



## Committee Report

Planning Committee - 14 July 2020

Application no DC/20/1449/FUL

**Location**

Spexhall Hall  
Hall Road  
Spexhall  
Halesworth  
Suffolk  
IP19 0RR

**Expiry date** 3 June 2020  
**Application type** Full Application  
**Applicant** Mr Tim Sheldon

**Parish** Spexhall

**Proposal** Demolition of existing agricultural buildings and construction of 1No. five-bedroomed and 2No. four-bedroomed dwellings and to create new vehicular access at Spexhall Hall

**Case Officer** Liz Beighton  
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### 1. Summary

- 1.1. Planning permission is sought for three dwellings on land within the curtilage of Spexhall Hall, a grade II listed building. The application is referred to the Planning Committee on the grounds that it has been advertised as a Departure from policy and therefore falls outside the scope of delegation afforded to the Head of Planning and Coastal Management as set out in the Council's Constitution.
- 1.2. The submission follows significant pre-application engagement with officers of the planning service to look at positive and proactive solutions for the site which would seek to deal with the previous decisions made at a local level and deliver an acceptable scheme. The proposal before Members is such a solution which seeks to deliver enhanced benefits in terms of the ecological enhancements, improved visual appearance which in turn delivers an improved

setting to the heritage asset. As such there is justification in this instance to set aside the policy of restraint for new housing in the countryside.

- 1.3. The application is recommended for approval as an innovative solution to the problems identified subject to the imposition of appropriate conditions to ensure the mitigation packages are delivered.

## **2. Site description**

- 2.1. The application site is located adjacent to, and within the ownership, of Spexhall Hall, a Grade II listed farmhouse, on an isolated site in the countryside as identified in the Waveney East Suffolk Local Plan.
- 2.2. To the northwest of the Hall is a large agricultural buildings (a concrete block/metal clad portal framed building) which previously had permitted development rights to be converted to three dwellings following the submission of a Prior Notification application in 2016 (Ref. DC/16/4723/PN3).
- 2.3. Immediately to the south of these buildings is a red brick and pantile building and covered storage area which is within the application site. Adjacent to this building is a single storey building that is outside the application site and opposite this building is a further range of single-story buildings that are also outside the application site.

## **3. Proposal**

- 3.1. Planning permission is sought for the development of three detached dwellings, two four bedroom and one five bedroom. Access to the site is secured off Hall Lane via a new 5m wide drive running adjacent to a bridleway and would have visibility slays to meet highway standards.
- 3.2. The proposed new dwellings will have footprints of 150m<sup>2</sup>, 125m<sup>2</sup> and 137.5m<sup>2</sup>. All three dwellings will have a maximum ridge height of 7.1m and be positioned to allow for the best possible outlooks whilst ensuring maximum privacy. The dwellings have been designed to mimic modern agricultural buildings not too dis-similar to the existing. They will have zinc or steel roofs, timber clad walls, both horizontal and vertical. The windows and doors will be powder coated aluminium and the rainwater goods will be in galvanized steel.
- 3.3. Enabling works have been proposed in order to increase Biodiversity and enhance and improve the setting of Spexhall Hall and the entire site. Works include improvements to the Moat and the proposal has been informed by guidance received from the Council's Ecologist. The proposed details can be seen on the planning drawings.

## **4. Consultations/comments**

- 4.1. No third party representations received.

## Consultees

### Parish/Town Council

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| Spexhall Parish Council   | 15 April 2020  | 6 May 2020          |
| Summary of comments:<br>The Parish Council approves this planning application with the proviso that all construction traffic uses Grub Lane to access the property. |                |                     |

### Statutory consultees

| Consultee  | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk County - Highways Department   | 15 April 2020  | 5 May 2020          |
| Summary of comments:<br>A plan showing the visibility splays for the access needs to be submitted. Due to the derestricted speed limit on Hall Road visibility splays of 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access for a distance of 215 metres in each direction is required. The plan should show that these visibility splays are achievable, within land that is controlled by the applicants or the highway authority. Reductions to these standard requirements may be possible subject to evidence of vehicle speeds.<br>Cycle storage needs to be provided - Suffolk Guidance for Parking require a minimum cycle provision of 2 secure covered spaces per dwelling.<br>To ensure the footway and access remains clear, bin presentation areas should also be provided.<br>Comments: It is noted that the development is remote from the footway network and local amenities and subsequently the development is therefore not in accordance with NPPF para. 108. |                |                     |

| Consultee                                    | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk County - Rights Of Way               | 15 April 2020  | No response         |
| Summary of comments:<br>No response received |                |                     |

### Non statutory consultees

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| Environmental Protection (Internal)   | 15 April 2020  | 22 April 2020       |
| Summary of comments:<br>The contaminated land Phase 1 report carried out for this application, asks for further investigation including sampling. Recommend full suite of contamination conditions. |                |                     |

| Consultee                                    | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk Wildlife Trust                       | 15 April 2020  | No response         |
| Summary of comments:<br>No response received |                |                     |

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| Ecology (Internal)  | 15 April 2020  | 13 May 2020         |
| Summary of comments:<br>Internal Planning Services Department consultee. Comments included within planning considerations section of this report. |                |                     |

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| Design And Conservation (Internal)  | 15 April 2020  | No response         |
| Summary of comments:<br>Internal Planning Services Department consultee. Comments included within planning considerations section of this report. |                |                     |

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| CIL (Internal)  | 15 April 2020  | No response         |
| Summary of comments:<br>Internal Planning Services Department consultee. Comments included within planning considerations section of this report. |                |                     |

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| Landscape Team (Internal)   | 15 April 2020  | 24 April 2020       |
| Summary of comments:<br>Internal Planning Services Department consultee. Comments included within planning considerations section of this report. |                |                     |

| Consultee                                    | Date consulted | Date reply received |
|--|----------------|---------------------|
| Waveney Norse - Property And Facilities      | 15 April 2020  | No response         |
| Summary of comments:<br>No response received |                |                     |

|  |                |                     |
|--|----------------|---------------------|
| Consultee                              | Date consulted | Date reply received |
| Essex And Suffolk Water PLC            | 15 April 2020  | 2 April 2020        |
| Summary of comments:<br>No objections. |                |                     |

## Publicity

The application has been the subject of the following press advertisement:

| Category                        | Published     | Expiry      | Publication       |
|---------------------------------|---------------|-------------|-------------------|
| Public Right of Way<br>Affected | 24 April 2020 | 18 May 2020 | Lowestoft Journal |

| Category                        | Published     | Expiry      | Publication                   |
|---------------------------------|---------------|-------------|-------------------------------|
| Public Right of Way<br>Affected | 24 April 2020 | 18 May 2020 | Beccles and Bungay<br>Journal |

## Site notices

|                     |  |
|---------------------|--|
| General Site Notice | Reason for site notice: In the Vicinity of Public Right of Way<br>Affects Setting of Listed Building<br>Date posted: 27 April 2020<br>Expiry date: 19 May 2020 |
|---------------------|--|

## 5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states that in exercise of planning functions as respects listed buildings the local planning authority shall have *“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Section 72 states that with regard to Conservation Areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 5.3. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))
  - WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

- WLP7.1 - Rural Settlement Hierarchy and Housing Growth (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP8.8 - Rural Workers Dwellings in the Countryside (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP8.11 - Conversion of Rural Buildings to Residential Use (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019))

## 6. Planning considerations

### Relevant Planning History

6.1. The following planning history is relevant to the consideration of this application:

6.2. DC/16/4723/PN3 sought Prior Notification for the change of Use of agricultural barn into 3no domestic residential units. This was approved on the 14 December 2016. One of the conditions of a Part Q (as stated in the legislation - Town and Country Planning (General Permitted Development) (England) Order 2015) states:

*“(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date. “*

6.3. Accordingly, for the permission to remain live the consent needed to be completed by the 13 December 2019. The conversion was not completed by this date and therefore as a consequence the permission has lapsed. The relationship between this application site and the current proposal is discussed later in the report.

