

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda		
Date:	Thursday 7 January 2016		
Time:	10.00 am		
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU		
Full Members:	Chairman Jim Thorndyke Vice-Chairmen Tim Marks and Angela Rushen <u>Conservative Members (13)</u> <u>UKIP Group Members (2)</u> <u>Charter Group Member (1)</u>	Carol Bull Robert Everitt Paula Fox Susan Glossop Ian Houlder John Burns Julia Wakelam	Ivor Mclatchy Alaric Pugh David Roach Peter Stevens Patricia Warby Tony Brown
Substitutes:	<u>Conservative Members (6)</u> <u>UKIP Group Member (1)</u> <u>Charter Group Member (1)</u>	Terry Buckle Terry Clements John Griffiths Jason Crooks David Nettleton	Betty Mclatchy Frank Warby

SITE VISITS WILL BE HELD ON MONDAY 4 JANUARY 2016 (PLEASE NOTE THE CHANGE OF DATE). Coach to depart West Suffolk House at 9.30am. Sites to be visited as follows:

1. DC/15/1697/FUL – Burton End, Haverhill
2. DC/15/0258/HH - 2 Croft Rise, Bury St. Edmunds
3. DC/15/1629/FUL - Kevor House, 62 Out Westgate, Bury St. Edmunds
4. DC/15/1975/FUL – 63 Victoria Street, Bury St. Edmunds
5. DC/15/1899/FUL – West Stow Country Park, West Stow

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:	Six Members
Committee administrator:	David Long Committee Administrator & SEBC Scrutiny Support Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk

Agenda

Procedural Matters

Page No

1. Apologies for Absence

2. Substitutes

Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

3. Minutes

1 - 8

To confirm the minutes of the meeting held on 3 December 2015 (copy attached).

Part 1 - Public

4. Planning Application DC/15/1697/FUL

9 - 26

13 no. apartments, comprising of 10 no. two bed apartments and 3 no. one bed apartments, together with associated off-street car parking and external works at Phase C, Burton End, Haverhill for Havebury Housing Partnership

Report No. DEV/SE/16/01

5. Planning Application DC/15/1629/FUL

27 - 38

(i) Extension to front and rear of existing apartment block to create additional 4 no. apartments; and (ii) alterations to 3 no. existing apartments (Re-submission of DC/15/0881/FUL) at Kevor House, 62 Out Westgate, Bury St Edmunds for Thingoe Ltd.

Report No. DEV/SE/16/02

6. Planning Application DC/15/1975/FUL

39 - 52

1 no. two storey dwelling following demolition of existing garage and fence at Land west of 63 Victoria Street, Bury St Edmunds for Mr Barney Walker.

Report No. DEV/SE/16/03

7. Planning Application DC/15/1899/FUL

53 - 78

Provision of 100 pitch touring caravan and camping site including reception building, utility block, access off highway, inner roads and hard standings, ancillary services and landscaping (Re-submission of DC/15/0556/FUL) at West Stow Anglo-Saxon Village and Country Park, Icklingham Road, West Stow for St. Edmundsbury Borough Council.

Report No. DEV/SE/16/04

- 8. House Holder Application DC/15/0258/HH 79 - 88**
Two storey rear extension at 2 Croft Rise, Bury St Edmunds for Mr and Mrs P Ivory.
Report No. DEV/SE/16/05
- 9. Advertisement Application DC/15/1656/ADV 89 - 98**
Retention of: (i) 6 no. non-illuminated wall mounted signs; (ii) 2 no. swing boards; (iii) 2 no. non-illuminated house mounted signs; and (iv) 2 no. directional signs at Land at Hepworth Road, Stanton for Abbey Developments.
Report No. DEV/SE/16/06
- 10. Planning Appeal - Application Reference DC/14/1667/FUL 99 - 180**
Change of use of woodland to Gypsy/Traveller site consisting of 5 pitches at Rougham Hill, Bury St Edmunds for Mr Kevin Delaney.
Report No. DEV/SE/16/07
- 11. Tree Preservation Order Application DC/15/2196/TPO 181 - 192**
Tree Preservation Order 218 (1972) 42: 1 no. Lime - fell at 15 Northgate Avenue, Bury St Edmunds for Mrs Julia Hadley.
Report No. DEV/SE/16/08
- 12. Tree Preservation Order Application DC/15/2241/TPO 193 - 200**
Tree Preservation Order 028 (1960) 66: Crown lift 2 no. Lime trees (1210 and 1211 on plan within Area A1 of order) up to 4 metres at 18 Hardwick Park Gardens, Bury St Edmunds for St Edmundsbury Borough Council.
Report No. DEV/SE/16/09
- 13. House Holder Application DC/15/2426/HH 201 - 208**
Single storey rear extension and associated alterations at Hill Holme, The Street, Little Whenetham for Mr and Mrs Frederick.
Report No. DEV/SE/16/10
- 14. Planning Application DC/15/1956/FUL 209 - 212**
Installation of metal sculpture on roundabout (Re-submission of DC/15/0003/FUL) at Roundabout, Lady Miriam Way, Bury St Edmunds for St Edmundsbury Borough Council – Bury in Bloom.
Report No. DEV/SE/16/11

Part 2 – Exempt

NONE

Agenda Notes - Version for Publication

**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

1. **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, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Emerging Policy documents	Emerging Policy documents
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. 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 as a 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.

Decision Making Protocol - Version for Publication

**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/changed, 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/changed, 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/alterred, 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.

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 3 December 2015** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds.

Present: **Councillors**

Chairman Jim Thorndyke
Vice-Chairman Angela Rushen

John Burns
Carol Bull
Tony Brown
Robert Everitt
Paula Fox
Susan Glossop

Ian Houlder
Ivor Mclatchy
David Roach
Peter Stevens
Julia Wakelam
Patricia Warby

Substitute attending:
Terry Clements

By Invitation:
David Nettleton (for items 138 and 141)

134. **Apologies for Absence**

Apologies for absence were received from Councillors Tim Marks and Alaric Pugh.

135. **Substitutes**

The following substitution was announced :

Councillor Terry Clements for Councillor Tim Marks.

136. **Minutes**

The minutes of the meeting held 5 November were confirmed as a correct record and signed by the Chairman. Arising on the last paragraph 4 of Minute 130, Members to be supplied with an unabbreviated list of Standard Conditions, Officers advised that this information would be circulated shortly.

137. **Planning Applications**

The Committee considered Reports DEV/SE/15/68 to DEV/SE/15/71 (previously circulated).

RESOLVED – That:

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and approval to carry out works to trees covered by a preservation order be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/15/68 to DEV/SE/15/71) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (3) refusal reasons be based on the grounds outlined in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

138. **Planning Application DC/13/0906/FUL**

Erection of 135 no. one and two bedroom flats with associated access, car parking, landscaping, bin and cycle storage (following demolition of existing buildings), as amended, at Land at Station Hill, Bury St. Edmunds for Peal Estates LLP.

(Councillor Julia Wakelam declared a local non-pecuniary interest as her husband's firm had been involved in drawing up plans for the proposal at a pre-application stage but at the present time it was no longer engaged as an agent for the applicants. She remained within the meeting)

This application had been considered by the Committee at its meeting on 6 August 2015 when Members had been mindful of granting planning permission. A further report on Section 106 matters had been requested before a final decision was made and the Committee also needed to consider a Risk Assessment given that such a decision would be contrary to the Officers' recommendation. This information was provided in paragraphs 7 and 51 to 54 of Report DEV/SE/15/67. A report on Development Viability commissioned by the applicants was contained as Exempt Appendix B to this report. Further exempt information provided by the Council's appointed viability consultant had been previously circulated as a Committee Update Report after the agenda and papers for this meeting had been distributed. The Committee agreed that it did not wish to discuss the content and detail of the viability issues as referred to in Appendix B and the Update Report. In presenting the report Officers drew attention to an amendment of the application whereby, because of objections from the highway authority, the proposed two retail units had been withdrawn and substituted with two dwellings thus reverting to the original total of proposed dwellings involved of 135.

The following person spoke on this application:

- (a) One of the Ward Members - Councillor David Nettleton.

In response to Members' questions Officers advised as follows:

- (i) the site was not within an Air Quality Action Area and therefore there was not a need to pay close regard to pollution issues. Officers dealing with Air Quality matters had been consulted about the application and no concerns had been raised in response;
- (ii) there could be no requirement for the dwellings to be constructed to level 4 of the Code for Sustainable Homes as the Government had recently abolished these standards. The advice of Government contained in the National Planning Policy Guidance was that local planning authorities would need to provide evidence of a localised need for sustainability measures in support of any planning policy requirement to build at standards above those prescribed by the Building Regulations. Policy DM74 of the Joint Development Management Policies reflected the latest changes regarding the consideration of sustainable construction issues relating to planning proposals. The Council, as local planning authority, could require Water Efficiency measures but other matters relating to sustainable construction were to be resolved under the Building Regulations;
- (iii) the amount of affordable housing agreed with the applicants was 10% of the total although a review mechanism (as recommended by the Council's viability consultant) had also been accepted by them. This would ensure that enhancements in the market could be captured with potentially more affordable housing contributions being received. Whilst it may not result in a greater number of affordable homes being built on the application site it may require a contribution to be made towards the provision of such dwellings elsewhere in the town;
- (iv) the impact on the historic railway station buildings had been the principal reason for the Officers' recommendation that the application be refused;
- (v) there was no scope for requesting the layout of the scheme now under consideration to be amended and if Members wished for changes to be made this could only be achieved by refusing the current application;
- (vi) the local planning authority could not control the manufacture or type of paint to be used although it could stipulate colour schemes and this was part of one of the conditions being recommended in the report;
- (vii) there would be no requirement for a commuted sum to be paid to the Council by the applicants in respect of the maintenance of open spaces since it was not intended that the authority would take over such areas. The probability therefore was that a management company would be engaged by the developers to carry out this and other maintenance work at the application site; and

- (viii) the need for trees of appropriate species to be planted would be taken into account when details of the landscaping scheme were being considered. These were required to be submitted under a proposed planning condition.

In discussing the application some Members expressed concern about the impact the height of the proposed buildings would have on the street scene along Station Hill but it was acknowledged that the form of the development had been set to a large extent by the design of the blocks of flats in Forum Court opposite the application site. The Committee also acknowledged that re-development of the area of the application site was needed in view of its untidy and neglected state.

Decision

Subject to the completion of the Section 106 Agreement, the imposition of planning conditions and the resolution of objections received from the Travel Plan Co-ordinator, Suffolk County Council, permission be granted.

139. **Planning Application DC/15/1936/FUL**

(i) Change of use from 1 no. former dwelling and 1 no. hotel (as consented under Local Planning Authority reference E/86/2066/P) to a mixed use, restaurant and small hotel to provide 9 guest bedrooms and 2 staff bedrooms in the basement (Class C1); (ii) single storey rear extension (following demolition of existing extension and garage); and (iii) new car park and landscaped gardens to the rear of the property providing 13 car parking spaces for customer use and alterations to parking at the front of the property to provide 5 parking spaces at Ounce House, 14 Northgate Street, Bury St. Edmunds for the Chestnut Group.

(Councillor Patsy Warby declared a local non-pecuniary interest as a Member of Bury St Edmunds Town Council and advised that, previous to this meeting, she had voted on the proposal at a meeting of that body. She spoke on the proposal as Ward Member during the public speaking session to represent the views of persons in her ward who had contacted her but she withdrew from the meeting for the remainder of the consideration of the item.)

The Committee had visited the site on 26 November 2015.

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed. This gave details of representations received following re-consultation on the proposal as a consequence of an amendment to its description and also from Councillor Diane Hind as Ward Member for Northgate. Responses to points raised by these representation were also included. An amendment to the proposed Condition 11, Restaurant Use, and an additional proposed condition relating to a Hard Landscaping Scheme were also detailed in the update. Officers in presenting the report proposed a further condition which would require the submission of building materials to be used for approval.

The following persons spoke on this application:

- (a) Objector - Michael Apichella
- (b) Supporter - Mr Simon Pott
- (c) Town Council - Councillor Tom Murray
- (d) Ward Member - Councillor Patsy Warby
- (e) Applicants - Philip Turner

In discussing the application Members noted the views of the objectors and their perception that there would be loss of residential amenity for them, particularly in the rear gardens of neighbouring houses which had a relatively quiet ambience for a town centre location. However, it was acknowledged that Ounce House had been used as a hotel/bed & breakfast accommodation with a restaurant for a number of years previously, properties in Northgate Street contained a mix of commercial and residential uses and the extent of existing noise levels created by traffic use of this road, were all factors to be taken into account. Some Members expressed concern about the large amount of car parking to be provided and also the adequacy of the vehicular accesses, one of which was narrow and the other being shared with an adjoining property. In response to Members' questions Officers advised that:

- (i) the proposed car parking arrangement met the highway authority's standards and it was the applicants' wish to provide on-site parking for residents/diners; and
- (ii) the draft Operational Management Plan referred to in the written report was available as a background document on the Council's website.

Decision

Permission be granted subject to:

- (1) the amendment of Condition 11 (Closing times of the restaurant) as stated in Paragraph 6 of the Committee Update Report;
- (2) the addition of a further Condition 13 (Details of Hard Landscaping Scheme) as contained in Paragraph 8 of the Committee Update Report; and
- (3) the addition of a further standard condition requiring materials to be agreed.

140. Planning Application DC/15/1303/FUL

Indoor equestrian school and storage barn at Land at Sharp's Lane, Meadow Farm, Horringer for Mr Richard Ames.

The Committee had visited the site on 26 November 2015.

Officers reported receipt of further representations from local residents which raised objections about: (i) the cumulative impact this proposal in would have on previously experienced problems of noise and light pollution and traffic generation; (ii) the lack of landscaping proposed between the proposed

development and Sharpe's Barn; (iii) a situation that not all the equipment to be used in connection with the proposal was shown on the plans; and (iv) the continued existence of an unauthorised barn. The applicant's agent had responded to the objections lodged by advising that there was no intensification of the equestrian facilities at the site intended. In presenting the report Officers proposed an additional condition which would prohibit use of the indoor equestrian school by the general public.

The following person spoke on this application:

(a) Objector - Conrad Bos.

Officers also informed the Committee about a meeting which had been held at the local level with the Parish Council and attended by Planning and Environmental Health Officers. This had facilitated discussion about various issues which were being dealt with under separate headings by the Council as follows:

- (i) Enforcement Action in respect of the unauthorised barn which was being pursued;
- (ii) action in respect of statutory nuisances being investigated by Environmental Health Officers under the Environmental Protection Act 1990; and
- (iii) the situation that conditions could not be attached to any permission granted in respect of the application under consideration at this meeting to control activities taking place outside the application site.

In discussing the proposal Members acknowledged that the purpose of the equestrian enterprise was restricted and intended to only train horses kept on the site and not any others brought to the facilities by visitors. The Committee recognised the objections of the Parish Council and local residents but were satisfied that these were being addressed by planning enforcement and other legislation and that the siting of the facilities currently being proposed would be further away from neighbouring residential properties.

Decision

Permission be granted, subject to an additional Condition 5 to prohibit the use of the indoor equestrian school by the general public with the Head of Planning and Growth being authorised to settle the precise wording of this.

141. **House Holder Application DC/15/2071/HH**

Loft Conversion to form additional bedroom with dormer window to rear elevation at 77, Queen's Road, Bury St Edmunds for Mr Andrew Mills.

This application was before the Committee because the applicant was the husband of a contracted employee of the Borough Council.

The following person spoke on this application:

(a) One of the Ward Members – Councillor David Nettleton.

Decision

Permission be granted.

142. Tree Preservation Order Application DC/15/2166/TPO

Tree Preservation Order 106 (1986) 11 – 2 no. Quercus Ilex (01449 and 01451 on plan) : Crown reduction by 10% and overall re-shaping at 26 Bullen Close, Bury St Edmunds for St Edmundsbury Borough Council.

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed. This advised that following a meeting with the Ecology, Tree and Landscape Officer there were no further matters to be drawn to the attention of the Committee. A member commented on the need to avoid planting trees of inappropriate species near Council property to obviate the requirement to carry out maintenance work in future years.

Decision

Approval be granted.

143. Planning Application - Cross Boundary - DC/15/1557/FUL

Installation of 33KV underground electricity cable from solar farm site at Avenue Farm, Icklingham (Reference F/2013/0258/ESF) to the proposed solar farm site at West Farm, Barnham (Reference DC/13/0801/FUL) for Elveden Farms Ltd.

At the request of Officers this item was withdrawn from the agenda.

144. Exempt Information - Exclusion of Public

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 12(A) of the Act.

145. Planning Enforcement works in default of Enforcement Notice

The Committee considered Exempt Report DEV/SE/15/73 (previously circulated) which sought approval pursuant to Section 178 of the Town and Country Planning Act 1990 (as amended) for works to be undertaken by the Borough Council in default of an Enforcement Notice.

RESOLVED :

That pursuant to Section 178 of the Town and Country Planning Act 1990 (as amended) authority be granted for the Borough Council to undertake works in default of an Enforcement Notice as referred to in Exempt Report DEV/SE/15/73

The meeting concluded at 12.05pm

Signed by:

Chairman



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 7 January 2016

Planning Application DC/15/1697/FUL Phase C, Burton End, Haverhill

Date	10 September	Expiry Date:	10 December 2015
Registered:	2015		Extension of time agreed
Case Officer:	Charlotte Waugh	Recommendation:	Grant permission
Parish:	Haverhill Town	Ward:	Haverhill South

Proposal: Planning Application - 13 no. apartments comprising of 10 no. 2 bed apartments and 3 no. 1 bed apartments together with associated off-street car parking and external works

Site: Phase C, Burton End, Haverhill

Applicant: Havebury Housing Partnership

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER: Charlotte Waugh
Email: charlotte.waugh@westsuffolk.gov.uk
Telephone: 01284 757349

Background:

This application is referred to the Committee at the request of Councillor Paula Fox one of the Ward Members and due to Haverhill Town Council's objection, which is contrary to the recommendation of approval.

A site visit is scheduled to take place on Monday 4 January 2016.

The application is recommended for conditional APPROVAL following completion of a Section 106 Agreement.

Proposal:

1. Planning permission is sought for the erection of an apartment block containing 13 affordable units, comprising 10 no. 2 bed apartments and 3 no. 1 bed apartments as well as on-site parking and landscaping works.
2. The building has a footprint of 368 square metres containing accommodation over 3 floors, although due to the sloping nature of the site the rear element of the building is 2 storey only. External materials comprise brickwork, timber, render and slate.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Location plan
 - Proposed floor plans, elevations and sections
 - Site layout plan
 - Ecological Assessment
 - Tree and Landscape Assessment
 - Phase 1 Contamination Assessment
 - Plans of bin store
 - Section of parking bay
 - Section of woodland walk

Site Details:

4. The site is located within the Settlement Boundary for Haverhill and surrounded by built development. The site itself is enclosed and currently vacant land located to the rear of an existing housing development and approximately 60 metres from the road at Burton End. Measuring 0.19 hectares the site is rectangular in shape and presently covered with overgrown vegetation. Due to the topography of the land the rear of the site is significantly higher than road level. Surrounding uses are wholly residential with two storey dwellings to the east and south west and three storey dwellings and apartment blocks to the north and west.
5. The land was retained by Anglian Water and its predecessors to provide access to both its water mains and the water tower. The water mains have now been abandoned and the water tower is no longer in use.

Planning History:

6. DC/14/1813/FUL - Planning Application - 9no 2 bed flats and 6no 1 bed flats together with associated car parking and external works (resubmission) as amended by plans received on 19th December 2014 revising the position and the roof form of the proposed building – Refused – Appeal in progress
7. DC/13/0667/FUL - Planning Application - Erection of 12no. 2 bedroom & 3no. 1 bedroom flats with associated parking as amended by plans received on 9th January 2014 revising the car parking layout and as amended by plans received on 14/01/2014 revising window details on the proposed block and as further amended by plans received on 4th June 2014 altering and relocating building – Withdrawn

Consultations:

8. Highway Authority: No objection subject to conditions.

SCC Rights of Way: No objections.

Ramblers Association: No objections.

Environmental Health (Land Contamination): The risk from contamination is low. No objections.

Public Health and Housing: No objections.

Tree, Landscape and Ecologist: No objections subject to conditions.

Anglian Water: No objections. The sewerage system has capacity for these flows.

Environment Agency: No objections.

SCC Archaeology Service: No objections subject to an archaeological investigation and post investigation assessment.

SCC Drainage Engineer: No objections subject to condition.

SCC Section 106 Officer: The catchment schools for the development are Burton End Primary and Castle Manor both of which have capacity for the 2 and 1 pupils forecast, respectively. On this basis, there is no contribution required for education. The entire site is proposed to accommodate affordable housing which will be included within the Section 106 agreement with the open space contribution below.

Parks Manager: A contribution of £15,000 is required to be allocated to enhance the play area/open space at Henry Close, Haverhill which will help cater for the additional demand generated by this development.

Representations:

9. Town Council: Object on the following grounds:

- The effect on the visual amenity of existing residents
- The unnecessary removal of existing trees
- The impact on the aquifer
- Additional traffic generated by this third block
- The adverse impact on the safety of the vehicle access from Burton End
- Inadequate disabled parking arrangements
- Inadequate parking

10. Cllr Fox (Ward Member): Requests that the application is determined by the Development Control Committee with a site visit.

11.8 representations have been received from local residents raising the following summarised objections:

- Does not overcome previous refusal reasons
- Landscaping inadequate
- Better sites are available to provide affordable homes
- Concentration of affordable housing is contrary to guidelines – not integrated
- Over-development – massing effect on neighbouring properties
- General loss of amenity – overlooking, loss of privacy, overshadowing
- 6.4% increase in footprint to previous application
- Will increase traffic on already congested road near dangerous junction
- Loss of privacy through overlooking
- Noise disturbance
- Request for plentiful and evergreen landscaping on boundaries
- Loss of light, particularly to 26-42 Old Rope Walk
- Detrimental to wildlife
- Unacceptable geometric design – stark elevations close to domestically scaled properties
- Lack of space for landscaping and loss of existing trees
- Quality of life of inhabitants as rooms have no windows (*Officer note – all habitable rooms have windows*)
- Risk of subsidence and flooding
- Woodland walk likely to encourage anti-social behaviour

Policy: The following policies of the Joint Development Management Policies Document 2015 and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

12. Joint Development Management Policies Document 2015:

- DM1 - Presumption in favour of Sustainable Development
- DM2 - Creating Places
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
- DM11 – Protected Species

- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM13 – Landscape Features
- DM14 – Safeguarding from Hazards
- DM22 – Residential Design
- DM45 – Transport Assessment and Travel Plans
- DM46 – Parking Standards

13. St Edmundsbury Core Strategy December 2010

- CS3 Design & Local Distinctiveness
- CS4 Settlement Hierarchy
- CS5 Affordable Housing

14. Haverhill Vision 2031

- HV1 Presumption in favour of Sustainable Development

Other Planning Policy:

15. Supplementary Planning Documents

- Joint Affordable Housing Supplementary Planning Document (September 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (August 2011)
- Suffolk Advisory Parking Standards (2015)

16. National Policy and Guidance

- Core Principles
- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design

Officer Comment:

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

- Principle of Development
- Visual Amenity
- Impact on residential amenity
- Impact on Highway Safety

Principle of Development

18. The Core Strategy states that development will be focussed in the towns and key service centres of the Borough. Policy CS4 confirms Haverhill as a market town due to the range of services and facilities it contains. In addition, the site is within the housing settlement boundary where there is a presumption in favour of residential development, subject to compliance with other policy considerations.

19. Having regard to both the national and local policy position it is considered that the location of the site represents an acceptable position for residential development. The previous application submitted on this site, whilst refused, did not raise any objection to the principle of development.

That application is the subject of a current appeal with a decision anticipated soon, noting that the Inspector's site visit has already occurred. However, that appeal turns on matters of detail that are specific to that scheme (design, scale, proximity to off site dwellings) and does not turn on the principle of development.

20. The site is not considered of high environmental value (albeit there are some site specific biodiversity issues, see below) and as such, subject to compliance with other policies, the principle of re-development is considered acceptable.

Visual Amenity

21. The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. Policy DM2 reinforces this view and states that proposals should recognise and address key features and local characteristics and create or maintain a sense of place.
22. The Design and Access Statement which accompanies the application explains how the development proposed responds to the constrained site and its surroundings, with reference to the design principles of the scheme including materials, design and scale. The layout has evolved following pre-application discussion and responds to previously raised concerns within the refused (presently at appeal) planning proposal.
23. Longer range views of the site are limited, although when observed from Cleaves Road the gap between existing development at Anglian Place and Howard Close is seen against a backdrop of trees which would be partially lost. This view however, does benefit from open green space in the foreground. Notwithstanding this, the new building would be read from other directions against existing built form and is not considered to appear out of character. At present the site is overgrown and does not contribute positively to the appearance of the area, albeit street scene views from Burton End are limited.
24. Surrounding development is predominantly 2-3 storey modern construction and this has echoes of the previously refused scheme in that it has a full storey step between the front and rear of the building. Sectional drawings have been provided which show the relationship of the proposed building to those adjacent and this indicates the change in levels as well as the heights of buildings at Howard Close to the West and Old Rope Walk to the East. This drawing demonstrates that the total height of the block proposed will measure 0.8 metres lower than adjacent 15-19 Howard Close and on this basis is considered to relate well. Whilst the building will be higher than dwellings at Old Rope Walk they have a minimum separation distance of 19 metres and existing landscaping on this boundary is to be retained.

25. Care has been taken to add interest to the building through the use of pitched roofs and a variety of elevational treatments including brickwork, render and timber boarding. These features have helped to reduce the overall bulk of the building, as well as adding articulation to the side elevations where there is a lack of openings. The site has a number of constraints not least topography and proximity to surrounding dwellings but is considered to be of an appropriate scale, form and design within this context.
26. A landscaping scheme has been submitted, as well as a plan showing existing trees to be retained. The landscape officer considers this to be an acceptable scheme and has recommended conditions to ensure this plan is achievable.
27. Additionally, concerns have also been expressed regarding the inclusion of a woodland walk around the development and the implications this may have for anti-social behaviour. This element of the development was included at the request of our Landscape Officer to allow future occupants access to the outside space. Due to the enclosed nature of the site with no access except that from Burton End it is considered unlikely that members of the public would cross Anglian Place to access the woodland walk, particularly noting its generally modest extent. Its management and maintenance is conditioned as is the landscaping and ecology measures.

Impact on residential Amenity

28. The protection of residential amenity is a key component of 'good design'. The Framework states that *good planning should contribute positively to making places better for people, as well as ensuring a good standard of amenity for all existing and future occupants of land and buildings*. Additionally, policy DM2 seeks to ensure new housing developments do not result in the loss of residential amenity.
29. The building proposed is significant in scale and will certainly impact on views from adjacent dwellings. However, it is necessary to consider the extent of residential amenity lost, if any as a result of this development.
30. To the East, two storey dwellings at Old Rope Walk, back onto the site. The separation distance between buildings is 19 metres at its closest point and will contain the retained trees which will soften views into the site. No windows are proposed on the facing elevations to enable overlooking due to the use of projecting timber bays with openings on the front and rear elements. Furthermore, the use of pitched roofs helps to remove some of the bulk away from these common boundaries which when combined with the orientation of the site means that any overshadowing will be minimal. Nonetheless, the building will introduce a large structure directly to the rear of these houses as well as a degree of activity.
31. Number 19 Howard Close is a 3 storey dwelling adjoining the application site to the West with nos. 15 and 17 attached. As demonstrated, the height of the new build will be less than this existing terrace, although in terms of length, it will be deeper. The proposed building has been moved

further north since the last proposal and now protrudes forward of No. 19. However, given the oblique angle to No. 19 it will not be visible from occupant's front windows, neither will it cause overshadowing to this front elevation. Due to the proposed depth, the rear of the building will project past the rear elevation of No. 19 and be clearly visible from the rear garden. This element of the scheme is two storey due to the rising land levels and contains no windows. The building will not cause a loss of privacy or overlooking due to a lack of windows on the facing elevation. Furthermore, minimal overshadowing will be suffered due to the orientation of the buildings. Additional planting is proposed on this boundary to filter views, although whilst this landscaping is becoming established, the building will be clearly visible from the neighbouring rear gardens.

32. To the North, The Old Pumping Station fronts onto Burton End, with the rear boundary adjoining the application site. A separation distance of approximately 60 metres exists between the two buildings which comprises landscaping on both sides of the boundary. Further planting is proposed which will further soften these views, although not completely remove them.
33. Whilst neighbouring occupants will certainly experience a change in view it is not considered that the building will result in significant overshadowing, loss of light or a loss of privacy. The building has the potential to appear overbearing and dominate due to its overall size and position but the elevational treatment, pitched roofs and landscaping will help to mitigate this feeling, as will, fundamentally, the changed design and reduction in height since consideration of the previous proposal. On balance therefore, it is considered that with conditions imposed regarding tree retention, landscaping as well as a management plan, the proposal is unlikely to result in a significant loss of residential amenity to adjacent occupants.
34. Concerns have been raised about the living conditions of future occupants, however, the apartments meet internal space standards and each habitable room contains a window. Occupants have access to open space and the amenities of the town centre.

Impact on Highway Safety

35. 13 vehicular parking spaces are provided to serve the development as well as secure cycle parking for 14 cycles. This amount meets Suffolk County Councils adopted parking standards and no objection is raised on this basis.
36. Concerns have been raised to the intensification of the access on to Burton End which is a busy road, albeit subject to traffic calming measures. This access was approved as part of the original planning application for development at Anglian Place and the footpath and visibility splays widened as a result. The Highway Authority is satisfied with the access point and do not consider the additional traffic movements associated with this development to result in an unacceptable increase. On this basis, no objections are raised in this regard.

Impact on Biodiversity

37. The application is supported by an ecology assessment which focuses on herptiles (reptiles and amphibians). Although a number of smooth newt, slow worm and common frog were found on site an adequate mitigation scheme has been provided as well as details of wildlife corridors which will ensure these species are not harmed during construction as well as providing enhancements for the future of the site. This matter can be controlled adequately through the imposition of conditions.

