - Growth & Sustainable Planning

Gemma Walker  
Senior Planning Officer

## APPENDIX A - PLANNING POLICIES

### 1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

**CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT  
**CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

- Cor1** - CS1 Settlement Hierarchy
- Cor5** - CS5 Mid Suffolks Environment
- Cor6** - CS6 Services and Infrastructure
- Cor8** - CS8 Provision and Distribution of Housing
- Cor9** - CS9 Density and Mix
- CS SAAP** - Stowmarket Area Action Plan

### 2. Mid Suffolk Local Plan

- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- HB13** - PROTECTING ANCIENT MONUMENTS
- HB8** - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS
- HB9** - CONTROLLING DEMOLITION IN CONSERVATION AREAS
- HB1** - PROTECTION OF HISTORIC BUILDINGS
- CL8** - PROTECTING WILDLIFE HABITATS
- RT12** - FOOTPATHS AND BRIDLEWAYS
- H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
- H14** - A RANGE OF HOUSE TYPES TO MEET DIFFERENT ACCOMMODATION NEEDS
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- H15** - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
- T8** - LORRY PARKING IN TOWNS
- T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

### 3. Planning Policy Statements, Circulars & Other policy

- NPPF** - National Planning Policy Framework

## APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of 1 interested party(ies).

The following people **objected** to the application

[REDACTED]

The following people **supported** the application:

The following people **commented** on the application: