

Target Decision Date: 12/05/2022

Expiry Date: 26/05/2022

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Daniel Cameron
CASE REFERENCE: DC/22/01588

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 constitute the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Application for Outline Planning Permission (Access points to be considered, Appearance, Landscaping, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of 8No dwellings (following demolition of existing dwelling).

LOCATION: 92 Barton Road, Thurston, Suffolk, IP31 3PG

PARISH: Thurston.

WARD: Thurston.

APPLICANT: The Executors of Mr Eads Estate

ENVIRONMENTAL IMPACT ASSESSMENT: N/A

SITE NOTICE DATE: 08/04/2022

PRESS DATE: 06/04/2022

BACKGROUND DOCUMENTS

This decision refers to drawing number 4243-01A received 24/03/2022 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:

Topographic Survey 4243-03C - Received 01/04/2022

Defined Red Line Plan 4243-01A - Received 24/03/2022

Proposed Landscaping Plan LS1815-01-A - Received 24/03/2022

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 AND REPRESENTATIONS

Thurston Parish Clerk Comments Received - 26/04/2022

The Parish Council having reviewed this application is recommending refusal and would ask that the following comments be considered in its recommendation of refusal.

- The proposal will fail to maintain and enhance the character and appearance of the area in terms of scale and density and will result in overdevelopment of the site.
- The current dwelling sits within the plot whilst the proposal will result in a loss of green space at the junction of Mill Lane and Barton Road. The site contributes to the landscape amenity and local character of the area in which it is located (to the east of Barton Road) and the proposal for eight dwellings fails to reflect the built form in which it is located thereby giving way to a site that will appear overcrowded and to the detriment of the visual amenity of the immediate and wider vicinity.
- It is also noted that the immediate properties to the North and East and South of the boundaries of 92 Barton Road are bungalows and to ensure that the residential amenities of the surrounding area are not impacted, any development coming forth should reflect the local character.
- The proposal fails therefore to be in general conformity with the Thurston Neighbourhood Development Plan (TNDP) Policy 4 “Retaining and Enhancing Thurston Character Through Residential Design’ which states that Development proposals must demonstrate how they contribute to the features which positively define Thurston’s character, taking into consideration the Thurston Character Assessment 2017 – revised 2018. All development shall protect the amenity of neighbours, and also reflect the scale, mass, height and form of neighbouring properties”.
- With reference to the Thurston Neighbourhood Plan Character Assessment revised 2018, it is acknowledged that the site sits within the area defined as Character Area 1 Barton Road/heath Road Area – Section Barton Road, Mill Lane, Marley Close and Jacob Close. The revised 2018 summarises the existing character of “Mill Lane as a quiet narrow country lane, (single in part), wide grass verges, no pavement” with layout described as “A small number of individual plots before reaching open countryside on outskirts of village”. Jacob Close is described as “recent build of four small brick red/cream rendered bungalows”.
- The Parish Council also has concerns that by allowing the severance of this size of plot a precedent will be set allowing further dwellings of this type to sever the garden thereby creating a density which is not in keeping with the street scene and the immediate area in which the site is located.
- The Parish Council draws reference to the Planning Application for The Toft – DC/17/05604) for 4 (four) dwellings in which permission was refused in 2017 on the grounds that the Application was deemed to be out of character with the scale and density of the development and would have an adverse impact on the character and quality of the district’s environment. It is felt that the concerns raised by the Local Planning Authority stand for this application.
- Whilst the Parish Council notes the comments and assessments raised by SCC Highways Department in its letter of 13th April 2022 with regards to visibility achieved, there is a concern that no account has been taken of the double access onto a very quiet lane which has a poor record of near misses due to its narrowness and status. The Council contends that the proximity of the access point for the proposal to a junction with limited visibility splays will fail to give oncoming vehicles sufficient warning that a vehicle is emerging to take avoiding action.
- The Parish Council again draws reference to Planning Application DC/17/05604 and notes the comments from SCC Highways Department in which it states that “The current layout will lead to indiscriminate on-street parking and obstruction of turning/manoeuvring areas”. Given the proposal for 6 (six) dwellings to have access routes onto Mill Lane the Parish Council contends that the proposal will cause increased traffic along a lane which is generally held to be a single-track rural lane often used by pedestrians, cyclists and dog walkers with no pavements and no ability for off street parking. There is a concern, which has been raised by residents, that this will give way to visitor and delivery vehicles parking on the grass verges thereby causing conflict with other road users.
- The Parish Council would also like to state that it challenges the assumption that the site is brownfield (Planning Statement submitted on behalf of the applicant).