6.4. DC/18/0051 - Demolish redundant agricultural building and build two four bedroom houses within the existing envelope. Also to convert and extend the existing brick building, demolishing the adjacent agricultural building to allow for a further residential building to be built as a mirror image of the existing brick building with its new extension. This application was refused at the Waveney Planning Committee on the 15 August 2018 for the following reasons:

- 1) The site lies in open countryside outside the physical limits defined by Development Management Policy DM01. Development Management Policy DM22 states that housing development will not be permitted in the open countryside except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion. The proposed development does not fall into any of these categories and is therefore contrary to Policies CS01 and CS17 of the Core Strategy and Development Management Policies DM01 and DM22.

- 2) The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to paragraphs 193 and 194 of the National Planning Policy Framework and Policy CS17 and Policy DM30. The benefits of the proposal are not considered to outweigh the harm that would be caused.
- 3) The proposed layout results in a poor relationship between the dwellings leading to restricted outlook and amenity space contrary to Development Management Policy DM02 and the NPPF.

6.5. DC/19/0061 - Demolish redundant agricultural building and build two residential dwellings. Also, to convert and extend the existing brick building to create 3 No. dwellings in total. This application was refused at the East Suffolk Council North Planning Committee on the 20 September 2019 for the following reasons:

- 1) The site lies in open countryside outside the physical limits defined by Policy WLP1.2 of the East Suffolk Council Waveney Local Plan (March 2019). The application site does not constitute a clearly identifiable gap within a built up area of a settlement in the countryside neither does it have existing residential properties on two sides. The proposal is therefore contrary to Policies WLP1.2, WLP8.7 (Small Scale Residential Development in the Countryside) and WLP7.1 (Rural Settlement Hierarchy).
- 2) The existing brick building is not a heritage asset nor is it locally distinctive and of architectural merit. The proposed conversion and extension constitutes more than minimal alteration to the building contrary to the provisions of Policy WLP8.11 (Conversion of Rural Buildings to Residential Use).
- 3) The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to Policy WLP8.37 and paragraphs 193 and 196 of the National Planning Policy Framework. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits which would accrue.

#### Principle of Development

- 6.6. Waveney Local Plan (March 2019) Policy WLP1.2 defines settlement boundaries. Land which is outside of settlement boundaries is considered as the Countryside and new residential development will not be permitted in the Countryside except where specific policies in the Local Plan indicate otherwise, or there is compliance with the NPPF.
- 6.7. Paragraph 79 of the NPPF sets out when it is appropriate to develop new housing in the countryside, i.e. those locations beyond settlement boundaries. It states:
- 6.8. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
  - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling;
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6.9. On the face of it, the proposal does not meet any of these exceptions to policy as laid out in the NPPF or the Local Plan. Notwithstanding such, it is the role of the local planning authority to look at all cases and ascertain if there is sufficient merit to set aside the policy of restraint. Officers are of the opinion, for the reasons cited below, that the scheme delivers sufficient benefits to enable support to be provided, subject to appropriate conditions.

6.10. The application site is adjacent to the Grade II listed building of Spexhall Hall. There is intervisibility between the site and the agricultural building to be demolished to facilitate the development and Spexhall Hall. The agricultural building is not considered to be of any historic significance and in the opinion of officers does not add significant benefit to the setting of Spexhall Hall. Officers have considered the application and believe that the introduction of the dwellings in lieu of the agricultural building will lead to less than substantial harm to the setting of the heritage asset, and this impact has been endorsed by the Council's Senior Conservation Officer. The NPPF, in such instances, requires decision makers to consider these proposals carefully.

