# Development Control Committee



Title:	Agenda			
Date:	Wednesday 29 A	pril 2015		
Time:	6.00 pm			
Venue:	Council Chamber District Offices College Heath Road Mildenhall	i		
Full Members:	<b>Chairman</b> Chris Barker			
	Vice Ch	<b>airman</b> Andy Drumr	nond	
	<u>Conservative</u> <u>Members (13)</u>	Michael Anderson Bill Bishop John Bloodworth David Bowman Rona Burt Warwick Hirst	Carol Lynch Tony Simmons Eddie Stewart Tony Wheble Vacancy	
	Opposition Group Members (2)	Simon Cole	Tim Huggan	
	<u>Independent</u> <u>Member (2)</u>	Roger Dicker	David Gathercole	
NO SITE VISITS	ARE REQUIRED FO	R THIS AGENDA		
Substitutes:	Named substitutes	are not appointed		
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.			
Quorum:	Five Members			
Committee administrator:	<b>Tel:</b> 01638 719363	strator & FHDC Scrutir B nge@westsuffolk.gov.		



## DEVELOPMENT CONTROL COMMITTEE AGENDA NOTES

#### **Notes**

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

#### **Material Planning Considerations**

 It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.

#### 2. Material Planning Considerations include:

- Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
- Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
- The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998
	and the Replacement St Edmundsbury
	Borough Local Plan 2016
The Forest Heath Core Strategy 2010,	St Edmundsbury Borough Council Core
as amended by the High Court Order	Strategy 2010
(2011)	
Emerging Policy documents	<b>Emerging Policy documents</b>
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eq. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

- 3. The following are **not** Material Planning Considerations\_and such matters must not be taken into account when determining planning applications and related matters:
  - Moral and religious issues
  - Competition (unless in relation to adverse effects on a town centre <u>as a</u> whole)
  - Breach of private covenants or other private property / access rights
  - Devaluation of property
  - Protection of a private view
  - Council interests such as land ownership or contractual issues
  - Identity or motives of an applicant or occupier
- 4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
- 5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

#### **Documentation Received after the Distribution of Committee Papers**

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

#### **Public Speaking**

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.



## DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

#### **Decision Making Protocol**

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
  - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
  - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
  - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
  - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
  - Members can choose to
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services;

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
  - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
  - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
  - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
  - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
  - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
  - Members can choose to
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training

 In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

#### Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

## Agenda Procedural Matters

### Part 1 - Public

1.	Apologies for Absence	
2.	Substitutes	
3.	Minutes	1 - 4
	To confirm the minutes of the meeting held on 1 April 2015 (copy attached).	
4.	Reserved Matters Application DC/14/0942/RM & Planning Application DC/15/0264/FUL - Land South of Burwell Road, Exning	5 - 32
	Report No: <b>DEV/FH/15/015</b>	
	Reserved Matters Application DC/14/0942/RM – Submission of details under Outline Planning Permission F/2012/0552/OUT	
	Planning Application DC/15/0264/FUL – Change of use from agricultural to recreational use and associated landscaping	
5.	Planning Application DC/14/2080/CR4 - Hall Farm Barn, Church Lane, Freckenham	33 - 44
	Report No: DEV/FH/15/016	
	Conversion of barns to 2 no. residential units and change of use of agricultural land to garden	
6.	Planning Application DC/15/0236/R3LA - Sam Alper Court, Depot Road, Newmarket	45 - 54
	Report No: DEV/FH/15/017	
	Proposed 10no. B1 business units, together with roof mounted photovoltaic installations and associated works	

# Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 April 2015** at **6.00 pm** at the **Council Chamber, District Offices,** College Heath Road, Mildenhall IP28 7EY

Present: Councillors

**Chairman** Chris Barker **Vice Chairman** Andy Drummond

Michael Anderson Carol Lynch
Bill Bishop Tony Simmons
David Bowman Eddie Stewart
Rona Burt Bill SadlerSimmons
Tim Huggan Eddie Stewart

#### 32. Apologies for Absence

Apologies for absence were received from Councillors John Bloodworth, Simon Cole, Warwick Hirst, David Gathercole and Tony Wheble.

Councillor Roger Dicker was also unable to attend the meeting.

#### 33. Substitutes

Councillor Bill Sadler attended the meeting as substitute for Councillor Warwick Hirst.

#### 34. Minutes

The minutes of the meeting held on 4 March 2015 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

## 35. Planning Application DC/14/1949/HH - Dove Cottage, 10 The Street, Dalham (Report No DEV/FH/15/011)

Householder application: first floor extension.

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because Dalham Parish Council raised concerns about the form of the proposed extension obscuring the original historic function of the building.

A Member site visit was held prior to the meeting. Officers were recommending that planning permission be granted as set out in Paragraph 16 of Report No DEV/FH/15/011.

The Senior Planning Officer advised the Committee that since publication of the agenda a further letter of representation had been received from a neighbour which suggested the alternative of a rear extension to the property as opposed to a side extension, as per the application.

A number of Members commented on the application who were of the view that as the original property had already been significantly extended and was not a listed building there was no value in refusing the application before them.

With 10 voting for the motion and with 1 abstention, it was resolved that:

Planning permission be **GRANTED** subject to the following conditions:

- 1. Time limit;
- 2. Compliance with plans; and
- 3. Materials to match.

## 36. Planning Application DC/15/0019/HH - 6 Mill Road, Lakenheath (Report No DEV/FH/15/012)

Councillor David Bowman declared a local non-pecuniary interest in this item as he was known to the public speaker who spoke in support of this application. He left the meeting during the discussion and voting thereon.

New front wall and piers with return wall to house including gate.

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because Lakenheath Parish Council raised concerns.

A Member site visit was held prior to the meeting. Officers verbally clarified that they were recommending that planning permission be granted unconditionally as this was a retrospective application, and as a result the proposed conditions within Report No DEV/FH/15/012 were not necessary.

With 9 voting for the motion and with 1 abstention, it was resolved that:

Planning permission be **GRANTED**.

Speakers: Councillor Hermione Brown (Lakenheath Parish Council)

spoke against the application.

Mr Kane (on behalf of the applicant) spoke in

favour of the application.

## 37. Panning Application DC/14/2244/FUL - 4 Dove Close, Lakenheath (Report No DEV/FH/15/013)

Construction of a 1 ½ storey dwelling with car parking.

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because Lakenheath Parish Council raised concerns about the impact on the Conservation Area and loss of open space.

A Member site visit was held prior to the meeting. Officers were recommending that planning permission be granted as set out in Paragraph 22 of Report No DEV/FH/15/013 with the addition of a further condition to 'secure details of proposed boundary treatment'.

The Principal Planning Officer made reference and responded to questions with regard to the planning and appeal history of the site (as appended in Working Papers 1 and 2 of the report).

With 10 voting for the motion and with 1 abstention, it was resolved that:

Planning permission be **GRANTED** subject to the following conditions:

- 1. Time limit;
- 2. Compliance with approved plans;
- 3. Specified materials;
- 4. Details of windows and doors to be agreed;
- 5. Secure parking and turning;
- 6. Tree protection during development;
- 7. Restrict construction times; and
- 8. Secure details of proposed boundary treatment.

Speakers: Councillor Hermione Brown (Lakenheath Parish Council)

spoke against the application.

Mr Philip Kratz (planning consultant for the applicant) spoke

in favour of the application.

## 38. Planning Application DC/15/0436/FUL - Clarehaven, 57 Bury Road, Newmarket (Report No DEV/FH/15/014)

11 no. loose boxes and horse walker.

This application was referred to the Development Control Committee due to the applicant being the spouse of a District Councillor.

Officers were recommending that the application be granted as set out in Paragraph 21 of Report No DEV/FH/15/014.

With the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to the following conditions:

- 1. Time limit;
- 2. Compliance with approved plan; and
- 3. Materials as specified.

#### 39. **Urgent Business**

There were no items of Urgent Business raised.

The meeting concluded at 6.54 pm

Signed by:

Chairman

#### **Forest Heath District Council**

DEVELOPMENT
CONTROL COMMITTEE

**29 APRIL 2015** 

**DEV/FH/15/015** 

Report of the Head of Planning and Growth

RESERVED MATTERS APPLICATION DC/14/0942/RM & PLANNING APPLICATION DC/15/0264/FUL – LAND SOUTH OF BURWELL ROAD, EXNING

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

#### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

**CONTACT OFFICER** 

Case Officer: Peter White Tel. No: 01284 757357

## **Committee Report**

Date 27 June 2014 (RM) Expiry Date: 26 September 2014

**Registered:** & 9 February 2015 (RM) & 6 April 2015

(FUL) (FUL)

**Case** Peter White **Recommendation:** Approve

Officer:

Parish: Exning Ward: Exning

**Proposal:** Reserved Matters Application DC/14/0942/RM – Submission of

details under Outline Planning Permission F/2012/0552/OUT

Planning Application DC/15/0264/FUL - Change of use from

agricultural to recreational use and associated landscaping

**Site:** Land South of Burwell Road, Exning, Suffolk

**Applicant:** Charles Church, Persimmon House, Colville Road Works, Oulton

Broad, Lowestoft

#### **Background:**

These applications are referred to the Development Control Committee due to the controversial nature of the previously approved Outline Planning Application (F/2012/0552/OUT).

The applications are recommended for APPROVAL.

#### **Proposal:**

- 1. The first application seeks approval for the reserved matters (Appearance, Landscaping, Layout, Scale) following the grant of a previous outline application for 120 dwellings. The only reserved matter not contained as part of this application is Access which formed part of the previous outline application which was approved.
- 2. The second application is for a change of use that would create an area of recreational open space. This application has been drafted alongside the final reserved matters application so that the on site open space within the residential development would be read as one large open space area.
- 3. The outline approval included access and proposed to utilise a field access off Burwell Road for vehicular traffic and create a pedestrian and cycle access in the south east corner which would be served off Queensway.

4. The submitted plans for the residential scheme show landscaped areas to the boundaries of the site, swales which form part of the Sustainable Urban Drainage, the sites layout which includes the internal estate roads, open space including a LEAP and visitor parking. The change of use application is submitted with indicative details only which help demonstrate how the space would be intrinsically bound to the on site open space for the residential scheme.

#### **Application Supporting Material:**

- 5. Information submitted with the application as follows:
  - Application forms and drawings including location plan, site layout, and design and elevations of dwellings.
  - Design and Access Statement
  - Materials Schedule

#### **Site Details:**

- 6. The sites are located to the west of Exning and cover an area of approximately 6 hectares for the residential scheme and 0.8 hectares for the change of use scheme. Up until recently the land for both sites has been in agricultural use, but within the immediate past the sites have not been actively farmed and have been left fallow. Some trial trenching and investigative work at the end of last year was carried out by the developer to part satisfy the archaeological conditions on the outline application. Following discussions with local residents and other local representatives the developer chose to carry out a greater amount of archaeological investigations upon finding some burial remains.
- 7. The sites are accessed from Burwell Road and lie to the south of existing residential development that fronts onto Burwell Road. These residential properties comprise of a mix of two-storey detached and semi detached properties dating from the late 20<sup>th</sup> Century. Existing residential properties lie along The Drift to the north west of the site and Queensway and Queens View to the east.
- 8. Agricultural land lies to the south and south-west of the site with a mature tree belt along the southern boundary of the site and along the southern boundary of the adjoining agricultural land.
- 9. Exning has a range of basic local services and facilities, which is the reason it has been designated as a Primary Village in Core Strategy Policy CS1. These include a Post Office and convenience store, two public houses (The White Swan & The White Horse), a hotel including bar and restaurant (The Rosary), St Martin Church, a community church hall, a private dental practice (Olive Dental Care) and Exning Primary School, including Stepping Stones Pre School. There are also a number of retail premises including a fish & chip takeaway, a sandwich shop, two hairdresser salons, a bridal wear shop and a flooring shop. There are a number of industrial

- units within Exning that include, amongst other businesses, a garage/MOT centre, and a factory and showroom for curtains and fabrics.
- 10. There are also a range of sports facilities within the village including a cricket pitch, football pitch and tennis court and these facilitate the associated sports clubs (Exning Cricket Club, Exning Tennis Club, Exning Athletic Football Club and Exning Ladies Football Club).

#### **Planning History:**

- 11.F/2012/0552/OUT Outline application for erection of 120 dwellings including associated access arrangements and open space provision APPROVED April 2014 (The reserved matters application that this report discusses is linked to this Outline application)
- 12.DC/15/0584/VAR Variation of Condition Application Planning application that seeks to vary condition 18 of application F/2012/0552/OUT so that the condition reads "There shall be an average of at least two parking spaces for each dwelling provided across the development" PENDING DECISION at the time of writing the report. An update will be given at the committee meeting
- 13.DC/14/0945/FUL- Planning Application Change of use from agricultural to recreational use and associate landscaping. WITHDRAWN. This application was on a nearby parcel of land and was withdrawn as it was agreed to submit the same type of application on a different parcel of land which is the subject of this committee report.

#### **Amended Plans:**

- 14. The scheme (as a whole including the separate change of use application) before the council has evolved significantly since the original reserved matters and change of use applications were submitted to the council last summer. At that point in time officers sought separate meetings with the Parish Council, other local representatives and the applicant to better understand the history of the application site, the design concept of the reserved matters application and the thinking behind the separate original change of use application.
- 15. Officers worked with the Parish Council, the Exning Allotments Association, other local representatives and the applicant to understand the drivers to the separate change of use application; what was the vision for this space; what details were within the application; what implications this had for the secured S106 agreement for the outline permission; who might own and maintain the site in the future and what its function and role might be as an area of recreational open space for the village.
- 16. Following discussions and an assessment of the current provision of open space in the village, officers suggested a way forward. This is explained fully below and has led to a new change of use application (DC/14/0264/FUL) being submitted which is in a different location to that

- originally proposed under DC/14/0945/FUL. That application was withdrawn. Full details are set out below on who would own this site and its implications for the agreed section 106 agreement for application F/2012/0552/OUT.
- 17. Amendments have also been made to the layout, and landscaping of the reserved matters application. These alterations have resulted primarily in additional landscape buffers being introduced on the boundaries with existing properties on Burwell Road and The Drift. The latest scheme before the council is set out below and its acceptability is assessed.

#### **Consultations:**

- 18. West Suffolk Environmental Health Public Health and Housing Officer: Originally objected however No objection to amended plans as all bedrooms have a minimum usable space area of 6.5m2. The officer has also sought to clarify conditions attached to the outline permission which will protect residential amenity during development. Condition 9 of F/2012/0552/OUT restricts any construction to commence before 8am. The condition relates to the starting of physical noise generating activities associated with site preparation and construction works and not the arrival of workmen. The purpose of this condition is to prevent noise from the development impacting on neighbouring residents at an unsociable hour and not restrict workmen arriving at site or undertaking quiet activities.
- 19. West Suffolk Estates and Valuation Officer: The officer is satisfied that a combination of cash and 'in kind' contribution giving a turn key solution to the open space requirement which would otherwise have to be fulfilled by the council through a purchase of land and the inevitable time involved to prepare the land for use as Public Open Space. It is also highlighted that there are a number of other hidden costs which the council would incur including officer time in concluding a purchase of a project, managing the 'build' together with legal and Land Registration costs. It is the opinion of officers that the solution proposed represents value for money for the tax payer.
- <u>West Suffolk Parks and Infrastructure Manager</u>: No objection. Confirmed that a 10 year maintenance figure from the councils adopted Supplementary Planning Document on Open Space for 8094 square metres is £15,176 In addition the officer also provided a quote for the landscaping of 8094 square metres at £64,018.70 to demonstrate what this was worth if the council were doing this itself.
- 21. Suffolk County Council Archaeological Service: No objection to the reserved matters application. In respect of the change of use application The Archaeological Service originally sought a two part trial trenching condition as per the outline permission given the recent finds on the residential site by the developer. However through discussions with the Tree and Landscape Officer and the Archaeological Service it is understood that the wildflower seed would be able to establish itself as other competition would be removed sufficiently if the topsoil was only stripped

to a maximum depth of 150mm. At this depth the Archaeological Service have said that any archaeological data would remain protected. To further ensure this they have sought a condition that would require a methodology statement of the stripping to be agreed with the council prior to that working be done. Such a statement would set out the size of machinery to be used and the time of year the work would be done.

- 22. Suffolk County Council Highway Authority: In regards to the change of use application the Highway Authority have no objection or recommend any conditions. Regarding the latest amended layout for the Reserved Matters application they also have no objection. It was highlighted that the scheme has a reduced amount of visitor spaces but given the amount of on and off dedicated spaces for the properties the Highway Authority are satisfied that the scheme is acceptable.
- 23. <u>Ecology and Landscape Officer:</u> Comments will be reported verbally at the meeting.
- 24. <u>Environment Agency:</u> No objection
- 25. Natural England: No objection

#### **Representations:**

#### 26. Exning Parish Council

The Parish council has objected to the first set of amended plans for the following reasons:

- There is an 11KVA cable buried approximately 600mm deep in the area immediately behind the houses on Burwell Road. Exning Parish Council is concerned that this cable will become part of the gardens of the new houses on the development, including the affordable houses.
- Exning Parish Council notes with interest the statement from Suffolk County Council "the provision of a 3.5m shared pedestrian and cycle facility through the site to the written approval of the LPA to allow the re-routing of National Cycle Route 51 through the site"; and we would be interested to see how this can be achieved.
- Throughout their discussions with the parish council, the developer made undertakings that they would improve the existing tree and hedge belt behind the existing properties. We note that this has, in fact, only been done for the houses to the west of the development entrance. The green-screening should be uniform throughout the development.
- The proposed footway access onto The Drift cannot take place as this is a private, un-adopted road: I draw your attention to SCC letter dated 27/2/15 Ref: 570\CON\0380\15 bullet point 1. Exning Parish Council is also concerned with the proposed footway accesses at the eastern end of the development, as these exit onto garaged areas which are owned by the local Housing Association. In fact, the previously discussed footway to King George Avenue is

not shown on these plans. The Parish Council would like to point out that pedestrian access to the village amenities and shops is of prime importance as it will reduce vehicle movements in this congested area.

- Exning Parish Council agrees with Suffolk County Council in that, prior to occupation of dwellings, all highway improvements should be carried out. We continue to be disappointed with the lack of provision of a mini-roundabout at the development junction with Burwell Road, as we believe that this would have the effect of slowing traffic on entry to the village and thus improve road safety. We also continue to question the workability of the 'painted' double mini-roundabouts at the White Horse junction; this junction sees many large horseboxes and farm vehicles pass through daily and we have doubts that they will negotiate these road markings We believe that the 'improvements' at the A142 junction with Windmill Hill are unnecessary and will not improve the traffic situation to any great degree. We would question the results of the traffic survey and believe that 6% of traffic exiting Windmill Hill turns left: the problem remains with the traffic turning right and this will only be addressed satisfactorily with the installation of a mini-roundabout.
- Exning Parish Council is surprised to see that the plans still include a number of houses that do not comply with the **Housing Act** 1985: I draw your attention to the Response Form from Public Health & Housing dated 27/2/15 Ref: WK201503867.
- Exning Parish Council agrees with Suffolk County Council regarding the insufficient number of **visitor parking spaces**: I draw your attention to SCC letter dated 27/2/15 Ref: 570\CON\0380\15 bullet point 2.

The Parish Council has been sent the second set of amended plans and at the date of writing this report had not responded. Officers had agreed to grant the Parish Council an extension and it was agreed that Officers would verbally update Members on the Parish Councils opinion of the application at the Development Control meeting.

- <u>27.</u> <u>Neighbours:</u> 33 Letters of objection have been received from nearby residents, raising the following issues:
  - Room sizes are inadequate as stated by the councils housing team
  - Inadequate parking as per highway comments
  - Does not allow for national cycle route 51 to be rerouted
  - Other Charles Church developments had regulation doors and steep stairs which may not allow for access for those with limited mobility
  - Childrens play area is situated in a dangerous location
  - The farm access should not be allowed
  - Will the developer keep to the requirement to build 30 dwellings per year
  - Will garden sheds be allowed in the green buffer area

- 11 kv cables will be in new residential gardens which is a health and safety issue
- Current proposal will have a negative visual impact on the character of the village
- Loss of light
- Overlooking
- 120 dwellings will be overbearing and out of scale
- Existing road infrastructure will not cope
- Relocate the affordable housing so that they are closer to the LEAP area
- Dwellings with three stories are not in keeping with the village
- Garden areas for the new dwellings are too small
- The site should have more than 1 access
- Who will maintain the green buffers
- Knee rails will not maintain garden pets
- This proposal will lead to further expansion
- Dwellings too close to the road
- Public safety concern with a farmers access remaining
- Visitor spaces near the open space should be blue badge only
- Plans should include extensions
- Charles Church should seek a second access route for construction phase
- Results of archaeological investigations should be know before planning permission is granted
- The new green belt should split up and given to surrounding relevant properties
- Object to a direct link to the drift

#### **Policy:**

#### **Development Plan**

28. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the Forest Heath and St Edmundsbury Joint Development Management Policies Document (adopted February 2015). In addition, there remain some saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies or the Development Management Document. The following Development Plan policies are applicable to the proposal:

#### **Core Strategy:**

29. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1, CS7 and CS13 being partly quashed (sections deleted) and Section 3.6 deleted in its entirety. Reference is

made to the following Core Strategy policies, in their rationalised form:

#### **Visions**

- **Vision 1** Forest Heath
- Vision 7 Beck Row, Exning, Kentford, West Row

#### **Spatial Objectives**

- **H1** Housing provision
- **H2** Housing mix and design standard
- **H3** Suitable housing and facilities
- **C1** Retention and enhancement of key community facilities
- **C2** Provision and maintenance of open space, play and sports facilities and access to the countryside
- **C4** Historic built environment
- **ENV1** Habitats and landscapes and improving biodiversity
- **ENV2** Climate change and reduction of carbon emissions
- **ENV3** Promotion of renewable energy and energy efficiency
- ENV4 Design and architectural quality respecting local distinctiveness
- ENV5 Designing out crime and anti-social behaviour
- ENV6 Reduction of waste to landfill
- **ENV7** Achievement of sustainable communities by ensuring services and infrastructure are commensurate with new development
- **T1** Location of new development where there are opportunities for sustainable travel
- **T3** Supporting strategic transport improvements

#### **Policies**

- **Policy CS1**: Spatial Strategy
- **Policy CS2**: Natural Environment
- **Policy CS3**: Landscape Character and the Historic Environment
- **Policy CS4**: Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **Policy CS5**: Design Quality and Local Distinctiveness
- **Policy CS6**: Sustainable Economic Development and Tourism
- **Policy CS7**: Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **Policy CS9**: Affordable Housing Provision
- **Policy CS10**: Sustainable Rural Communities

#### **Development Management Policies Document:**

- <u>30.</u> The following polices from the document are relevant to this planning application:
  - **DM1** Presumption in Favour of Sustainable Development

- DM2 Creating Places Development Principles and Local Distinctiveness
- **DM3** Masterplans
- DM4 Development Briefs
- DM5 Development in the Countryside
- **DM6** Flooding and Sustainable Drainage
- **DM7** Sustainable Design and Construction
- DM11 Impact of Development on Sites of Biodiversity and Geodiversity Interest
- DM12 Protected Species
- DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- **DM13** Landscape Features
- **DM14** Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- **DM15** Listed Buildings
- DM20 Archaeology
- DM22 Residential Design
- **DM27** Housing in the Countryside
- **DM41** Community Facilities and Services
- DM42 Open Space, Sport and Recreation Facilities
- **DM44** Rights of Way
- **DM45** Transport Assessments and Travel Plans
- DM46 Parking Standards

#### **Other Planning Policy:**

#### **Supplementary Planning Documents**

- 31. The following Supplementary Planning Documents are relevant to this planning application:
  - Joint Affordable Housing Supplementary Planning Document (October 2013)
  - Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

#### **National Planning Policy**

- 32. The following National Policy is relevant to this planning application:
  - National Planning Policy Framework (NPPF)
  - National Planning Policy Guidance (NPPG)

#### **Officer Comment:**

33. The issues to be considered in the determination of the application are:

- Principle of Development
- National Cycle Route 51
- Impact on residential development
- Design and layout
- Open Space and the adjoining change of use application.
- On site highway issues and Parking provision
- Other Issues

#### **Principle of Development**

35. The Principle of development was firmly established in the granting of the outline planning permission. This application does not allow the principle of development to be reviewed or re-examined. This extends to the off site highway improvements that were set out and agreed at the granting of the outline permission.

#### National Cycle Route 51 and cycle and walking infrastructure

- 36. A number of comments have been received stating that the lack of provision of a complete cycle route to Burwell through the development means that the scheme is contrary to the requirements of condition 17 part (v) of permission F/2012/0552/OUT. This condition does not put the onus on this development to reroute national cycle route 51 along the Burwell Road. What it seeks is for this development to be designed in such a way that if other third party land was available and if the funding was available for the rerouting of National Cycle route 51 along the Burwell Road then this development would be available for that rerouting at that possible point in the future. Put another way what the condition seeks to ensure is that the rerouting of National Cycle route 51 is made easier and not harder by introducing cycling infrastructure that could be utilised at a point in the future if the rerouting of national cycle route 51 was a possibility. Officers are entirely satisfied that the scheme accords with condition 17 part (v) of the outline permission.
- 37. The scheme introduces a new footpath broadly near the south eastern corner which would link directly onto adopted highway land on Queensway. This will be in addition to the existing cycle and footpath route directly in the south east corner. This additional access was sought by officers and will create greater pedestrian permeability, therefore it is considered acceptable.

#### **Residential amenity**

38. Policy DM2 of the Joint Development Management Policies Document requires that development proposals do not adversely affect residential amenity. Particular concern has been raised from those properties on Burwell Road that back onto the site. Representatives of Persimmon Homes have recently met with local residents with a view to seeking to overcome their concerns. To that end amended plans have been submitted to the council which introduce an additional five metre buffer

along the boundary with properties along Burwell Road. Officers are entirely satisfied that the back to back distances with main rear elevations are acceptable. Added to this the developer is planting a 5 metre landscape buffer. The content of the landscape buffer has not been agreed yet and will be subject to further details submitted to the council as required by the outline approval. However officers will be looking to introduce native species that will remain appropriate to a garden setting in the fullness of time. Therefore officers will be seeking trees that add an element of screening but do not become so large and dominant that they become a nuisance.

- 39. Plots 7 to 3 have three floors with dormers on their rear elevation. Officers have given specific consideration of properties on Burwell road that they back onto. These distances are satisfactory and do not cause unacceptable overlooking in the opinion of officers.
- 40. Plots 117 and 120 are set closer to the northern boundary than other properties adjoining the gardens of Burwell Road properties. However these dwellings would be side on and would not have windows facing north at first floor level or above.
- 41. Loss of light and overbearing have also been given consideration by officers and are considered to be satisfactory.
- 42. It is considered that the scheme as proposed is entirely acceptable and and would not cause any significant loss of amenity to surrounding residents.

#### **Design and Layout**

- 43. Policy DM22 of the Joint Development Management Policies Document relates to residential design. Amongst other things it seeks development to have "characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness" and "creating or contributing to a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming."
- 44. In this instance the two applications are seeking to create "a place" together. The one open space that collectively the two applications will create will form the heart of this residential development. It will be a strong focal point of the site that can be appreciated as you first enter from Burwell Road. The scheme also seeks to create clusters of dwellings which are framed in landscaping to help break up the development to ensure that the scheme does not feel like one large housing estate. It is the opinion of officers that this approach has been successfully created and a distinctive area that respects the locality is proposed
- 45. Concern has been raised that the proposal includes properties that have 3 floors (rooms in the roof). Residential buildings of this scale are certainly not exclusively urban and numerous examples of this can be found in rural parts of West Suffolk, and the village of Exning. The majority of the

- proposal is 2 storey with a handful of dwellings having rooms in the roofs to add variety and aid legibility.
- 46. The scheme proposes a range and mix of properties which are considered acceptable by officers. The details submitted show that an appropriate range of roofing and facing materials are proposed alongside a range of differing types and sizes of dwellings to ensure that proposal has sufficient variety whilst still creating a coherent place.
- 47. In conclusion it is considered that the design and layout of the scheme is entirely acceptable and will create a quality sense of place, which is in keeping with the existing architecture and character of Exning.

## Open Space and the adjoining change of use application Amendments to the agreed Section 106

- 49. The outline application secured a sum of £306,204 towards off site Public Open Space. The applicant through discussions with a local community representative agreed to bring forward an adjoining parcel of land that could form part of the development in lieu of a large proportion of this sum. Officers have worked with the Parish Council, the applicant and other local representatives to understand what type of open space might be appropriate, who might maintain such an area and what type of landscaping might be appropriate. Additionally discussions centered on the size, location and shape of a parcel of land and how that could best relate to the proposed on site open space to form the most meaningful strategic open space. The final location is the parcel of land that is the subject to application DC/15/0264/FUL.
- 50. Officers at the beginning of the discussions highlighted that any change to the S106 agreement would need to represent value for money. Whilst the council is happy to reconsider Section 106 agreements, if any alternative does not deliver an equal equivalent then it would not be appropriate to accept it. Of the £306,240 sum, allotment provision made up £41,760 of that sum. Officers identified early on through discussions with the Exning Allotments Association that this sum of money could be spent on improving the facilities at the Exning Allotments and it was therefore decided that the council would continue to seek this sum of money.
- 51. The developer has proposed an area of open space that is 0.8094 hectares (2 acres) in size. It was identified by officers that Exning had excellent provision of formal open space and that the creation of an informal "meadow parkland" open space would bring a new type of open space to the village. Additionally such an open space would create a soft edge and transition to the open countryside for the development.
- 52. The applicant agreed that they would landscape the 2 acre parcel of land, pay a sum of money for 10 year maintenance, and pass the land over to the district council. Officers worked with the Parish Council and other local representatives to agree the following landscaping. This included 1) stripping the topsoil to 150mm 2) Sowing a wildflower mix 3) erecting a

post and rail fence along the southern boundary to separate the open space and the existing agricultural field 4) planting of 50 standard trees mainly along the field boundary. A quote was obtained for the landscaping of the site by the council for the sum of £64,018.70. In accordance with the councils Open Space Calculator the 10 year maintenance fee for a parcel of land of 8094 square metres is £15,176

- 53. Therefore, the council needs to satisfy itself that of the £264,480 (£306,240 (original sum secured) - £41,760 (sum for allotments that is)still being secured)) the council would effectively be acquiring the 2 acres of land at a cost of £92,642.65 per acre. (£264,480 - £64,018.70 -£15,176 = £185,285.30 (£185,285.30 /2 = £92,642.65). It could be argued that this land is worth between £10,000 per acre (agricultural land value) or £500,000 per acre (residential value). The council also has to balance that if it continued to simply require the £264,480 to be paid by the developer the council would still need to find a suitable site (and willing vendor) to purchase that could be used as open space. The 2 acre parcel of land proposed is in the opinion of officers extremely well related to both, the new development and the existing village and it may prove hard to find such a well related site. The councils Estate and Valuation Manager has confirmed that he is satisfied that the price of £92,642.65 would represent a fair price for the land that could be considered to be worth significantly more owing to its relationship to existing and future residential development.
- 54. It is therefore considered, that owing to the reasons set out above the council accepts 2 acres of landscaped land (as shown in application DC/15/0264/FUL) being given over to the district council along with a maintenance sum of £15,176 and a sum of £41,760 for allotments in lieu of the previously agreed sum of £306,240.

#### On site highway issues and parking provision

- 55. There was a technical problem with the submitted Reserved Matters. Condition 18 of the outline application, which the current reserved matters application is linked to, said; "There shall be an average of two parking spaces for each dwelling provided across the development. Reason: In the interests of highway safety and to ensure adequate vehicular parking provision within the site is provided and maintained."
- 56. The outline permission granted consent for 120 dwellings and as such this condition required that any subsequent reserved matters application had precisely 240 spaces (including garages). Anything more or less than that for any subsequent reserved matters application would be in breach of the condition.
- 57. The current reserved matters application proposes 314 car parking spaces for the 120 dwellings. This is a combination of on plot and off plot dedicated spaces and garage spaces. The scheme proposes 6 visitor spaces which is a reduced amount for a development of this scale. The Highway Authority and officers (314 spaces serving 120 dwellings which

equates to 2.61 spaces per plot) are comfortable with a reduced number of visitor spaces across the development owing to the amount of spaces set aside for the properties. If the development had come in with 240 spaces (2 spaces per dwelling) officers would have required a higher provision of visitor spaces.

- 58. To overcome this situation Persimmon Homes submitted a Variation of Condition application (DC/15/0584/VAR) which was at the time of writing this report is undetermined. However the Highway Authority has confirmed that they have no objection to the application and no objections have been received to the application at the time of writing this report. This report has been written under the presumption that by date of the Development Control Committee Meeting which these applications will be considered at it will be approved. Officers will update members at the meeting to clarify the situation.
- 59. The previous outline consent dealt with the various off site improvements which will need to be agreed and implemented at the agreed stages. Neither of these applications allow for the principle of development or specific junctions to be re assessed. The Highway Authority are satisfied with the layout and the amount of parking provided as discussed above. They are satisfied that the scheme creates a safe environment which accords with Highway safety standards. It is therefore considered by officers that the scheme before the council accords with national and local planning policy and would create a safe highway environment for vehicles, cyclists and pedestrians.

#### Other issues

- 60. Concern has been raised that an existing 11KV electricity cable currently runs across the site and that this cable would be located in the back gardens of some residences. The 11KV cable is being rerouted to avoid being in new residential gardens. Persimmon Homes have worked with UK Powernetworks to agree a new route which is acceptable to them (as the owners of the cable and as the statutory utility operator).
- 61. The children's play area is not considered unsafe by officers. The Highway Authority and the councils Park and Infrastructure Manager have raised no concern with it.
- 62. Concern has been expressed that the proposal should not be allowed a farm field entrance. There are no Highway grounds on which to base such a requirement and its presence does not diminish this proposal. If a future proposal is submitted to the council for further housing which is fed off the new field entrance as shown it would be for that application to demonstrate its acceptability.
- 63. The work carried out by the applicant to discharge the Archaeological requirements is on going. This work does not need to be done before the grant of this reserved matters application. To delay this application until that is concluded would be unreasonable.

**64.** It would not be appropriate to dedicate any of the visitor parking spaces as blue badge only. This would be contrary to the Suffolk adopted parking standards.

#### **Conclusion:**

- 65. The scheme proposes an appropriate mix and style of housing in keeping with the local area. The layout as a whole is entirely acceptable and accords with relevant national and local plan policies.
- 66. The broad layout of landscaping areas as set out are acceptable. Officers are satisfied that the proposal as a whole will help create an attractive and well landscaped development with a coherent sense of place.
- 67. The developer has sought to work with the Local Community and has met with residents directly in an effort to overcome some off their concerns. Such changes include expanding boundary buffers and changing the design and types of housing. It is considered that they have truly engaged with the local community to accommodate changes where possible. Officers feel that this proposal will create an extremely attractive place which will be exemplified by the large open space that will be created.
- 68. Having regard to the Framework and all other material planning considerations, the proposal is considered to be in accordance to the NPPF, NPPG and Development Plan policies.

#### Recommendation (DC/15/0264/FUL):

- 69. It is recommended that the change of use application is **GRANTED** subject to the following amendments to the Section 106 agreement for application F/2012/0552/OUT and the signing of a new Section 106 agreement for application DC/15/0264/FUL:
  - <u>1.</u> The completion of an amended S106 agreement that secures all the previous obligations save for the sum £306,402 which was to provide off site Open Space and replace that with the following:
    - £15,176 for a 10 year maintenance fee for the land subject to application DC/15/0264/FUL
    - That the land subject to application DC/15/0264/FUL is given over to the District Council
    - That the land subject to application DC/15/0264/FUL is landscaped in a manner described above
    - That £41,760 is given to the council for the improvements to Allotment facilities in Exning.
  - 2. And the following conditions:
    - 1. Development to commence within 3 years.
    - 2. Construction methodology statement for the removal of top soil to be agreed in writing with the Local Planning Authority.