Overall, it is considered that the limited benefits to housing provision outweigh the harmful impacts that will arise as outlined above. It is felt that this application would result in a form of overdevelopment which would not respect the character, scale and density of the surrounding development. It is also noted that on a recent refusal for a dwelling in Thurston, the Local Planning Authority has stated that the district can demonstrate that it has over 9 years of supply of housing. As such, given that this application will set a

harmful precedent, the Parish Council strongly urges the Local Planning Authority to reject the application in its current form.

Great Barton Parish Council Comments Received –

Objection as 8 dwellings is considered overdevelopment of the site and extra traffic on Thurston Rd/A143 junction will lead to highways issues. Parking on site is inadequate.

SCC - Fire & Rescue Comments Received - 11/04/2022

No objection.

SCC - Highways Comments Received - 13/04/2022

No objection subject to conditions.

Environmental Health - Land Contamination Comments Received - 08/04/2022

No objection, condition on land contamination is recommended.

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 08/04/2022

No objection, conditions on working hours, dust control, construction management and prevention on burning of waste on site during construction.

Strategic Housing Comments Received - 26/04/2022

No requirement for affordable housing.

Representations

At the time of writing the application has attracted at least twelve third party representations, all of which are considered to be objecting to the application.

It is considered that the objections raise the following material planning considerations:

- Issues with visibility splays;
- Concern over whether parking provision (including visitor parking) can be accommodated within the site;
- Concern over potential for on-street parking;
- Overdevelopment on the site;
- Increases in traffic given other development within the area;
- Highway safety concerns for Mill Lane
- Development is out of character for the site;
- Overlooking and overshadowing impacts on neighbouring dwellings and gardens;
- Lack of space within the site for amenity;
- Infrastructure capacity issues within the village;
- Site not allocated within Neighbourhood Plan; and
- Increased noise, light and air pollution.

PLANNING POLICIES

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

CS09 - Density and Mix

GP01 - Design and layout of development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats
Thurston Neighbourhood Plan

PLANNING HISTORY

REF: DC/22/01588 Application for Outline Planning Permission **DECISION:** PDE
(Access points to be considered,
Appearance, Landscaping, Layout and
Scale to be reserved) Town and Country
Planning Act 1990 - Erection of 8No
dwellings (following demolition of existing
dwelling).

ASSESSMENT

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.

Site and Surroundings

The site is located on the eastern side of Barton Road and is located within the settlement boundary of Thurston. It currently contains a single residential dwelling, with this application seeking to demolish said dwelling and replace it with eight no. dwellings. The application is made in outline with access to be considered. Consideration of matters relating to appearance, landscaping, layout and scale are reserved, meaning they are not considered within this application.

The surrounding area is predominately residential in character with dwellings generally set within generous plots offering good sized gardens. To the rear of the site, a number of bungalows are noted, again set within good sized gardens. Within the immediate vicinity of the site are a number of large residential developments, which offer small garden sizes. Beyond the residential boundary of the village, open field patterns are apparent.

No listed buildings are located within the site or within its vicinity. The site also does not fall within a conservation area. No landscape designations affect the site, and no tree preservation orders are located within the site. The site lies within flood zone 1.

Principle of Development

The site is located within the settlement boundary of Thurston where support for the principle of development of residential properties is considered to be established. Policy 1 of the Thurston Neighbourhood Plan supports this position provided that development accords with the other policies of the Neighbourhood Plan. Policy 2 of the Neighbourhood Plan requires that development contribute towards Thurston role within the wider housing market and in particular requires development of five or more dwellings to reflect housing need, particularly smaller units which might meet the requirements of those seeking to downsize to buy their first property.

As an outline application, the appearance and scale of the properties is a reserved matter to be determined in a follow up application. Therefore, the fact that detail in this regard is missing from the application cannot be held to be determinative in this case. The principle of development on the site is therefore, established.

Sustainable Development Considerations

Thurston is a key service centre with the accompanying services and facilities provided within the village. It benefits from an operational railway station and bus routes to neighbouring towns including Bury St. Edmunds, 4 miles to the west.

Again, as an outline application, detail is missing from the application would allow the Local Planning Authority to have greater certainty over the construction of the dwellings and sustainability measures contained within. It is considered that this aspect of development could be determined as part of any future reserved matters application.