6.11. Paragraph 189 of the NPPF states:

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".*

6.12. Paragraph 194 of the NPPF goes on to say:

*"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"*

6.13. Paragraph 196 concludes:

*"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".*



- 6.14. Officers are of the view that the replacement of the agricultural building with three sensitive, well designed buildings would offer some benefits to the setting of the heritage asset due to the breaking up of the mass and bulk and enhanced design offered by this proposal and the benefits outweigh the harm. Officers have worked closely with the application to secure an appropriate design, a design which respects the landscape and heritage setting and responds positively to the nature and use of the site. The submission before the Council offers high quality design and appearance and accords with the ethos in the NPPF which seeks to encourage high quality design and local plan policy WLP8.29. It is also noteworthy that the Council's Landscape and Arboricultural Manager raises no objection to the proposal in landscape terms.
- 6.15. The building to be demolished was consented in 2016 to be converted to three dwellings under the prior notification procedure, and this process is still available in legislation. However, officers have sought to negotiate with the applicant to remove this building thereby restricting the opportunity for further dwellings to be accommodated on site.
- 6.16. In addition to improving the setting to Spexhall Hall, the application proposals considerable ecological improvements to the moat which can be seen on the Ecological Enhancements Plan. This plan has been produced in consultation with the Council's Ecologist, and his formal consultation response is as follows:
- 6.17. As identified in the ecological survey reports the proposed development will result in the loss of roosts for a small number of bats (although the building identified as Building 3 in the bat survey report is now excluded from the proposed development) and the loss of some terrestrial habitat for great crested newts. Appropriate mitigation for this can be achieved and must be delivered under Natural England licence as part of any consented development. The development also represents the opportunity to deliver ecological enhancements on and around the site, including maintenance works to the nearby moat, new hedgerow planting and the integration of bird nesting and bat roosting opportunities into the new buildings. Drawing AB2a-24.01.2020 and the proposal from Champaign Landscapes (November 2019) give details of such enhancements. The Council's Ecologist therefore considers that based on the information provided the proposed development is unlikely to result in significant adverse impacts on designated nature conservation sites (subject to comments on the Suffolk Coast RAMS below), protected species or UK Priority habitats or species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). It also offers the opportunity to deliver ecological enhancements for the site.
- 6.18. These ecological enhancements are secured via 'enabling development'. The concept of enabling development relates to a development proposal that may not be considered to fully accord with the Adopted Development Plan but, based on the public benefits that it gives rise to, is considered to comprise a material consideration of weight, which, where appropriate, is considered to make a development acceptable. There is no statutory definition of enabling development in planning legislation. However, the National Planning Policy Framework (NPPF) addresses the principle of enabling development. More specifically, paragraph 79 of the NPPF states that applications for housing in the countryside which would not normally be acceptable in planning terms maybe appropriate.

*"Where such development would represent the optimal viable use of the heritage asset, or would be appropriate enabling development to secure the future of heritage assets".*

6.19. The document goes on to state at paragraph 202 that:

*"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies"*

6.20. The text of the NPPF demonstrates that the principle of enabling development is a valid material consideration in the determination of planning applications.

6.21. Whilst it is acknowledged that the NPPF does not refer to enabling development other than in the context of the conservation of heritage assets, the principle has been adopted in the determination of a number of planning applications and in the High Court. In making judgement on a case in 2014 (Thakeham Village Action Ltd, R (On the Application of) v Horsham District Council (2014) Ref JPL772) relating to a residential development that sought to facilitate the retention and continued operation of a local business providing local employment opportunities, Justice Lindblom stated that:

*"I do not believe that the principles of enabling Development are limited to ventures that would protect the heritage asset or a facility that serves or is accessible to the public .....The scope for enabling development is wide. There are many ways in which it may serve a proper planning purpose. It may fund work of repair or improvement to a listed building. It may fund the protection of a particular habitat. It may fund the provision of swimming pool for public use, or some other public facility, but that is far from being an exhaustive list of the benefits it may help to provide".*

6.22. Accordingly, it has been established by the High Court that enabling development which relates to matters other than the conservation of historic buildings, can be a material consideration in the determination of a planning application. It is key that there is sufficient degree of connection between the enabling and enabled development i.e. that the financial contribution received from one development will enable the other development to proceed, and it is for the decision maker to consider the weight to be afforded to the social, cultural and/or economic public benefits that will arise from the proposal and whether they are sufficient to outweigh any harm potentially caused by it.

6.23. The Council has proactively supported a number of enabling schemes over the recent years including, but not limited to, Woodbridge School residential development to relocate the pre-prep to The Abbey, residential development at St Felix School to improve sports facilities and residential development at Sudbourne Estate to improve landscaping and footpaths. It is therefore right that this concept can be considered in this instance.