Flood risk, drainage and pollution

38. The application site is located within Environment Agency Flood Risk Zone 1 where the risk of flooding is extremely unlikely. Surface water will be managed via soakaways and permeable areas as well as existing drainage infrastructure. The Environment Agency and County Council's Flood Engineer have assessed the application and are satisfied that subject to the use of sustainable drainage being conditioned the development will not increase the risk of flooding.

39. The planning application is accompanied by a Phase I Contamination Report. This concludes the site has not been unduly impacted by former land uses. The Council's Contamination Officer has concluded that the risk of contamination is low and has requested the imposition of a condition requiring the submission of a remediation scheme should any contamination be found.

40. The Environment Agency, County Flood Engineer, Anglian Water Services and the Local Authority Land Contamination Officer have not objected to or raised concerns about the application proposals. Where mitigation is considered necessary consultees have recommended the imposition of reasonable conditions. On this basis, the scheme is considered acceptable in this regard.

Planning Obligations

41. In this case the developer is an affordable housing provider and they have offered all of the stock for affordable housing. Whilst this level of affordable housing would exceed the levels required by adopted planning policies, the Local Planning Authority is able to accept the offer of enhanced provision on the proviso that the S106 Agreement acknowledges the obligation does not accord with the tests set out at Regulation 122 of the CIL Regulations and that the Council do not have regard to the uplift in affordable housing in reaching their decision on the planning permission.

42. In addition, a contribution of £15,000 has been requested from the Parks Team for maintenance and improvement of the play space at Henry Close. This play area is in close proximity to the application site and the contribution is considered to accord with the adopted supplementary planning document. The applicant has confirmed that this is acceptable

and the Section 106 Agreement is currently in the process of being completed and this recommendation to grant is subject to the satisfactory completion and signing of such.

Conclusion:

43. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth, which identifies housing development as a key driver.
44. Haverhill is a Market town that can accommodate significant growth, as specified within the Council's Core Strategy. The proposed development is within the housing settlement boundary and adjacent to established residential areas. There are a number of positive attributes which lend support to the scheme, not least the efficient re-use of the land which contributes to the affordable housing stock as a result of the application. A satisfactory layout has been demonstrated with the units respecting local character and appearance and achieving good design as well as ensuring no significant loss of amenity to adjacent residential properties or to local biodiversity interests.
45. The previous application was refused by the Development Control Committee in accordance with the Officer's recommendation. At this stage concerns were raised regarding overall scale and design, as well as impact on residential amenity through bulk and overlooking, furthermore, the lack of landscaping and ecology information raised concerns. The applicant has attempted to address these concerns through a reduced scale of accommodation. Whilst it accepted that there is a slight increase in footprint, the fourth floor has been removed as has windows on the side elevations. The design has been improved and additional landscaping has been provided. Furthermore, a detailed ecological assessment has been submitted as well as an appropriate mitigation scheme.
46. It is considered therefore, that the scheme meets the NNPf definition of sustainable development by fulfilling the economic, social and environmental roles. Economic benefits through housing growth, short term jobs and local spending likely to be generated by future residents. Social benefits through the improvement of the current site to create a high quality environment which meets a housing need and is accessible to local services. Environmental benefits through the use of ecological enhancements, landscaping and sustainable construction.
47. Having regard to the NNPf and all other material planning considerations the proposal is considered to comply with the provisions of both national and development plan policy. On this basis, the application is recommended for approval.

Recommendation:

48. It is **RECOMMENDED** that planning permission be **Granted** subject to the completion of a S106 agreement to secure affordable dwellings and a contribution of £15,000 towards open space as requested by the Parks manager.
49. Following completion of the planning obligation referred to above, the Head of Planning and Growth be authorised to grant planning permission subject to the below conditions:
1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
 2. No development shall commence until samples of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority.
 3. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 26713/100 A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
 4. The use shall not commence until the area(s) within the site shown on drawing number 26713/100 A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
 5. Before the development is commenced details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
 6. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - (a) The programme and methodology of site investigation and recording
 - (b) The programme for post investigation assessment
 - (c) Provision to be made for analysis of the site investigation and recording
 - (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - (e) Provision to be made for archive deposition of the analysis and records of the site investigation

- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - (g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
7. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.
8. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

The scheme shall be implemented in accordance with the approved details prior to the use of the development and thereafter managed and maintained in perpetuity. Details to include:

- (i) a programme for its implementation, and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
 - (iii) arrangements to enable SuDS within in private properties to be accessed and maintained including information and advice on responsibilities to be supplied to future owners.
9. The recommended mitigation measures and enhancements contained in the letter from Conservation Constructions Ltd dated 28th September 2015 shall be adhered to in their entirety during construction and enhancements provided prior to occupation and thereafter shall be retained.
10. All planting comprised in the approved details of landscaping 4894-D shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- Furthermore, the tree protection measures shown on 4894-D shall be in place before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be

so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site.

11. Prior to completion of the development details of a Landscape and Ecological Management Plan to enhance the value of the site shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall:

- (i) include long term design objectives, public access arrangements, management responsibilities and a maintenance schedule,
- (ii) provide for the management of the land for nature conservation purposes in perpetuity,
- (iii) contain a timetable for the implementation and operation of the management plan.

The Management Plan shall be implemented and operated as approved and in accordance with the approved timetable.

12. No development shall take place until a written Site Waste Minimisation Statement/Site Waste Management Plan detailing how demolition and construction waste will be recovered and reused on the application site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Minimisation Statement/Site Waste Management Plan shall be implemented fully on the commencement of the development and shall continue to operate until the completion of the building works associated with the development.

13. Demolition or construction works shall not take place outside 0800 hours to 1700 hours Monday to Friday and 0800 hours to 1300 hours on Saturday and at no time on a Sunday or Bank Holiday.

14. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Informative: Contamination, S106

Documents:

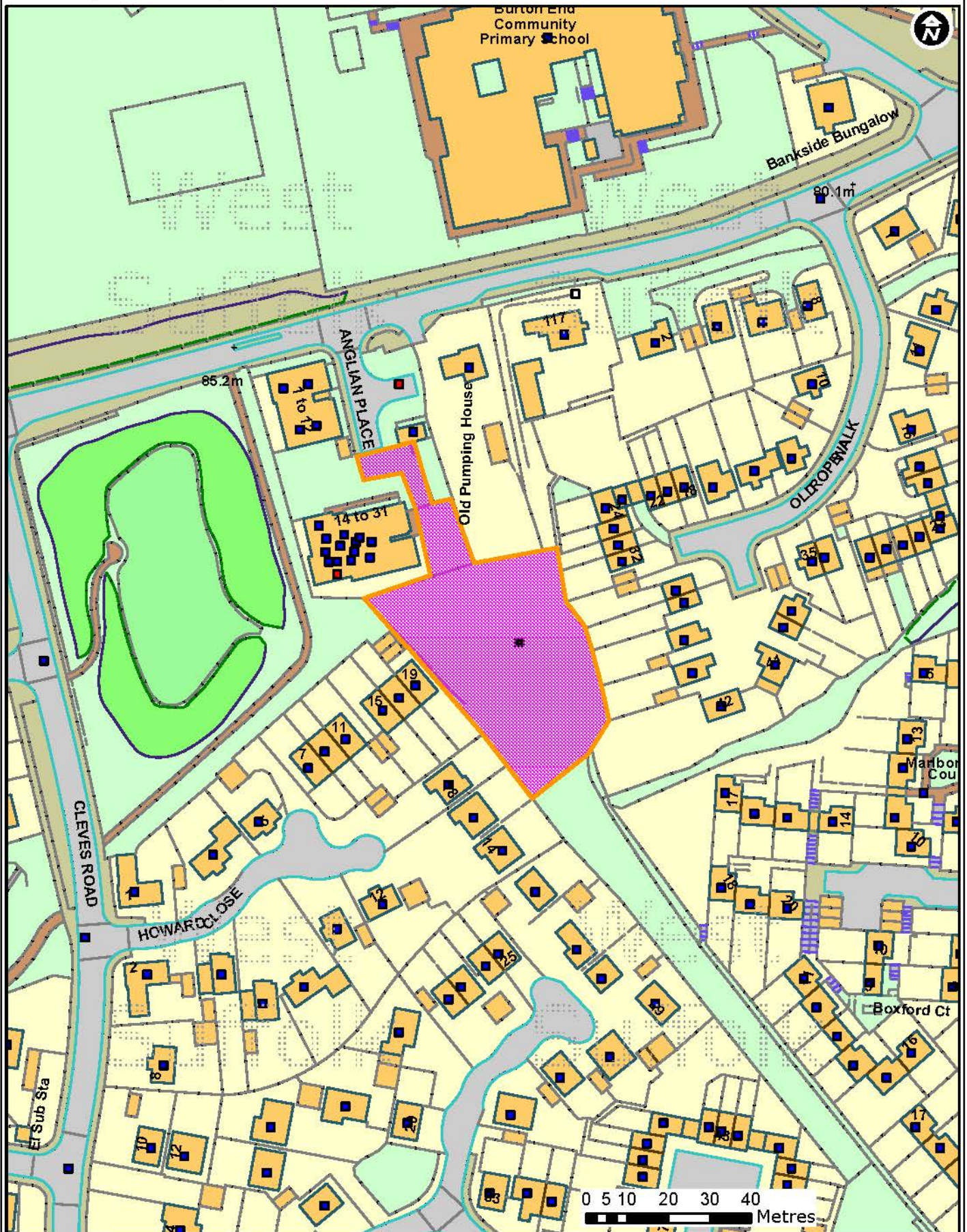
All background documents including application form, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NTDZYIPDJZR00>

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DC/15/1697/FUL

Phase C, Burton End, Haverhill



Forest Heath • St Edmundsbury

West Suffolk
working together

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Scale: 1:1,250
Date: 17/12/2015

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Proposed Site Plan (1:200)

Section 1-1

Section 1-1

14-31 Anglian Place

1-12 Anglian Place

Old Pumping House

Gardens - Old Rope Walk

32

Key

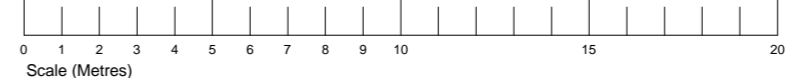
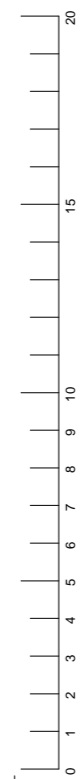
- FFL 90.300 Proposed levels
- +90.300 Existing levels
- New tree planting
- Existing trees retained
- Low level hedge planting comprising of specially selected shrubs to all planted areas to enhance bio-diversity such as Honeysuckle, Rosemary and Lavender
- 'No dig' construction in PR2
- BB Bird Box
- GWP 1cm or 1cm/3 Green wood tied together and pegged to ground
- SCB Timber slatted compost bins

Accommodation

- 10no. 2 bed flats @ 61 sq.m.
- 3no. 1 bed flats @ 50 sq.m.
- 13no. parking spaces

Notes:

1. All compost bins and bird boxes to be made from re-cycled pallet wood
2. To be read in conjunction with conservation construction report dated 30th May 2015



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Essex CM6 3QJ
Telephone: 01371 870708
email: rca.architects@btconnect.com

pr	Phase C, Anglian Place Burton End, Haverhill	SC	1:200 @ A2
ti	Proposed site plan	da	May 2015
cl	The Havebury Housing Partnership	dwg no	26713/100

03/10/15
10/09/15

B Bio-diversity migration strategy added
A Blue store omitted
revisions



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

7 January 2016

Planning Application DC/15/1629/FUL

Kevor House, 62 Out Westgate, Bury St Edmunds

Date	10 September	Expiry Date:	5 November 2015
Registered:	2015		(extended to 8 January 2016)
Case Officer:	Sarah Drane	Recommendation:	Refuse planning Permission
Parish:	Bury St Edmunds Town	Ward:	Abbeygate

Proposal: Planning Application - (i) Extension to front and rear of existing apartment block to create additional 4 no. apartments ; and(ii) alterations to 3 no. existing apartments (Re-submission of DC/15/0881/FUL)

Site: Kevor House, 62 Out Westgate, Bury St Edmunds

Applicant: Thingoe Ltd

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER: Sarah Drane
Email: sarah.drane@westsuffolk.gov.uk
Telephone: 01638 719432

Background:

This application is referred to the Committee following consideration by the Delegation Panel. The Town Council raise no objections and the application is recommended for refusal.

A site visit is scheduled to take place on Monday 4 January 2016.

Proposal:

1. Planning permission is sought for front, rear and first floor side extensions to an existing block of three, two bed, flats to create an additional four two bed apartments. Access and parking remains as existing, with access along the eastern side of the site and parking for eight cars at the rear. An existing garage and shed at the rear of the site would be demolished. Covered cycle storage with space for 16 bikes is also proposed on the eastern boundary. There is a pedestrian access and bin storage along the western boundary of the site. A new brick retaining wall is also proposed at two points along the boundary adjacent to No 64.
2. Additional information has been submitted providing a more detailed Daylight/Sunlight Assessment.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Existing and proposed plans including landscaping plans
 - Planning, Design & Access Statement
 - Daylight/Sunlight Assessment
 - Land Contamination Assessment
 - CGI (Computer Generated Image) of proposals

Site Details:

4. The site is situated on Out Westgate Street, to the south west of the town centre in an area which is predominantly residential in character. It is within the settlement boundary of the town. The site is rectangular in shape and slopes upwards from front to back (south to north). The existing building is of a simple three storey gable fronted brick construction, and set back within the site at a higher level than either the road or adjacent dwellings. There is a brick wall along the site frontage with a single point of access for pedestrians and vehicles off Out Westgate Street. To the west is a Victorian terrace of dwellings, separated from the site by a mix of fencing and hedging. To the east are two properties set behind a substantial wall and gates fronting the main road. There is also a tall leylandii hedge towards the front and fence towards the back along this boundary.

Planning History:

5. DC/15/0881/FUL - Planning Application - (i) Proposed 5 no. Flats in existing apartment block, 'Kevor House'; and (ii) Front and Rear extensions and alterations to 3 no. existing apartments, also in Kevor House - refused

Consultations:

6. Highway Authority: No objection subject to conditions

Environment team: No objection

Public Health and Housing: No objection

Landscape Officer: Object – concerns about impact on the walnut tree and whether the landscaping proposals would establish considering the site conditions.

Representations:

7. Bury St Edmunds Town Council: No objection
8. Representations have also been made from the Annexe 60 Out Westgate, 60, 99, and 105 Out Westgate, 5 and 9 Hospital Rd, raising the following concerns:
 - Negative impact on amenity of adjacent properties due to size, depth, height and massing of proposals.
 - Visually overbearing
 - overdevelopment
 - loss of light / overshadowing
 - overlooking and loss of privacy
 - increase in road traffic noise
 - insufficient parking
 - paved area at the front out of keeping with other front gardens adjacent
 - flyover gate entrance out of keeping with the street scene
 - Extension will kill adjacent leylandii hedge which screens the existing building.
 - Increase generally in noise, pollution and dust
 - Further extension of building will create a wind tunnel effect
 - Impact on substantial Walnut Tree to rear of the site
 - Light pollution

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

9. Joint Development Management Policies Document:
 - DM2 – Creating Places
 - DM22 – Residential Design

10. St Edmundsbury Core Strategy December 2010

- Policy CS1 – Spatial Strategy
- Policy CS3 – Design & Local Distinctiveness
- Policy CS4 – Settlement Hierarchy and Identity

11. Bury Vision 2031

- BV1 – Presumption in favour of sustainable development
- BV2 – Housing development within Bury St Edmunds

Other Planning Policy:

12. National Planning Policy Framework (2012)

- core principles
- Section 6 – Delivering a wide choice of quality homes
- Section 7 – Requiring Good Design

Officer Comment:

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

- Principle of Development
- Impact on amenity
- Design Considerations
- Landscaping
- Highways Considerations

Principle of Development

14. This site is within the settlement boundary of Bury St Edmunds. It is a sustainable location, close to the town centre. The principle of an extension to an existing building to create additional flats is acceptable, subject to achieving satisfactory access, parking, amenity impact and a suitable design. It is these matters which will be considered in detail below.

Impact on amenity

15. This site is surrounded on all sides by existing residential properties. The existing building is set back from the site frontage (by approx. 9m) and is of a substantial scale already. It is three storeys in height (approx. 10m measured on the front elevation) and measures 11.4m in depth. The proposed rear extension measures 13.25m in depth and 7m in height (dropped down in height from the main building by about 2.95m). It is set in off the western boundary by approx. 2.4 – 2.6m. Whilst this amended scheme has removed a storey from the rear extension, this still creates a significant expanse of building along a significant proportion of the boundary to No. 64, which is a modest two storey end terrace dwelling with long rear garden. Whilst the alterations to the windows within the existing building have improved the relationship with No. 64 and the windows within the extension would not overlook the rear of No. 64, the scale, in terms of both the height and depth of the extension are still considered to create an overbearing and unneighbourly relationship with this property.

16. The relationship of the proposed extensions to the two properties on the eastern side of the site is also an important consideration, and raises similar issues to those discussed above. The existing building already has windows in the east elevation which would overlook the adjoining properties if the existing substantial leylandii hedge was not there. First floor windows in the extension on the east elevation provide further living room windows with a stand off of only 5.1m to the boundary. The additional landscaping proposals submitted show that overlooking could to some extent be mitigated. However, these windows would not overlook private amenity space as this is on the opposite side of and to the rear of No. 60. It would be difficult to therefore substantiate a reason for refusal on grounds of overlooking.
17. There is less of an overbearing relationship with properties to the east, given the further reduction in height of the rear extension (by nearly 3m), particularly as they are set further away. However, even with the existing and proposed landscaping, the extended building would still be of a significant scale in much closer proximity than that which exists at present. That combined with the greater overshadowing that would be caused, particularly during the autumn/winter months in the later part of the day when the sun is lower in the sky will have a detrimental impact on the amenity of those adjoining occupiers.
18. In addition to the scale of the building, there would also be a significant increase in vehicular movements along the eastern boundary. At present there are only three units on the site, but this is being increased to seven; whilst this is one less than the previous scheme, this is still more than double. Vehicular movements in the car park and along the access will have a detrimental impact on the residential amenity presently enjoyed by adjoining properties, creating additional noise and disturbance generally.
19. In addition to vehicular movements, there will be significantly increased pedestrian activity along the western boundary immediately adjacent to the private rear garden of No. 64, with the entrance to 3 of the flats on the west elevation. This again, will have a detrimental impact on the residential amenity presently enjoyed by No. 64, creating additional noise and disturbance generally. At present the existing building is accessed through a single entrance point at the rear of the building, so there is direct access into the building from the rear car park.
20. As a result of the above considerations it cannot be concluded that the proposal will have a satisfactory impact upon the reasonable amenities of nearby dwellings. It is therefore considered contrary to Policies DM2 and DM22, as well as to the general requirements of the NPPF which seek to ensure an acceptable standard of amenity for all existing and future residents.

Design Considerations

21. This proposal sees the existing footprint and scale of the building more than doubled. The front and side extension is that which will appear most prominent in the street scene, noting its increased width, height and, importantly, its closer proximity to the road. The existing building is set

back into the site which helps reduce its present impact. The proposed front and side extension brings the existing building in line with the adjacent two storey terrace and creates a significant visual presence in the street scene. The front/side extension has been designed to fit in with the scale and character of the adjoining Victorian terrace. The existing gable is brought forward and the roof hipped. The extension then drops in height, with a similar ridge and eaves to the adjacent terrace. The side extension is also hipped. The previous application presented an array of fenestration types, with dormer windows serving 2nd floor accommodation, a Juliet balcony at first floor, a standard multi paned window at 1st floor, bay window on the ground floor, as well as an expansive area at first floor devoid of any fenestration. This has been simplified. A standard window has replaced the Juliet balcony at 1st floor level and the area previously devoid of fenestration now has 2 windows which line up over the ground floor entrance doors. The side extension has also been set back slightly to provide a visual break in what is now a very wide elevation compared to what exists at present. On balance, the design of the front part of the site is acceptable.

22. There are some enhancements to the existing building as a result of the proposals, particularly in relation to the windows in the west elevation which have been rationalised to reduce overlooking. The rear extension is further set down from the height of the existing building which does provide a more obvious visual break in the roofline than previously proposed, but due to the substantial length and three storey height, this large building will change into a significantly larger block to the detriment of the amenity of adjoining occupiers, as discussed above.

Landscaping

23. The Council's Tree and Landscape Officer has considered the detailed proposals put forward. The proposals show the retention of a conifer hedge on the neighbours' property (to the east) and the planting of a pleached hornbeam with a yew hedge adjacent to reduce any issues relating to neighbour amenity. The landscape Officer is of the opinion that the new landscaping would not be easily established under these circumstances.
24. To the western side of the new development, a line of *Ligustrum japonica* trees is proposed. Whilst these are relatively small trees, they could grow to a height of between 3-7m. They are also evergreen and planted close to the neighbouring boundary. This screening vegetation is likely to overhang the neighbouring garden rather than soften the proposed built development. It is also likely to add to the buildings dominance by extending a wall of green above and over the existing property boundary. This planting is also going to reduce light into rooms on the west elevation, particularly as it is in close proximity to the building (planted within 2-3m of the building) and could therefore lead to future pressure for its removal. It is considered that it is simply not possible to mask such a substantial building, with material treatment or landscaping, when the scale and proximity considerations discussed above remain so fundamental.

25. In addition to proposed soft landscaping, the proposal provides hard landscaping and paving throughout the site including beneath the existing walnut tree located in the neighbouring garden. This tree is protected by a TPO. An arboricultural method statement has been included on plan LSDP 11227, however the root protection area (RPA) of the tree has not been determined and the proposal is to use mechanical excavators beneath the canopy of the tree. There is therefore concern that the protection of the tree has not been properly considered. The proposal is to then allow car parking beneath the tree canopy which will contribute to future pressure to continually reduce, crown lift and prune it back.

Highways Considerations

26. The site plan shows parking for eight cars which is enough for one per unit plus one visitor space. This provision along with cycle storage is considered by the Highway Authority to be sufficient and they recommend no objections subject to conditions. This site is in a sustainable location, close to the town centre with shops, services and public transport. This aspect of the proposal is therefore considered acceptable.

Conclusion:

27. In conclusion, the proposed development by virtue of its overall scale and massing in close proximity to neighbouring properties is considered to create an unneighbourly and overbearing relationship, detrimental to the amenity of residential occupiers, which cannot be mitigated by the proposed landscaping scheme. The proposals would also be detrimental to the residential enjoyment of neighbouring properties by reason of the significant intensification of the use of the site from three to seven flats. The parking area is also located at the rear of the property and would lead to additional parking and turning in close proximity to neighbouring properties. In addition, there will be significantly increased pedestrian activity along the western boundary immediately adjacent to the private rear garden of No. 64, with the entrance to 3 of the flats on the west elevation. Finally, as set out above, it is considered that there are significant arboricultural impacts that have not been satisfactorily addressed.

28. Accordingly, the detail of the development is not therefore considered to be acceptable or in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. Policy DM2 of the Joint Development Management Policies Document states that development should not adversely impact on the amenities of adjacent areas and should incorporate designs of a scale, density and massing compatible with the locality. The proposed development by virtue of its overall scale and massing in close proximity to neighbouring properties is considered to create an unneighbourly and visually

overbearing relationship, detrimental to the amenity of residential occupiers and which cannot be mitigated by the proposed landscaping scheme. The proposed planting is likely to overhang the neighbouring garden rather than soften the proposed built development. It is also likely to add to the buildings' dominance by extending a wall of green above and over the existing property boundary. This planting is also likely to reduce light into rooms on the west elevation of Kevor House, particularly as it is in close proximity to the building (planted within 2-3m) and could therefore lead to future pressure for its removal, thereby exacerbating further the amenity concerns set out above. The development is therefore considered to represent an overdevelopment of the site and fails to incorporate a design which would contribute positively to making places better for people contrary to Policy DM2 and to the provisions of the National Planning Policy Framework.

2. The development would be detrimental to the residential enjoyment of neighbouring properties by reason of the significant intensification of the use of the site from three to seven flats. The parking area is located at the rear of the property and would lead to additional parking and turning, and associated noise impacts, in close proximity to neighbouring properties. In addition, there will be significantly increased pedestrian activity, and associated noise impacts, along the western boundary immediately adjacent to the private rear garden of No. 64, with the entrance to 3 of the flats on the west elevation. The development is therefore contrary to policy DM2 which requires development to not adversely affect the amenities of adjacent areas by reason of noise or volume of vehicular activity generated.
3. The proposals include hard landscaping beneath the existing walnut tree located in the neighbouring garden (5 Hospital Road). This tree is protected by a Tree Preservation Order. An arboricultural method statement has been included on plan LSDP 11227, however the root protection area of the tree has not been determined and the proposal is to use mechanical excavators beneath the canopy of the tree. The protection of the tree has not therefore been properly considered. The proposals also include car parking beneath the tree canopy which will contribute to future pressure to continually reduce, crown lift and prune it back. The development is therefore contrary to policy DM2 which seeks to ensure that development proposals do not adversely affect important landscape features.

Documents:

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

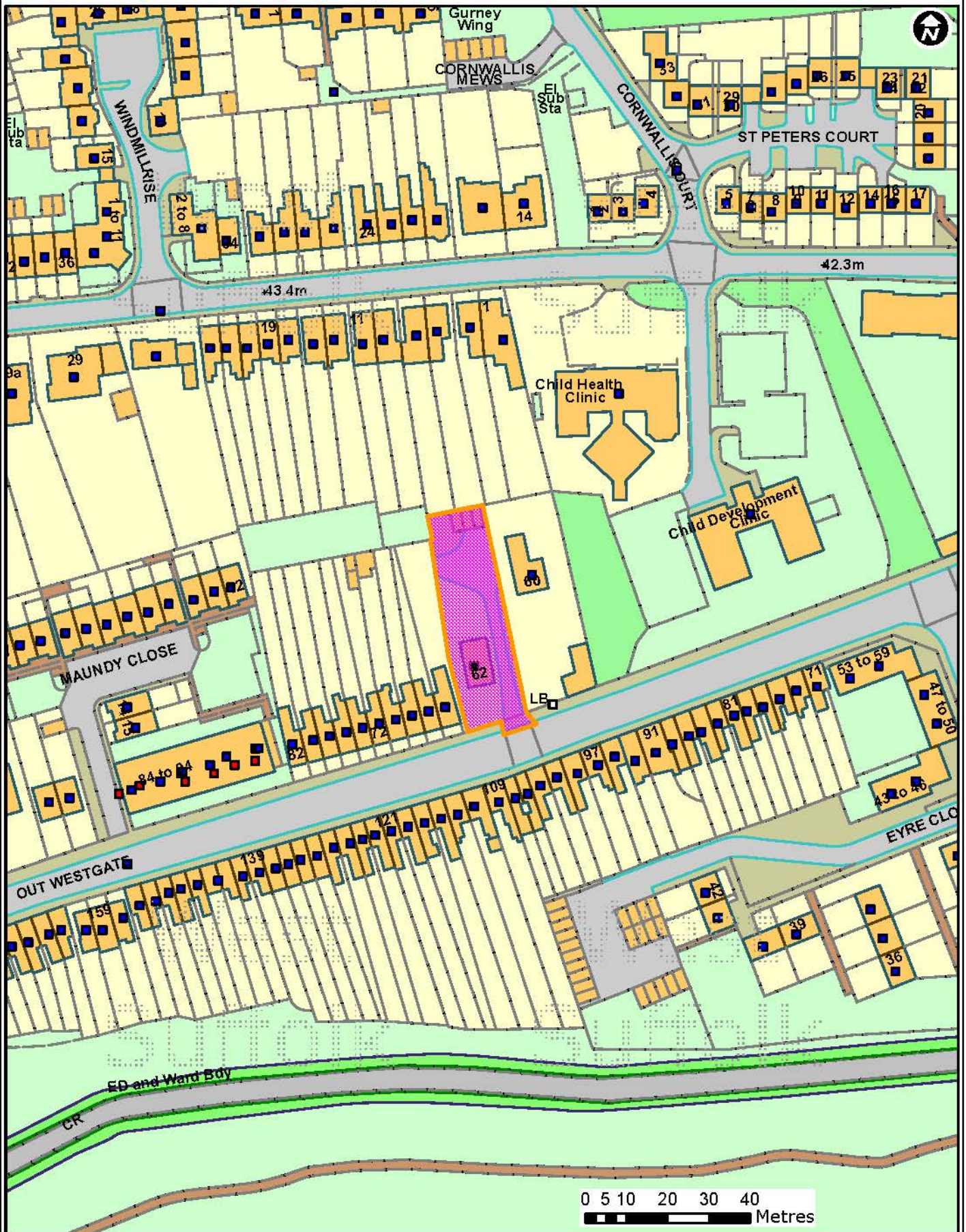
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Case Officer: Sarah Drane

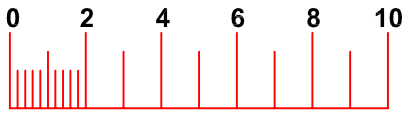
Date: 16.12.2015

DC/15/1629/FUL

Kevor House, 62 Out Westgate, Bury St Edmunds



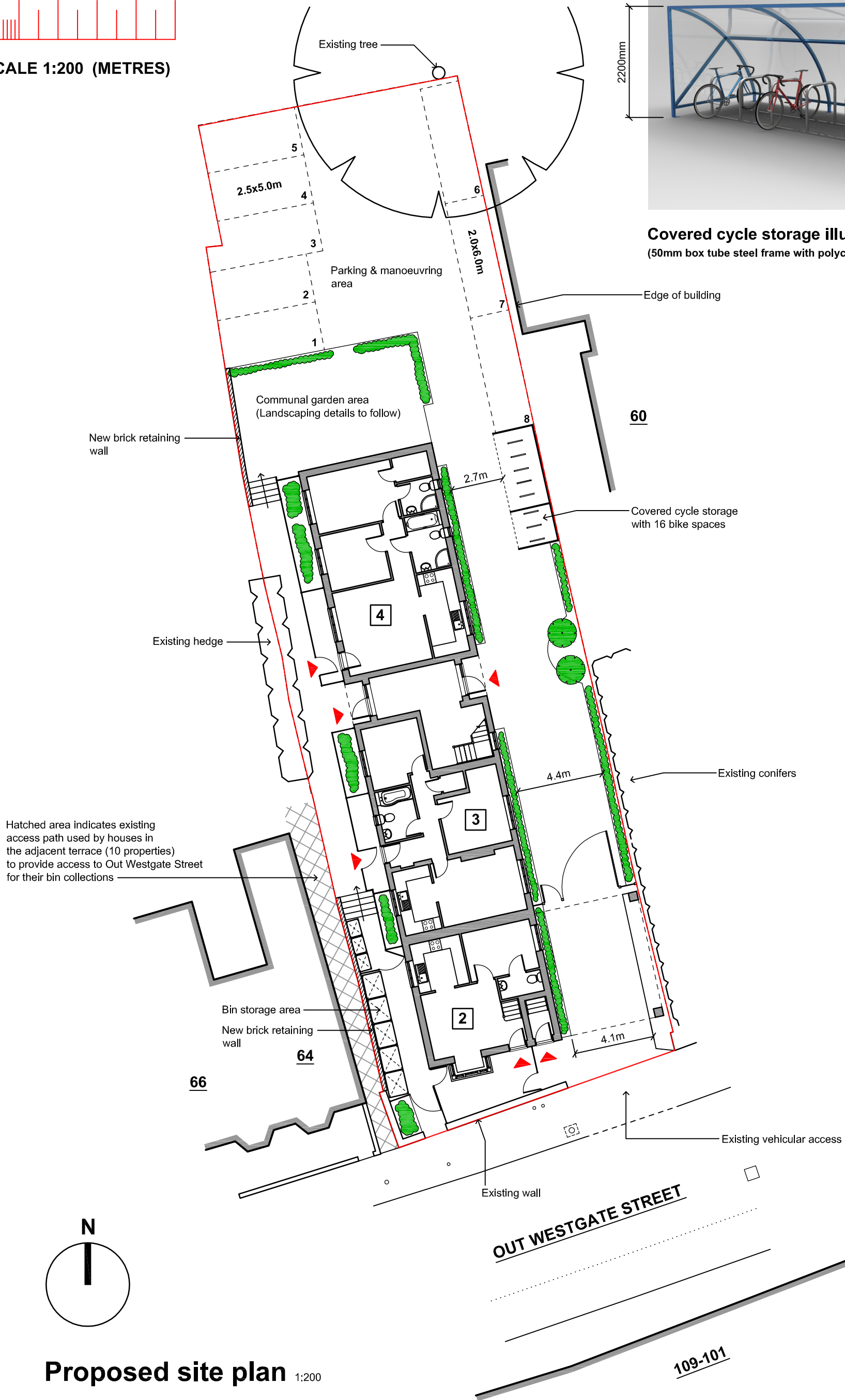
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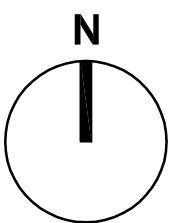
SCALE 1:200 (METRES)



Covered cycle storage illustration - N.T.S
(50mm box tube steel frame with polycarbonate roof covering)



Hatched area indicates existing access path used by houses in the adjacent terrace (10 properties) to provide access to Out Westgate Street for their bin collections



Proposed site plan 1:200

CLIENT: THINGOE LTD	SCALE: 1:200 (A3)	RICHARD DILLEY ARCHITECTURAL TECHNOLOGIST 79 Manning Road, Bury St Edmunds, Suffolk IP32 7GF M 07717756222 E info@richarddilleys.co.uk W www.richarddilleys.co.uk
PROJECT: PROPOSED ALTERATIONS TO THREE EXISTING FLATS AND ERECTION OF FOUR FLATS AT KEVOR HOUSE, OUT WESTGATE STREET, BURY ST. EDMUNDS	DATE: JULY 2015	
DRAWING: PLANNING: PROPOSED SITE PLAN	CONTRACT: 201501 DWG NO: 01 (B)	

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

7 January 2016

Planning Application DC/15/1975/FUL

Land West of 63 Victoria Street, Bury St Edmunds

Date: 12 October **Expiry Date:** 7 December 2015
Registered: 2015

Case Officer: Sarah Drane **Recommendation:** Grant Permission

Parish: Bury St **Ward:** Abbeygate
Edmunds Town

Proposal: Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence.