- 3. Landscaping details including trees, wildflower mix and other soft landscaping measures to be agreed in writing with the Local Planning Authority.
- 4. All planting agreed under the landscaping condition to be carried out in their entirety before the area of open space is first brought into use.
- 5. Maintenance plan to be submitted to the Local Planning Authority and agreed in writing before the area is first brought into use. The agreed plan shall be adhered to and followed thereafter unless otherwise agreed in writing with the Local Planning Authority.
- 6. Fencing details agreed in writing with the Local Planning Authority and installed before the land is first brought into use as an area of public open space.

#### Recommendation (DC/14/0942/RM):

- <u>70.</u> It is recommended that application DC/14/0942/RM is **APPROVED** subject to the following conditions:
  - 1. The development to which this permission relates must be commenced not later than the expiration of 2 years from the date of this permission.
  - 2. The development hereby permitted shall not be carried out except in complete accordance with the details and plans submitted.
  - 3. The landscaping shown on the submitted layout should be retained and maintained for a period of 5 years
  - 4. Details of the play equipment to be provided in the "LEAP area" to be agreed in writing with the Local Planning Authority and installed in accordance with those agreed details before the LEAP is first brought into use.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

DC/14/0942/RM

https://planning.westsuffolk.gov.uk/online-

applications/applicationDetails.do?activeTab=summary&keyVal=N613QPPDJRI00

DC/15/0264/FUL

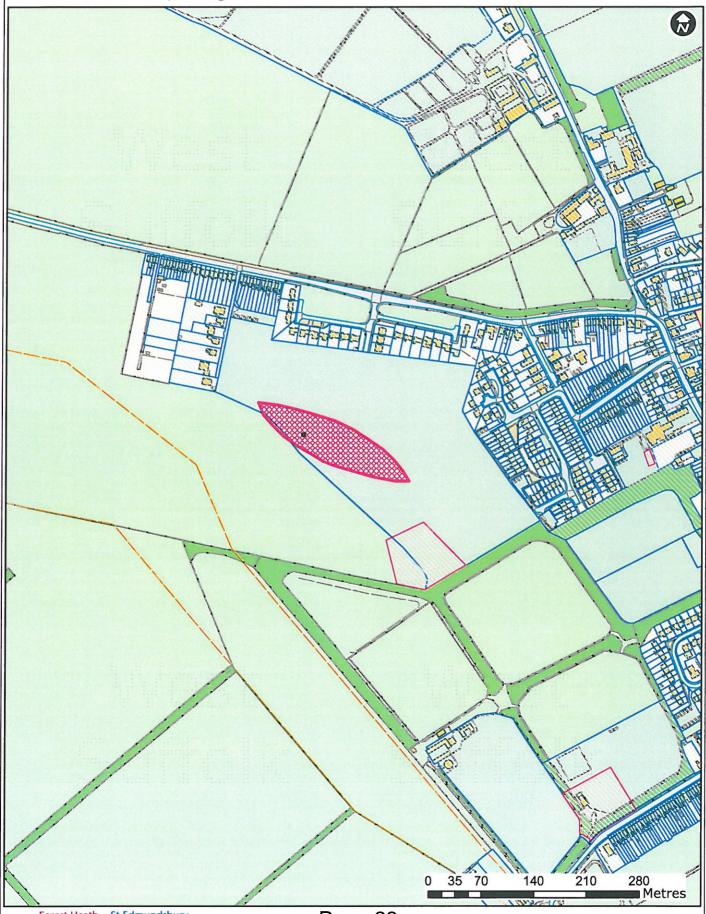
https://planning.westsuffolk.gov.uk/online-

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Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY



## DC.15.0264.FUL Land at Burwell Road, Exning

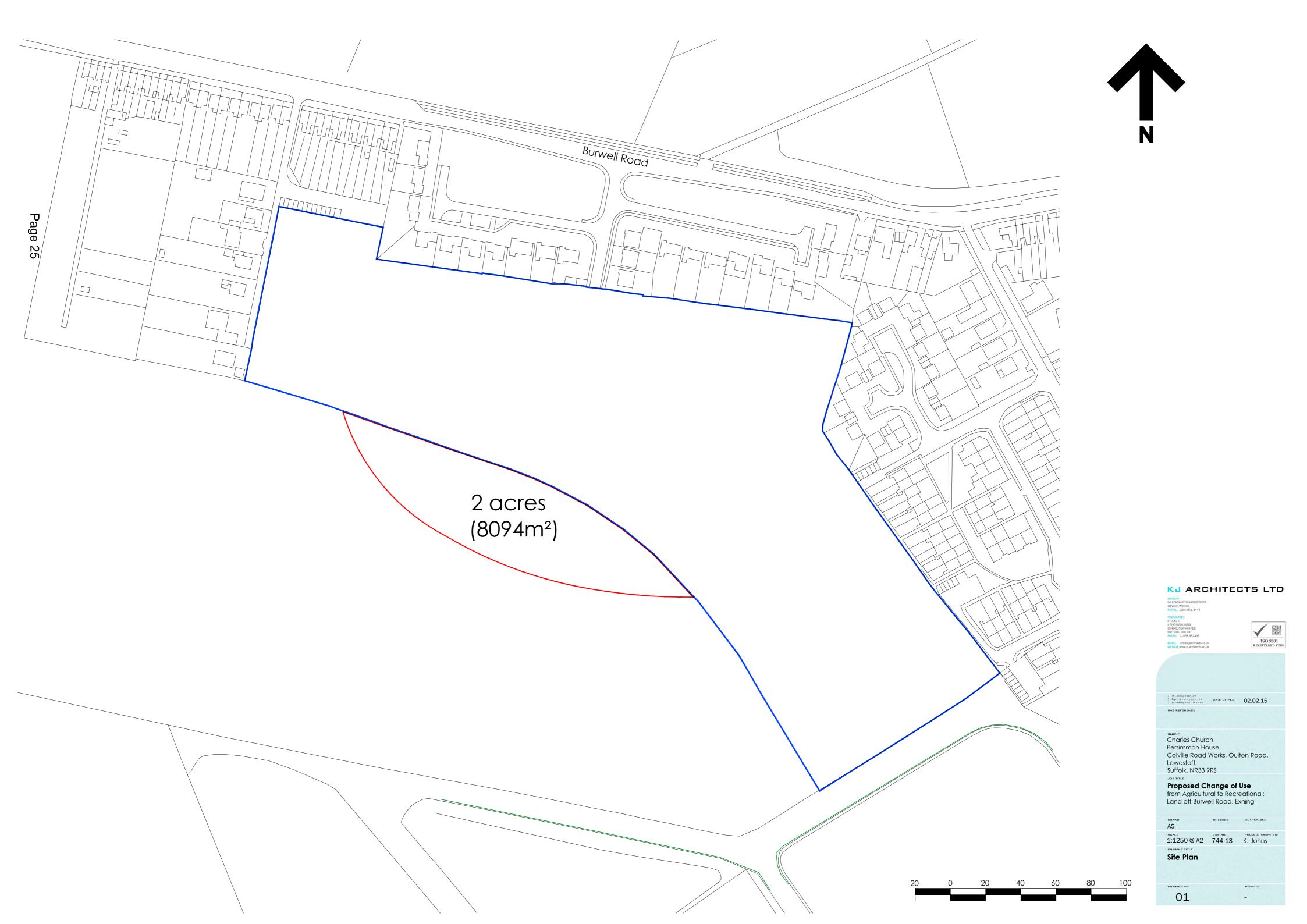




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**Scale:** 1:5,000 **Date:** 16/04/2015





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# DC.14.0942.RM Land South of Burwell Road, Exning W 280 Metres 35 70 140 210



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Date: 16/04/2015





774/EDP-SL1

### **Forest Heath District Council**

DEVELOPMENT
CONTROL COMMITTEE

29 APRIL 2015

Report of the Head of Planning and Growth

**DEV/FH/15/016** 

### PLANNING APPLICATION DC/14/2080/CR4 - HALL FARM BARN, CHURCH LANE, FRECKENHAM

### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

### CONTACT OFFICER

Case Officer: Gemma Pannell Tel. No: 01284 757494

### **Committee Report**

Date 22 January Expiry Date: 19 March 2015

Registered: 2015

Case Gemma Pannell Recommendation: Refuse

Officer:

Parish: Freckenham Ward: Manor

**Proposal:** Planning Application DC/14/2080/CR4 - Conversion of barns to 2

no. residential units and change of use of agricultural land to

garden

**Site:** Hall Farm Barn, Church Lane, Freckenham

**Applicant:** Suffolk County Council Property Team

### **Background:**

The application is to be considered by the Development Control Committee following discussion by the Delegation Panel.

The Parish Council and Ward Member are in support of the proposal, contrary to officers recommendation of refusal.

### **Proposal:**

1. Planning permission is sought for the conversion of the existing redundant farm buildings to 2 no. residential units. The scheme has been amended during the consideration of the application to take into account the concerns of the Conservation Officer.

### **Application Supporting Material:**

- 2. Information submitted with the application as follows:
  - Planning and Heritage Statement
  - Protected Species Survey
  - Enviroscreen and Land Contamination Survey

### Site Details:

3. The site is situated within the village of Freckenham which is defined as a secondary village, outside of the housing settlement boundary but within the Freckenham Conservation Area.

4. The barns date from the early/mid 19<sup>th</sup> Century and have the appearance and layout of a model farm. The buildings adjoining each of the barns are dwellings and a small range of single storey buildings are positioned to form a courtyard at the front of the range which would have been used as a yard for livestock.

