

October 2020 Parish Council Newsletter

Welcome to the October 2020 edition of West Suffolk Planning Department newsletter. We had hoped to be in contact with you sooner but the summer has flown past with almost daily changes to the planning system and of course we are all still dealing with the current Covid-19 restrictions. We hope that you are all keeping well and staying safe.

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Staff changes

Lindsey Wright has joined the team as a Senior Planning Officer (maternity cover for Charlotte Waugh and Jo-Anne Rasmussen). She covers the south area and reports to Sarah Drane.

COVID-19 working arrangements

Since the start of the Covid-19 pandemic, all staff have been working from home, albeit posting site notices as normal and undertaking site inspections with care. Officers have the technology to enable this to happen, including video conferencing software (Microsoft Teams). All officers have access to either a work specific mobile or a work specific landline telephone at home and e-mail signatures have updated contact details on them. Our Customer Services team is still available to take calls through our switchboard and a message is passed on to the case officer, when needed.

It is anticipated that for the foreseeable future meetings in person will be strictly limited and that routine day to day meetings will be expected to take place via MS Teams. Customers do not need to have access to MS Teams in order to take part, rather they simply need an e-mail address and a computer with a webcam and a microphone and speakers. It will also remain the case that case officers will continue to exercise extreme caution when undertaking site visits, with inspections undertaken in the first instance from a road or other adjoining publicly accessible space. If access to a property is found to be essential in order to make a judgement on a scheme then it is likely that the case officer will seek to arrange this on a future date.

Contact details for officers

Current contact details for officers are as follows:

Rachel Almond	01638 719455	Julie Barrow	07580 577774
Dave Beighton	07812 509916	Gareth Durrant	01284 757345
Sarah Drane	01638 719432	Gary Hancox	07867 976817
Penny Mills	07790 931283	Pete White	01284 757357
Kerri Cooper	07971 534102	Adam Ford	07984468062
Ed Fosker	07971 534107	Marianna Hall	07971 535541
Britta Heidecke	07812 509 938	Lindsey Wright	01284 757314
Savannah Cobbold	07971 534117	Debbie Cooper	07866 172895
Olivia Luckhurst	07971 534416	Alice Maguire	07904 389982
Adam Yancy	07866 172894	Nick Yager	TBC

The Technical Team are fully home-enabled and they can be contacted in the normal way, details below:

Suzanne Hunter	01284 757329	Sophia Parapanou	01284 757218
Hannah Blake	01284 757617	Hayley Rickard	01284 719335
Mandy Orlopp	01284 757389	Karen Palmer	01284 757354
Alexa Burlow	01638 719434	Kylie Thompson	01284 757336
Victoria Gross	01284 757627		

Peggy Moran (enforcement) 01284 757388

Development Control Committee

As many of you will be aware, we are now holding virtual committees and these have been very successful with applicants, agents, parish councils and members of the public still able to take part in proceedings. The meetings are streamed live and can be viewed by clicking on the link that appears on the agenda pages on our website.

Applications for works to protected trees

We are currently receiving a high number of applications for works to protected trees. Our Tree Officers are working hard to deal with the volume of applications and the case officer will be in touch with the applicant or agent if there are any queries relating to the proposals as soon as they can.

Legislative changes

There have been a number of legislative changes in recent weeks. We have summarised these below, with links to the relevant legislation or guidance attached:

Modification of planning conditions relating to construction hours

The aim of the new temporary fast track deemed consent route under [Section 74B of the Town and Country Planning Act 1990](#) is to enable urgent changes to construction working hours to support safe construction working in line with the government's latest social distancing guidance on construction and other outdoor work. For many construction sites, implementation of this guidance will require changes to working practices, including staggered starts and finishes, requiring different hours of operation to those which are currently permitted for the site through planning conditions.

Section 74B of the Town and Country Planning Act 1990 provides a temporary, fast track deemed consent route for developers to apply to local planning authorities to vary existing conditions, or the details submitted under a condition, that limit construction site working hours. Local authorities have 14 calendar days to consider such applications.

If an application is approved, this will temporarily amend planning restrictions on construction working hours until 1 April 2021, unless either another earlier date has been requested by the applicant or is decided upon by the local planning authority, with the agreement of the applicant. Where the planning authority is considering a different end date to that in the application, it is recommended that the developer and planning authority respond promptly to one another to reach an agreement prior to the 14-day determination deadline.