Site: Land West Of 63 Victoria Street, Bury St Edmunds

Applicant: Mr Barney Walker – John Stebbings Architects

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER: Sarah Drane
Email: sarah.drane@westsuffolk.gov.uk
Telephone: 01638 719432

Background:

This application is referred to the Committee following consideration by the Delegation Panel. The Town Council objects, contrary to the recommendation for approval. At the Delegation Panel it was considered that the applicant should be invited to amend the design of the proposal, such that it was more traditional. This request was put by Officers to the agent, who has declined to make any changes.

A site visit is scheduled to take place on Monday 4 January 2016.

Proposal:

1. Planning permission is sought for the erection of a detached dwelling within the rear garden area of No. 63 Victoria Street following the demolition of an existing single garage. The proposed dwelling would be two storey in scale, with a single storey flat roof element at the rear. The dwelling is of a modern design and would be finished in buff brick, timber cladding and painted steel work with slate roof.
2. The ground floor accommodation comprises an entrance hall, open plan living room and kitchen/dining room and toilet. On the first floor are two bedrooms and bathroom.
3. The dwelling would front onto Albert Street which runs parallel to Victoria Street. The garden area would lie predominantly to the rear, enclosed by new 1.8m high close-boarded fencing along the northern boundary and a new wall along the eastern boundary. The existing garden wall along the southern boundary would remain. A secure cycle store would be provided within the rear garden. An area for bin storage is proposed adjacent to the parking space. One on-site parking space is proposed.
4. The application has been amended since submission. The red line on the floor plan has been amended to reflect the correct site ownership along the boundary with No. 7b Walnut Tree House. A new brick wall with railings is proposed along the site frontage. A new sliding timber garage door is proposed and the bins have been relocated to the rear garden adjacent to the cycle store.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Proposed plans
 - Design and Access Statement
 - Heritage Evaluation
 - Contamination Assessment and questionnaire

Site Details:

6. The application site comprises part of the rear garden area of No. 63 Victoria Street – a two storey terraced property with accommodation in the roof space, situated within Housing Settlement Boundary of Bury St. Edmunds. The site is also within the Victoria Street Conservation Area. The garage to be removed is accessed from Albert Street to the rear of the existing dwelling, adjacent to which is a pedestrian gate. There are three trees on the site which are to be removed.

Planning History:

7. **DC/13/0855/FUL** - Planning Application - Erection of two storey dwelling following demolition of existing garage and boundary fence. As amended by drawings received on 5 February 2014 and 28 February 2014 – Refused and appeal dismissed.

Consultations:

8. Highway Authority: No objection subject to conditions

Environment Team: No objection

Public Health and Housing: No objection

Conservation Officer: No objection subject to conditions

Representations:

9. Town Council: Object – (i) inadequate parking provision, (ii) design, visual appearance and materials not appropriate and (iii) contrary to SPD policy DS3.
10. Comments have also been received from 139 York Rd, 7, 10, 11 and 66 Victoria Street, 7, 7a, 7b, 7c 25 and 26 Albert Street raising the following concerns:
 - Demand for parking in zone H extremely high – space will be taken up by works vans and skips. There is no room to accommodate further cars in the area
 - Cars already park too close to the junction between York Rd and Albert Street, reducing visibility and affecting road safety
 - Design not suitable – not appropriate for the Conservation Area
 - Previous application refused and dismissed at appeal on highways safety grounds.
 - Statement that ‘resident permit parking will not be affected’ – untrue
 - Loss of garage to No. 63 which could be used for parking will impact on parking provision
 - Pedestrians using the footpath will be put at risk.
 - No provision of access shown between new house and 7b which is required under Party Wall Act

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

11. Joint Development Management Policies Document:

- DM1 - Presumption in favour of sustainable development
- DM2 – Creating Places
- DM17 – Conservation Areas
- DM22 – Residential Design
- DM46 – Parking Standards

12. St Edmundsbury Core Strategy December 2010

- Policy CS2 - Sustainable Development
- Policy CS3 - Design and Local Distinctiveness
- Policy CS4 - Settlement Hierarchy and Identity
- Policy CS7 - Sustainable Transport

13. Bury Vision 2031

- BV1 – Presumption in favour of sustainable development
- BV2 – Housing development within Bury St Edmunds

Other Planning Policy:

14. National Planning Policy Framework (2012)

- core principles
- Section 6 – Delivering a Wide Choice of high quality homes
- Section 7 – Requiring Good Design
- Section 12 – Conserving and enhancing the historic environment

Officer Comment:

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

- Principle of Development
- Design & Impact on the Conservation Area
- Highways Safety
- Neighbour amenity
- Biodiversity

Principle of development

16. Local Plan Policy BV2 states that within the Housing Settlement Boundaries for Bury St Edmunds, planning permission for new residential development will be permitted where it is not contrary to other policies in the plan. Core Strategy Policy CS1 states that opportunities to use previously developed land and buildings for new development will be maximised through a sequential approach to the identification of development locations in settlements, and that the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. The application site in this case is located within the defined Housing Settlement Boundary of Bury St Edmunds and also comprises brownfield land (currently supporting a domestic garage). As such the principle of residential development is considered acceptable in this case.

More detailed matters relating to design, impact on the conservation area, highway safety, neighbour amenity and biodiversity will be assessed in more detail below.

Design and impact on the Conservation Area

17. Policy CS3 of the Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. The NPPF similarly attaches significant importance to the design of the built environment, stating that decisions should ensure that developments will add to the overall quality of the area, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping (para.58). Local Plan Policy DM17 seeks to ensure that new development within conservation areas has regard to the special character or appearance of their setting and the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para.132).
18. The existing garage on the site is not considered to be of any architectural or historic interest to require its retention in the street scene. The proposed dwelling is of a more modern design when compared to other modern infill developments in the locality which have sought to reflect the Victorian properties in this part of the Conservation Area. The design of the proposed dwelling was raised as a concern at the Delegation Panel meeting. The Conservation Officer does not think it is possible to design a dwelling which would have a traditional appearance when there is a need to provide parking on the site (given the previous dwelling on the site was dismissed at appeal for providing no parking). It would not be appropriate to create an open space within or create an integral garage to accommodate parking on the site for a traditionally designed and detailed dwelling that is typical of the area. The agent has also confirmed that they do not wish to amend the design.
19. The design has been amended in line with the Conservation Officer's comments. The most important consideration is whether the scale and massing of the dwelling is appropriate when assessed within the wider street scene. In this regard the scale, eaves line and proportions of the dwelling are generally consistent with existing built development, albeit the appearance itself, and the fenestration arrangement, are more modern in design. The two storey depth is no greater than the depth of 7b to the north. The Conservation Officer did however, raise concerns about the provision of off street parking which would result in the introduction of an unfamiliar element to this particular part of the conservation area where boundary walls/railings to both historic terraces and the more recent modern development retains a strong sense of enclosure. Efforts to reduce the impact of the provision of off street parking have been successfully made with the introduction of a jetty at first floor level. Whilst this results in a consistent building line at first floor level the ground floor is opened up for off street parking preventing the provision of a boundary to the pavement edge. The plans have been amended to now enclose the frontage with a low wall and railings. The 'garage' area is also now proposed to be enclosed using a sliding timber door. These

amendments are acceptable to the Conservation Officer.

20. The scheme also provides an adequate garden area for the new dwelling as well as remaining garden for No. 63. There are currently two Holly trees towards the front of the site which would require removal in order to accommodate the development. Whilst the trees have some amenity value, this must be balanced against the benefit of the proposed development in terms of improving the overall appearance of the street scene. As such it is considered that a Tree Preservation Order is not warranted in this instance. The concerns of residents and the Town Council are noted, however, having regard to the above, the dwelling, as amended, is considered to be of an appropriate design for its location and would not harm the character or appearance of the Conservation Area.

Highway safety

21. A two storey dwelling on the site was previously refused and thereafter dismissed at appeal on the basis of car parking concerns. The important differences to highlight are that this was for a 3 bed dwelling and there was no on site provision for parking. The principal reason for refusal was on highway safety grounds due to the lack of on site parking provision. This was upheld by the Planning Inspector at appeal.

22. Local Plan Policy DM46 states that within development proposals provision for the parking of vehicles will be required in accordance with the local authority's adopted standards. The current adopted standards are the Suffolk Guidance for Parking adopted in November 2014. The proposed development is a detached two bedroom dwelling and the scheme does make provision for one on-site parking space. The site is in relatively close walking distance of the town centre and is connected to the centre by dedicated cycle routes and bus services along Risbygate Street to the north. The site is therefore in a sustainable location in transportation terms.

23. The Suffolk Guidance for Parking requires a minimum of two car parking spaces for a two bedroom dwelling in the main urban areas and locations where access to public transport is good. The standards, noting that they are 'guidance' rather than 'policy' also make it clear that reductions in these standards are possible, for example in 'main urban areas' where greater use of public transport can be expected. In all cases, the LPA would also seek to rely on a formal consultation with the County Highway Authority in judging whether or not a deviation from the parking standards was or was not appropriate.

24. Albert Street has restricted parking with double-yellow lines along the majority of its east side. There are marked parking bays on both sides of the road which are subject to a Zone H residents permit parking scheme operating from 9am to 5pm on Mondays to Saturdays. All residents are eligible to apply for 2 parking permits. There are also 'H' bar markings at various locations along the street to prevent parking in front of driveways and garages. Albert Street provides a through route between Kings Road and Risbygate Street and is therefore busy at times.

25. Paragraph 39 of the NPPF states that in setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles. Whilst it is accepted that some journeys from the site could be taken by public transport, walking or cycling, it is considered unrealistic to think that the owner of a two bedroom dwelling will not own a vehicle or need a private car to undertake some journeys. The provision of an additional dwelling in this location without on-site parking would not be acceptable, but now that on site parking is provided, this overcomes previous concerns. The Highways Authority raise no objections to the scheme, so it would be very difficult to substantiate a reason for refusal on this basis noting that in responding on this matter it can be accepted that the County Highway Authority will have considered this matter with some care, particularly in the context of a previous appeal.

Neighbour amenity

26. Policy DM2 states that proposals should not adversely affect residential amenity. The new dwelling does not project beyond the rear wall of No. 7B Albert Street to the immediate north at first floor level. The new dwelling would be sited 0.9m from the boundary with this property. The flat roofed extension which projects beyond the two storey element is single storey with a height of 2.7m and projecting out by 3.3m. There are no side facing windows on the southern side of 7b immediately to the north of the site. Having regard to this relationship and the orientation of the dwellings, the proposal is not considered to significantly reduce sunlight to this neighbouring property or to have an overbearing impact. There are no side facing windows which would overlook the rear gardens of neighbouring properties. The proposal is not therefore considered to cause harm in this respect on amenity grounds.

Biodiversity

27. There are no records of protected or priority species or their habitats on the application site. Whilst there are records of bats in the wider locality, there appears to be minimal opportunity for bats to access the garage building to be demolished and that a survey is not therefore required in this case.

Conclusion:

28. The scheme would preserve and enhance the character and appearance of the Conservation Area by replacing an existing garage of no architectural or historic merit with a dwelling of a modern design considered appropriate to the locality. The development would also deliver residential development within a sustainable location close to local facilities and amenities, and these factors both clearly weigh in favour of the development. The scheme also now provides for onsite parking in accordance with the Council's adopted parking standards. The principle and detail of the development is therefore considered to be acceptable and in compliance with relevant development plan policies and the

National Planning Policy Framework.

Recommendation:

29. It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
1964.02B – Existing plans
1964.03F – proposed plans
1964.04 – Proposed section
Reason: To ensure the satisfactory development of the site.
3. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
Reason: To protect the amenity of the area.
4. The use shall not commence until the area(s) within the site shown on drawing No 1964.03F for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
5. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM03; and with an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.
Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.
6. Prior to the new development hereby permitted being first occupied, the improved access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

7. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: It is considered necessary to impose a pre-commencement condition so that any potential safety issues can be resolved prior to construction. This will ensure the prevention of hazards caused by flowing water or ice on the highway in the interests of road safety.

8. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splReason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

9. Prior to their use/installation, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:
- sample of external materials and finishes (to include timber boarding)
 - Manufacturer's details of windows and doors (on the basis they are to be as detailed in the proposal - i.e. aluminium), including colour and finish.

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and to safeguard the character and appearance of the Conservation Area.

10. Within 2 months of commencement of development details of all boundary treatments (including front railing details at a scale of 1:2 elevation and 1:1 cross section) shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences/railings to be constructed or erected. The approved details shall be constructed or erected before the development to which it relates is first occupied.

Reason: To ensure the satisfactory development of the site and to safeguard the character and appearance of the Conservation Area.

11. The bin and cycle storage provision shown within the rear garden on drawing 1964.03F shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins and cycles are not stored on the highway causing obstruction and dangers for other users.

Documents:

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

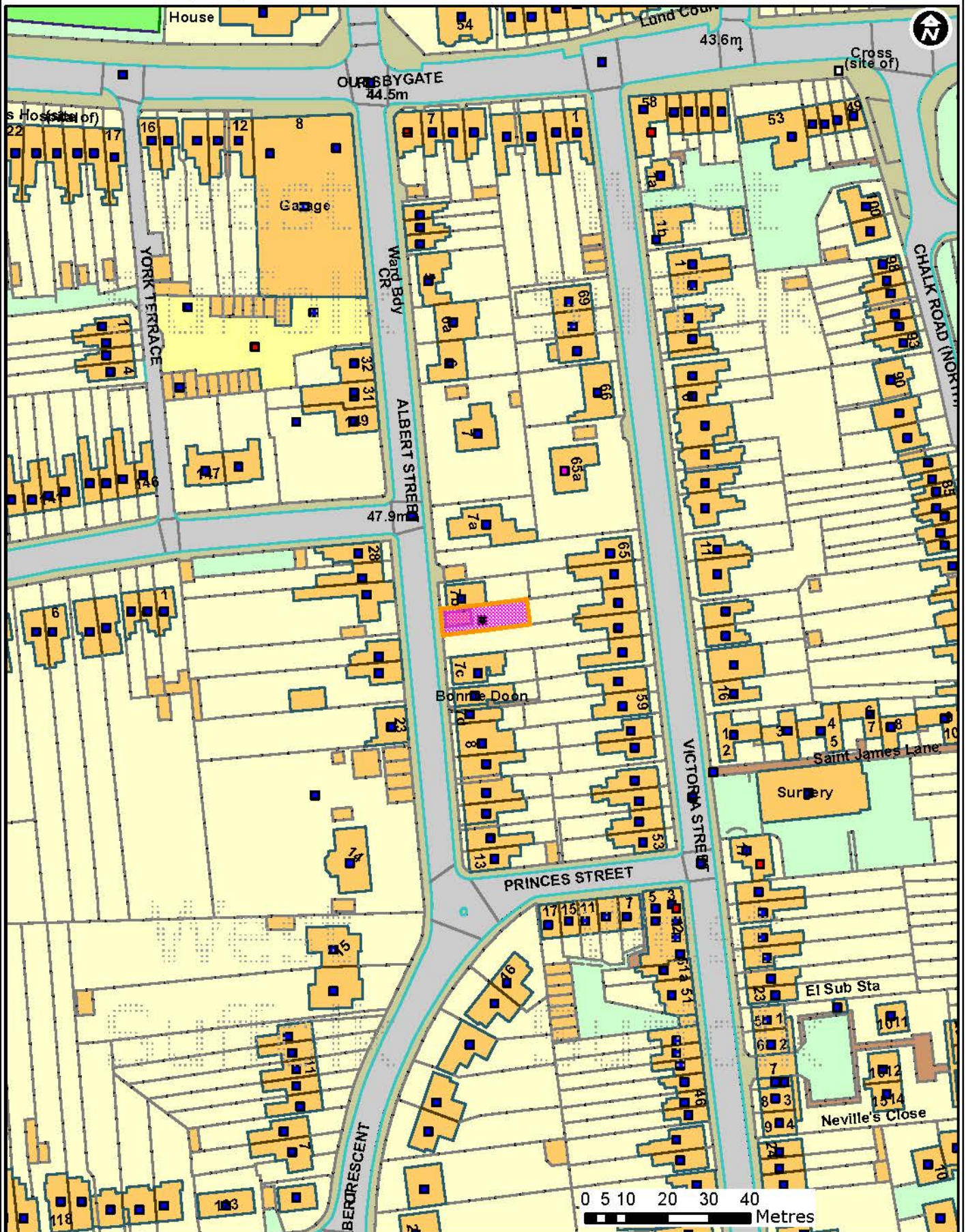
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Case Officer: Sarah Drane

Date: 16.12.2015

DC/15/1975/FUL

63 Victoria Street, Bury St Edmunds



Forest Heath • St Edmundsbury

West Suffolk
working together

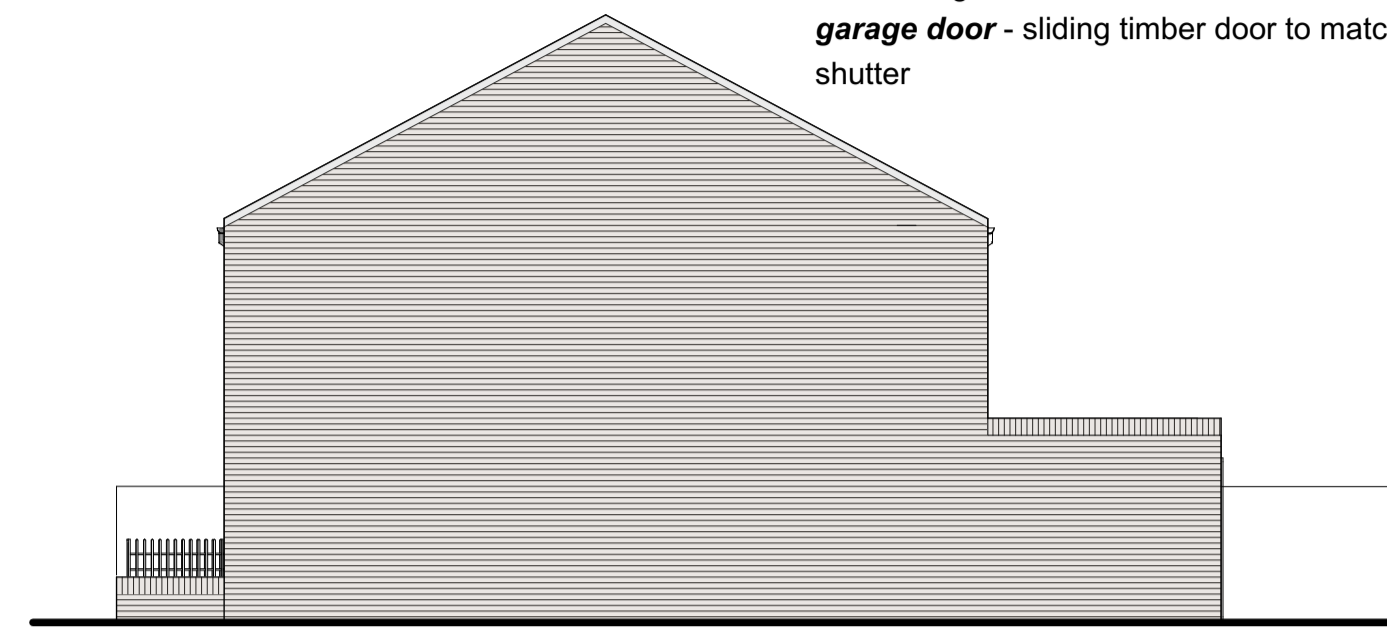
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Scale: 1:1,250
Date: 17/12/2015

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STREET ELEVATION @1:100



SIDE (SOUTH) ELEVATION @ 1:100

MATERIALS

- walls - buff brick, timber cladding, exposed structural timbers and painted steelwork
- windows - powder coated aluminium double glazed units, timber sliding shutter to front elevation
- doors - to match windows, glazed
- roof - slate tiles, sedum roof, roof light, aluminium rainwater goods
- garage door - sliding timber door to match window shutter

John Stebbing Architects



SITE LOCATION @ 1:1250

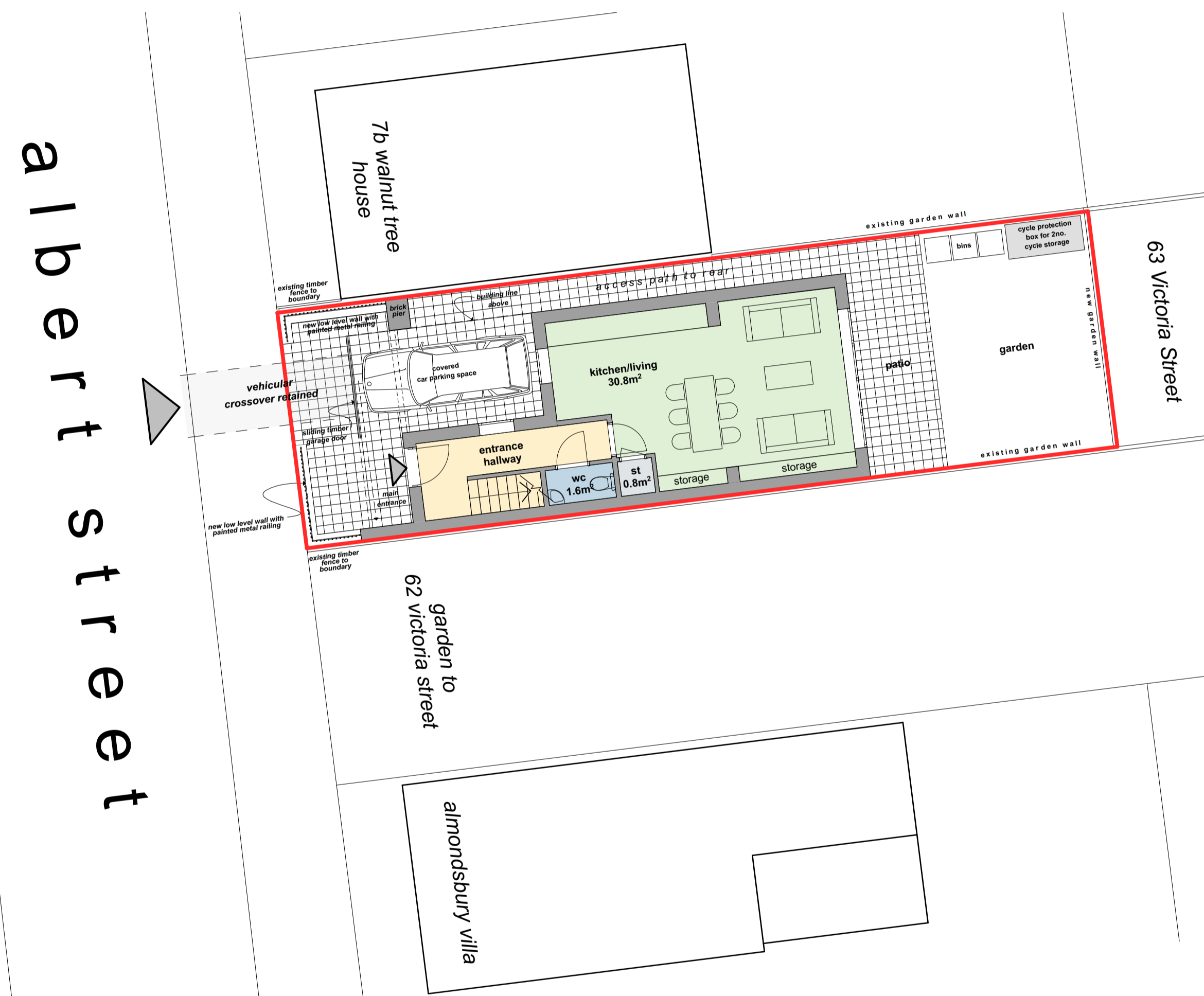
SCALE BAR @ 1:50

SCALE BAR @ 1:100

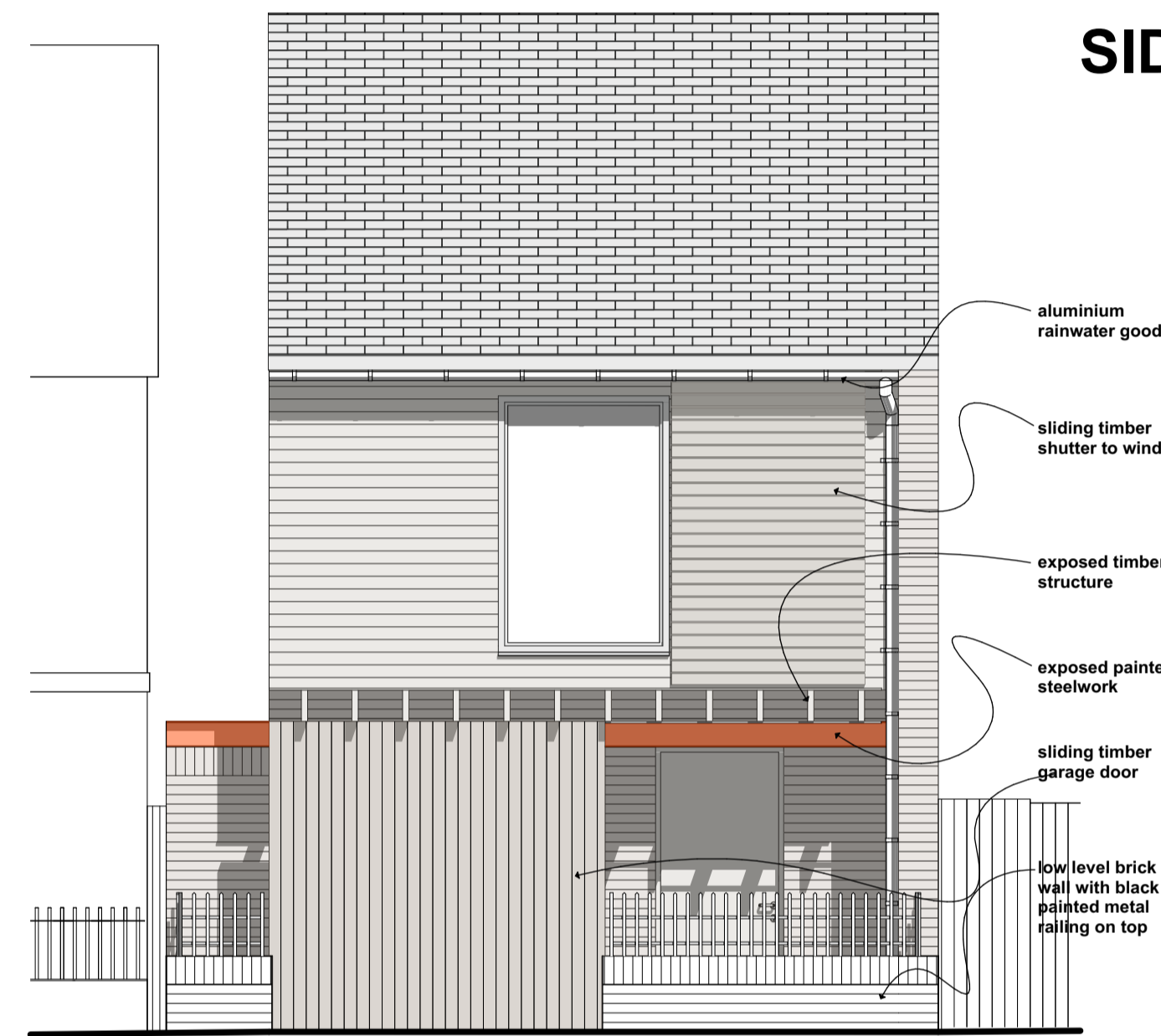
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SCALE BAR @ 1:1250