### **Planning History:**

5. None.

### **Consultations:**

- 6. <u>Highway Authority:</u> No objection subject to conditions.
- 7. Conservation Officer: Original Scheme The success and acceptability of this proposal is very much dependant on both the treatment of the building's' elevations and that of its setting. The character of this part of the conservation area is defined by both the buildings and its setting and how the two relate. Whilst I have no objections to the principle of the proposal, the subdivision of the courtyard to the front of the property dominated by private drives, parking, turning heads and boundary walls and the dominance of highway in general (the details of finishes of which have not been provided) will cause less than substantial harm to the setting of this non designated heritage asset and the character and appearance of the conservation area which currently benefits from the appearance and form of a largely unspoilt farmstead. However, in the absence of a wider public benefit the harm caused by the proposed development will prove contrary to policies contained in the NPPF.
- 8. Amended scheme: The amended plans satisfactorily address the concerns raised with regard the impact on the courtyard. No objection to the application as amended.

### Representations:

- 9. <u>Parish Council</u>: Members noted that the barns are in a Conservation Area and are aware that they are redundant to agricultural use. Members agreed that the proposed conversion was sympathetic to the location and have no objections to the proposal.
- 10. Neighbours: No representations received.
- 11. Ward Member (Cllr Huggan): The Parish Council has raised no objections to this proposal and considers it a sympathetic development within the conservation area. Given the need to expand the housing supply organically in secondary villages such as Freckenham I would ask that this development proposal gets a full hearing. I would therefore ask that if the development was going to be recommended for refusal that it should come before the full Development Control Committee to be determined there.

**Policy:** The following policies of the Forest Heath Development Plan have been taken into account in the consideration of this application:

- 12. Forest Heath Core Strategy (2010):
  - CS1 Spatial Strategy
  - CS5 Design Quality and Local Distinctiveness
- 13. Forest Heath and St Edmundsbury Joint Development Management Policy
  - DM1 Presumption in favour of sustainable development
  - DM2 Creating Places
  - DM16 Local Heritage Assets and Buildings Protected by an Article 4
     Direction
  - DM17 Conservation Areas
  - DM18 New Uses for Historic Buildings
  - DM 28 Residential use of Redundant Buildings in the Countryside

### **Other Planning Policy:**

14. National Planning Policy Framework (2012)

### Officer Comment:

- 15. The issues to be considered in the determination of the application are:
  - Principle of Development
  - Impact on Conservation Area
  - Impact on Highway Safety
  - Other Matters

### Principle of Development

- 16.Policy DM28 of the Joint Development Management Policies Document states that proposals for the conversion of redundant or disused barns in the countryside into dwellings will be permitted where; alternative uses have been fully explored and discounted, the building is structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction and that the proposal is of a high quality design and the method of conversion retains the character and historic interest of the building.
- 17.No evidence has been submitted that the alternative uses have been considered through marketing of the building for; employment/economic development, tourist accommodation, recreation and community facilities. Paragraph 28 of the NPPF makes it clear that planning policies should support economic growth in rural areas in order to create jobs and prosperity and this is considered to be a significant factor which advises firmly that priority should be given to economic re-use of buildings ahead of residential conversion schemes. Furthermore, in this regard, Policy DM28 is considered compliant with the aims and intent of the NPPF, noting that it was adopted following the publication of the NPPF.

18. The development is therefore considered contrary to the provisions of policy DM28 and DM33.

### Impact on the Conservation Area

- 19. The site is located within the conservation area and the barns, whilst not listed, are considered a non-designated heritage asset and as such consideration needs to be given to policies DM16, DM17 and DM18. These state that proposals for the alteration and extension of buildings identified as local heritage assets will only be permitted where there is a clear understanding of the significance of the building and its setting and the historic fabric, design and materials of the original building are respected (DM16). In addition proposals that are within, adjacent to or visible from a Conservation Area should be of an appropriate scale, form, height and massing in order to respect the area's character and its setting. Proposals should preserve or enhance the character or appearance of the Conservation Area or its setting and views into, through and out of the area (DM17). These requirements are echoed in policy DM18 which reiterates the needs for the adaptation of historic buildings to be sensitive to its character and appearance.
- 20. The scheme has been amended since originally submitted and the proposal seeks to retain the character of the existing elevations with no additional openings. The sliding doors and associated frame will be removed and the opening in-filled with a glazed timber frame. The arrow slit windows are to be retained. The existing doors to the west elevation are to be removed and the opening made good.
- 21. The glazed frame is to be recessed allowing for natural light into the interior. The existing corrugated asbestos roof is to be replaced with natural slate with a number of conservation rooflights which will be required to compensate for the lack of windows in the external walls. It is considered that the elevational treatment will retain the character and appearance of the flint barns as far as possible whilst allowing for the practicalities of a residential conversion.
- 22. The proposal originally proposed the sub division of the courtyard to the front of the barns, however the applicant has revised the external works to relocate the parking area, outside of the courtyard, and omit the turning heads so as to retain the character of a farmstead and the setting of the barns. In addition, and to avoid the dominance of the private drives the scheme has been amended to show a route around the existing cart lodge, negating the need for turning heads. The applicant has asked that the materials for the drives are considered by condition.
- 23. Whilst it is acknowledged that the current proposals will change the appearance and form of the "largely unspoilt farmstead", it is considered that the amended plans represent a materially more sympathetic conversion than as originally submitted and one that will protect the buildings for the future. It is not the intention to harm the character and appearance of the conservation area and officers are of the opinion that, the amendments indicated above would be a way of alleviating the

concerns highlighted previously by the Conservation Officer.

### Impact on Highway Safety

24. Having regard to paragraph 32 of the National Planning Policy Framework, which requires decisions to take account of safe and suitable means of access to be achieved for all. The County Highway Authority is satisfied that the use of the access for residential purposes is appropriate and raises no objection to the proposal.

### Other Matters

25. The proposed units have a sufficiency of amenity space, and will not lead to any materially adverse impact upon the amenities of existing or future residents. The fact that the conversion of the buildings only needs planning permission by reason of their location in a Conservation Area is not considered to be a sufficiently weighty 'fall back' position such that it overcomes the harm in principle, noting that the conversion of such buildings within Conservation Areas means that a full plaining appraisal is necessary.

#### **Conclusion:**

26.In conclusion, the principle of the development is considered to be unacceptable and is not in compliance with relevant development plan policies and the National Planning Policy Framework. This harm in principle is considered significant, noting the recent adoption of Policy DM28, and is not outweighed by the provision of dwellings, by the acceptable design and otherwise acceptable impact upon the Conservation Area, or by the weight that must be attached to the fact that the scheme will have an acceptable amenity impact. Likewise, it is not considered that any 'fall back' argument in relation to the fact that a similar building outside a Conservation Area could benefit without the need for planning permission should be given such determinative weight so as to change this planning balance.

### **Recommendation:**

- 27.It is recommended that planning permission be **REFUSED** for the following reason(s):
- 1. Policy DM28 of the Joint Development Management Policies Document states that proposals for the conversion of redundant or disused barns in the countryside into dwellings will be permitted where alternative uses have been fully explored and discounted. The proposal fails to comply with Policy DM28 by virtue of the lack of consideration of alternative uses which fails to demonstrate that the site could not support economic growth in the rural area in order to create jobs and prosperity in accordance with paragraph 28 of the National Planning Policy Framework.

### Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=NEH2S4PD02G0 0

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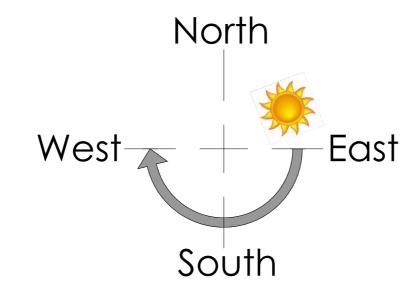