If the local planning authority does not determine the application within 14 days (excluding public holidays), the revised working hours are deemed to have been consented to and construction can take place in accordance with these new hours.

Further information can be found by visiting [GOV.UK Construction Working Hours: guidance](#)

Extensions to time limits

Part 3 of [The Business and Planning Act 2020](#) temporarily modifies the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which have lapsed or are due to lapse during 2020 to be extended.

This is in recognition of the effect coronavirus has had on the planning system and the construction sector and in particular, the delays it has caused to the commencement of new development. This extension will allow the commencement of the planning permissions and listed building consents without the need for a new application.

Which planning permissions are extended?

Under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions (both outline and reserved matters application) with time limits for implementation which have lapsed or are due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval.

In addition, unimplemented planning permissions with time limits for implementation which lapsed between 23 March and 18 August 2020 (inclusive) are also restored and the time limit for implementation extended to 1 May 2021, subject to 'Additional Environmental Approval' (AEA) being granted. Further details of the Additional Environmental Approval process are set out below.

All listed building consents with a time limit for implementation between 23 March 2020 and 31 December 2020 will be extended to 1 May 2021. Listed building consents will not be subject to a requirement to obtain Additional Environmental Approval.

Additional Environmental Approval Process

There is no fee payable for the making of such an application.

There is no prescribed form for such applications, but they must be made in writing and submitted electronically to West Suffolk Council quoting the application reference number and/or application site address. Once received, the applicant will receive formal confirmation of receipt with details of the appointed case officer.

The application must specify the date which it has been sent and provide sufficient information to allow West Suffolk Council:

- To identify the relevant planning permission and condition in respect of which it is made, and
- To determine whether Additional Environmental Approval should be granted

Applicants should provide details of:

- the planning permission to which the application relates
- the condition (s) which set out the time limit (s) for implementation
- any condition (s) or other agreements which relate to environmental mitigation or enhancement measures
- whether the original permission was subject to an Environmental Impact Assessment and/or a Habitats Regulation Assessment, or screening for either type of assessment.

If the original planning permission was subject to one or both of these assessments, or screening for either, applicants should also provide details of:

- the original assessment (s) or screening (s) and a summary of the key findings

- information on any mitigation measures secured to address environmental effects, and the progress toward delivering these measures
- an environmental report containing a reasoned explanation of why in the applicant's view there have been no changes to environmental circumstances which would make the original screening or assessment out of date. For example, it may be appropriate to include:
 - an analysis of any further committed development proposals which may affect the assessment of cumulative effects, and why in the applicant's view this does not make the original assessment out of date
 - a description of any changes to the factual circumstances of the proposed development, such as a new environmental designation, new environmental information or other changes of circumstance, and an analysis of why in the applicant's view this does not make the original assessment out of date
 - any other relevant information which would in the applicant's view support the case that the previous screenings or assessments remain up to date.

If the original planning permission was granted without the need for an Environmental Impact Assessment or a Habitats Regulations Assessment, applicants should provide a brief explanation of why they consider it remains the case that neither of these assessments would be needed if an application for planning permission was being made now.

If the original planning permission was granted without the need for screening for an Environmental Impact Assessment or a Habitats Regulations Assessment, but an applicant thinks that screening might be needed if an application for planning permission was being made now and that the screening would show that no substantive assessment was required, then the applicant should provide sufficient information to enable the authority to undertake screening within the 28-day period, although this timescale can be agreed mutually through the use of an Extension of Time.

If a decision is not reached within the 28-day period, or as may be extended through a mutually agreed extension of time, the Additional Environmental Assessment is deemed to be granted. If the local planning authority is in doubt and the matters cannot be properly considered within the appropriate timescale the application will be refused so that there is no deemed grant of approval.

The responsibility lies with applicants to ensure that all material which is likely to be relevant is included within the application for Additional Environmental Approval. All applicants are encouraged to consider using the paid for pre-application service at the Council to address any specific or complex issues prior to submitting a formal application.

Further substantive information should not be submitted during the determination period. The local planning authority is entitled to sufficient information at the start of the 28-day period. If during the determination period it becomes apparent that the local planning authority cannot determine whether the EIA and Habitats requirements are met without further substantive

information from the applicant, the authority is able to refuse Additional Environmental Approval. An applicant may then make a new application for Additional Environmental Approval containing further information so that the authority can deal with it in a fresh 28-day period.

The applicant is entitled to appeal against a refusal, but it is important to note that as there is deemed consent in place, there is no right of appeal against non-determination.