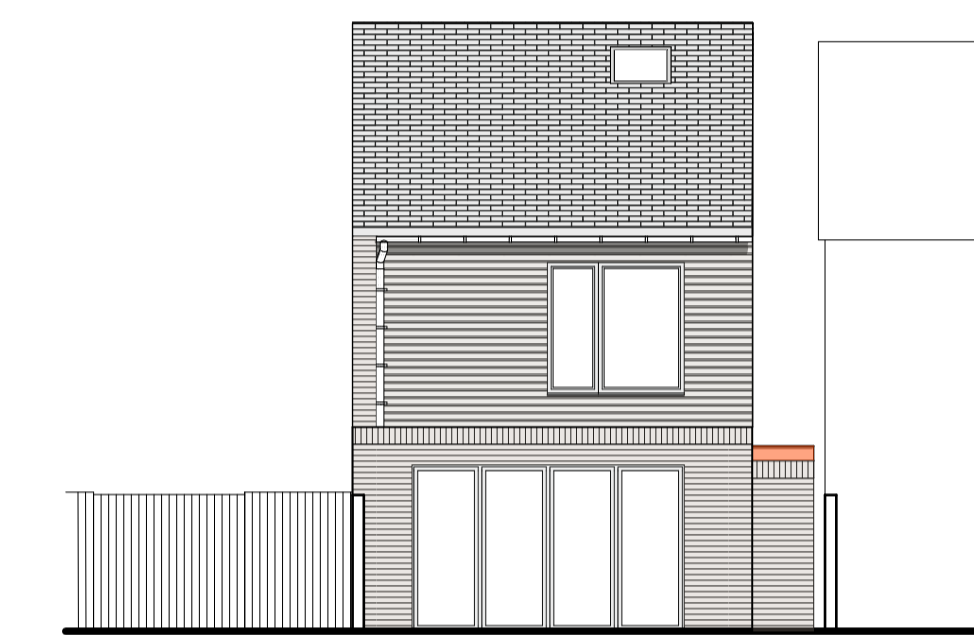
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GROUND FLOOR PLAN @1:100



FRONT (WEST) ELEVATION @1:50



REAR (EAST) ELEVATION @ 1:100



3D MODEL OF STREET VIEW



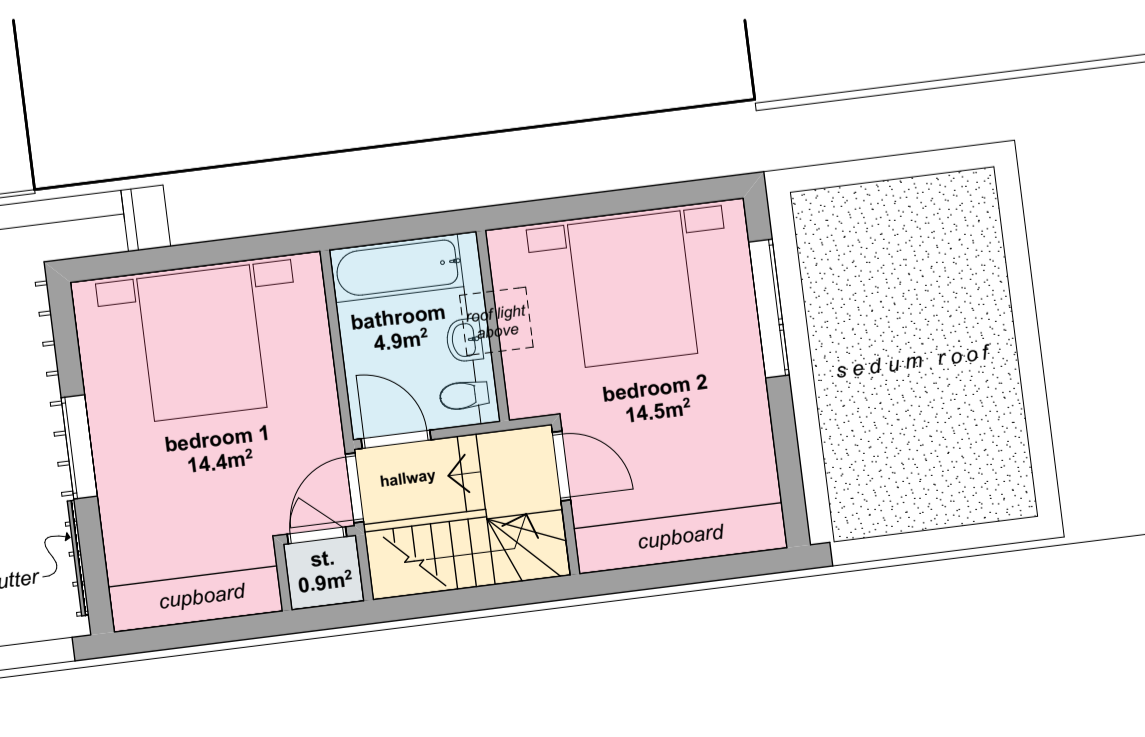
SIDE (NORTH) ELEVATION @ 1:100



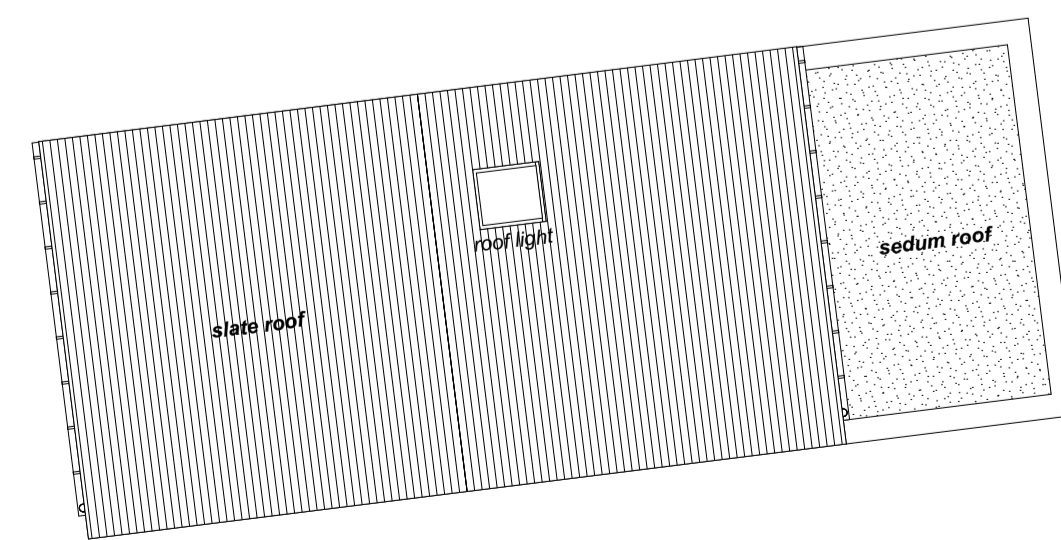
3D MODEL OF REAR ELEVATION



PROPOSED STREET VIEW



FIRST FLOOR PLAN @1:100



ROOF PLAN @1:100

revision	date	description
F	24.11.15	revised following conservation officers comments - low level wall with metal railing added to street boundary and sliding timber garage door added
E	16.11.15	drafting error, site boundary revised. low level wall to north boundary revised
D	12.10.15	revised for planning
C	29.09.15	revised for planning

project
Land to the rear of
63 Victoria Street,
Bury St Edmunds, IP33

drawing
proposed

scale
various @ A1

date
24/11/2015

number/revision
1964.03F

drawn
bw

John Stebbing Architects

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 7 January 2016

Planning Application DC/15/1899/FUL West Stow Anglo-Saxon Village and Country Park, Icklingham Road, West Stow

Date	28 September	Expiry Date:	28 December 2015
Registered:	2015		(extended to 11 January 2016)
Case Officer:	Sarah Drane	Recommendation:	Grant Permission
Parish:	Culford, West Stow and Wordwell	Ward:	Risby

Proposal: Planning Application - Planning Application - Provision of 100 pitch touring caravan and camping site including reception building, utility block, access off highway, inner roads and hardstandings, drainage, ancillary services and landscaping (Re-submission of DC/15/0556/FUL)

Site: West Stow Anglo-Saxon Village And Country Park
Icklingham Road, West Stow

Applicant: St Edmundsbury Borough Council

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER: Sarah Drane
Email: sarah.drane@westsuffolk.gov.uk Telephone: 01638 719432

Background:

This application is referred to the Committee because St Edmundsbury Borough Council is the applicant. It is a major application and is recommended for approval.

A site visit is proposed to take place on Monday 4 January 2016.

Proposal:

1. Planning permission is sought for a 100 pitch touring caravan and camping site within the existing country park. The site covers approx. 3.21 hectares and would be open from March to October each year. The layout includes a reception building to provide the main reception for the site, office, staff toilet, store and plant room (measuring 6m wide x 21.3m long and 3.55m in height) and a service block of the same size and design. The block includes male/female toilets/showers etc, family/accessible shower room and toilet, laundry and wash up areas.
2. A new access off the main road would serve the site, with barrier control. A new electricity substation is also proposed by the entrance. The access leads to a temporary parking area to enable new arrivals to check in at reception. Adjacent to the reception and service block is a sewage treatment plant, refuse/recycling centre and collection area and waste water disposal point. The access continues round to the eastern side of the site to access the pitches. Another access from the entrance to the west serves further pitches. Additional drinking water, fire and waste water disposal points are around the site. The existing gravel track/footpath running along the southern side of the site is retained, with an additional break out area for campsite users to play ball games, have picnics etc on the southern side of the track. New stock fencing will enclose the site with pedestrian gates on the southern side to enable site users to access the country park.
3. The application has been amended since submission to better define the red line of the application site, previously shown as orange.
4. The proposals are a re-submission of a previously withdrawn scheme for a 180 pitch site in the same location (albeit a larger site – 6 hectares). Several concerns were raised during the consultation process which led to the application being withdrawn. This current application seeks to address the previous concerns raised.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Site location plan
 - Proposed plans
 - Design & Access Statement
 - Photos
 - Flood risk assessment
 - Ecological Appraisal

- Environmental Statement
- Heritage Statement
- Phase II Environmental Assessment report

The applicant has also provided the following supporting statement:

'West Stow Country Park provides 52 Ha free play area, nature trails and walks through woodland and around the lake/river for members of the public and their children. The Visitor Centre, gift shop, Anglo Saxon museum and village currently offers employment to the equivalent of 6.3 fulltime Council employees. West Stow Country Park is large enough to accommodate a greater number of activities and its location of natural beauty lends itself to be developed as a one stop destination for camping and caravanning. It is the aim of this proposal to result in a sustainable income stream being generated into the foreseeable future to aid in developing and supporting the on-site activities.'

'With investment in the proposed campsite it is envisaged that campers will form a captive audience which will enable the existing Visitor Centre, cafe and events revenues to increase. Camping therefore offers an excellent way of increasing repeat visitors who will not only pay through pitch prices to stay overnight but also have secondary spend in the visitor centre and the cafe. The aim is to change the Country Park attraction from a subsidy position to one of being a net contributor to the council's finances and the success of the campsite will have a positive effect to the ongoing financial viability of the West Stow visitor attraction and other local attractions which will benefit from the accommodation provided by this scheme.'

Site Details:

6. The site is situated within the grounds of West Stow Country Park, on the eastern side, adjacent to the existing car park area. West Stow Country Park is around 1.2km west of the village of West Stow, and approximately 6km north-west of Bury St Edmunds. West Stow Country Park consists of 52 hectares of woodland, lakes, heathland, and grassland with visitor facilities including a car park and visitor centre. There is a reconstructed Anglo-Saxon village within the Country Park to the west.
7. Grassland on the eastern side of the Country Park was previously used as a landfill site and prior to that as a sewage farm. The grassland currently is little used for recreation and part of it is used as an overflow car park for events. The grassland is largely semi-improved species poor with smaller areas of semi-improved acid grassland. To the north, a boundary belt of pine trees separates the grassland from the Icklingham Road, and to the east an access track to a disused historic pumphouse separates the site from the adjacent Thetford Forest. The western side of the grassland adjoins the main carpark and similar grassland within the Country Park.
8. Breckland Special Protection Area (SPA) is adjacent to the north, east and close to the west of the proposed campsite. The SPA was designated for its breeding populations of stone-curlew (primarily on heaths and arable land), nightjar and woodlark (both primarily on heaths and forestry

plantation). The component of the Breckland SPA close to the north and east of the proposed campsite is Breckland Forest SSSI, which is designated (in part) for its breeding nightjar and woodlark.

9. Breckland Forest SSSI is adjacent to the north and east of the proposed campsite. Breckland Forest SSSI was designated for its breeding populations of nightjar and woodlark, rare plants, invertebrates, geology, and red squirrels. Woodlark and nightjar nest within areas of the forest which have been clear-felled, and continue to use the area until the replanted trees grow too tall, at which point they move to the next clear-fell area on rotation. Currently there are sensitive clear-fell areas to the north and the east of the campsite. Rare plants tend to be found on forest rides or in other areas of permanent open habitat, and invertebrates are found primarily in permanent and temporary open habitats. Geological interest is within a small number of disused gravel pits, and red squirrels are now considered to be extinct within the SSSI.
10. West Stow Heath SSSI is around 450m to the west of the proposed campsite, and partly within the Country Park. The SSSI was notified for its heathland, grassland and woodland vegetation, with rare plant species present.
11. Lackford Lakes SSSI is to the south of the proposed campsite. It was designated for its wintering water birds and for dragonflies and damselflies. Much of Lackford Lakes SSSI is also a nature reserve owned and managed by Suffolk Wildlife Trust.

Planning History:

12. **DC/15/0556/FUL** - Planning Application - (i) 180 pitch touring caravan and camping site (ii) reception buildings and 2no. utility blocks with associated accesses, drainage, hardstandings and landscaping - withdrawn

Consultations:

13. Highway Authority: No objection subject to conditions

Environment Team: No objection

Public Health & Housing: No objection

Suffolk County Council Drainage: No objection subject to a condition

Suffolk County Council Archaeological Service: No objection subject to conditions

Environment Agency: No objection subject to conditions

Suffolk County Council Public Rights of Way: No comments or observations but note that there is a long distance promoted walking

route that passes through the proposed development area, the St Edmund Way

Suffolk Wildlife Trust: Have raised a number of concerns which include:

- The tranquil nature of the area is a key factor to its attractiveness to visitors – this proposal will undermine this.
- Site boundary not clear with submission of orange and red lines.
- No detail in application regarding site operating times, so no certainty it would be adhered to or control over it being breached.
- LPA need to be sure there will be no adverse impact on the SPA.
- No detail given on plans in relation to preventing adverse impacts on the SSSI (as set out in the Ecological Appraisal) or how, when and where such measures will be delivered
- Program of wardening of riverside footpath needs to be secured and implemented
- Could other reptile habitat creation be delivered to mitigate loss of habitat on the site?
- Further assessment of water vole presence must be undertaken
- Specific details on monitoring and mitigation measures are not included within the submission. Given that these details are required to make the development acceptable, these details should be provided upfront.

SWT conclude by stating that they object to the development – they consider the proposals will still result in adverse impacts on nearby designated sites.

In response to these comments the applicant has provided further details. The concerns raised above have been largely addressed and where further information is required, this can be secured by condition.

Suffolk Preservation Society: raise concerns in relation to the proposed break out area not being justified and consider development should be to the north of the access track only. The felling of the trees to enable visibility for the access will thin the screening of the development from Icklingham Road, so additional planting should be provided.

Natural England: No objection subject to conditions

Conservation Officer: No objection

Forestry Commission:

- *Displacement. The appraisal does not acknowledge the lack of information on displacement of nest territories in a Breckland context. And therefore how this may impact on woodlark and nightjar.*
- *Nightjar Monitoring Detail. It does not specify monitoring details for nightjar as it does for woodlark.*
- *It falsely assumes an HRA has been carried out for the roadside parking on the southern boundary of Kings Forest.*
- *When considering in-combination effects with other projects and plans for the HRA it refers to the current Kings Forest FDP, which is currently being re-designed and will soon be superseded.*

- *The Forestry Commission would like to fully discuss and agree visitor and bird monitoring details with St Edmundsbury District Council. This should include timing, frequency and period details etc.*

RSPB: object – insufficient evidence provided to demonstrate that adverse effects on designated wildlife sites can be avoided.

Ecology Tree & Landscape Officer: In summary, the proposals are considered to have some harmful effects on the landscape and biodiversity and these need to be weighed against the benefits of the scheme. A Habitats Regulations Assessment (HRA) has been undertaken and has concluded that Likely Significant Effects can be screened out so long as the mitigation measures including monitoring which are proposed as part of the project are secured and implemented.

Representations:

14. Culford, West Stow & Wordwell Parish Council: object – concerned about the adverse impact the proposal could have on wildlife in the area.

15. A number of representations (51 in total) have been received from local residents raising the following concerns:

- The site is very close to Lackford Lakes
- Increase in noise in this quiet countryside location
- Lack of facilities for visitors
- Proximity of the river – accident waiting to happen especially if children are about
- Proposed fencing would not be adequate
- Country park would be made smaller as a result leaving less space for visitors and local people to enjoy.
- Site is not right for a campsite, but one is needed locally.
- Natural environment of great significance to wildlife so should be left alone
- Would destroy a valuable Breckland habitat and buffer zone between Lackford Lakes and the forest.
- Intrusive infrastructure proposed
- Other nearby campsites would become unviable
- Additional dogs to the site will affect wildlife
- Increased traffic along a busy and fast road
- Light pollution
- Proposals are only to prop up failing tourist attraction – this is not the way to address the failings of the existing country park.
- Adverse impact on landscape and landscape character
- Proposals are contrary to Council's own policies
- Proposals will result in increased litter which will need to be managed.
- Too many pitches proposed
- No benefit to the local community
- 24hr operation will impact on wildlife
- A campsite would destroy the existing parks assets; peace, tranquillity and unspoilt habitat
- Would be better to expand existing campsites

- There are no other amenities within walking distance of the site
- Phenomenal set up cost to bringing electric, water, sewage plus archaeological dig on the site.
- Local roads are not safe/suitable for walkers/cyclists
- Loss of habitat to many species
- Forecast profit on this venture highly debatable
- Questions over the business case for the venture
- How will the site be protected from travellers when the site is not in use?
- Alternative income streams for the Country Park need to be considered
- Loss of 30 trees to enable visibility at the access – this is environmental vandalism for financial gain.
- What would happen if bird numbers decreased as a result of the development?
- Facilities not sufficient for number of pitches proposed (eg only 4 showers)
- A campsite will put off visitors coming to the Country park
- Unsustainable location, with no links to public transport and no other amenities within walking distance.
- Proposals are contrary to policy

16. One letter of support has also been received stating that area would benefit from a site like this run by The Caravan Club or The Camping and Caravan Clubs.

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

17. Joint Development Management Policies Document:

- DM1 – Presumption in favour of sustainable development
- DM2 – Creating places
- DM5 – Development in the Countryside
- DM10 – Impact of development on site of biodiversity and geodiversity importance
- DM11 – Protected Species
- DM12 – Mitigation, enhancement, management and monitoring of biodiversity
- DM13 – Landscape Features
- DM34 – Tourism Development
- DM44 – Rights of Way

18. St Edmundsbury Core Strategy December 2010

- CS2 – Sustainable development
- CS3 – Design & Local Distinctiveness
- CS13 – Rural Areas

19. Rural Vision 2031

- RV1 – Presumption in favour of sustainable development

Other Planning Policy:

20. National Planning Policy Framework (2012)

- core principles
- Section 3 – Supporting a prosperous rural economy
- Section 7 – Requiring good design
- Section 11 – Conserving and enhancing the natural environment

Officer Comment:

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

- Principle of Development
- Design & layout
- Landscape impact
- Habitat Regulations Assessment
- Impact on designated sites and protected species
- Access and rights of way through the park
- Impact on highway safety
- Economic considerations

Principle of development

22. The National Planning Policy Framework states that planning policies should support economic growth in rural areas and promote sustainable rural tourism and leisure developments that benefit business in rural areas. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations. It is considered that encouraging additional visitors to the site has a knock on effect for the wider area, benefiting other local tourist attractions, visitor accommodation, public houses etc and should be promoted.

23. Policy DM34 states that proposals for tourism development (including overnight accommodation like campsites) will be permitted provided certain criteria can be met. The principle of a campsite in the rural area is acceptable, but matters of detail relating to location, design & layout, landscape impact, impact on designated sites and protected species, impact on highway safety and economic considerations will be assessed in more detail below.

Design & layout

24. The design and layout of the site has evolved since the submission of the last withdrawn application (see planning history above). The site has been reduced almost by half and is now confined to the north east corner of the country park. The access point was chosen to ensure minimal removal of trees. The substation is required close to the entrance to enable easy servicing and connection to existing services. The reception and service block are also grouped together close to the entrance to minimise the wider visual impact on the site of new buildings. The blocks are single storey with monopitch roof to minimise their scale and provide a simple form. The materials proposed are larch cladding, brick plinth, with hardwood doors which are considered appropriate for the rural location.

25. The layout doesn't provide a complete looped access around the site. This is to reduce hardstanding and try and maintain a natural appearance around as much of the site as possible. Pedestrian gates on the southern side of the site provide access to the country park and a break out area to ensure ball games, picnics etc are confined within a less sensitive area.

The design and layout of the site is therefore considered appropriate for the proposed use and how it relates to its surroundings.

Landscape impact

26. West Stow Country Park and the proposed camping and caravan site are located within a 'special landscape area' as defined by the St Edmundsbury Local Plan. The site is within Breckland and is shown in the Suffolk Landscape Assessment to lie on the boundary between the 'estate sandlands' and the 'valley meadows and fens' landscape character type. One particular feature of Breckland is the tranquillity of the landscape. The introduction of a camping site at this location is likely to have a negative impact; particularly during the summer evenings and mornings; times when previously there have been few visitors within the park. There is potential for the introduction of this scale of development to undermine the high value environmental assets which make the area so attractive to visitors.
27. The Norfolk and Suffolk Brecks Landscape Character Assessment has been prepared as part of the Brecks 'Braking New Ground' project that gives detailed information on the landscape of the Brecks. The study also locates the site within the Brecks on the edge of the 'River Valleys' character and lists the 'Intimate, tranquil landscape' as a distinctive landscape characteristic. The study goes on to identify the erosion of the intimate, tranquil character of the river valleys as a result of increased visitor and recreational pressure as a principal force of landscape change. The landscape strategy does however go on to recommend that visitor pressures are managed at popular and sensitive sites by investing in high quality infrastructure and interpretation (educational information such as leaflets and information boards which help visitors understand the value or the environmental assets), which meets the different needs and levels of use of a range of visitors.
28. In winter the camp site will be closed and unused and this could have a negative effect on the amenity of the site when compared to the current situation.
29. A sandy soil bund is proposed on the northern boundary of the site for the benefit of reptiles. The height of this feature is given as 50cm and as such it will have little impact on landscape character or amenity.
30. The proposals require the removal of a number of trees to assist highway visibility. It would be appropriate to replace the trees along this boundary to ensure a sustainable visual softening of the site from the road for the future. This would also assist in the screening of the site from the SPA. It would also address previous concerns raised by Suffolk Preservation Society. The applicant has agreed to ensure the implementation of such planting. A condition is proposed to secure related details.

Habitat Regulations Assessment (HRA)

31. The application site is in close proximity to Breckland Special Protection Area (SPA), and therefore has potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats

and Species Regulations 2010, as amended (the 'Habitats Regulations'). Natural England has confirmed that following review of the current application (reduced area and number of pitches proposed) they are satisfied that previous advice has been taken into account in the current submission and that sufficient mitigation has now been included. However there is a requirement that all the mitigation measures set out in the 'Ecological Appraisal August 2015' are to be implemented.

32. Whilst Natural England has confirmed that they consider that any effects on the SPA are unlikely to be significant they have commented that given there are records of birds associated with the SPA and clear-fell areas within 400m of the proposed site, coupled with a lack of information in the public domain on the recreational behaviour of visitors within large campsites, it is not possible to rule out effects to the birds entirely, particularly since campsites predominantly operate within the bird breeding season. Natural England has requested that the proposed visitor monitoring programme (and the concurrent nightjar and woodlark survey) as outlined in sections 4.2.37 and 4.2.44 of the ecological report is secured and that any subsequent mitigation measures will be implemented should adverse effects to the SPA be identified. The potential mitigation outlined in the ecological appraisal includes:

- camp site visitors requested not to visit that part of the forest through signage and leaflets given to campers on entry
- other visitors to the forest requested not to visit that part of the forest through signage
- temporary closure of layby parking adjacent to the clear-fells in agreement with Forestry Commission

33. The Forestry Commission has separately commented on the planning application. In relation to any bird monitoring and visitor survey; they would like to fully discuss and agree the details of this with the Council.

34. Further to this the applicant has amended the potential mitigation that would be delivered in the event that monitoring indicated a need to reduce visitor levels. This is detailed in the 'Amendment to Ecological Appraisal: 8th December 2015'. The ecological appraisal's suggested mitigation to request that campers do not visit that part of the forest through signage and leaflets given to campers on entry remains the first approach to mitigation. However the proposals to use signage within the Forest, and temporary closures of layby parking may not be possible to secure as it requires agreement and co-operation with the Forestry Commission. The remedial action which is now proposed would be to reduce the number of pitches on the camp site for a temporary period until the end of the bird breeding season, which can be done by not accepting further campers until campers present on the site leave at the end of their stay. This is under the control of the applicant and does not rely on third party actions. The applicant has confirmed that they would be committed to implementing this mitigation. Natural England has agreed to this change to the potential mitigation and the approach that the applicant has submitted.

35. The monitoring as detailed above, would need to be conditioned. This will need to ensure that the agreement of Natural England is embedded in the

condition and that the Council liaises with the Forestry Commission on the bird monitoring and visitor survey as they have requested.

36. The country park currently closes at 8pm however the park will remain open for campsite visitors, who due to the layout of the Park and having access, will be able to walk within the park on public footpaths after 8pm. The park provides alternative greenspace for visitors to use so diverting visitors from sensitive forest clear-fell areas.
37. Lighting on the site will be limited to the vicinity of the service buildings, and the fire points. There is potential for this feature of the site to impact on the SPA now and in the future as has been highlighted by the RSPB in their consultation response. The applicant has added additional screen planting between the camping site and the forest clear fell areas to help mitigate any impacts. This can be secured by condition as part of new soft landscaping proposals. Details of any external lighting should also be conditioned.
38. The application includes the removal of a number of trees on the northern boundary of the site between the proposed camp site and the existing clear-fell area to provide a highway sightline. The applicant has submitted proposals to include additional tree planting to ensure that a sustainable vegetative screen is maintained. Planting implementation and maintenance can again be secured by condition.
39. In consideration of all the above matters, the HRA concludes that Likely Significant Effects can be screened out, provided the proposed monitoring and mitigation measures are secured and implemented.

Impact on designated sites and protected species

40. Extensive discussions took place with both Suffolk Wildlife Trust and Natural England prior to the resubmission of this application. The Council's Ecology Officer has carefully assessed the submitted information. The Country Park at West Stow and the surrounding areas are of very high nature conservation value. This is further demonstrated by the number of designated sites of European and National significance. These include Breckland SAC, Breckland SPA, Breckland Forest SSSI, West Stow Heath SSSI and Lackford Lakes SSSI. In addition there are a number of local designations which include Thetford Forest Park County Wildlife Site and Lackford Lakes which is also a Suffolk Wildlife Trust Nature Reserve. There are also a large number of species records relevant to the site and immediate surroundings.
41. A site survey has been undertaken to identify the habitats and protected species potentially affected by the proposals. A management plan is required for the site and this will need to include details on the management of the bund to the northern boundary – the applicant has suggested what the management of these feature might include however the detail can be agreed by condition.
42. In relation to bats, these have been adequately dealt with on the site.
43. In relation to reptiles; whilst the measures identified appear sufficient to

prevent construction activities from killing or injuring any reptiles present, the proposed campsite will result in the loss of a significant area of habitat suitable for reptiles. The following mitigation is proposed: creation of a bund along the northern edge of the campsite; tree clearance elsewhere within the Country Park which has already created habitat suitable for reptiles; and improvements and continued positive management of the field to the west of the application site for reptiles. Nevertheless there will still be a net loss in habitat. The measures in the ecological appraisal including the reptile mitigation strategy will need to be implemented. The strategy must also be applied to areas where there is to be localised changes to levels.