Design and Layout

The indicative layout supplied shows that eight dwellings could be accommodated within the site alongside the required amenity spaces and parking. Appearance, layout and scale are not fixed at this point, such that they are likely to be subject to change in any future reserved matters application. Good sized gardens can be achieved, although viewed aerially, the site has more in common with the larger volume developments seen elsewhere within the village. It is not considered to be directly comparable to the adjacent dwellings, but not dissimilar layouts and garden sizes can be seen elsewhere within the village such that it is not considered to be so wholly out of character with the context of the village so as to be fatal to the application.

Landscape

From the site visit a number of trees within the site has been felled and an initial landscaping plan has been submitted showing additional trees to be removed within the site. It is noted that a number of more mature trees and hedges to the site boundaries are to be retained through development with protective fencing to be erected during construction. It is considered that this would be best secured by way of a planning condition.

Highway Safety

A number of representations and the comments of the Parish Council note that concern is raised over the proposed accesses to the site. These have been considered by the Highway Authority who have concluded that they have no objection to the application on highways grounds. Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This has not been shown to be the case in this instance. Therefore, it is held that the application does not offend policy T10 of the Saved Local Plan either.

Residential Amenity

Representations have also noted the potential for overlooking and overshadowing as result of development of the site. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.

No certainty within the application is given to the appearance, layout or scale of the proposed dwellings all of which would impact on the ability of the development to ensure no adverse neighbouring impacts would be created at neighbouring properties. It is therefore not considered that these considerations hang negatively in the planning balance. Moreover, the ability for the Local Planning Authority to examine this at reserved matters stage with the benefit of more evidence means that this aspect of the development can be assessed in greater detail.

Other Matters

Ecology

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." Sufficient information for the determination of the application is available. It is noted that prior to demolition of the building on site a bat licence or confirmation that no bat licence is required. Further conditions can be applied to ensure the remainder of the development is undertaken such that ecological build techniques can be utilised, and biodiversity enhancement of the site can be secured.

CONCLUSION

The nature of the outline application means that the detail required for the Local Planning Authority to be able to have certainty in regard to the impacts of the development are limited. Concerns raised over parking, amenity and design would all be reserved for approval at a later time. The only matters to which the Local Planning Authority can give weight to within this decision is the principle of development and the location of the access to the site. With regards to the issue of principle, the site lies within the settlement boundary of Thurston, where residential development is supported by both the Council's planning policies as well as those of the Parish Council. With regards to the access, no evidence has been put towards the Local Planning Authority that the proposed accesses to the site would be substandard or likely to lead to safety concerns for users of the public highway. Based on these considerations and on the fact that a number of the issues identified by both the Parish and third-party representations can be addressed within a later reserved matters application, the recommendation is to grant outline planning permission subject to the conditions set out below:

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 wellbeing 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

SUGGESTED CONDITIONS OR REASONS

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

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

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

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

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

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

3. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SUBMISSION OF GROUND FLOOR LEVELS WITH RESERVED MATTERS APPLICATION.

Concurrently with the submission of reserved matters in respect of siting and/or design for the development, details of the proposed finished ground floor level measured from a fixed off site datum point shall be submitted for approval, in writing, by the Local Planning Authority, and the development shall thereafter be constructed in accordance with the approved levels.

Reason - In order to secure a design in scale with development surrounding the site so as to protect the visual amenities, amenity of neighbouring properties and character of the area.

4. ACTION REQUIRED CONCURRENT WITH RESERVED MATTERS APPLICATION: HOUSING MIX TO BE AGREED

Concurrent with the submission of reserved matters a housing mix shall be submitted to and agreed in writing with the Local Planning Authority. Said mix shall be in accordance with the requirements of Neighbourhood Plan policy 2. Thereafter the agreed mix shall be delivered on site.

Reason: To ensure that the reserved matters accord with the requirements of Neighbourhood Plan policy 2.

5. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION MANAGEMENT PLAN

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- a) the parking of vehicles of site operatives and visitors;
- b) hours of deliveries and hours of work;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction; and
- g) a scheme for recycling/disposing of waste resulting from construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

6. ACTION REQUIRED PRIOR TO COMMENCEMENT: TREE PROTECTION TO BE ERECTED IN ACCORDANCE WITH APPROVED DETAILS

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing as shown on the approved drawings. All protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

7. COMPLIANCE REQUIRED: NO BURNING ON SITE DURING DEMOLITION OR CONSTRUCTION

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

8. ACTION REQUIRED PRIOR TO COMMENCEMENT: SCHEME OF SUSTAINABILITY MEASURES

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

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

9. ACTION REQUIRED PRIOR TO OCCUPATION: DELIVERY OF ACCESS

Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 4243-06 with an X dimension of 2.4 metres and a Y dimension of 90 and 215 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action

and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

10. COMPLIANCE REQUIRED: ACCESS TO BE LAID OUT IN ACCORDANCE WITH REQUIREMENTS

No other part of the development hereby permitted shall be commenced until the new vehicular accesses has been laid out and completed in all respects in accordance with Drawing No. 4243-06 with an entrance width of 4.5 metres for Accesses 2 and 3 and 3 metres for Access 1 for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