The legislation does not require local planning authorities to undertake any specific consultation, or undertake any publicity, although we may seek to engage with any party with appropriate expertise to enable a decision to be made. The formal decision will be recorded on the council's website.

More guidance can be found at: [GOV.UK Extension of certain planning permissions: guidance](#)

Changes to the Use Classes Order

Changes to the Use Classes Order came into force from 1 September 2020.

The Government has announced major changes to the operation of the Town and Country Planning (Use Classes) Order 1987. More information: [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020](#)

There is however an imminent Judicial Review in the High Court against the recent legislative changes detailed below in relation to the Use Classes Order and General Permitted Development Order. As such applicants and agents are advised to await the outcome of the High Court hearing before proceeding with any proposals. It is not clear presently whether proposals might be subject to potential enforcement action if the legislation allowing it to occur without the need for planning permission is quashed by the High Court. Anyone who decides to proceed in advance of the resolution of the court case, undertakes works at their own risk.

Prior approval procedure for new dwellings

[The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020](#) came into force on 31 August 2020.

Part 20 Class AA – New dwellinghouses on detached buildings in commercial use

Class AA permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building, together with any or all:

- engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses
- works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses

- works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases
- works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Part 20 Class AB – New dwellinghouses on terrace buildings in commercial or mixed use

Class AB permits development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building, where that development comprises:

- a. up to two additional storeys, in the case of an existing building consisting of two or more storeys
- b. one additional storey, in the case of an existing building consisting of one storey

together with any or all:

- engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses
- works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses
- works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases
- works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Part 20 Class AC – New dwellinghouses on terrace buildings in use as dwellinghouses

Class AC is introduced and relates to new dwellinghouses on terrace buildings in use as dwellinghouses.

Class AC permits development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building in use as a single dwellinghouse within the meaning of Class C3, where that development comprises:

- c. up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;
- d. one additional storey, in the case of an existing dwellinghouse consisting of one storey

together with any or all:

- engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses
- works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases
- works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Part 20 Class AD – New dwellinghouses on detached buildings in use as dwellinghouses.

Class AD permits development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a detached building, where that development comprises:

- e. up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys
- f. one additional storey, in the case of an existing dwellinghouse consisting of one storey

together with any or all:

- engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses
- works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases
- works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Part 20 Class ZA – Demolition of buildings and construction of new dwellinghouses in their place

Class ZA is introduced and relates to the Demolition of buildings and construction of new dwellinghouses in their place.

The building to be demolished must be either:

- a single purpose-built detached block of flats, or
- any other single detached building comprising premises established for office use falling within Class B1(a), for research and development falling within Class B1(b) or for an industrial process falling within Class B1(c) (in relation to the 1987 Use Classes Order)
- or any combination of the above.

The building must have a footprint of 1,000 square metres or less, have been in existence on 12 March 2020, constructed prior to 31 December 1989 and must have been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval (see below).

Prior approval procedure for the enlargement of a dwellinghouses by construction of additional storeys

Part 1 Class AA – Enlargement of a dwellinghouses by construction of additional storeys

Class AA is introduced and relates to the enlargement of a dwellinghouse by construction of additional storeys. Class AA permits the enlargement of a dwellinghouse consisting of:

- a. up to two additional storeys, where the existing dwellinghouse consists of two or more storeys, or
- b. one additional storey, where the existing dwellinghouse consists of one storey

immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020

The Regulations have introduced a requirement for the Local Planning Authority to consider whether the conversion of a building to a dwellinghouse under Class M, N, O, PA or Q will result in the provision of adequate natural light in all habitable rooms. Applications for prior approval should therefore be accompanied by a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses.

Habitable rooms are described as any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

The Regulations introduce rights for the additional temporary use of land between the period 1 July 2020 and 31 December 2020, together with rights of local authorities to use land for the holding or a market between the period 25 June 2020 and 23 March 2021.

The Regulations also introduce the right to construct up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built detached block of flats. As with all classes of permitted development there are a number of conditions and limitations attached to the right and the developer must apply to the local planning authority for prior approval as to:

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;

- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State.

The Regulations set out the procedure for applications for prior approval and the information that should accompany the application.

The legislation can be found here –

http://www.legislation.gov.uk/ukxi/2020/632/pdfs/ukxi_20200632_en.pdf

The West Suffolk Local Plan Issues and Options Consultation

As you will be aware, we are preparing a new local plan for West Suffolk and consultation on the first stage, the West Suffolk Issues and Options Local Plan, will take place **from 13 October – 22 December 2020**.