6.24. The applicants have submitted a viability assessment, which has been independently assessed, to demonstrate that the level of housing sought is that necessary to fund the works identified, namely the demolition of the agricultural building and the ecological enhancements. It is accepted, as highlighted in the independent assessment, that the developer is taking less profit than is normally assumed on development sites, but that is not uncommon given that the developer in this instance is the landowner and this is therefore a personal judgment. Additional clarification on some of the assumptions on expenditure have been provided and, on that basis, officers are of the opinion that the three dwellings proposed is the appropriate level of development to fund these works. It is

appropriate however that suitable conditions are imposed to ensure that the funds received are directed to these enhancements.

- 6.25. The application is supported by a Preliminary Ecological Appraisal which identifies that further surveys are required for protected species including bats, great crested newts and reptiles. These surveys have now been carried out and they identify that mitigation and protected species licences are required for bats and great crested newts. The surveys recorded no reptiles on the site. It can therefore be concluded that subject to the proposed mitigation the proposal would not result in harm to protected species. The Council's Ecologist raises no objection subject to conditions.
- 6.26. No issues or concerns are raised with regards to residential amenity due to the levels of separation between properties and window positioning. In addition, sufficient levels of parking are provided and each of the properties are provided with sufficient levels of residential curtilage. With regards to highways, no objections is raised given the low level of intensity of use proposed through the development. A condition has been requested to ensure that suitability splays are put in place and retained in situ.

#### Habitat Mitigation

- 6.27. The application site lies within the 13km 'zone of influence' for recreational disturbance affecting the Minsmere to Walberswick Heaths & Marshes SAC and the Benacre to Easton Bavents Lagoons SAC/SPA. It is expected that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of these European Sites, due to the risk of increased recreational pressure caused by development.
- 6.28. The applicant will be required to make the appropriate contribution towards the Suffolk Recreational disturbance Avoidance and Mitigation Strategy (RAMS). As such it can be concluded that the impacts on European sites arising from the proposal can be satisfactorily mitigated.

### **7. Conclusion**

- 7.1. Having considered the tests required in the NPPF, namely 189, 194 and 196, officers are of the view that public benefits arising from the improvements proposed outweigh the harm caused to the heritage asset and meets these tests. The proposal not only improves the setting of the heritage asset but also introduces significant ecological improvements, and both policy and case law are clear that such mechanisms can be sought using the enabling argument, which officers believe is an appropriate method in this instance.
- 7.2. The development is of very high quality and will not introduce any harm to the wider landscape setting, as identified by the Council's Landscape Manager.
- 7.3. There are no technical objections to the application, the Parish Council support the application and no third party objections have been received.
- 7.4. The amended scheme, in the opinion of officers, overcomes the concerns identified with the previous applications and the package of works now received are such that officers can positively recommend the application subject to appropriate conditions.

## 8. Recommendation

8.1. **APPROVE** subject to receipt of RAMS payments and the following conditions:

### Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with plan numbers AB1, AB2, AB2a, AB3, AB4, AB5, AB6, AB7 and AB8 received on the 9 May 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (Abrehart Ecology, February 2018); Bat Survey report (Abrehart Ecology, July 2018); Great Crested Newt Survey report (Abrehart Ecology, June 2018) and Reptile Survey report (Abrehart Ecology, June 2018).

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

5. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

6. The development shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development.

- 7. Prior to occupation an Ecological Enhancement Strategy, based on the information submitted as part of the application addressing how and when ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development.

- 9. Prior to commencement of development, a plan showing the visibility splays for the access needs to be submitted. Due to the derestricted speed limit on Hall Road visibility splays of 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access for a distance of 215 metres in each direction is required. The plan should show that these visibility splays are achievable, within land that is controlled by the applicants or the highway authority. Reductions to these standard requirements may be possible subject to evidence of vehicle speeds. The visibility splays shall be retained in the approved form in perpetuity.

Reason: To ensure suitable and safe access to the site

- 10. Prior to the occupation of the buildings hereby approved, a plan showing the bin presentation shall be submitted to and approved in writing and retained in situ in the approved location.