44. Water voles are known to be present on this stretch of river and are likely to be utilising suitable habitat on both banks. There is therefore a strong possibility that any disused burrows could come back in to use. Before any works in the vicinity of the river bank are undertaken, further assessment of water vole presence must be undertaken. This can be secured by condition through the implementation of the measures in the ecological appraisal.
45. The re-positioning of the application site (compared to the previous application) is likely to lessen effects to Lackford Lakes SSSI as it is now separated from the application site by the existing grassland with intermittent planting and the existing track bank. The site plan indicates (via a note) that there should be intermittent planting on the southern boundary of the site, details of which can be secured by condition.
46. It is also necessary to condition the operating times for the camp site so that visitors may only occupy pitches between March and October. The restricted timescale for operation is considered to be fundamental to the acceptability of the camp site in respect to the potential impact on overwintering birds at Lackford Lakes.
47. The ecological appraisal makes a number of recommendations relating to preventing adverse impacts on the SSSI. This includes the strengthening of the planting between the two sites and reinforcing riverbank vegetation to prevent public access. Details of planting between the two sites are not fully described however the areas to be managed and planted are shown in figure 11 of the ecological appraisal. Details, implementation and future management can be secured by condition.
48. It is understood that a program of wardening of the riverside footpath could be implemented by both camp site staff and country park rangers. This can be secured and implemented by a condition that requires detail on the level of wardening which will be undertaken, who will be responsible for carrying it out and ensuring it is implemented during the 'open season'. Additionally, signage and installation of woven willow fences to block off any potential river access points can also be secured by condition, along with provision of information to campsite visitors to encourage them to visit Lackford Lakes using the public entrance and discouraging them from entering by crossing the river.

Access and rights of way through the park

49. The site area of the proposed campsite now occupies the overflow car park and areas which are largely fenced from direct access by the parks visitors. The camp site is located in the least used part of the West Stow site and that has consequences on landscape character as described above. However policy DM42 promotes alternative recreational use of public open space where it is considered to be an enhancement or expansion of facilities.

50. The impact of the loss of the overflow car park during events has been raised as a concern. The potential impact is that parking on road verges might occur if parking is not properly managed. The applicant has confirmed that major events that require car parking do not coincide with the peak season of camping. There will therefore be availability of overflow car parking on the campsite during these events. The event dates are as follows:

- Easter Big Brecks Fest 27/28th March
- Dragon Fest 25/26th June
- Warrior Through Time 17/18th Sept
- Enchanted Heath 22/23rd October (potentially 28/29)

At the last Big Brecks Fest and Dragon Fest 3 parking attendants managed visitors. This allowed for proper parking of cars to the maximum potential which was approx. 250 within the existing car park. The overflow carpark was used on both days from about 11.45am - 3pm. This was not to the full amount (50) but around 30. This overflow number can easily be accommodated in the campsite area if needed.

51. The camping site is now located to the north of the long distance waymarked footpath known as 'St Edmunds Way'. This permissive path will remain available to the public and also to visitors of the camp site. The country park will remain open for campsite visitors after its closure to the general public. The main entrance to the park will still be locked at 8pm. Due to the layout of the Park, campsite users having footfall access will be able to walk within the park after 8pm. As there is no lighting in the park, the darkness will act as a natural prohibiting factor in any movement of people after dark. Any lighting on the site will only be low level marker lighting around the buildings (details of which can be secured by condition). This is an important factor in the consideration of the impacts on the SPA as the assessment assumes that the park provides alternative greenspace for visitors to use and therefore diverting visitors away from sensitive clear-fell areas.

Impact on highway safety

52. The Highways Authority has assessed the proposals and has raised no objections subject to conditions which are set out in the recommendation below. A suitable access is proposed, to the east of and separate from the country park access. A number of trees to the east along the road are proposed to be removed to ensure adequate visibility. The concerns of residents are noted, but there is not sufficient evidence to show that the proposed development would be harmful to highway safety. The proposals in this respect are considered acceptable.

Economic considerations

53. The Council's Economic Development Team support the proposals. They note that Tourism accounts for 10.5% of total employment (over 67,000 jobs) and is worth £1.3 billion to the Suffolk and Norfolk economy. It is one of the three key sectors identified as having the greatest potential for growth in the West Suffolk 'Six point plan for jobs and growth', which has an aim to encourage more overnight stays in West Suffolk.
54. There are clear economic benefits from the proposed scheme, which must be weighted accordingly in the balance of considerations. The additional visitors to the Country Park are likely to increase revenue to the existing visitor centre, café and to events held there. The application form states that an additional 2.5 full time equivalent posts would also be created from the development. This will lead plainly and on its own face to wider economic benefits from increased overnight visitors to the area and the associated additional spend. It will support the tourist industry in the area which is a very important part of the local economy in and around Bury St Edmunds.

Conclusion:

55. Given the ecological sensitivity of this site, any scheme for development must be carefully considered. As is detailed above, it is clear that the proposal to place a caravan and camping park within West Stow Country Park will have some harmful effects on landscape and biodiversity. These have been fully weighed against the benefits of the proposals and related planning policies. A Habitats Regulations Assessment (HRA) has been undertaken and has concluded that Likely Significant Effects can be screened out. With the conditions proposed, the principle and detail of the development is considered, on balance, to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:
 - Site location plan – 007 rev A
 - Existing site plan – 008
 - Proposed site plan – 012 rev J
 - Proposed reception block – 010 rev A
 - Proposed service block – 011 rev A
 - Ecological Appraisal – August 2015

Amendment to ecological appraisal – 8.12.2015
Design & Access Statement
Phase II Environmental Assessment Report – August 2014
Flood Risk Assessment – October 2015 (Rev A)

Reason: To define the scope and extent of this permission.

3. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 10399 012 J; and with an entrance width of 5.5 metres and made available for use prior to construction. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

4. Prior to the development hereby permitted being first occupied, the vehicular access onto the Icklingham Road shall be properly surfaced with a bound material for a minimum distance of 12 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

5. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 10399 012 J shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

6. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: It is considered necessary to impose a pre-commencement condition so that any potential safety issues can be resolved prior to construction. This will ensure the prevention of hazards caused by flowing water or ice on the highway in the interests of road safety.

7. Gates shall be set back a minimum distance of 25 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.

Reason: In the interests of road safety.

8. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

9. The use shall not commence until the area(s) within the site shown on drawing number 10399 012 J for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

10. Before the development is first occupied the vehicle turning space shown on the drawing number 10399 012 J shall be provided in its entirety and shall be retained thereafter in its approved form and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

11. Before the access is first used visibility splays shall be provided as shown on Drawing No. 10399 012 J with an X dimension of 2.4 metres and a Y dimension of 215 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

12. The existing access onto Icklingham Road at the eastern edge of the site as shown on Drawing No. 10399 012 J marked Emergency Access Only shall be used for no other purpose other than its current (pre-development) use and occasional emergency access.

Reason: The access is not suitable for any intensification of use due to the limited visibility onto Icklingham Road so any increased use would be detrimental to highway safety.

13. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

(a) The programme and methodology of site investigation and

- recording
- (b) The programme for post investigation assessment
- (c) Provision to be made for analysis of the site investigation and recording
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- (e) Provision to be made for archive deposition of the analysis and records of the site investigation
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: It is necessary to impose a pre-commencement condition as there is high potential for encountering further archaeological deposits at this location, which may be damaged by any groundworks associated with the present application and to enable any remains of archaeological significance to be investigated and recorded.

14. The site shall not be brought into use until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 13 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To enable any remains of archaeological significance to be investigated and recorded.

15. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. Infiltration systems shall be used in the first instance unless poor soakage rates demonstrate otherwise and/or it is shown these SuDS features will pose a risk to groundwater quality. In this case the drainage strategy; DWG No. 012(H) and informatives in the accompanying FRA should be used instead.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority. The scheme shall also include details of how the scheme shall be incorporated through construction phases to completion and maintained and managed in perpetuity.

Reason: It is considered necessary to impose a pre-commencement condition to prevent the increased risk of flooding both on and off site, to improve and protect water quality and to ensure future maintenance of the system.

16. The touring caravan/tent pitches shall only be occupied between 1st March and 31st October in any year.

Reason: To ensure that the Local Planning Authority retains control of the site because it is located within the rural area where permanent residential occupation/permanent siting would not be permitted and to minimise disturbance to over wintering birds at Lackford Lakes SSSI to the south of the site.

- 17.No touring caravan/tent shall be stationed on the site for more than 28 consecutive days.

Reason: To ensure that the Local Planning Authority retains control of the site because it is located within the rural area where permanent residential occupation/permanent siting would not be permitted.

- 18.On commencement of the use hereby permitted, the owners/operators of the site shall keep at all times an up-to-date Register of all lettings which shall include the name and address of the person or party occupying the pitches during each individual letting. The Register shall be made available for inspection on demand by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over the site.

- 19.Prior to their use on the site, details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

- 20.Within two months of the commencement of development, there shall be submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and help mitigate any impact on the wider landscape.

- 21.Within two months of the commencement of development full details of a hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas and hard surfacing materials. The scheme shall be implemented prior to the occupation of

any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To enhance the appearance of the development.

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed including all soft landscaping areas, planting between the campsite and Lackford Lakes SSSI, bund area to the northern and eastern boundary and campsite grassland areas
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: It is necessary to impose a pre-commencement condition to ensure suitable mitigation of any impacts of the proposals on existing protected species and to enhance the biodiversity of the site.

23. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy (in consultation with the Forestry Commission) has been submitted to, and approved in writing by, the local planning authority (in consultation with Natural England). The purpose of the strategy shall be to monitor visitor activity in clear-fell areas within 400m of the campsite and monitoring of nesting woodlark and nightjar to identify whether visitor numbers are having an adverse effect on the SPA qualifying birds.

The content of the Strategy shall include the following;

- (a) Aims and objectives of monitoring to match the stated purpose.
- (b) Identification of adequate baseline conditions prior to the start of development.
- (c) Appropriate criteria, thresholds, triggers and targets against which the effects of visitor activity being monitored can be judged.
- (d) Methods for data gathering and analysis.
- (e) Location of monitoring.
- (f) Timing and duration of monitoring.
- (g) Responsible persons and lines of communication.

- (h) Review of results and implementation of mitigation measures, and where appropriate, publication of results and outcomes including reporting to Natural England.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with natural England and the Local Planning Authority, and then implemented. The monitoring strategy will be implemented in accordance with the approved details.

Reason: It is necessary to impose a pre-commencement condition to ensure a suitable biodiversity monitoring strategy can be secured to monitor the effects of visitor numbers on the SPA qualifying birds.

24. Prior to installation, details of all external lighting shall be submitted and agreed in writing with the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the site being brought into use. No additional lighting shall be installed unless first agreed in writing with the Local Planning Authority. Any lighting must be directed away from site boundaries and adjacent clear-fell areas to avoid disturbance to foraging bats and SPA qualifying birds.

Reason: To ensure the effects of lighting on the site are minimised where it could have a detrimental impact on protected species.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

26. Piling or any other deep foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

27. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details prior to the site being brought into use.

Reason: It is necessary to impose a pre-commencement condition as the site is located on the chalk principal aquifer (part of the Cam and Ely Ouse groundwater body, a Water Framework directive Drinking Water Protected Area). It is therefore necessary to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

28. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal for West Stow dated 17 August 2015, including revisions and supplementary documents submitted [Amendment to the Ecological Appraisal 8 December 2015] as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To mitigate the impacts of the proposals on existing protected species and to enhance the biodiversity of the site.

29. No development shall take place, including demolition, ground works and vegetation clearance, until a mitigation strategy for reptiles as detailed in 4.2.67 of the Ecological Appraisal has been submitted to and approved in writing by the local planning authority. This shall include those areas described in the Ecological Appraisal and all camping areas where excavation and filling is required to make up levels. The reptile mitigation strategy shall be thereafter implemented, prior to the site being brought into use.

Reason: It is necessary to impose a pre-commencement condition to ensure a suitable mitigation strategy for reptiles can be secured.

30. No development shall take place until a scheme of wardening for the River Lark and Lackford Lakes boundary (in consultation with Suffolk Wildlife Trust) has been submitted to and approved in writing by the local planning authority.

The scheme shall include the following:

- (a) Purpose and conservation objectives for the proposed wardening scheme.
- (b) Extent and route of the proposed wardening scheme on appropriate scale maps/plans.
- (c) Timetable for implementation demonstrating that works are aligned with the opening of the camping site.
- (d) Persons responsible for implementing the works.
- (e) Strategy for immediately dealing with campers found in the river
- (f) Strategy for responding to complaints of trespass from Lackford Lakes (eg. immediate meeting with SWT to agree if mitigation is required)

- (g) Details for potential remedial measures such as information to campers, signage and fencing.

The scheme of wardening shall be implemented in accordance with the approved details as soon as the site is brought into use.

Reason: It is necessary to impose a pre-commencement condition to ensure appropriate mitigation of any impacts of the proposals on existing protected species.

Documents:

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

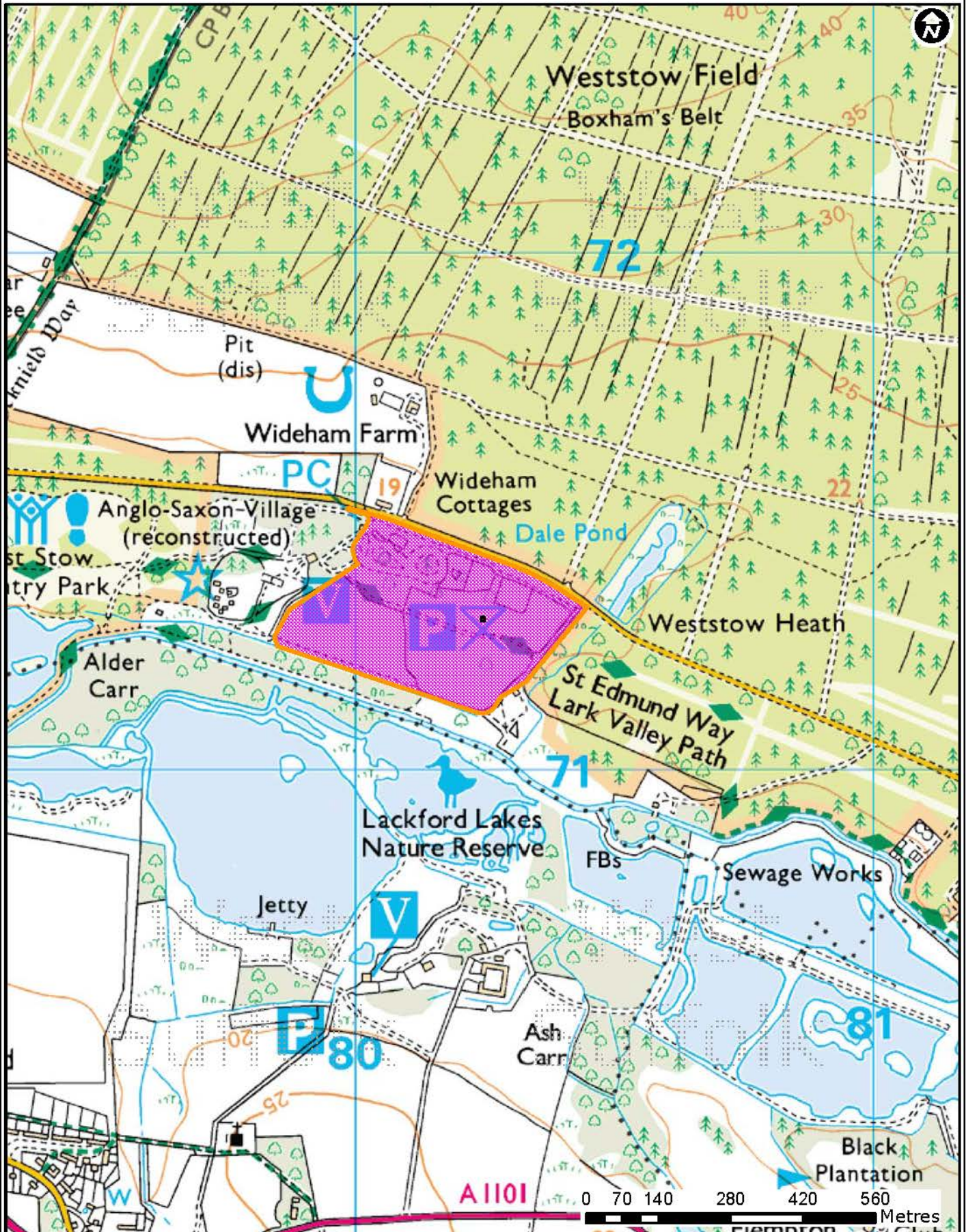
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NUTJIOPDKH000>

Case Officer: Sarah Drane

Tel. No. 01638 719432

DC/15/1899

West Stow, Country Park



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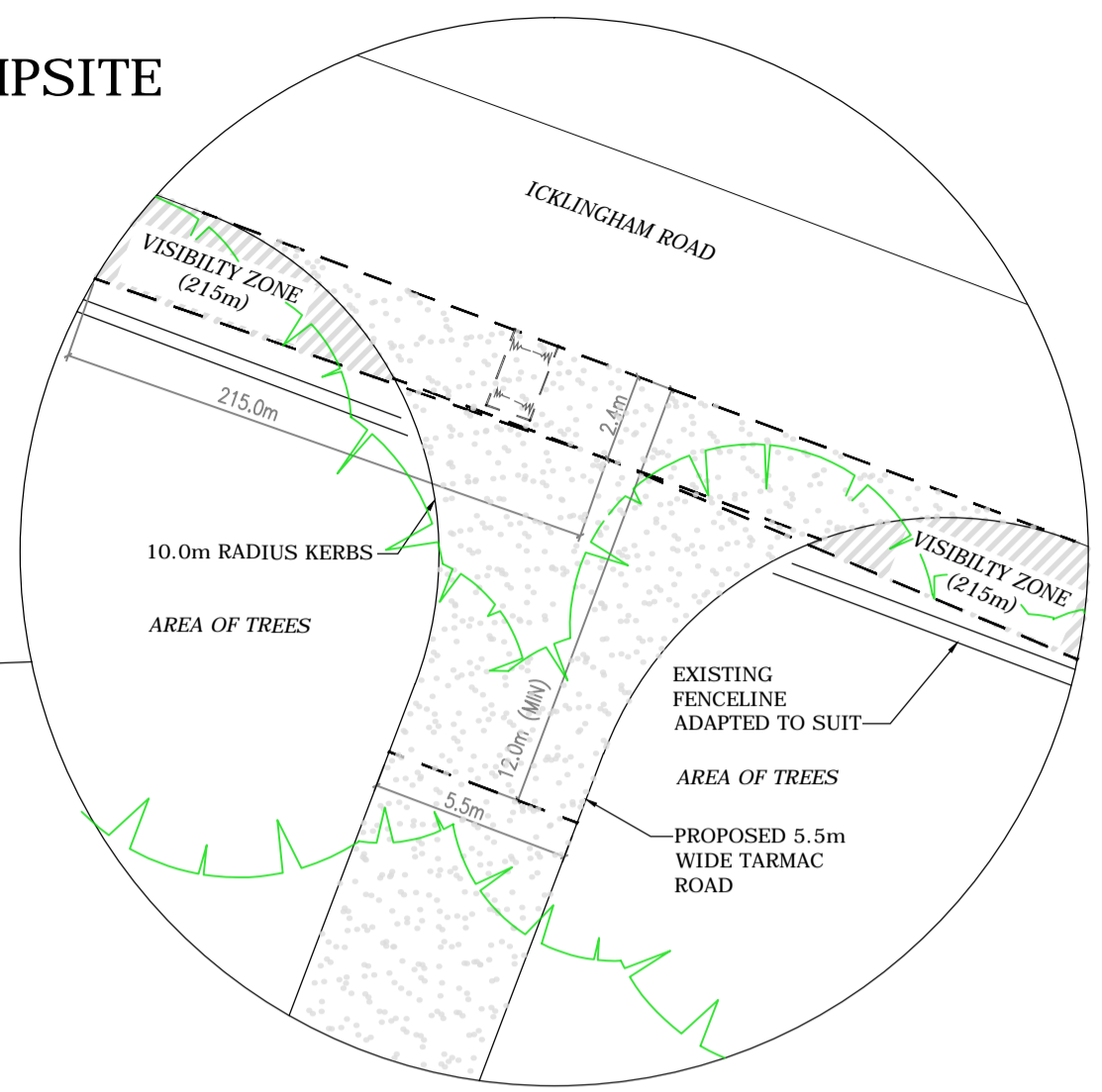
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Scale: 1:10,000
Date: 17/12/2015

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PROPOSED CAMPSITE ENTRANCE
SCALE 1:200



DO NOT SCALE FROM THIS DRAWING
ASK FOR DIMENSION USE ONLY FOR PURPOSE INDICATED BELOW

ASSOCIATED DWGS	
DWG NO.	TITLE
10399/007	SITE LOCATION PLAN
008	EXISTING SITE PLAN
010	PROPOSED RECEPTION BLOCK
011	PROPOSED SERVICE BLOCK

TREES AT NORTHERN BOUNDARY	
EXISTING TREES	395
TREES TO BE REMOVED:	
ENTRANCE	2
EAST OF ENTRANCE	33
TOTAL REMOVED	35
(8.9% OF EXISTING TREES)	

- NOTES**
- EXISTING FENCES TO NORTHERN BOUNDARY TO BE ADJUSTED AND REPOSITIONED (WHERE APPLICABLE) TO 0.5m INSIDE THE LINE OF SITE VISIBILITY SPLAY. THIS INCLUDES CURVED TIMBER FENCING AT MAIN COUNTRY PARK ENTRANCE (SEE PHOTO LEFT).
 - CARAVAN/TENT PITCH LAYOUT IS INDICATIVE. (100 PITCHES SHOWN-6m MIN SPACING FOR FIRE PRECAUTIONS).
 - POWER POINTS WILL BE PROVIDED TO PITCHES.

LEGEND	
SYMBOL	DESCRIPTION
DW	DRINKING WATER POINT
□	LIGHTING BOLLARD
F	FIRE POINT
WWD	WASTE WATER DISPOSAL
—	ELEC.
—	WATER
⊗	WATER STOPCOCK
—	DRAINAGE RUN
▨	ROAD PLANINGS
▩	TARMAC
○	TREE TO BE REMOVED
—	'PUMPHOUSE ROUTE' FOOTPATH

REVISIONS	
A-D	ALL REVISIONS MADE DUE TO RE-DESIGN OF CAMPSITE LAYOUT
E	ENTRANCE WIDENED & SWARD AREA INCREASED
F	ENTRANCE MOVED TO AVOID BAT ROOST. SUB-STATION MOVED. TARMAC TO ROAD PLANINGS. HARDSTANDINGS REMOVED
G	CAMP SITE AREA REDUCED & LAYOUT ADJUSTED TO SUIT
H	BLOCK LAYOUT AMENDED & SEWAGE TREATMENT PLANT RE-LOCATED

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West Suffolk
working together

WEST SUFFOLK PROPERTY SERVICES

Head of Service: Mark Walsh
West Suffolk House, Western Way, Bury St. Edmunds, Suffolk, IP33 3YU
Tel: 01284 763533, Fax: 01284 757386, E-Mail: property.services@westsuffolk.gov.uk

Project: **WEST STOW CAMPSITE**

Title: **PROPOSED SITE PLAN**

Scale: 1:200 1:750 Drawing Size: A1
Date: 21 JUL 15 Drawn By: KLS Appr By:
File No.: 10399 012 Drawing No.: Revision: H

- SANDY SOIL BUND TO BENEFIT REPTILES
- SHORT GRASSLAND SWARD TO BENEFIT WOODLARK AND INSECTS

PROPOSED SITE PLAN
SCALE 1:750

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

7 January 2016

Householder Application DC/15/2058/HH

2 Croft Rise, Bury St Edmunds

Date: 12 October **Expiry Date:** 7 December 2015 -
Registered: 2015 Extension of time to
8 January 2016

Case Officer: Kerri Cooper **Recommendation:** Grant

Parish: Bury St. **Ward:** Southgate
Edmunds Town

Proposal: Householder Planning Application - Two storey rear extension

Site: 2 Croft Rise, Bury St Edmunds, Suffolk, IP33 2PY

Applicant: Mr. and Mrs. P. Ivory

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Email: kerri.cooper@westsuffolk.gov.uk
Telephone: 01284 757341

Background:

This application is before the Committee after being referred following consideration at the Delegation Panel. It was presented to the Panel at the request of Cllr. Sarah Stamp, one of the Ward Members on the grounds that there will be a detrimental impact to the neighbours should this proposal go ahead. Bury St Edmunds Town Council have no objection to the proposal.

A site visit is proposed to take place on Monday 4 January 2016.

Proposal:

1. Planning permission is sought for the erection of a two-storey rear extension to create an extended kitchen / dining room / family room plus utility room on the ground floor with two extended bedrooms on the first floor.
2. The proposal has a depth of 3.2 metres and a height of 7.5 metres to the ridge, which sits slightly below the ridge of the host property.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Drawing nos. CRL11915 01, 02, 03 and 04 Rev B received 12th October 2015.

Site Details:

4. The application site comprises a two storey, detached dwelling situated within the Housing Settlement Boundary of Bury St. Edmunds. The host dwelling is set forward from its neighbour, facing a pedestrian walkway and open space.

Planning History:

5. There is no history that is relevant to the determination of this application.

Consultations:

6. N/A

Representations:

7. Town Council: Have no objection based on the plans received.
8. Neighbours: Two letters of objection have been received making the following summarised comments:

- The planning application for the two storey rear extension of 2 Croft Rise will considerably cause a reduction of light in to neighbouring conservatory as well as significantly reduce the pleasure and enjoyment of the conservatory which is family room used all the year round. This is because the proposed extension will extend beyond the back wall of the neighbouring property and therefore will block the afternoon sun in the conservatory particularly from late autumn to early spring.
- Consider that a single storey extension would be more in keeping with the properties in this location and would have less detrimental impact on both nearby property and the surrounding
- We purchased our house because of the large rear garden that is not overlooked and benefits from being a sun trap all day long. A 3.2 metre extension will significantly impact our enjoyment of our garden area and we are on lower ground than the house at No2, so the 2 stories will tower over our view. This extension is not allowing for this staggered line and will be an intrusion into our view from the rear windows / patio doors of our house as well as sunlight in our garden during the summer months.

9. Cllr. Sarah Stamp has requested that the matter is presented before the Delegation Panel *'on the basis that there will be a detrimental impact to the neighbours should this proposed extension go ahead'*.

Policy: The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy December 2010 and Bury St. Edmunds Vision 2031 have been taken into account in the consideration of this application:

10. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places)
- Policy DM24 (Alterations and Extensions to Dwellings)

11. St Edmundsbury Core Strategy December 2010:

- Policy CS3 (Design and Local Distinctiveness as supported by SPD Development Design and Impact)

12. Bury Vision 2031:

- Policy BV1 (Housing Development within Bury St. Edmunds)

Other Planning Policy:

13. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Neighbouring Amenity

15. Policy DM24 states that new extensions shall respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the plot of the dwelling curtilage.
16. Furthermore, they should incorporate designs of a scale, massing, height and materials compatible with the locality and should not adversely affect the residential amenity of neighbouring dwellings.
17. In this case, the dwelling is positioned within a curtilage which is able to accommodate a degree of expansion without over-development occurring. It is also positioned to the rear of the property where the general design can be considered acceptable in this suburban context and where the impact upon the wider setting will, consequentially, be limited.
18. Policy CS3 of the Core Strategy and Policy DM24 of Joint Development Management Policies Document states that proposals will be permitted for new development provided they do not affect adversely residential amenity.
19. It is important to carefully assess the relationship of the proposal to adjacent off site property, noting the closely spaced dwellings and suburban context. Some adverse impacts might reasonably be accepted in such a context but care is needed to ensure that any such impacts are not significant.
20. The proposal includes an obscure glazed window on the east elevation. This could be installed under permitted development rights and, if done under such, would need to be obscure glazed. However, if installed following an express consent would not be otherwise so restricted and so a condition is necessary to secure obscure glazing. Noting that any additional flank windows subsequently installed would need to be obscure glazed under 1.6 m above finished floor level it can be robustly concluded that there will be no material adverse effect upon amenity from overlooking.
21. The existing dwelling and the extension is located approximately 12.8 metres from the rear elevation of No. 57 Home Farm Lane, and inset approximately 1.4 metres from the shared boundary between the two properties. It is located to the east of No. 57, with a commensurate eaves line and a modestly reduced ridge height when compared to the host dwelling. In this context it is noted that there will be some inevitable loss of light to this property and general overshadowing. However, noting the modest overall depth of the extension at 3.2 metres, it cannot be concluded that this will be severe, such that a refusal could be justified in this context, and neither is it considered that it would result in any materially adverse overbearing impact that might affect the enjoyment of the garden and property at No. 57, certainly not to the context that permission could be refused.
22. The relationship to No. 4 Croft Rise is also one which requires careful assessment. There is a modest existing stagger between these properties

such that No. 4 is approximately 1.9 metres behind the existing rear of No. 2. There is also a gap of 2 metres between the two properties. The extension, at 3.2 metres in depth, will therefore extend approximately 1.3 metres beyond the existing rear wall of No. 4. No. 4 has a conservatory on the rear, closest to No. 2, and noting that the extension will be positioned to its west, there will also inevitably be a degree of impact, including general loss of light and overbearing impact. However, noting the stagger, noting the separation, and noting the modest scale of the extension proposed, it is not considered that any adverse impacts would withstand the scrutiny of an appeal were this matter to be refused. The fact that the extension at No. 4 is a conservatory, such that adverse impacts upon light and overbearing effect are materially different than they would be if the extension at No. 4 was a brick built and tiled roof extension, is noted and weighted in the balance, but the impacts remain at a level that are not considered sufficient to justify a refusal.

Conclusion:

23. Therefore, the proposed development is considered to comply with Policy DM24 of the Joint Development Management Policies Document 2015 and Policy CS3 of the St Edmundsbury Core Strategy December 2010.

Recommendation:

It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions –

1. 01A - Time limit detailed.
2. 14FP – Development to accord with drawing nos. CRL11915 01, 02, 03 and 04 Rev B received 12th October 2015.
3. 11A - Proposed first floor window on East elevation to be obscure glazed and thereafter retained as such.