The Local Plan ensures the right number and types of homes are built in the right places and through its policies supports the provision of space for employment, green spaces, education, culture, health, and sports facilities. It also looks at how infrastructure supports this growth and challenges faced in the area, such as climate change. It ensures growth is well planned and supports ambitions for the future.

The West Suffolk Issues and Options Local Plan document is set out in three parts:

- Part one sets out the spatial vision, strategic objectives and issues, a new draft settlement hierarchy and options for the distribution of growth.
- Part two sets out local issues concerning climate change, housing, employment, retail, leisure, wellbeing, transport, support for rural communities, the natural and historic environment and horse racing. Responses to this section of the document will help inform the preparation of the development management policies used in the day to day determination of planning applications.
- Part three sets out a settlement profile for those places which could potentially be allocated sites for various uses in the plan period. There is a short introduction to each settlement along with a constraints map and details of those sites that are 'included' in the council's 2020 Strategic Housing and Economic Land Availability Assessment (SHELAA) and which therefore could be suitable for future development. It is important to stress that no site allocation decisions have been made. Sites will be assessed throughout the evolution of the West Suffolk Local Plan.

At this first information gathering stage, the council will be consulting and seeking comments on a variety of issues and options. This includes questions such as have we identified the challenges and relevant local issues correctly; setting out the current local housing need figure, asking the question whether we should plan for the standard methodology with an appropriate buffer or whether an alternative approach should be taken; setting out four options for the distribution of growth; asking if the settlement hierarchy is right, and asking communities if their settlement is in the right place in the new draft hierarchy.

In accordance with government guidelines we are unable to run the usual type of exhibition in village halls, supermarkets and markets, so we have a virtual exhibition that is running throughout the consultation period which can be seen at <https://westsuffolk.exhibition.app/> from the start of the consultation period. This will look like a typical exhibition with information boards set out around a 'room' and the documents will be available to view on a virtual table in the centre. You can use this virtual exhibition space to **Have Your Say** and there is also a 'frequently asked questions' note that you may find helpful. The exhibition 'room' is effectively the village hall or council office space that is open 24 hours a day.

We are encouraging people to send submit their views online via our consultation portal as it is the most effective and efficient way to comment. They will need to register first <https://westsuffolk.inconsult.uk/>.

We would appreciate comments, representations and submissions being made online as with Covid-19 precautions in place we are aiming to minimise the handling of paper and packages. However, written responses can be posted to:

Planning Strategy, West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU.

When responding, we are asking that respondents specify which document and question or section they are commenting on and to explain their answer and where appropriate provide relevant evidence or a reasoned justification for the response to help us analyse the comments.

We like as many people as possible to be involved in preparing the new local plan.

Visit the exhibition <https://westsuffolk.exhibition.app/>

Have Your Say <https://westsuffolk.inconsult.uk/>

West Suffolk Statement of Community Involvement (SCI)– Addendum June 2020

The Council has produced an Addendum to the SCI 2018 in response to the COVID-19 outbreak. This sets out revisions to the ways the community can participate in West Suffolk planning decisions and plan-making. Please see our webpages for further information:

https://www.westsuffolk.gov.uk/planning/Planning_Policies/upload/SCI-update-June-2020-web-version.pdf

5 Year Land Supply and Housing Action Plan

The council prepared a draft 5-year housing land supply (5YHLS) report in July 2020 for consultation. Taking a baseline date of 31 March 2020 and setting out the supply for the period 1 April 2020 to 31 March 2025. It showed a supply of 5.5 years of housing land.

A focussed consultation was undertaken with stakeholders, landowners and developers on the draft 5YHLS report from 14th July to 11th August.

15 responses were received to the consultation. These included comments on the methodology, assumptions and benchmarks and to the delivery of specific sites.

The council took into account comments received and has made necessary adjustments. Responses to the comments received can be found at appendix 12 to the final report.

The final report was published on the council's website in September showing a 5.6-year housing land supply. Slightly more than expected by the draft at 5.5 years.

https://www.westsuffolk.gov.uk/planning/Planning_Policies/upload/2020-5YHLS-report-with-appendices-3.pdf

If there are any topics you would like us to cover in future newsletters please let us know at planning.help@westsuffolk.gov.uk

If you no longer wish to receive our newsletters please email prs.systems@westsuffolk.gov.uk