Reason: To provide appropriate bin presentation area.

- 11. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

12. The landscaping scheme shall be completed within six months from the completion of the last building shell, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: to ensure that the appearance of the development is satisfactory

14. The ecological enhancements as identified in on the Ecological Enhancement Drawing shall be implemented in full before any of the three dwellings hereby approved are occupied and retained in such form in perpetuity.

Reason: To ensure that the ecological and landscape benefits as proposed are completed as envisaged.

#### **Informatives:**

1. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

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, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsoffolk.gov.uk](mailto:CIL@eastsoffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

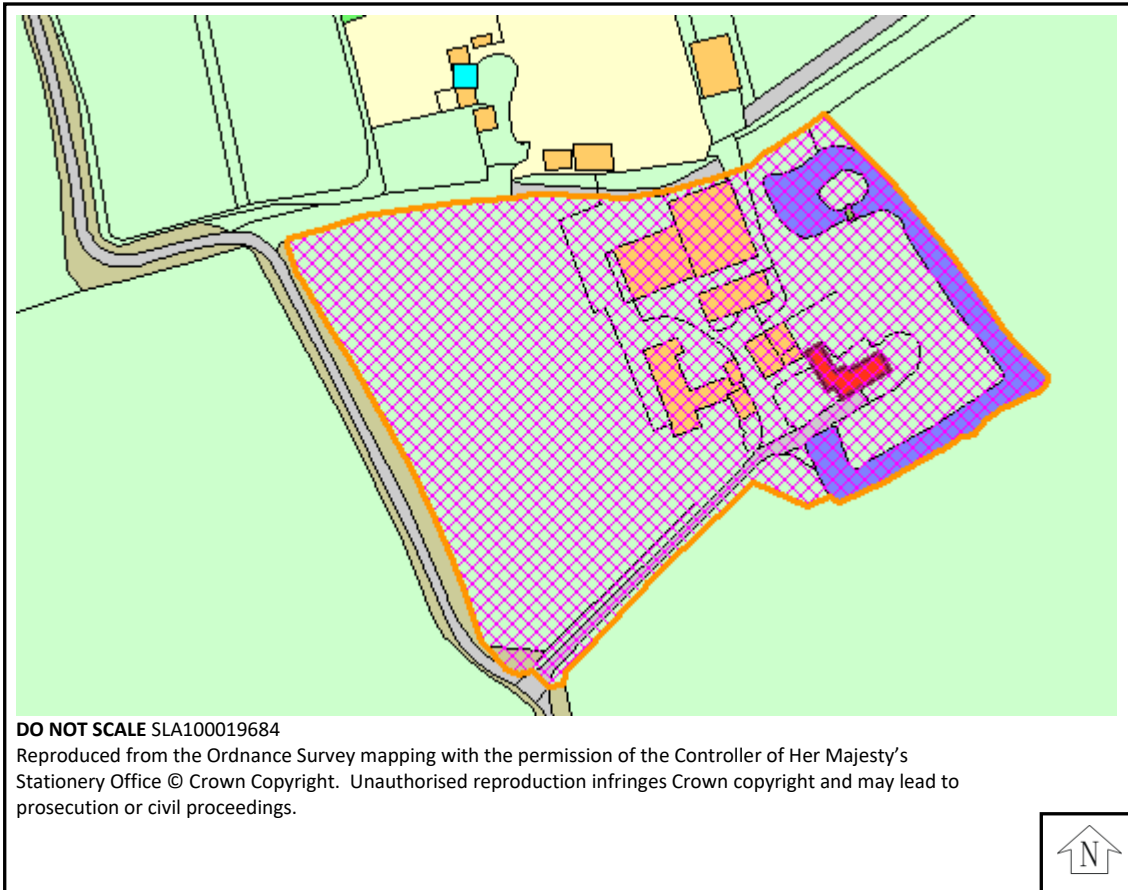
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

2. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [lpg@eastsuffolk.gov.uk](mailto:lpg@eastsuffolk.gov.uk)





### **Background information**

See application reference DC/20/1449/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8J05TQXIUT00>

## Map



## Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support