Documents:

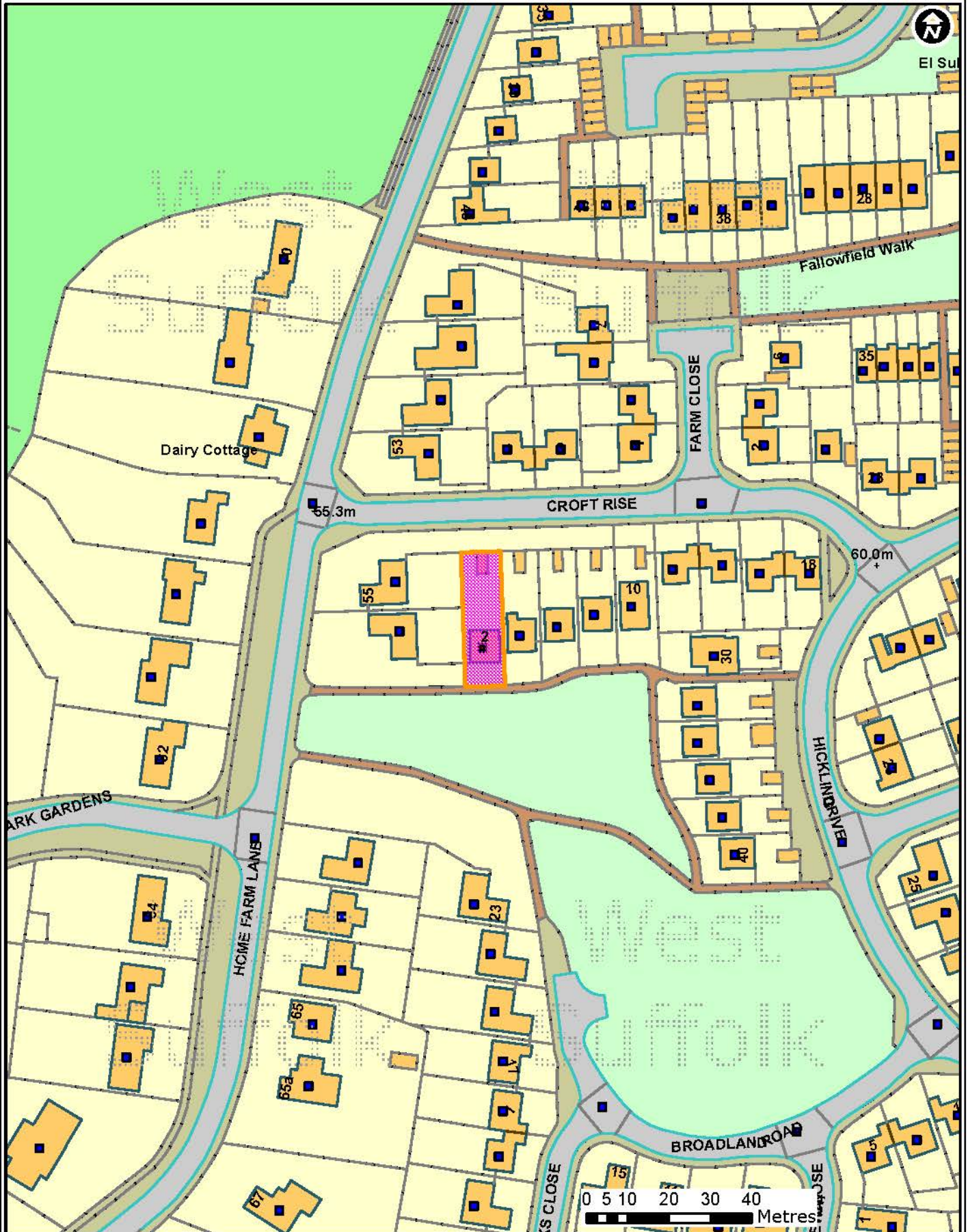
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NW3J2PPDKU900>

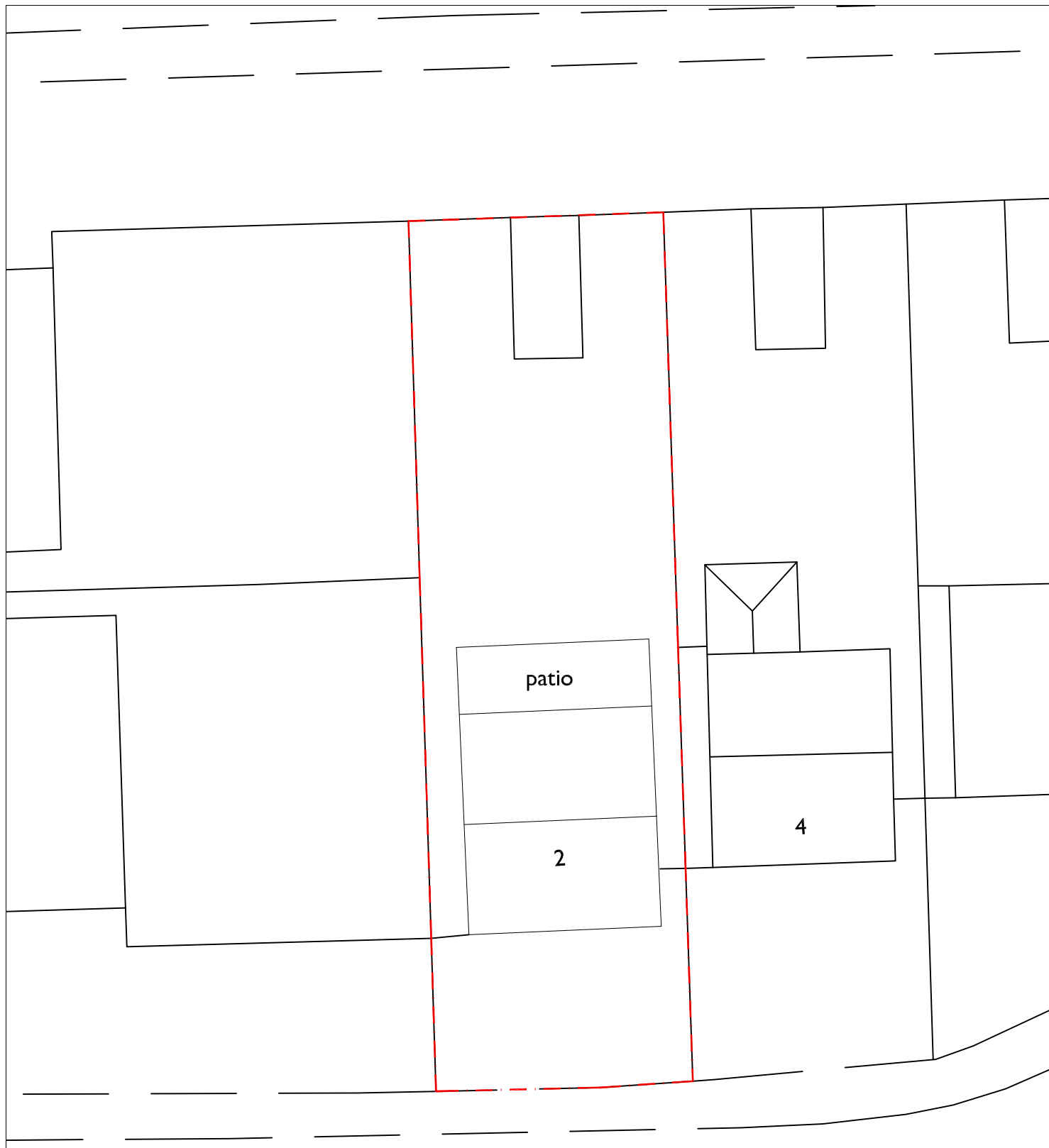
Case Officer: Kerri Cooper

Date: 17.12.2015

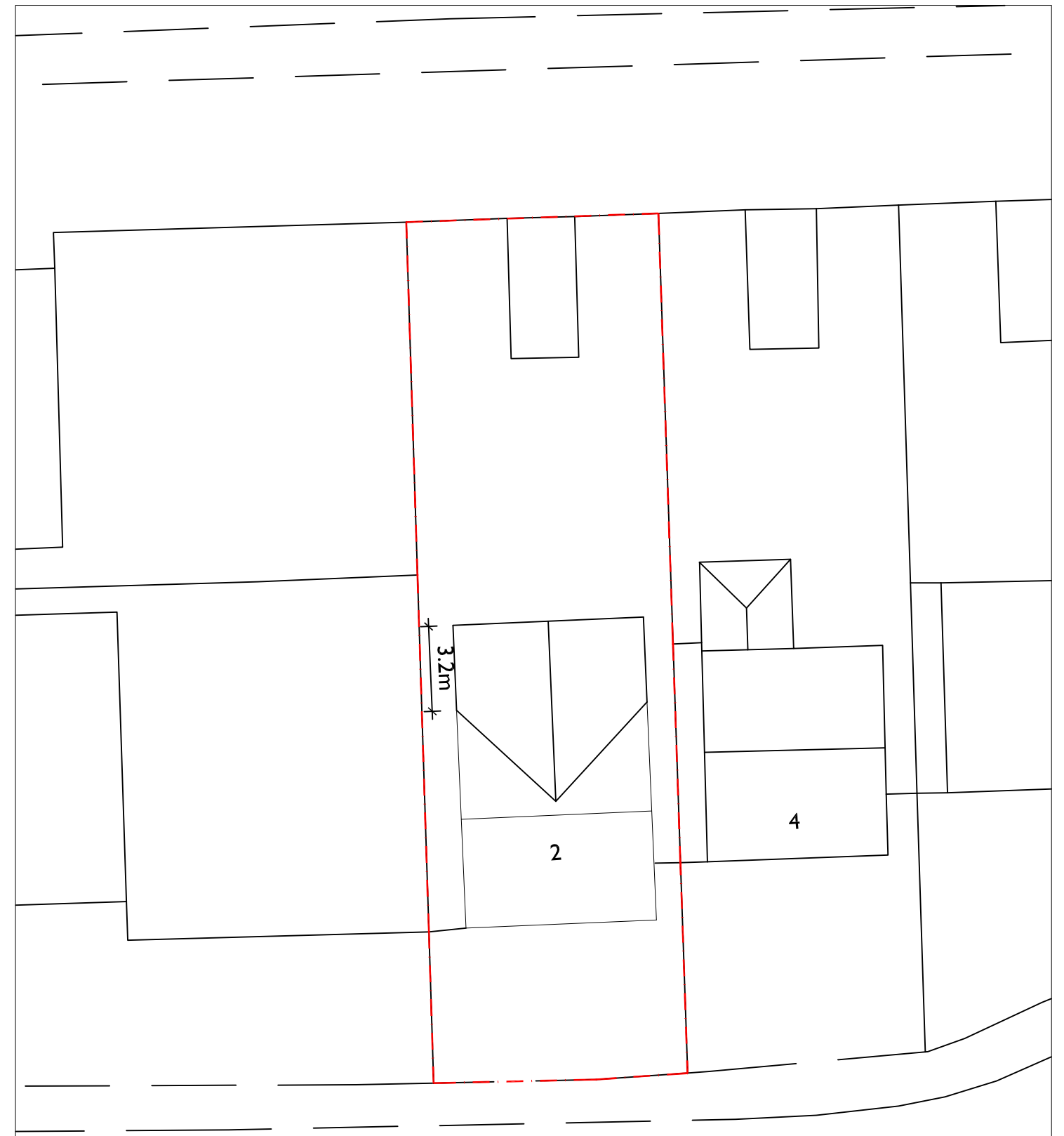
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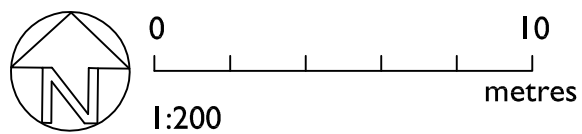
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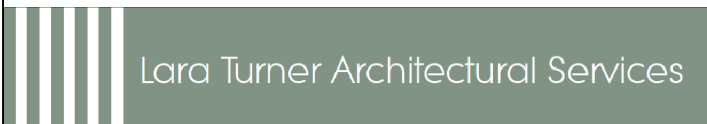
BLOCK PLAN
EXISTING



BLOCK PLAN
PROPOSED



Do not scale from this drawing. All measurements to be checked on site. Any discrepancies, contact the issuer.

		Rose Cottage High Street Rattlesden Bury St Edmunds Suffolk IP30 0RA	Lara Turner Architectural Services © tel: 01449 737428 e-mail: enquiries@ltaarchitectural.co.uk
DETAIL: BLOCK PLAN EXISTING & PROPOSED		PROJECT: REAR EXTENSION - 2 CROFT RISE, BURY ST. EDMUNDS IP33 2PY	
Scale: 1:200@A3	Date: August 2015	JOB No. CRLI1915	DRG No. 02

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/06

Development Control Committee

7 January 2016

Advertisement Application DC/15/1656/ADV

Land at Hepworth Road, Stanton

Date 9 October 2015 **Expiry Date:** 4 December 2015
Registered:

Case Ed Fosker **Recommendation:** Grant Consent
Officer:

Parish: Stanton **Ward:** Stanton

Proposal: Application for Advertisement Consent - Retention of: (i) 6 no. non-illuminated wall mounted signs; (ii) 2 no. swing boards; (iii) 2 no. non-illuminated house mounted signs; and (iv) 2 no. directional signs

Site: Land at Hepworth Road, Stanton

Applicant: Abbey Developments

Synopsis:

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

CONTACT CASE OFFICER:

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01638 719470

Background:

This application is referred to the Committee following consideration by the Delegation Panel. It was referred to the Panel at the request of Cllr. Thorndyke as Ward Member. Stanton Parish Council makes 'no comment' on the proposal.

Proposal:

1. Advertisement Consent is sought for the retention of a 12 non-illuminated signs which advertise a new housing development. These include the retention of (i) 6 no. non-illuminated wall mounted signs; (ii) 2 no. swing boards; (iii) 2 no. non-illuminated house mounted signs; and (iv) 2 no. directional signs.
2. This proposal follows a previous refusal for signage at this site, which is presently at appeal. That refusal sought consent for the display of 19 signs, including those presently the subject of this application, plus an additional seven free-standing flag pole signs. These flag poles are understood to remain on site but do not form part of this application, albeit they are subject to the ongoing appeal proceedings and are therefore tolerated at this stage pending the outcome of that process.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application form
 - Plans
 - Photographs

Site Details:

4. Countryside and village location where the majority of signs are located within the present development site that the signs are advertising. Two signs are located close to the development site near the junction with the A134.

Planning History:

5. DC/108/1410/FUL- Planning Application - Erection of 101 dwellings with associated accesses and open space. The application was refused but allowed on appeal.
6. DC/14/0270/ADV- Advertisement Application - Retention of one stack sign and two flag poles – approved.
7. DC/15/0431/ADV - Application for Advertisement Consent - retention of 8 no. flagpoles, 6 no. banner style house mounted signs, 2 no. swingboards, 2 no. house mounted signs and 2 no. directional signs (all non-illuminated). Refused – appeal ongoing.

Consultations:

8. Highway Authority: No objection. Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission. The continued use will have no adverse impact on the highway.

Representations:

9. Stanton Parish Council: Makes 'no comment' on the proposal.
10. Neighbour Responses: No letters of representation have been received.

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

11. Joint Development Management Policies Document:
- Policy DM38 – Shop fronts and Advertisements
12. St Edmundsbury Core Strategy December 2010
- Policy CS3 – Design Quality & Local Distinctiveness

Other Planning Policy:

13. National Planning Policy Framework (2012) core principles and paragraph 67.

Officer Comment:

14. The issues to be considered in the determination of the application are:
- Principle of Development

Principle of Development

15. Paragraph 67 of the National Planning Policy Framework states that:

"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

16. Policy DM38 details that advertisements should preserve or enhance the character and appearance of the building or location which it forms a part of and the street scene in which the proposal is located. Advertisements must not adversely affect neighbour amenity and public safety.

17. The proposed signs are in a prominent location along the street scene. There are three new dwellings where the majority of signs are located close to. Each dwelling has two banners mounted on the front elevation. Located forward of this in a small grass area is a swing board (on the site where bins will be stored). Located adjacent to the previously approved signage is a directional sign and on the junction with A134 is a swing board sign.
18. In total advertisement consent is sought for 12 signs. These are additional to the signs granted consent under DC/14/0270/ADV for a stack sign and two flag poles near to the junction with the A134. This proposal does not seek consent for the retention of the seven flag signs that were part of the refusal that is presently at appeal, and which was refused for the following reasons –
1. *Policy DM38 of the Joint Development Management Policies Document details that advertisements must preserve or enhance the character and appearance of the street scene. The amount of advertisements is considered excessive. The cumulative impact of these signs and the approved signs all located in close proximity to each other negatively affects the visual appearance of Hepworth Road. The position and amount of signs make the advertisements an incongruous and unnecessarily prominent feature which creates visual clutter along this rural road. Consequently the advertisements are not considered to preserve or enhance the street scene.*
 2. *Policy DM38 of the Joint Development Management Policies Document and paragraph 67 of the National Planning Policy Framework state that advertisements must not harm neighbour amenity. Due to the design of the flags they are considered to create excessive noise throughout the day and night through motion caused by wind. Due to the proximity to residential properties opposite and the cumulative impact of noise from all flags the proposal is considered to adversely affect neighbour amenity.*
19. Whilst it is understood that the flags remain in situ they do not form part of this proposal and it can be assumed that, unless they are successful at appeal, will be removed. The LPA has powers to ensure such occurs if required. The flags are considered to represent a significant and extensive element of the previously refused scheme, such that it can be judged that the developer, in discussion and negotiation with officers, has made a genuine attempt to overcome the previous concern.
20. Consequently the cumulative impact of all these signs in close proximity to each other is no longer considered to have such a materially negative impact on the appearance of the built environment in the way that the previous scheme did, such that justification for refusing consent can no longer be made. In reaching this judgement it is noted that it was considered previously that the flags, not least due to the fact that they move, and as set out in the second reason for refusal above, were considered to be the most prominent features, as well as adversely affecting amenity due to noise arising.

21. It is recognised that the advertisements are temporary whilst the development is constructed and plots sold. However consent is sought for five years, from 1st January 2015 until 1st January 2020. This is a substantial length of time. Noting that a degree of advertisement is required while works are ongoing, and that such is considered reasonable, noting the economic benefits arising, but also noting that the length of the display may otherwise be permitted after the properties have all been sold, it is considered reasonable to otherwise restrict consent once the properties have all been sold. Whilst it might readily be accepted as being self policing that the signs will all be removed once the houses are all sold this cannot be guaranteed and there would be no control if not otherwise removed. A condition is therefore proposed.
22. With regards to public safety the signs do not conflict with road signs and do not provide a hazard to road users and pedestrians. The Highway Authority has no objection to the scheme.
23. It was considered previously that the flags caused harm to neighbour amenity in terms of noise. The flags are located opposite existing residential properties on Hepworth Road. Due to the installation and design of the flags the rope consistently taps on the metal pole. This noise is loud and might reasonably be considered irritating when experienced over an extended period. This noise is exacerbated by the amount of flags. Consequently the flags are considered to adversely affect the neighbour amenity of occupants living opposite the flags. However, as advised, the retention of the flags no longer forms part of this appeal and this concern cannot therefore cause a refusal of this proposal. Once the appeal has run its course and a decision issued (timeframe for this is unknown, but it is anticipated that it will be relatively soon) the, if the appeal is dismissed, enforcement pressure can be brought to secure compliance and if the appeal is allowed then the flags will have consent. Action in the meantime therefore, pending the appeal decision, is not considered reasonable.

Conclusion:

24. Balancing and concluding, the development is considered to accord with Policy DM38 of the Joint Development Management Policies Document and paragraph 67 of the National Planning Policy Framework. The developer has taken material steps to address the concerns raised in the previous application by removing the flags from this proposal.

Recommendation:

It is **RECOMMENDED** that Advertisement Consent be **Granted** subject to the following conditions:

1. Standard advertisement conditions.
2. The advertisements hereby permitted shall be removed from the site on

or by 1st January 2020 or within two weeks following the sale of the final property on the wider development site, whichever is the sooner.

Reason: To prevent advertisement clutter in order to protect the amenity and appearance of the locality.

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/online-applications/applicationDetails.do?activeTab=documents&keyVal=NT2G2CPD05M00>

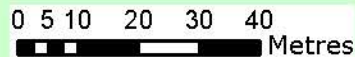
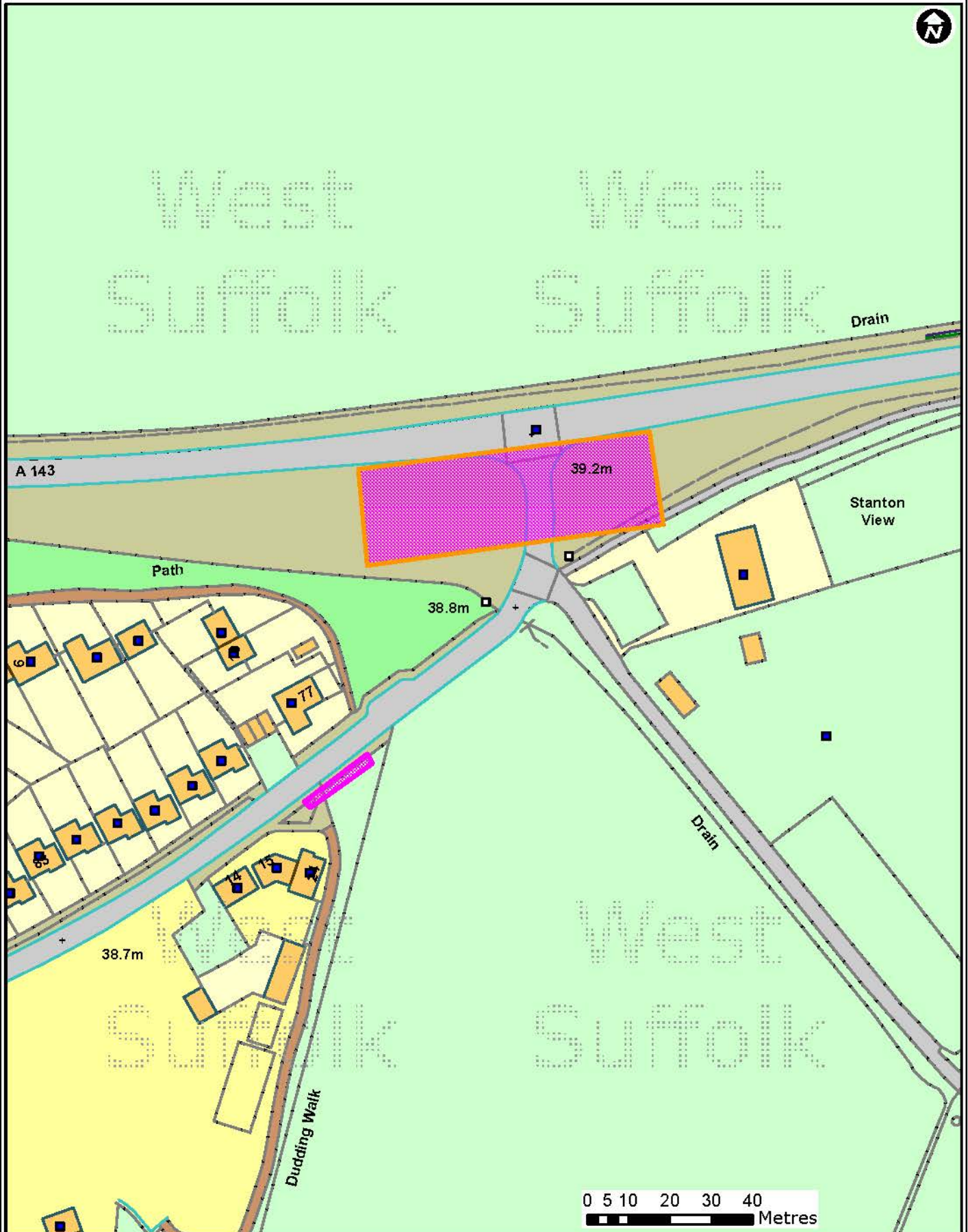
Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU

Case Officer: Ed Fosker

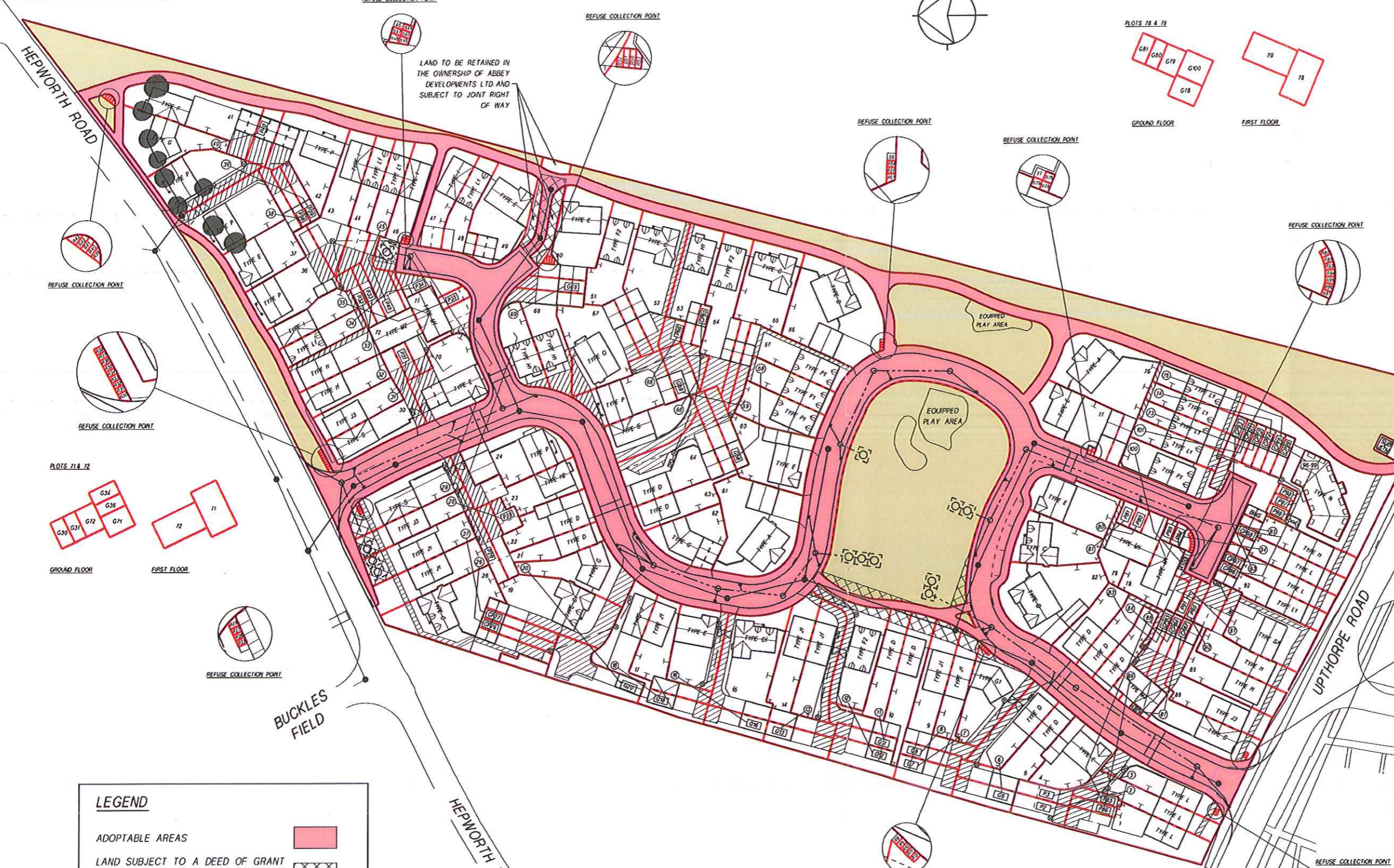
Tel. No. 01638 719440

Development Control Manager:

Date: 21 December 2015



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HEPWORTH ROAD

REFUSE COLLECTION POINT

LAND TO BE RETAINED IN THE OWNERSHIP OF ABBEY DEVELOPMENTS LTD AND SUBJECT TO JOINT RIGHT OF WAY

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- I Parking facilities for plots 92, 93 & 100 amended 21/2/15 BRC
- H JROFF omitted across the front of plot 1 23/2/15 BRC
- G Gate symbols at entrances to private drives amended 18/8/14 BRC
- F JROFF extended across plots 14, 96-99 21/8/14 BRC
- E 'R' grates added to remove refuse collected points. Plot 83 allocated RCP. 'A' grates added to area in front of garages for plots 92 & 93 21/3/14 BRC

Rev. No.	Revision	Date	Drawn
A	Private lighting columns and pillars to Management Company responsibility	15/1/14	BRC
B	Essement trimmed around the house on plot 30	11/3/14	BRC
C	Car port and parking amended for plots 86 & 86. Plot 87 assigned garages noted on W units	21/2/14	BRC
D	Parking space allocated to plots 94 & 95	13/3/14	BRC

TRIBRACH ASSOCIATES
 consulting civil & structural engineers
 14 Eversley Road, Boxhill on Sea, East Sussex, TN40 1EU
 Tel: (01424) 216214 Fax: (01424) 734284

Client **ABBAY DEVELOPMENTS LTD.**

Project **UPTHORPE ROAD STANTON, SUFFOLK**

Drawing **ESTATE PLAN**

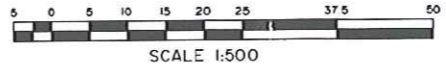
Scales Horizontal: 1:500 at A0 Vertical: Date: June 2012
 Copyright of Tribrach Associates 2012

DRAWING No: 211398/29 Rev. 1

LEGEND

- ADOPTABLE AREAS
- LAND SUBJECT TO A DEED OF GRANT OF EASEMENT IN RESPECT OF FOUL AND SURFACE WATER SEWERS
- LAND TO BE MAINTAINED BY MANAGEMENT COMPANY AND SUBJECT TO JOINT RIGHT OF WAY
- SHARED ACCESS AND PARKING AREAS
- FOUL SEWERS (Adopted)
- SURFACE WATER SEWERS (Adopted)
- LIGHTING BOLLARD TO BE MAINTAINED BY THE MANAGEMENT COMPANY
- LIGHTING FEEDER PILLAR AND CABLE ROUTE TO BE MAINTAINED BY THE MANAGEMENT COMPANY

● Indicates a banner mounted on Showhome



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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

7 January 2016

Planning Appeal-Application Reference

DC/14/1667/FUL

Land South of Rougham Hill, Bury St Edmunds

Case Officers: Christine Flittner/Gareth Durrant
Recommendation: Please refer to recommendation at end of this report

Parish: Bury St Edmunds Town
Ward: Southgate

Proposal: Change of use of woodland to Gypsy/Traveller site consisting of five pitches

Site: Land South of Rougham Hill, Bury St Edmunds

Applicant: Mr Kevin Delaney

Recommendation:

It is recommended that the Committee considers the options and the recommendation contained in this report.