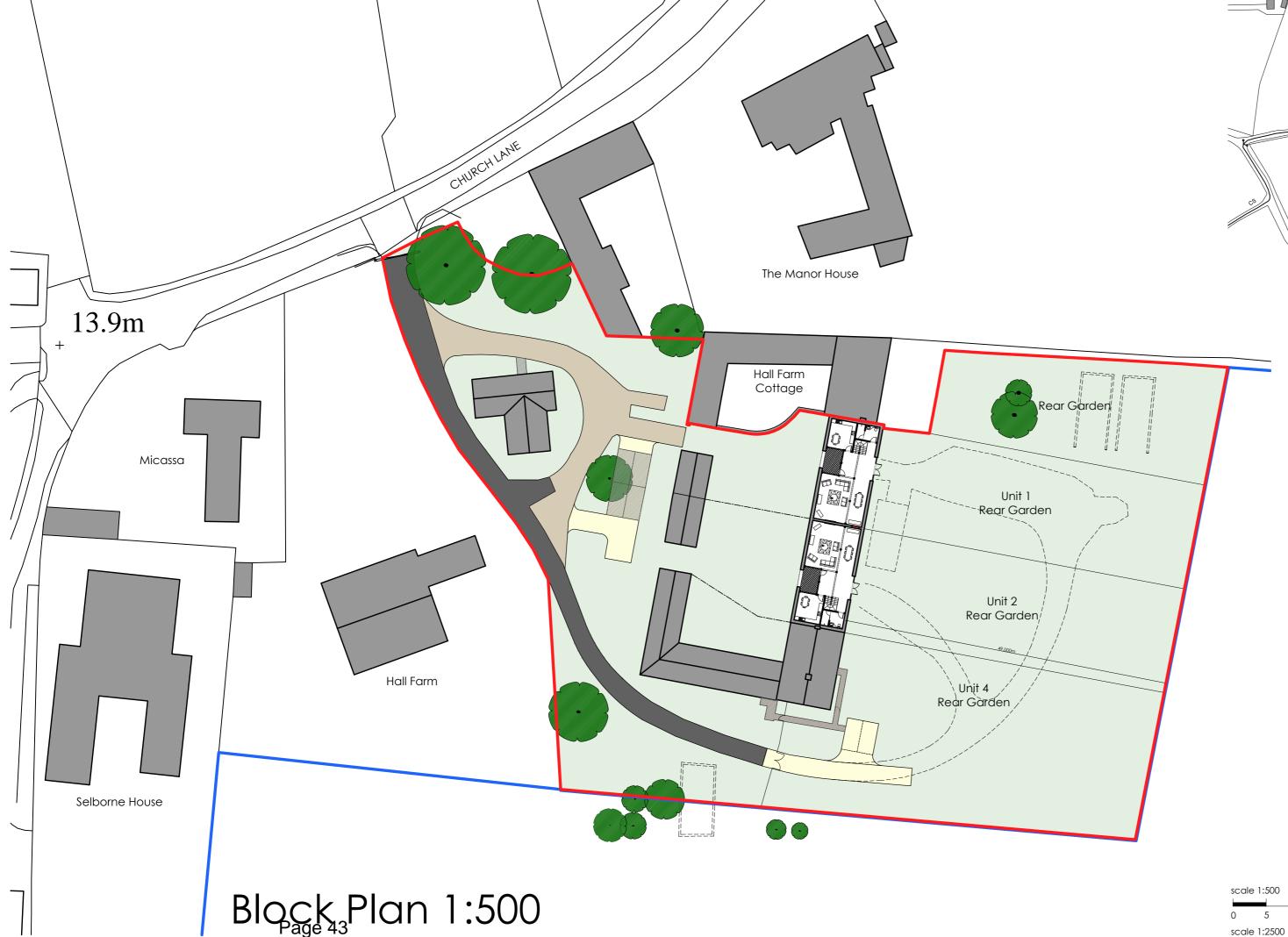
### DC.14.2080.CR4 Hall Farm Barn, Church Lane, Freckenham ee Brook Close Play Area Drift Cottag The Del Time of the second Freckenham ing Field GP'F Statele Cottageinden Housendleton Lodge ELMS ROAD 2.2m Motte and Baileys Cemetery The Manor House St Andrew's Church - Hall Eagle Glebe Cottage Micasa collinge The Old Rector **River Kennett** Def 0 15 30 60 90 120 Metres Forest Heath . St Edmundsbury © Crown Copyright and data 1015 Ordnance Survey 100019675/100023282. You are not permitted to copy, Scale: 1:2,500 West Suffolk sub-license, distribute or sell any of this data to third parties Date: 16/04/2015

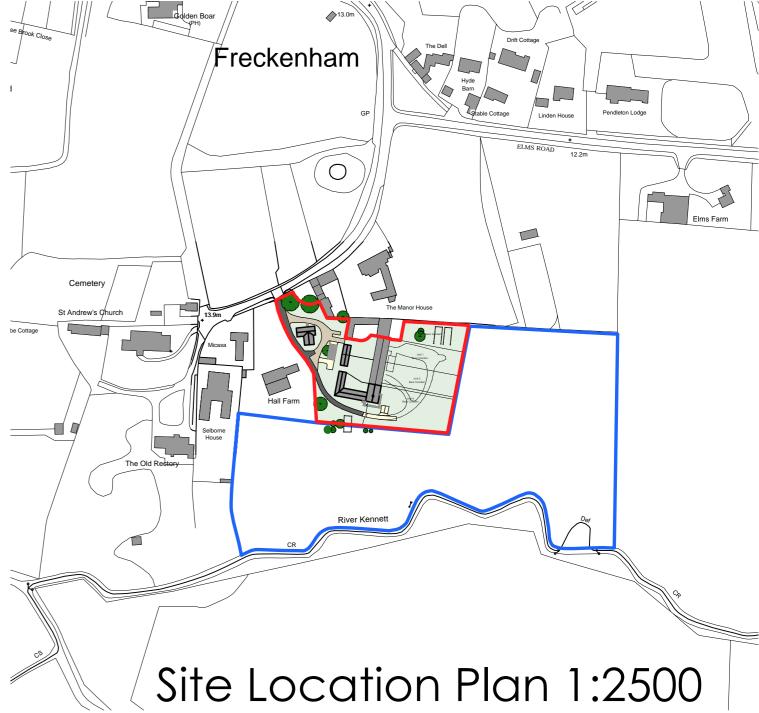
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A	02/04/15	LS	LAYOUT REVISED FOLLOWING CONSULTATION WITH LOCAL PLANNING AUTHORITY	AT

# Project Number 13-0410 Hall Farm Freckenha Drawing Title Block Plan Assistant



8 Russell Road - Ipswich - Suffolk - IP1 2BX

### **Forest Heath District Council**

DEVELOPMENT
CONTROL COMMITTEE

29 APRIL 2015

Report of the Head of Planning and Growth

**DEV/FH/15/017** 

### PLANNING APPLICATION DC/15/0236/R3LA - SAM ALPER COURT, DEPOT ROAD, NEWMARKET

### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

### **CONTACT OFFICER**

Case Officer: Charlotte Waugh

Tel. No: 01284 757349

### **Committee Report**

Date 2 February 2015 Expiry Date: 4 May 2015

Registered:

Case Charlotte Recommendation: Approve

Officer: Waugh

Parish: Newmarket Ward: Severals

**Proposal:** Planning Application DC/15/0236/R3LA - Proposed 10no. B1

business units, together with roof mounted photovoltaic

installations and associated works

**Site:** Sam Alper Court, Depot Road, Newmarket

**Applicant:** Forest Heath District Council

### **Background:**

This application is referred to the Development Control Committee due to the applicant being Forest Heath District Council.

### **Proposal:**

1. Planning permission is sought for the erection of 10 B1 (light industrial) units, 9 of which measure 115 square metres with 1 measuring 130 square metres. The units have an overall ridge height of 6.2 metres with the addition of photovoltaic panels to the roof slopes. The development is served by an existing vehicular access and will incorporate additional parking, turning and cycle parking.

### **Application Supporting Material:**

- 2. Information submitted with the application as follows:
  - Existing and proposed plans
  - Planning Statement/Design and Access Statement
  - Arboricultural Impact Assessment
  - Phase II investigation report
  - Topographical survey

### **Site Details:**

3. The site is situated to the north east of Exning Road and accessed via Depot Road, which provides access to a number of industrial units. The site itself measures approximately 0.6 hectares and is largely hard standing with 6 industrial units on the northern boundary of the site.

4. A line of trees protected by a group TPO is located to the east of the site between the site and residential development at Lester Piggott Way. To the west and south of the site are two office buildings and the household waste recycling centre with industrial units beyond.

### **Planning History:**

5. Various applications have been submitted on the site concerning the erection of 6 B1 units in 1998 and subsequently several changes of use of these individual units.

### **Consultations:**

- 6. <u>Highway Authority</u>: No objections have been raised to the application or accompanying Transport assessment. The Highway Authority is satisfied that no off-site improvements are required. Recommended conditions had not been received at time of writing and will be reported verbally.
- 7. <u>Environment Agency</u>: No objections. Offers advice to applicant with regard to sustainable drainage systems, contamination and flood proofing.
- 8. <u>Land Contamination Officer</u>: No objections subject to condition.
- 9. <u>Environmental Health Officer:</u> The application proposes an intensification of B1 use on this land. The close proximity of residential properties does mean there is the potential for activities undertaken on this site, if not suitably controlled, to impact on those neighbouring properties and the amenity of the area. The application makes no reference to noise generated from use of this site. The hours of operation proposed in this application are reasonable to control noise from B1 operations.

There is no reference made to external plant such as extraction or air conditioning fans and as such it is assumed no noise generating plant shall be fixed to the external of these units.

No objections subject to conditions concerning hours of operation, hours of construction and removal of construction waste.

- 10.<u>County Archaeologist</u>: No objections and no archaeological mitigation required.
- 11. <u>Tree and Landscape Officer:</u> No objections to application providing tree protection measures are controlled by condition.
- 12. <u>Economic Development & Growth:</u> Support the development at Sam Alper Court which will provide much needed business units on an existing, yet largely redundant employment site.
- 13. <u>Suffolk Fire and Rescue Service</u>: Offers guidance to the applicant and confirms that no additional water supply for fire fighting is required in

respect of this development.

### Representations:

- 14. <u>Town Council</u>: Support the application subject to consideration being given to the traffic flow in Depot Road regarding parked vehicles and access to the junction of Depot Road with Exning Road.
- 15. Ward Member: No representations received.
- 16. No third party representations received.