11. COMPLIANCE REQUIRED: BOUND MATERIAL TO ACCESS

Prior to the development hereby permitted being first occupied, the existing and new vehicular accesses onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

12. COMPLIANCE REQUIRED: GATES TO ACCESSES

Gates/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

13. ACTION REQUIRED PRIOR TO COMMENCEMENT: DETAILS OF FOOTWAY

Before the development is commenced, details of a new footway on Mill Lane, Thurston shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed and fully completed prior to the occupation of the first dwelling hereby approved in

accordance with the approved scheme. The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

14. ACTION REQUIRED PRIOR TO COMMENCEMENT: EVCP AND CYCLE STORAGE

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

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

15. ACTION REQUIRED PRIOR TO COMMENCEMENT: MEANS TO PREVENT WATER POOLING IN THE HIGHWAY

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.

16. ACTION REQUIRED PRIOR TO COMMENCEMENT: REFUSE AND RECYCLING BINS

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 bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation 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. 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.

17. ACTION REQUIRED PRIOR TO DEMOLITION OF THE DWELLING: SUBMISSION OF THE METHOD STATEMENT RELATING TO A REGISTERED SITE UNDER A BAT MITIGATION CLASS LICENCE FOR BATS

Works to demolish the existing building on site 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 Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

18. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report prepared by MHE Consulting and dated February 2022 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

19. ACTION REQUIRED PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the submitted Ecology Report prepared by MHE Consulting dated February 2022.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. BATS & TREES - European Protected Species

All species of bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, which implements the EU Directive in the UK. It is an offence to damage or destroy a breeding site or resting place of a European Protected Species or deliberately disturb any such animal.

As it is possible that bats might be disturbed during works to trees, a visual inspection should be carried out according to the Bat Conservation Trust's publication "Bat Survey - Good Practice Guidelines". All the trees identified for felling or surgery need to be assessed for features e.g. hollow branch cavities and cracks/splits which give them potential to support bat roosts. Trees can then be assigned to different categories of potential and the mitigation required can be identified.

It is helpful if tree surgeons are trained to check for bats when trees are climbed and inspected. Ideally they need to carry out a detailed, off the ground visual assessment of features that can be used by bats. This information can then be used to provide a best expert judgement on the potential use of suitable cavities, based on the habitat preferences of bats.

With field evidence of the presence of bats in trees, a bat consultant will be required to carry out dusk and dawn surveys to establish more accurately the presence, species, numbers and type of roost present and to inform the mitigation requirements. A list of suitably qualified consultants can be supplied plus further information re specification for this survey work.

If trees with confirmed roosts need to be felled, this will require a Habitat Regulations licence, sought on health and safety grounds from Natural England. This must be held by the owner of the tree (NOT the bat consultant) and he/she will need to ensure any required mitigation is implemented e.g. the installation of equivalent habitats as a replacement. Felling must be undertaken using reasonable avoidance measures such as "soft felling" to minimise the risk of harm to individual bats.

Any confirmed bat roosts in trees which are not identified for felling should be protected and ensure they do not become isolated from other trees. Ideally a buffer ring of trees and understorey should be retained around roosts to maintain a wooded corridor.

Trees with potential but no confirmed roosts for bats can be felled without a licence. However this should be done preferably in September/October using reasonable avoidance measures e.g. lowering and cushioning techniques to reduce the impact of felling limbs which still have bats within cavities. An expert opinion on the safety of these trees should inform the decision as to whether or not the work can be delayed until this time of year (when bats are not breeding or hibernating).

Trees which have been earmarked for dead wooding should also be surveyed to ensure arboricultural work will not affect bats.

The maximum penalty for breaches by companies, individuals and the employing organisations has been raised up to £5000 per incident or per bat and/or a 6 month custodial sentence. As the courts will decide whether the offence could reasonably have been avoided, assessment for the potential of bats in trees is essential before work is carried out.

3. 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.
Note: Suffolk County Council's highway apparatus appears to be affected by this proposal. The applicant must contact Suffolk County Council, telephone 0345 606 6067 to agree any necessary alterations to be carried out at the expense of the developer.
Note: Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

Case Officer Signature: Daniel Cameron	Date:
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