CONTACT CASE OFFICER: Christine Flittner/Gareth Durrant
Email: Gareth.durrant@westsuffolk.gov.uk or
Christine.flittner@westsuffolk.gov.uk
Telephone: 01284 757345/01638 719397

Background

1. This report updates members on the progress made in relation to the Council's Statement of Case concerning the Rougham Hill appeal. The appeal was confirmed as valid by the Planning Inspectorate on 27 October 2015. The deadline for the submission of the Council's Statement of Case is 12 January 2016
2. The application for change of use of woodland to a gypsy/traveller site consisting of five pitches was refused at the SEBC Development Control committee meeting on 5 February 2015. The Committee Report and minutes are attached as Working Papers 1 and 2.

Reasons for Refusal

3. There are two reasons for refusal as set out below;
 1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed change of use of woodland to a permanent, five pitch Gypsy and Traveller site would not be prejudicial to the delivery of the South East Bury Strategic Site. In the absence of such information, and given the requirement for a masterplan for the whole site to be adopted prior to the determination of any planning applications, the Local Planning Authority is of the opinion that the development of the site in the manner proposed would be premature. The proposal is therefore contrary to the aims and objectives of Policies BV7 of the Bury St Edmunds Vision 2031 and CS11 of the St Edmundsbury Core Strategy, 2010 which seek to deliver strategic growth through the masterplan approach.
 2. The development of the site would result in the loss of a significant number of plantation oak trees. The loss of canopy cover cannot be mitigated within the site and given the limited detail within the submission, regarding the location of the trees to be retained and removed, the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed change of use would not be detrimental to the character and quality of the local landscape and public access to it. As a result the proposal is contrary to the aims and objectives of Policies NE3 of the Replacement St Edmundsbury Borough Local Plan, 2006 and DM13 of the Joint Development Management Policies (Version proposed for adoption) 2015 and policy CS2 (D) of the Core Strategy 2010.

Changes relating to the policy position

4. Since the refusal of the application the Masterplan for the South-East Bury strategic site has been adopted as non-statutory planning guidance by Full Council (22 September 2015 – see Minutes attached as Working Paper 3). This adoption was subject to the reinstatement of the site of the proposed Gypsy and Traveller site. The site was removed from an earlier draft version of the document. The adoption of the Masterplan represents a material change in circumstances. It places the application site/proposal in a different policy context from the time the planning application was considered by the Development Control Committee. Extracts from the Masterplan are attached as Working Paper 4.
5. The consequences of the change in circumstances are set out below for consideration.
6. Reason for refusal No.1 falls away completely because it is based on prematurity prior to the adoption of the Masterplan. The Masterplan has been adopted as set out in para 4 above and identifies the woodland site as a 'potential' site for Gypsies and Travellers (in conformity with the adopted Concept Statement).
7. Reason for refusal No.2 requires fresh consideration in the light of the Masterplan taken as a whole. This consideration applies irrespective the inclusion within the Masterplan of the woodland site as a 'potential' site for Gypsies and Traveller accommodation.
8. The wider Masterplan development will provide many hectares of new planting, landscaping and publicly accessible land and will lead to net gains in biodiversity; therefore it is reasonable to conclude that the principle policy objections within refusal reason 2 have been substantially overcome. The outline planning application for the masterplan site has been received and is valid;

DC/15/2483/OUT - Land South Rougham Hill, Rougham Hill, Bury St Edmunds

Proposal - Outline Planning Application (Means of Access) to be considered) on to Rougham Hill and Sicklesmere Road) to include up to 1250 dwellings (Use Class C3); local centre comprising retail floor space (A1, A2, A3, A4 and A5), a community hall (D2), land for a primary school (D1), and car parking: a relief road, vehicular access and associated works including bridge over the river Lark: sustainable transport links: open space (including children's play areas): sustainable drainage (SuDS): sports playing fields: allotments and associated ancillary works

9. The planning application site area excludes the Woodland site (the appeal site) and includes no specific provision for Gypsy and Traveller accommodation.
10. The adoption of the Masterplan and the proposed development to be delivered as a result will be capable of providing mitigation (beyond the application site) for the impact of the five pitch traveller site on the character and quality of the local landscape and public access to it. The updated comments of the Ecology and Landscape officer are as follows;

The recently submitted outline planning application DC/15/2483/OUT reflects the approved masterplan for the south east of Bury St Edmunds. The proposed structural landscaping and open space is shown in drawing 34073-LEA84F - 3 Landscape and Open Space Parameter Plan. This shows new woodland and tree buffers in the immediate vicinity of the proposed gypsy/traveller site that would, adequately compensate the loss of the woodland which is proposed. The main concern would be that this is outside of the applicant's control. However given that an outline application for the strategic growth area has now been submitted we have reasonable certainty that the masterplan and proposals in the outline application will be delivered.

The requirement for the remaining woodland to be managed still remains in particular the northern section of the woodland adjacent to the Public Right of Way.

11. Since the planning application was refused Policy NE3 of the Local Plan has been superseded by policy DM13 of the Joint Development Management Policies (Landscape Features) which was also quoted in the refusal reason.
12. Planning Policy for Travellers Sites was revised following public consultation and re-published, by the Government, in August 2015. The revised PPTS requires (inter alia) that applications for a permanent site (including caravan sites) by persons who do not travel will be considered in the same way as an application from the settled population, as opposed to being considered under policies relating to travellers. The guidance places greater focus on consideration of the nomadic habit of life of the applicant, in terms of whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of life and whether there is an intention of living a nomadic habit of life in the future.
13. Since the publication of this guidance the agent representing the family has provided information to the Council and the Planning Inspectorate to confirm that within the family the men, in particular, have led and continue to lead a nomadic life in order to work and earn a living and have no intention of ceasing to travel. The traveller status of the family has not

been a matter of dispute and was dealt with at paras 56 and 57 of the committee report attached as Working Paper 1. The report states that the applicant seeks a permanent site for his family as maintaining a nomadic way of life is increasingly difficult concerning access to employment and continuity of health care and education. Whilst the adult men of the family still pursue a traditional travelling lifestyle in relation to employment the women and children require access to education and healthcare which requires a settled base.

14. The Planning Inspector will consider the appeal based on the up to date policy position, so taking into account the adopted Joint Development Management Policies, the adopted Masterplan and the revised Planning Policies for Traveller Sites.

15. At the time the application was considered by the Development Control Committee it was suggested that a number of conditions should be imposed and these can be found in full at para 106 of Working Paper 1. Those conditions which are recommended to minimise/mitigate impact on the landscape and summarised below;

- (a) details of mature trees on the site and the measures for their protection and retention;
- (b) an assessment of the trees to be removed for their potential to house bats;
- (c) implementation of mitigation measures as set out in the ecological report submitted as part of the application;
- (d) a management plan for hedgerows and mature trees retained adjacent to the PRoW to mitigate the loss of tree canopy cover from within the site.

16. The conditions listed at para 106 of the original Committee Report (Working Paper 1), have been forwarded to the Planning Inspectorate as part of the appeal papers.

Assessment of the updated position and associated risks

17. In light of the above the following options exist;

That:-

- (i) **The Committee confirm that provided the mitigation measures recommended through the conditions are put forward to the Inspectorate they no longer intend to pursue the defence of the appeal as both reasons for refusal have been superseded/ overcome and for the appeal to continue via the written representations process rather than at a Hearing; or**

- (ii) The Committee confirm that the defence of reason 1 relating to prematurity should not be pursued, but continue to defend reason 2 as this reason has not been fully mitigated; or**
- (iii) The Committee confirm that neither reasons 1 or 2 have been overcome.**

18. The reasons for refusal set out at para 3 of the report are based on prematurity in policy terms and a failure to demonstrate adequate mitigation for the loss of the woodland site to accommodate the development.

19. The argument in relation to prematurity concerning the adoption of the Masterplan has fallen away as explained above at para 6, therefore it is the view of officers that the defence of refusal reason 1 cannot be sustained. .

20. The second reason for refusal is covered at paras 7 – 10 above and demonstrates that further consideration has been given to the matter of mitigating the landscape impact/loss of woodland of the proposal following the adoption of the Masterplan and submission of the outline planning application. Conditions to mitigate the impact of the proposal within the site were recommended as appropriate and proportionate at the time the planning application was considered in February 2015 and these have been forwarded to the Inspectorate (see para 14 above). Further comments from the Landscape and Ecology officer indicate that landscape buffers to be provided around the site, within the overall Masterplan development, would adequately compensate for the loss of the woodland. The concern that this land is not within the control of the appellant is noted, however it is reasonable to conclude that the strategic development has a high likelihood of being delivered as a result of the submission of the outline planning application.

21. Option (i) is the favoured approach of officers and is the course of action recommended to the Committee for the reasons set out above. If the Committee favour either options (ii) or (iii) this would involve the rejection of the advice of officers in relation to planning policy and mitigation measures. Members will be fully aware that they are not obliged to accept the advice of officers and are entitled to come to a contrary view, however any decision would need to be evidenced by sound planning reasons. If the evidence supporting the reasons to continue to defend the reasons for refusal is not regarded as sufficient to substantiate the argument, this course of action could be viewed as unreasonable by the appellant and costs consequences may follow. It follows that a strong evidential basis would need to be demonstrated for the rejection of the updated positions in relation to reasons for refusal.

22. Officers recommend that the Planning Inspectorate be contacted to request the appeal format is altered to a written representations procedure as the issues involved can be communicated in writing and there are no issues associated with the reasons for refusal that are of a nature to justify an inquisitorial Hearing. This course of action would also minimise the risk

associated with a claim for costs from the appellant associated with preparation for the Hearing.

23. The evidence relating to the appeal submitted by consultees, neighbours and other relevant parties will continue to be presented to the Planning Inspectorate to enable the Inspector to adjudicate on the matter.

24. A further risk associated with the taking of any decision is a potential claim for Judicial Review of the decision. However, officers are content that the material planning issues and the justification for the recommended course of action in this case have been properly considered to date. In terms of the appeal the risks associated with a potential Judicial review now rest with the Secretary of State whom has assumed the role of decision maker.

Recommendation:

That:-

Option (i) set out at paragraph 17 above is pursued and

The Committee confirm that, provided the mitigation measures recommended through the suggested conditions are put forward to the Inspectorate, it no longer intends to pursue the defence of the appeal as both reasons for refusal have been superseded/overcome. The Inspectorate should be informed of this decision by 12 January 2016 (deadline for submission of Statement of Case) along with a request for the appeal to continue via the written representations process rather than at a Hearing.

Attached Documents;

Working Paper 1 – Committee Report DC/14/1667/FUL

Working Paper 2 – Minutes relating to consideration of DC/14/1667/FUL

Working Paper 3 – Minutes of Full Council –adoption of Masterplan

Working Paper 4 – Extract from Masterplan

Documents:

All background documents including application forms and some appeal documents, drawings and other supporting documentation relating to this application/appeal can be viewed online;

Application documents:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBDJKTPDLK900>

Appeal documents:

<https://planning.westsuffolk.gov.uk/online-applications/appealDetails.do?activeTab=documents&keyVal=NX10S2PD02L00>

Case Officer: Christine Flittner/ Gareth Durrant

Tel. No. 01638 719397/ 01284 757345



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/15/13

Development Control Committee

5 February 2015

Planning Application DC/14/1667/FUL

Land South of Rougham Hill, Rougham Hill,

Bury St Edmunds

Date: 5 September **Expiry Date:** 31 October 2014
Registered: 2014

Case Officer: Christine Flittner **Recommendation:** Grant Planning
Permission subject to
conditions

Parish: Bury St Edmunds **Ward:** Southgate

Proposal: Change of use of woodland to Gypsy/Traveller site consisting of
five pitches

Site: Land South of Rougham Hill, Rougham Hill, Bury St Edmunds

Applicant: Mr Kevin Delaney

Synopsis:

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

CONTACT CASE OFFICER: Christine Flittner
Email: Christine.flittner@westsuffolk.gov.uk
Telephone: 01638 719397

Background:

This application is referred to the Committee as a result of the objection received from the Town Council and the overall number of representations received.

The application is recommended for approval.

Proposal:

1. Planning permission is sought for the change of use of woodland to a gypsy/traveller site consisting of five pitches. Each pitch would be capable of occupation by a single family and it is proposed that each would accommodate a day/utility room, a mobile home and space for two touring caravans and three vehicles. The proposed site is to be provided and occupied by an extended family comprised of two brothers and their respective families and it would be privately run. The applicants have been living and working in the area for approximately four years.
2. A new vehicular access would be provided from the mini roundabout on Rougham Hill into the northern end of the site and the internal access road would run along the western boundary serving each pitch. The footpath to the east of the site would be retained and the application indicates that the mature trees along side it would be protected to ensure their retention. A close boarded fence is proposed approximately 5 metres into the site from the edge of the footpath. The application form confirms that foul drainage would be discharged to the mains sewer and surface water would be discharged to soakaways. The agent is checking the position in relation to foul drainage due to the response from Anglian Water (see para 20) and an update will be provided on this matter at the meeting.
3. The application has been amended since submission to show the root protection areas for some of the mature trees on and adjacent to the site and the resulting alterations to pitch layout. An extended period of re-consultation was carried out between 10th December 2014 and 8th January 2015 to allow for the Christmas and New Year period.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Signed application forms (including ownership certification).
 - Design & Access & Planning Statement.
 - Phase 1 Habitat Survey Report.
 - Arboricultural Plan and tree survey
 - Information on public consultation carried out prior to submission of application
 - Confidential details relating to the family members
 - Drawings (including location plan, site layout plan and a plan showing ,

elevations and floor plans of the proposed day rooms).

Following a request for further information a Phase 1 Contaminated Land study was submitted at the end of November and in early December amended plans and an amended tree survey schedule were submitted. These have been published on the website and subjected to consultation.

Site Details:

5. The site is situated within Bury St Edmunds at the eastern end of Rougham Hill. It lies to the south of the A14 and a group of business units. The Veterinary Investigation Centre also lies in this area to the north of the site with a Golf Driving Range occupying land to the south. A lorry park containing a café borders the site to the west and a public footpath lies to the east of the site with open fields beyond. The site area is 4,432 square metres (0. 44320Ha).
6. Beyond the immediate site boundaries in the wider locality lie the County Council Recycling facility, The Firs Residential Park and properties on Rushbrooke Lane.
7. The current use of the site is as a Community Woodland. It is understood from information on a plaque within the site that the woodland was planted in 1974 by West Suffolk County Council for the enjoyment of future generations and in tribute to the Suffolk countryside.
8. The application site forms part of the wider south-east Bury St Edmunds strategic development allocation set out in the newly adopted Bury St Edmunds Vision 2031 document. Policy BV7 of Vision 2031 identifies 74.9 Ha of land as being allocated for development.

Planning History:

9. There is no relevant previous planning history on the site.

Consultations:

10. Suffolk County Council Local Highway Authority: **no objection** and recommends conditions are imposed to secure:
 - Access drainage
 - Provision of turning and parking areas
 - Details of access, visibility and gates
 - Details of external light sources
11. Suffolk County Council – Rights of Way: **no objection** and provides notes on applicants responsibility in relation to the public footpath.
12. Suffolk Fire and Rescue Service: comment - no additional water supply for firefighting purposes is required.

13. Suffolk County Council – Waste Planning Authority: makes the following comments;

- The Borough Council is aware of the permitted waste uses in the vicinity of the site. The County Council is currently exploring an alternative waste site with the Borough Council. Notwithstanding this, the County Council has planning permission for the new waste facility and may proceed to implement the permission.
- The Borough Council must determine this application in light of the permitted uses which could still take place and, in line with policy WDM1 of the Suffolk Waste Core Strategy, must satisfy itself that this new development is compatible with both the existing and permitted waste uses at the household waste site and transfer station. The Borough Council is aware that the permitted waste transfer station has already been a matter of controversy with some local residents.
- The permitted lorry park provides important transport facilities for the strategic A14 trunk route. In determining this application, the relationship between this proposed development and the adjacent lorry park needs to be given due consideration. Specifically, the Borough Council must evaluate and consider noise arising from the lorry park and the potential impacts of this noise on the residents of the proposed development. Given the particular characteristics of this type of housing, including minimal noise insulation, the Borough Council must consider whether this is a suitable location for this type of residential development to come forward without noise mitigation measures.
- If it is minded to approve this application, the Borough Council must satisfy itself that the proposed development will not prejudice the operation of the lorry park. If the lorry park were to close without a suitable replacement, it is reasonable to expect negative impacts on the local highway network.

14. West Suffolk – Environmental Health - Public Health and Housing - no objection – and has the following observations;

The site is approximately 165m from the A14 which is a high source of noise and if the planning application was for residential homes a noise survey would be required. As the application is for “travellers” who by nature may not be resident all the time on this site a condition for a noise survey is not required.

15. West Suffolk – Environmental Health – Contaminated Land – no objection based on the submitted information for the site, this Service is satisfied that the risk from contaminated land is low. The standard unsuspected contamination note is recommended so the developer is aware of his responsibility for the safe development and secure occupancy of the site.

16. West Suffolk – Housing Development and Strategy – **no objection** and makes the following comment;
The family have been established in the area for a number of years, therefore have a local connection to Bury St Edmunds. They are in housing need because we do not have suitable accommodation for them in terms of a Gypsy and Traveller site. There is a need to provide a site.
17. West Suffolk – Planning Policy – **recommended that the planning application as submitted be approved** - full comments attached at Appendix 1.
18. West Suffolk – Ecology and Landscape – **no objections** subject to the imposition of conditions as follows; (full comments attached at Appendix 2)
- The position, species and root protection area (RPA) of all the mature trees to be marked on a plan with details of protection measures for their retention.
 - Details of no-dig pads for mobile homes and caravans to be submitted.
 - Details for dayrooms/utility foundations where they are within RPAs.
 - Details of no-dig construction for permeable hard standing required for car parking and leisure functions.
 - Details of boundary treatment to lorry park to provide an effective visual screen.
 - A further assessment of trees for bat potential to be submitted alongside details relating to the retention/removal of trees (all trees to be removed will need to be assessed) to ensure there is no impact on bats.
 - Implementation in full of the mitigation measures in the ecological report
 - Details of external lighting to be submitted (BS42020:2013).
 - Details of the way in which the close board fence will be adapted to ensure there is connectivity between the two parts of the woodland (part of boundary treatment condition).
 - Details of a management plan for the defunct hedgerows and mature trees retained adjacent to the PRow (Public Right of Way) to mitigate the loss of canopy cover (a condition or other obligation).
19. Environment Agency – **no objections** – and make the following advisory comments (summarised);
The site is located within Flood Zone 1 (low risk) of our flood map. The site is located above a Principal Aquifer and Source Protection Zone 2. We do not consider this proposal to be High Risk, but make advisory comments relating to pollution prevention and contamination (These can be addressed via notes).
20. Anglian Water – confirm that there are no foul sewers within the vicinity of the development therefore no comment to make on the proposal.

21. Suffolk Wildlife Trust – comments submitted on the content of the ecological survey report which accompanied the application. In summary the comments are as follows;

- When weighing this proposal against other relevant planning policies there must be confidence that there will be no net loss of biodiversity value in the area.
- Should planning permission be granted for any development the recommendations within the ecological survey report should be implemented in full via planning conditions.
- Construction methods should be conditioned to ensure retained trees are protected.

22. Forestry Commission – Role is to highlight Government policy relating to trees and woodland so attention is drawn to the following;

- UK Forestry Standard – presumption against the conversion of forest land to other uses unless there are compelling reasons in the public interest for doing so.
- Natural Environment and Rural Communities Act, 2006, S40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.
- Forestry and Climate Change Guidelines - Forest management should contribute to climate change mitigation over the long term through the net capture and storage of carbon in the forest ecosystem and in wood products.
- National Planning Policy Framework (2012) Paragraph 118 – “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss” Paragraphs 132, 135 and 139 - state how heritage assets, whether designated or non designated, should be treated when considering the impacts of a proposed development. Heritage assets are irreplaceable. Non designated assets with equivalent significance to designated assets should be considered in accordance with policies for designated assets.
- Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (2005) Page 10 “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”

23. Bury St Edmunds Ramblers Association – **no objection** as the footpath is to be unaffected by the proposal.

24. Suffolk Preservation Society – **objects** to the proposal on the following grounds (summarised);

- The site forms part of a strategically scaled, adopted housing allocation for 1250 dwellings
- Policy CS3 requires the preparation of a concept statement (approved May 2013) and a masterplan before applications are considered on the site.
- The N/E corner of the site is identified for lower density housing in a landscaped setting.
- Policy BV7 sets out key policy considerations for this site and in the absence of a masterplan, which is a crucial stage of the effective planning of the site, it would be wholly in appropriate to jeopardise the effective development of this site by adopting a piecemeal approach at this early stage.

25. Suffolk Constabulary – comments as follows (summarised);

- It is not envisaged that the location at Rougham Hill would cause any issues from a policing perspective. There are no nearby neighbours and the setting is screened from the road.
- We have been working with the council/traveller liaison officers for many months in relation to the family who have been trying to purchase land within the town.
- The family has links to the town and children are being put through school.
- There were issues due to unauthorised encampments which were resolved by provision of short term permission to reside at Moreton Hall on a tolerated site.

26. Comments are awaited from the following;

- EDF Plc
- National Grid
- BT
- Traveller Liaison Officer
- Waste Management Operations Manager

Any comments received will be reported by way of a late paper or as a verbal update at the meeting.

27. As a result of the re-consultation further responses were received from the following consultees;

- Suffolk County Council Highways
- Suffolk County Council Rights of Way
- Suffolk Fire and Rescue Service
- Suffolk Constabulary
- Forestry Commission

The responses all reiterated the comments made on the original submission.

Representations:

28. Town Council – **objects** and comments

(1) Loss of trees (2) nature conservation (3) contrary to replacement St Edmundsbury Local Plan, 2016, Policy NE3 'Protection of Landscape' which states that development will be permitted only where it does not have an adverse impact on features of landscape and amenity value and (4) contrary to Vision 2031 'South East Bury Concept Statement' para. 1.27 relating to the retention of trees.

These comments were reiterated in response to the re-consultation.

29. Cllr Sarah Stamp **objects** to the proposal as both Borough and County Councillor for the area on the following grounds (summarised);

- Against development of the woodland which was planted by the County Council for local people to enjoy as stated on the memorial stone.
- The woodland is used by many local residents for dog walking and enjoyment of the area.
- The established trees should be protected and the woodland should not be developed as this would be contrary to the County Council's aspirations for woodlands as outlined on p19 of its Nature Strategy (May 2014).
- According to the application the public footpath amenity which runs alongside the wood would be taken away by the development of the site.
- Until the masterplan has been adopted in accordance with Policy BV7 of Vision 2031 I fail to see how this planning application can be considered. It is contrary to the Vision 2031 South East Bury Concept Statement adopted by this council (Paragraph 1.27 relating to the retention of trees) and it goes against the Borough's aspirations for the protection of landscape.
- These objections would stand for any proposed development on this site which is premature given the masterplan is under development and inappropriate given the designation and specific history of the wooded area.
- These comments were reiterated in response to the re-consultation.

30. Amec Environment and Infrastructure UK Ltd has submitted an **objection** on behalf of Hopkins Homes and Pigeon (Bury East) Ltd for the following reasons (summarised);

- **Loss of open space and impact on visual amenity** – there is no justification assessment to demonstrate that the open space is surplus to requirements as required by the NPPF. The woodland makes a positive contribution to the character and appearance of the area so its loss would cause detriment to the overall quality of the local area.
- **No policy support for the development proposals** – there is no current identified need for gypsy and traveller

accommodation in Bury St Edmunds. The latest supply figures identify a current supply of 19 pitches and no current need exists for the creation of five pitches. There is also no policy requirement through the adopted Core Strategy or Bury Vision for the provision of gypsy and traveller accommodation in this location.

- **Contrary to the vision for S/E Bury St Edmunds** – the application site is within the red line area of policy BV7 and Hopkins and Pigeon are concerned that the proposal may impact negatively on the comprehensive delivery of this allocation. The application is premature of the masterplan process: policy BV7 of Bury Vision 2031 states that “applications for planning permission will only be determined once the masterplan for the whole site has been adopted by the Local Planning Authority”. Hopkins and Pigeon have aspirations to deliver a high quality neighbourhood on the south east Bury strategic site and the proposal will be at odds with this proposed high quality neighbourhood. This will negatively impact on the proposed and this will be compounded through the loss of woodland.
- **Residential amenity** – it is questionable whether this development will provide a suitable level of residential amenity for future occupiers. Given the nature of the proposals there is no opportunity to mitigate the impacts from the neighbouring uses including the A14, lorry park and recycling centre in the same way as designing permanent residential dwellings.
- There are no factors which should outweigh the policies of the Development Plan, accordingly planning permission should be refused.

31. 34 letters/e-mails have been received from local residents at the following addresses raising **objections** to the proposed development;

- 8, 10, 24, 27, 31, 35, 36, 37, 41, 42, 43, 46 and one unnumbered at The Firs Residential Retirement Park
- 1, 3, 4, 6, 10, 11 and 12 Byfield Way
- 1, 2, 4, and 5 Governors Mews
- 87 and 100 Home Farm Lane and 106 Home Farm Lane representing the Home Farm Lane (South) and Hardwick Park Residents Group
- The Gate House, Far End, Southgate Farm, Rushbrooke Lane
- 63 Sicklesmere Road
- 1 Oaklands Park (Business Premises), Rougham Hill
- Felsham Barn and Blenheim, Great Barton

32. 3 petitions have been received as follows;

- The Firs Residential Retirement Park – signatures from the residents of 30 addresses.
Nos 1,2,3,4,5,6,7,8,9,10,11,12,14,16,18,19,20,23,24,25,27,28,31,32,33,35,36,37,38, and 39.

- Byfield Way - signatures from the residents of 17 addresses, Nos 1,2,3,4,5,6,7,8,10,11,12,14,15,16,17,18 and 19.
- Southgate House, Rougham Road – signatures from the residents of 14 addresses, Nos 4, 5, 6, 7, 8, 9, 14, 17, 21, 24, 27, 29, 32 and 33.

33. In addition there were 8 letters/emails submitted from residents of the local area, Moreton Hall and Troston who wished to have their contact details withheld or who wrote in anonymously. The points made in these representations have been considered in the determination of the application and normally it would not be possible to accord as much weight to the comments made as the weight to be attributed to those with names and addresses disclosed. This is because the precise location of the contributor is not known. However due to the volume and range of the published responses received the nature of these 'withheld' representations are all of the same subject type and as a result they have been included in the paragraph below.

34. The issues and objections raised are summarised as follows:

- Highway safety - Increase in traffic as businesses will be run from the site and the roundabout at Rougham Hill is already congested.
- Residential amenity - not the right place for the site as it's a quiet safe place to live and there will be additional noise generated.
- Residential amenity - The area is not big enough for 50-60 residents and there should be a control on how many residents can be on the site.
- Local amenity - the site is on high ground and will be clearly visible from Rushbrooke Lane appearing as a blot on the landscape.
- Ecology - wildlife habitats would be destroyed with the felling of trees and decimation of commemorative woodland planted by the County Council contrary to their aspirations for Woodlands as outlined on page 19 of Nature Strategy (May 2014).
- Ecology/Woodland - the land is owned by Suffolk County Council which means tax payers own it and its continued community use should be supported.
- Ecology/Loss of woodland - this should only be lost in exceptional circumstances and there is no assessment to justify this loss. The semi mature oak woodland is healthy and provides good landscape value that could be sensitively incorporated into a housing scheme and managed to enhance its potential.
- Ecology/Bats - it is unrealistic to recommend that night lighting should not be introduced on a residential site.
- Local amenity - the woodland acts as a natural barrier and assists in screening parts of the town from the A14 and mitigating noise.
- Planning Policy - proposal would be contrary to Policy BV7 of Vision 2031 adopted in October 2014 as will be situated in the buffer/green corridor and applications should only be determined once the masterplan for the site has been adopted by the planning authority to avoid pre-empting this favoured process.
- Planning Policy - Vision 2031 for the SE Bury strategic site is for a high quality sustainable neighbourhood with landscaping which has

been supported by local councils and endorsed by a Government Inspector with the expectation that mature trees and belts are retained and supplemented. This is the intention of the developers bringing forward the masterplan.

- Planning Policy - the concept plan for the development of SE Bury shows that the area close to the community woodland is envisaged for low density housing which equates to high value properties, so the provision of a travellers site is inconsistent.
- Planning Policy - the pressure placed on the Borough Council to accommodate travellers is recognized, however appendix 10, para 1.32 of the masterplan concept statement, is at best advisory as has not been the subject of public consultation and states that the developer must examine need at the time of development in relation to traveller site provision and it is not yet time.
- Planning Policy and Need - the Government Inspector in his Vision Report of July 2014 – paras 38 and 39- states that sufficient, deliverable pitches with planning permission exist for the next five years to meet the needs of the travelling community , therefore the requirements of PPTS para 9(a) & (b) are met by the plan. The Vision document identifies a broad location for growth to meet identified need in years 6 – 10 and not at the present time.
- Planning Policy and Need - members of the settled community applying for residential use on this woodland site would be turned down, so this site should be refused as sufficient sites exist with the Borough.
- Planning Policy - development of the site on a piecemeal basis, contrary to adopted policy, will deter providers of quality businesses and housing from investing in the Vision 2031 plan.
- Planning Policy – All strategic sites are open to the possible establishment of travellers’ sites, not just the SE strategic site.
- Planning Policy – the application does not comply with council policies DS3 (design and impact), the Concept Plan and Vision 2031 that seek to create local distinctiveness, a sense of place, character and ensure protection and enhancement of the natural environment.
- Planning Policy – The Government issued a consultation paper on September 14th 2014 setting out its intentions to change the definition of gypsies and travellers for planning purposes to someone who travels rather than someone who has travelled and gives up permanently. The reason for this is to ensure fairness in the planning system. This should be noted by the Council and the application refused.
- Need - do not deny the need for a site, but the wrong location.
- Need - provision of this type has been attempted before with disastrous results.
- Site layout/amenity – the site being long and narrow does not follow the Good Practice Guide on Designing Gypsy and Travellers sites as the preference is for a horseshoe design as opposed to linear.
- Site layout/use – there is no provision in the layout for the applicants to run their building business from the site and keep it separate from the residential areas of the site as suggested in the

Good Practice Guide on site design.