**Policy:** The following policies of the Forest Heath Development Plan have been taken into account in the consideration of this application:

- 17. Joint Development Management Policies Document (2015):
  - DM1 Presumption in favour of sustainable development
  - DM2 Creating places
  - DM13 Landscape features
  - DM30 Appropriate employment uses and protection of employment land
  - DM45 Transport Assessments
  - DM46 Parking standards
- 18. Forest Heath Core Strategy (2010)
  - CS5 Design quality and local distinctiveness
  - CS6 Sustainable economic and tourism development

### **Other Planning Policy:**

19. National Planning Policy Framework (2012) core principles and paragraphs 18-22, 56 – 68

### Officer Comment:

- 20. The issues to be considered in the determination of the application are:
  - Principle of Development
  - Impact on visual amenity
  - Impact on residential amenity
  - Traffic impacts

### Principle of development

21. Newmarket currently suffers a shortfall in commercial space and this proposal, which is on redundant land in a commercial area, will help to address this issue. Newmarket is considered a sustainable location for further development and as such, this proposal is supported by the NPPF which seeks to provide a strong competitive economy by encouraging economic growth to create jobs and prosperity. The application fulfils the economic, social and environmental role required by the NPPF and is considered acceptable in principle.

### Impact on visual amenity

- 22. The units proposed are typically industrial in appearance, with elevations comprising silver cladding above a brick plinth. Roofs will be grey profiled steel panel cladding with front elevation doors and trim details in marine blue.
- 23. The units will have a ridge height of 6.2 metres and an eaves height of 4.75. While this is 0.5 metres higher than the existing units on site these are considered modest proportions for this commercial area. Overall, the development has a spacious appearance, accommodating sufficient access, parking and outside space for each unit as well as incorporating sustainable features such as photovoltaic panels.
- 24.A line of trees protected by a group Tree Preservation Order is located to the eastern boundary. They are not within the application site and will be separated from such by the replacement boundary fence. An arboricultural assessment accompanies the application and confirms that trees to be removed are limited and the proposed works will not negatively impact on the retention of the existing group. No objections have been raised by the Tree and Landscape Officer.
- 25. Whilst the units will be visible from the public realm, they are considered in keeping with the character of surrounding development and due to screening on the eastern boundary will not appear intrusive to adjacent residents. At present the site is largely hardstanding and on this basis, its re-development will likely result in an improvement to the appearance of the locality.

### Impact on residential amenity

26. The application proposes each unit to have a B1 (light industrial) use. This use is considered to be compatible with residential uses due to its low noise impact. A replacement 2.1 metre high acoustic fence is proposed on this boundary to negate any additional disturbance caused. The site is separated from the rear of residential dwellings at Lester Piggott Way by a tree belt, path and 2 metre high fence. This is considered sufficient to ensure that the development does not result in a loss of residential amenity to nearby occupants.

### <u>Traffic impacts</u>

27. The proposed development contains an additional 47 vehicular parking spaces as well as secure cycle storage. This is above the minimum Suffolk parking standards of 1 space per 30 square metres floor space. Furthermore, 4 spaces will be provided with electric car charging points. A transport assessment has been undertaken to assess traffic movements from the site onto Exning Road and any congestion caused to this junction as a result. This report concludes that although this development will increase the volume of traffic in Depot Road, the impact is not severe. As such, no off-site works are required as a result of the development.

- 28. The site is close to the town centre and is therefore, well suited to employees who could walk or cycle to work. In addition, Depot Road benefits from a bus stop making public transport a realistic option for employees.
- 29. The site is located within an industrial area which is currently underdeveloped. The proposal would contribute to the economic viability of Newmarket, encouraging prosperity and growth without creating any adverse impacts on residential amenity, highway safety or protected trees. Moreover, re-developing the area will improve both the security and appearance of the site.

### **Conclusion:**

30.In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

- 31.It is recommended that planning permission be **APPROVED** subject to the following conditions:
  - 1. Time limit
  - 2. Hours of operation to be limited to 08:00-18:00 Monday-Saturday, 09:00-17:00 Sundays and bank holidays
  - 3. Construction waste shall not be burnt on site
  - 4. Hours of construction, demolition and site preparation shall be limited to 08:00-18:00 Monday Friday, 08:00-13:30 Saturdays, and at no time Sundays or bank holidays
  - 5. Tree protection measures to be in place prior to work commencing on site
  - 6. Highway conditions to be reported verbally
  - 7. To be in accordance with approved plans

### **Documents:**

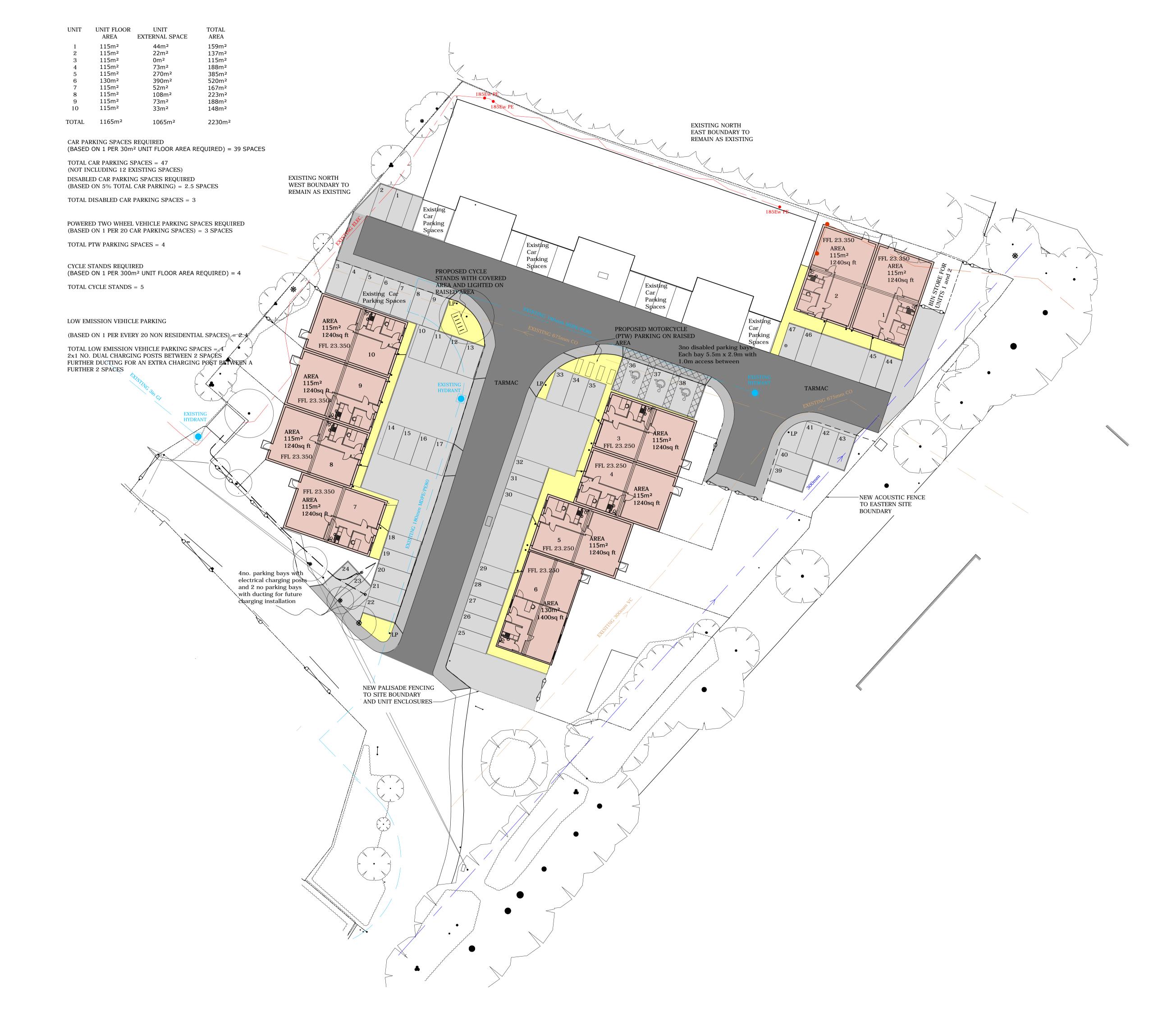
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NJ8ROIPD03F0 0

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY

## DC.15.0236.R3LA Sam Alper Court, Depot Road, Newmarket W griculture Hous Crayen Coul El Bub Sta Are bullance old Depo CORRE nterprise House 15 30 60 90 Forest Heath \* St Edmundsbury © Crown Copyright and data 10 15 2015 Ordnance Survey 100019675/100023282. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Use of this data is subject to terms and conditions. See www.westsuffolk.gov.uk/disclaimer.cfm. **Scale:** 1:2,500 **West Suffol** Date: 16/04/2015





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### **NOTES**

- 1. SERVICES/UTILITIES SHOWN AS PER EXISTING SITE PLAN.
- 2. PARKING SPACES DESIGNED AS REQUIRED IN "SUFFOLK GUIDANCE FOR PARKING 2014" MINIMUM STANDARD PARKING SPACE 5.0m X 2.5m.
- 3. BIN STORES LOCATED IN ENCLOSED REAR AERA TO ALL UNITS EXCEPT 1 AND 2 WHERE THE BIN STORES ARE INDIVIDUALLY MARKED