- Drainage – there is no adopted sewer in Rougham Hill and Oaklands Park uses a private sewage treatment plant, so until full details of where the sewage will go and who will pay are provided there is a reason to object.
- Property price - would be negatively affected should this development proceed and potential purchasers deterred.
- Local amenity - the site is too close to the public footpath and will taint the view and detract from amenity.
- Local amenity - there will be an increase in litter which is already an issue due to the lorry park.
- Residential amenity - the site will be too close to the lorry park and industrial area which isn't a good environment for residential development.
- Procedure - the application seems to be receiving priority treatment which is inappropriate.
- Procedure - will the site be financed from public funds only to result in closure when the south east development area goes ahead?.
- Highway and personal safety - young children will occupy the site and concern about them using the unlit cul-de-sac of Rougham Hill without a footpath as the Police have informed that the area is often used for unpleasant purposes at night.
- Procedure – the concept of a “permanent site for travellers” is contradictory as the word “traveller” implies an itinerant lifestyle and this proposal appears as an attempt to manipulate the planning regime in a wholly inappropriate manner.

35.As a result of the reconsultation process 7 further responses were received from the following addresses;

- 12 Byfield Way
- 1 Byfield Way
- 36 The Firs
- 37 The Firs
- 2 Governors Mews
- 5 Governors Mews
- 6 Byfield Way

The representations reiterated the original comments made as already detailed.

36. The following comments (summarised) were received in a joint statement from the residents of 1 Byfield Way, 106 Home Farm Lane and Southgate Farm, Rushbrooke Lane in response to the West Suffolk Planning Policy comments;

- The recommendation for approval has no merit.
- The justification for the recommendation of approval is based on the purported actual need of the applicants for use of the site.
- There is no actual need as set out in the Inspector's report on the examination of the Vision 2031 documents which recognises that there are existing permissions for five pitches which are deliverable

and sufficient to meet need for the next five years.

- This is a lifestyle wish that has no parallel in the provision of housing for members of the settled community, rather than actual need.
- Special case treatment given to members of the travelling community is a source of public disillusion with the planning process as highlighted by a recent government consultation.
- No analysis exists of alternative options that might be relevant to the present applicants.
- If actual need were accepted as a material consideration there are other substantial material considerations to take an opposing position.
- There is no case for contravening policy BV7 of the recently adopted Vision 2031 which has been the product of a long and detailed process culminating in public examination and adoption. This would undermine the credibility of SEBC's commitment to the plan.
- DC/14/1261 was withdrawn on officer advice due to conflict with policy BV7 and is further instance of unwarranted special treatment with the actual need of travellers being more pressing than the need for housing for the settled community.
- The Government consultation on changes to Planning Policy for Traveller Sites have not yet been brought into force but should be accorded due weight as the direction of travel for the planning regime.
- The site cannot be considered outside the context of the planned 1250 dwelling, high quality residential for the SE Bury strategic site as the red line boundary of the overall site shows that the present community woodland is bounded on its N/E and S/E edges by planned residential land.
- There will be a net loss of woodland with no compensatory provision made in the planning application which fails to accord with the provisions of Policy NE3, whereas the draft masterplan is compliant with this policy and the Vision 2031 document.
- The present application proposes a semi -industrial aspect and will not be compatible with the high quality development planned for the SE Bury strategic site, so offending the provisions of policy CS3 and emerging policy DM14.

Policy:

37.The application has to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. At present the Development Plan comprises:

- St Edmundsbury Core Strategy, December 2010
- Bury St Edmunds Vision 2031, September 2014
- Remaining saved policies in the Replacement St Edmundsbury Borough Local Plan, 2006
- The emerging Joint Development Policies document (consultation on the Inspector's modifications ended on 27th November, with adoption planned for February 2015)

38. The following policies within these documents are relevant in the consideration of this application:

Core Strategy

- CS2 Sustainable Development
- CS3 Design and Local Distinctiveness (this replaced Policy DS3 of the Replacement Local Plan)
- Policy CS6 Gypsies, Travellers and Travelling Showpeople
- Policy CS11 Bury St Edmunds Strategic Growth

Bury St Edmunds Vision 2031

- Policy BV1 - Presumption in Favour of Sustainable Development
- Policy BV7 – Strategic site South East Bury St Edmunds
- Paragraphs 5.51-5.56 – Gypsy and Traveller sites
- Appendix 10 – South East Bury St Edmunds Concept Statement

Replacement St Edmundsbury Borough Local Plan 2006

- NE2 Protected Species
- NE3 Protection of the Landscape

Joint Development Management Policies Document

- The Joint Development Management Policies document is currently under examination. A consultation on the Inspector's proposed modifications to the policies ended on 27 November 2014. It is anticipated that this document will be adopted in February 2015. At this stage in the plan process the document can be afforded a significant degree of weight. The policy particularly relevant to the proposals is Policy DM11 (as modified) Impact of Development on Sites of Biodiversity and Geodiversity Importance; and DM14 (as modified) – Landscape Features.

National Policy

The following Central Government planning guidance are material considerations in the making of planning decisions:

- The National Planning Policy Framework (2012)
- National Planning Policy Guidance (2014)
- Planning policy for Traveller Sites (2012)

39. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.

40. Paragraph 14 of the Framework identifies the principle objective:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or specific policies in this framework indicate development should be restricted."
41. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".
42. The Government has released its National Planning Practice Guidance (NPPG) (March 2014) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.
43. Central Government recently undertook consultation in respect of changes to national planning policy and Planning Policy for Traveller Sites with a view to strengthening policy in these areas. The proposals relate primarily to changes to Planning Policy for Traveller Sites, although some would apply to the settled community and would involve changes to wider national planning policy. The consultation document states that the Government remains committed to increasing the level of authorised traveller site provision in appropriate locations to address historic undersupply as well as to meet current and future needs. However, the Government also believes that further measures are needed to ensure that planning rules apply fairly and equally to both the traveller and settled community. The Government's view is that where travellers have ceased to travel then they should be treated no differently to members of the settled community.
44. The consultation ended on 23 November 2014 and currently analysis of the feedback is taking place. There has been no change to Planning Policy for Travellers Sites to date, therefore it remains the current national policy position to be considered and applied in the determination of this application.

Officer Comment:

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

- Principle of Development
- Planning Policy Considerations
- Need and supply
- Ecology and Landscape (Natural Heritage)
- Environmental Conditions (Flood Risk, Drainage and Contamination)
- Design, Layout and Residential Amenity

Principle of Development

46.At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

- i) economic (contributing to building a strong, responsive and competitive economy),
- ii) social (supporting strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)

47.The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

48.The application site is situated within the settlement boundary of the town and is thus considered to be situated in a sustainable (accessible) location.

49.It is important to identify at this early stage of the assessment that the application is on land which forms part of a wider strategic area of growth in south east Bury St Edmunds. Policy BV7 – Vision 2031 states 'applications for planning permission will only be determined once the masterplan for the whole site has been adopted by the local planning authority.' As a result the proposal for development on this land could be considered as premature coming forward in advance of the masterplan

50.Representations received which have been detailed in the report make it very clear that this is a major concern to many who contributed and to depart from the master planned approach at such an early stage in the life of the plan would undermine the credibility of the Council and its commitment to deliver the provisions of BV7 and the overall Vision 2031. This is a matter which has already received careful consideration in respect of application DC/14/1261/FUL which was submitted in July 2014 for change of use of land to form an extension to the residential

retirement park at The Firs. Similarly the application site formed part of the wider south-east Bury St Edmunds strategic development allocation set out in the newly adopted Bury St Edmunds Vision 2031 document.

51. Whilst work has commenced (by a developer consortium), a masterplan for the whole site is yet to be adopted by the Council. Consultation on the draft masterplan is likely to take place in Spring 2015, to be followed by the submission of a planning application. As a result the application proposal for The Firs (being part of the masterplan site) was considered contrary to Policy BV7 and in early November the application was withdrawn, one of the reasons being its prematurity in advance of the masterplan process for the whole site.
52. This application for a gypsy and traveller site, also located within the boundary of allocated site BV7, could therefore be considered as premature of the masterplan process for the whole site. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
53. It is necessary to identify the distinction between the application for the extension to the residential retirement park, and the current proposal for change of use of land from woodland to a gypsy and traveller site as this is a material consideration in the determination process and must be accorded weight. There are specific policies which apply and are set out in Planning Policy for Traveller Sites (PPTS) and whilst contributors have noted that the Government have consulted on a potential future change of this policy, the responses are still being collated and any change is yet to be announced. As a result the policy document issued in March 2012 must be considered the most relevant and up to date national policy at the moment.
54. It is considered that unlike the need for market housing, the presentation of an actual need for a gypsy and traveller site is a material consideration that could warrant the departure from an adopted development plan. PPTS, Policy H, para 22, b) requires the local planning authority to consider the availability (or lack) of alternative accommodation for the applicants along with a number of other criteria such as the existing level of local provision, need for sites and personal circumstances of the applicant.
55. It is recognised that Policy BV7 is a recently adopted policy of the development plan which carries weight in the decision making process, however there are additional policies and factors to be considered, such as Policy CS6 of the Core Strategy, the requirements set out in the national Planning Policy for Traveller Sites and need and supply in relation to sites for travellers in the Borough. These matters are considered in the following paragraphs.

Planning Policy Considerations

56. National guidance in the form of Planning Policy for Traveller Sites seeks (inter alia) 'to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'
57. Within the guidance, 'gypsies and travellers' means 'persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.' The applicant has indicated that the reason his family are seeking a permanent site is that maintaining the nomadic way of life is becoming more difficult if access to employment, and continuity of health care and education are required.
58. Where there is no identified need for traveller sites, local planning authorities are advised in PPTS under Policy B to adopt criteria-based policies in policy documents in order to provide a basis for decisions in case applications come forward. Policy CS6 of the Core Strategy is a criteria based policy which conforms to this guidance and will be discussed later in this section of the report.
59. Policy H of PPTS sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered and these will be dealt with in turn below;
- **a) the existing level of local provision and need for sites** - The family clearly have an urgent 'actual' need for a site, despite the 'theoretical' short term need for sites having been met by other planning permissions. This is demonstrated by the various unauthorised encampments which were resolved by the provision of short term permission to reside at Moreton Hall (temporary stopping site). This assessment is supported by the comments of the West Suffolk Housing Development and Strategy team.
 - **b) the availability (or lack) of alternative accommodation for the applicants** - A number of rounds of 'calls for gypsy and traveller sites' took place during the preparation of the Vision 2031 site allocation documents, the most recent being in summer 2013. No sites were submitted to the Council or identified at that time. It is also understood that the family themselves have been actively searching for site in the vicinity of the town. The site is within the red line boundary of Policy BV7 which indicates availability and intent to deliver; however, to date no discussions have taken place with the developer consortium as to the location of a gypsy and traveller site in the context of the masterplan. The developers are currently objecting to this application on the basis that the location of a site will be considered at the time of development, should there be a need at that time. It should be noted that if planning permission is granted for Gypsy and Traveller provision at the community woodland site, this may well meet all of the gypsy and traveller needs for the SE site.

- **c) other personal circumstances of the applicant** – Information submitted as part of the application confirms that the family have been living in the Bury St Edmunds and the wider area for some years, have children in local schools and have made local employment connections.
- **d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites** - Policy CS6 sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.
- **e) that they should determine applications for sites from any travellers and not just those with local connections'** – the applicants have come into the area from Essex where there was extreme pressure for accommodation, but have been in the Borough for around four years.

60. The relevant local policy is Policy CS6 of the Core Strategy. It is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople as advised in PPTS. The policy states that proposals which would not cause unacceptable harm will be permitted where they have regard to the following factors:

- Designated and protected habitats and species, heritage designations, soil and water quality, and other natural resources; - this will be covered in the next section of the report.
- b) The location in relation to schools, medical facilities, shops and other local services and community facilities - The site is located on the south eastern edge of Bury St Edmunds, within walking distance of shops, medical facilities and other local services and community facilities. The development of the south-eastern strategic site will further improve the availability of services and facilities in this location. It is considered to be an accessible site in a sustainable location.
- c) The amenities of nearby occupiers - The application site is located on the northern edge of the town, under Policy BV7 south east strategic growth area. The application site and the adjacent lorry park are both outside of the control of the south east area's developer and are owned by Suffolk County Council. The site lies adjacent to a lorry park and is a short distance from a waste and recycling centre. The site lies opposite a group of business units, the Veterinary Investigation Centre and to the south is a golf driving range. There are currently no residential dwellings within the immediate vicinity of the site although it is recognised that once the master plan is adopted a planning application for residential development is likely to come forward adjacent to the site. Suffolk Constabulary's response to the application confirms that application is of low risk in terms of impact on residential or other amenity.
- **d) Their size and scale in relation to any nearby existing community** - The application is for five pitches which will lie wholly within the wooded area to the east of the lorry park. The scale is deemed appropriate in relation to the site plan submitted with the application and does not directly impact on existing communities.

- e) **The character and appearance of the countryside** -The site lies within the settlement boundary of Bury St Edmunds under policy allocation BV7 for the south east strategic growth area and will not significantly impact on the character or appearance of the wider countryside. The application proposes to retain the mature trees around the site boundaries to ensure any wider impacts are minimised.
- f) **The provision of a satisfactory means of access and the adequacy of the highway network** - The site is accessed off an existing highway and it is noted that Suffolk County Council Highways have not issued an objection to the application on highways grounds.

Need and Supply of Sites

61. The most up to date evidence in terms of future requirements is the Gypsy and Traveller Accommodation Needs Assessment (GTNA) published in October 2011, with an update published in April 2012.
62. The Inspector's report into the examination of the Vision 2031 documents (July 2014) states at paragraph 39, 'There are existing planning permissions for five pitches (a net increase of three), which are deliverable and are sufficient to meet the need for the next five years, while the Bury Vision 2031 document identifies a broad location for growth to meet the identified need in years six to ten.' Thus the requirements to provide five years' worth of sites and broad locations for growth for years 6- 10 as set out in PPTS para 9(a) & (b) are met by the plan.
63. A summary of the overall requirement of need is set out in paragraphs 5.54-5.56 of the adopted Bury St Edmunds Vision 2031 document. The figures equate to a need of 4-6 pitches to 2021 (which has been met by existing permissions) and a further 3 to 6 pitches to 2031 (the south east strategic site is identified in the adopted concept statement as a suitable location, should a need be identified at the time). This total of 7-12 pitches is significantly lower than that previously required by the now revoked East of England Plan.
64. A review of the Traveller Needs Assessment is currently being undertaken by the Cambridgeshire County Council, the results of which will form an updated evidence base for the council and may result in a change in the figures. There is a requirement to update the five-year supply of deliverable sites annually throughout the Vision plan period to ensure consistency with national guidance. This was a point made by the Inspector in his report on the Vision 2031 at para.39.
65. Taking into account the requirements established in the Bury St Edmunds Vision 2031 document, it is important to distinguish between a required 'theoretical' need in a Local Plan document, as opposed to an immediate 'actual' need which presents itself in the form of family requiring a gypsy/traveller site. This application is dealing with an actual need and therefore should be assessed in relation to current planning policy, to determine whether the principle of development on the site is acceptable.

66. The identification of actual presenting need as opposed to the theoretical, model based, need has been identified by objectors/contributors as matter which should carry little, if any, weight given the up to date nature of the adopted policy. This point of view is reasonable as it has been correctly identified that the policy documents have been through lengthy preparation, consultation and examination to ensure they are robust. However, it is clear when taking into account policy documents and appeal decisions, where applicants or appellants are faced with overcrowding or there is no alternative accommodation available to them, the matter of need must carry significant weight.
67. The sites which have been approved within the Borough to meet the current level of need as identified in the GTANA are on private family owned sites and are not likely to be available to the applicant, hence his need to provide a site for his own family. The information submitted with the application states that the family have made strenuous efforts via local agents and discussions with Borough and County council officers to identify a suitable site.
68. This application would provide a total of five pitches which would meet the borough's long term need for a further 3-6 pitches to 2031. If any additional families presented a need for a gypsy and traveller site before the end of the plan period (2031), these applications would be judged against the adopted Core Strategy criteria based policy CS6 – Gypsies, Travellers and Travelling Showpeople.

Ecology and Landscape (Natural Heritage)

69. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations.
70. Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity. Saved Local Plan policy NE2 safeguards protected species from the potentially adverse impacts of development, unless there is no alternative to development and suitable mitigation measures have been undertaken.
71. The development proposals would not affect any internationally, nationally or locally designated sites of nature conservation interests.
72. The site comprises plantation broadleaf woodland estimated to be 40 years old with hedgerows and mature trees on the north eastern boundary which significantly pre-date this. The ecological report highlights that the plantation trees are densely planted and as such there is little understorey planting. The most mature and significant trees are located on the north

east boundary of the site and this is reflected in the arboricultural assessment. In addition the southern and northern boundaries which are not planted with oaks have developed into diverse scrub. The woodland is considered to be of moderate ecological value and of moderate landscape value providing separation between the Public Right of Way (PRoW) and the lorry park which it screens from the north and west.

73. There is no indication/record to suggest that this small area of woodland is 'ancient' woodland although one mature oak has been identified as a veteran tree. Whilst the NPPF para 118 seeks to protect irreplaceable habitats, the woodland to be lost here is not irreplaceable due to its moderate value and noting that the mature trees including the oak are to be retained.
74. In terms of the layout of the site and the impact on trees the proposals will require the removal of a number of trees consisting mainly of plantation oak in the central part of the site. The proposed access road and the dayroom /utility buildings are located along the south western side of the site and this will minimise impact caused by excavation of foundations on the mature trees. The proposals require the introduction of significant areas of hard standing for caravan pads and for car parking and leisure and these areas have the potential to impact on trees. Recommendations for design and construction methods contained within the application seek to ensure that harm to trees including the mature trees is minimised, however as the precise location of some of the mature trees have not been identified measures will need to be conditioned to ensure further details are provided in relation to the positioning, protection and retention of trees and construction methods.
75. Irrespective of these measures there will be a loss of trees and woodland resulting from these proposals. The proposals as submitted do not include compensation for this loss or justification that the woodland is surplus to requirement as required by the NPPF. This is an item that has been highlighted by Suffolk Wildlife Trust in their letter of 6 October 2014 and by many contributors/objectors.
76. It is a consideration to be weighed against the applicable gypsy and traveller policy and arguments of need. The woodland is known to have been planted in 1974 as a community woodland project, however the woodland appears to have been unmanaged for some time and the area is known to have a reputation for antisocial behaviour. The existing new sign at the site was part of a clean up undertaken recently to improve the sites amenity and a commemorative stone has been identified on the site. Other than the use of the PRoW which is observed to be well used there is little evidence that the community actively use this space excepting a cycle trail formed of artificially created mounds and dips between the tree lines.
77. The Forestry Commission consultation response observes that management of the woodland would lead to improvements in biodiversity and this has also been suggested by contributors/objectors. It has also been suggested that the woodland could be retained and managed as a

commercial proposition with the value of the trees and the biodiversity of the woodland increasing with time. Active management is required to achieve this and there is no evidence to suggest that this will actively occur in the future.

78. A public right of way (PRoW) follows the north east boundary of the woodland. The path connects Rougham Hill with Rushbrook Lane and onto Rushbrook and Sicklesmere beyond. There are hedges (described as defunct because they are not intact) on both sides of the path with mature trees. These features give the well worn path an attractive 'green lane' character and it is important to retain this attractive asset. The proposals are to remove the plantation oak trees in the central section of the site leaving the boundary trees which will minimise the harmful impact on the PRoW and the wider locality.
79. The proposal to retain all the mature trees and other vegetation adjacent to this path to ensure that the route's character is retained. This is an important consideration in the assessment of the application and in mitigating its impacts, therefore information on the position of all mature trees and their retention and protection should be covered by condition on any grant of consent.
80. Whilst the proposal to place a closed board fence between the PRoW and the footpath will screen the pitches from footpath users which will be beneficial, the presence of the fence could also be harmful to the character of the path if the correct details are not obtained and secured to be retained. The fence will provide site security and privacy and suitable conditions could be imposed, if consent were to be granted, to secure details of the fence.
81. Details have not yet been finalised regarding the SE Bury strategic site, however in relation to the adopted concept plan the proposed site falls within an area proposed for residential use with a strategic green edge. The first draft of the masterplan which is currently being developed shows the woodland area retained and integrated into green corridors which link to boundary green space and to the PRoW route. Retention of the mature trees adjacent to the PRoW (which forms part of the current proposals) is necessary to ensure continuity of the green corridors and to provide a setting/buffer for the gypsy traveller site within the wider strategic site.
82. The proposals are supported by an ecological study (Wild frontier Ecology 2014) and no impacts on designated nature conservation sites are predicted.
83. The ecological report identifies a number of mature trees on the site that could potentially be used by bats for roosting. The current proposals include the retention of these trees and this forms part of the mitigation measures to ensure no impact on bats. A further assessment of trees for bat potential could form the subject of a condition, submitted alongside details relating to the retention/removal of trees as all trees to be removed will need to be assessed to ensure there is no impact on bats.

84. The ecological report includes a section on mitigation proposals to ensure the impact of the proposal in biodiversity terms is minimised. These measures will need to be implemented in full and should be the subject of conditions along with a separate condition to control and mitigate the effects of lighting.
85. The development as proposed does not seek the total loss or clearance of this site. The trees of most significance and having the highest value in terms of amenity, ecology and landscape value are to be retained, limiting the felling to the densely planted and unmanaged area of the woodland within the site. Whilst it is acknowledged that, generally, policy seeks to minimise impacts on biodiversity and landscape features this is tempered by the fact that the amount of protection afforded must be proportionate and weighed against other policy and material considerations.
86. Evidence suggests that the PRoW is more heavily used and provides a higher value to the community than the woodland. This path is to be retained in a protected setting. The management of the plantation woodland has been neglected and this has produced a site which is less ecologically diverse, than the more mature planting around the boundaries, and as a result is less appealing. Consideration of the proposal must have regard to the fact that the site is identified as having moderate ecological value and the submission advocates the retention of the most important trees with the opportunity, through conditions, to successfully and proportionately mitigate any impacts arising from the development

Environmental Conditions (Flood Risk, Drainage and Contamination)

87. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
88. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
89. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposal would be at risk of flooding from any existing watercourse. The Environment Agency has made advisory comments as the proposal is not considered to be high risk.
90. The applicant proposed to connect to the mains sewer, however it has recently been confirmed by Anglian Water that there are no foul sewers within the site vicinity. As a result of this comment the applicant is looking into alternative solutions. The outcome of these investigations will be reported at the meeting.

91. The planning application is accompanied by a Phase I Contamination assessment and from this the Council's Environmental Health team has identified that the risk from contamination is low and no further work or conditions are required.

Design, Layout and Residential Amenity

92. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

93. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.

94. The approach to the development of the site has been informed by the need to retain mature trees as landscape buffers to the wider locality and designed to reflect the traditional traveller cultural traditions with utility blocks to provide space for the families to eat and relax separately from the mobile homes which are principally used as bedrooms.

95. The depth of the retained area of woodland which is 7-8 metres leaves a long and narrow site which can be divided into 5 pitches which vary in size, but each would be capable of accommodating a utility block, mobile home, two touring caravans and parking for three cars or transit type vehicles.

96. Whilst the development proposals would increase activity at the site, given its location adjacent to the lorry park and industrial/commercial units the potential disturbance to the nearest residential properties, in your officers judgement, would not lead to significantly adverse impacts upon the amenities of nearby dwellings. It could also be argued that given the poor levels of woodland management and antisocial behaviour this proposal will improve the character of the site and the way it functions.

97. Concern has been expressed by contributors/objectors that the location of the site next to the lorry park and close to the A14 would give a poor level of amenity for the proposed occupants. Mitigation measures have been suggested within the submission in order to reduce the impact of neighbouring uses such as an acoustic fence and supplementary planting. The consultation response from Environmental Health (Domestic and Pollution) indicates the site lies 165m from the A14 which is a high source of noise, however as the site is for travellers, who may not be resident at all times, a noise survey will not be required.

Other issues

98. Some concerns have been expressed that a grant of planning permission for this development would have a negative impact upon property values in the area. The perceived impact of new development upon third party property or land value is not a material planning issue.
99. It has been suggested in responses from contributors/objectors that in order to retain control over the site, if permission were granted, a condition should be imposed to ensure the consent is personal to the applicant and his family. Government advice in relation to conditions is contained within the NPPG. It suggests that this type of condition should be avoided and a more appropriate form of control would be to impose a condition to ensure the site could only be occupied by those people who satisfy the definition for planning purposes of a gypsy or traveller as set out in PPTS. This would ensure the site remains available to meet the identified need.
100. The matter of land ownership has been raised by some contributors/objectors, however this is not a material planning consideration that can be factored into the assessment of the proposal.
101. A public consultation exercise was undertaken by the applicant and agent prior to the submission of the application and the findings are recorded on the case file and the Council's website for information, but have not been used in the assessment of the application.

Conclusions:

102. It is considered that whilst this application could be considered as premature in advance of a masterplan being developed and adopted for the south east strategic growth area, the urgent need for a gypsy/traveller site presented by the applicant is a material consideration which in this case warrants a departure from the adopted development plan.
103. Determining the application would be unlikely to fetter the delivery of the masterplan as a whole, and therefore would not compromise the delivery of Policy BV7. It is recognised that the requirement to consider provision for gypsy and traveller need is not necessary until the time of development as per para 1.32 of the masterplan concept statement, but that does not preclude the early consideration of potential locations. Contingencies for provision could be put in place at this time as the draft master plan is in preparation and review of the Traveller Needs Assessment is currently being undertaken by Cambridgeshire County Council, the results of which will form an updated evidence base for the council.
104. In respect of the assessment of the site against national and local planning policy, it is considered that the location of the site would not cause unacceptable harm in relation to criteria a)-f) of Policy CS6 of the

Core Strategy.

105. On the basis of the above information, it is recommended that the planning application as submitted be approved.

Recommendation:

106. It is **RECOMMENDED** that planning permission be **granted** subject to conditions, including:

- 1) Standard time limit
- 2) In accordance with submitted plans
- 3) Details of all facing and roofing materials to be agreed for the utility/day blocks
- 4) Occupation limited to those who satisfy the planning definition of a Gypsy or Traveller as set out in PPTS.
- 5) Details of vehicular access to be provided
- 6) Means to prevent discharge of water onto highway to be agreed
- 7) Light source shall not be visible from any highway
- 8) Parking and manoeuvring areas to be provided
- 9) Gates to be set back a minimum of 10m and shall only open into the site.
- 10) Details of visibility splays to be provided
- 11) Clear visibility to be provided and thereafter permanently retained
- 12) Details of all external boundary treatment to be provided, agreed and maintained including acoustic fencing and the requirements to provide connectivity between woodland areas.
- 13) Details of the position, species and root protection area (RPA) of all the mature trees to be marked on a plan with details of protection measures for their retention.
- 14) Details of no-dig pads for mobile homes and caravans to be submitted.
- 15) Details for dayrooms/utility foundations within RPAs.
- 16) Details of no-dig construction for permeable hard standing required for car parking and leisure functions.
- 17) A further assessment of trees for bat potential to be submitted alongside details relating to the retention/removal of trees (all trees to be removed will need to be assessed) to ensure there is no impact on bats.
- 18) Implementation in full of the mitigation measures in the ecological report
- 19) Details of external lighting to be submitted (BS42020:2013).
- 20) Details of a management plan for the defunct hedgerows and mature trees retained adjacent to the PRow (Public Right of Way) to mitigate the loss of canopy cover (a condition or other obligation).

And any additional conditions required as a result of ongoing investigation into foul drainage solutions.

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/online-applications/simpleSearchResults.do?action=firstPage>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU

Case Officer: Christine Flittner

Tel. No. (01638) 719397

APPENDIX 1

Development Control Planning Application Consultation – Planning Policy comments

To: Development Control (Christine Flittner)
From: Planning Policy
Date: 27 November 2014
Ref: DC/14/1667/FUL

Location: Rougham Hill, Bury St Edmunds

Proposal: Change of Use of woodland to Gypsy/Traveller site

Thank you for consulting the Planning Policy section in respect of this application.

The application has to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. At present the Development Plan comprises:

- St Edmundsbury Core Strategy, December 2010
- Bury St Edmunds Vision 2031, September 2014
- Remaining saved policies in the Replacement St Edmundsbury Borough Local Plan, 2006
- The emerging Joint Development Policies document (consultation on the Inspector's modifications ends on 27th November, with adoption planned for February 2015)

The following policies within these documents are of particular note in the consideration of this application:

Core Strategy

- CS2 Sustainable Development
- CS3 Design and Local Distinctiveness (this replaced Policy DS3 of the Replacement Local Plan)
- Policy CS6 Gypsies, Travellers and Travelling Showpeople
- Policy CS11 Bury St Edmunds Strategic Growth

Bury St Edmunds Vision 2031

- Policy BV7 – Strategic site South East Bury St Edmunds
- Paragraphs 5.51-5.56 – Gypsy and Traveller sites
- Appendix 10 – South East Bury St Edmunds Concept Statement

Replacement St Edmundsbury Borough Local Plan 2006

- NE2 Protected Species
- NE3 Protection of the Landscape

Joint Development Management Policies Document

The Joint Development Management Policies document is currently under examination, with a consultation on the Inspector's proposed modifications to the policies ending on 27 November 2014. It is anticipated that this document will be adopted in February 2015. At this stage in the plan process the document can be afforded a significant degree of weight. The policy particularly relevant to the proposals is Policy DM11 (as modified) Impact of Development on Sites of Biodiversity and Geodiversity Importance; and DM14 (as modified) – Landscape Features.

National Policy

The following Central Government planning guidance are material considerations in the making of planning decisions:

- The National Planning Policy Framework (2012)
- Planning policy for Traveller Sites (2012)

Central Government is currently undertaking consultation in respect of changes to national planning policy and Planning Policy for Traveller Sites with the intention of strengthening policy in these areas. The consultation ends on 23 November 2014.

The need for additional Gypsy and Traveller accommodation.

The most up to date evidence in terms of future requirements is the Gypsy and Traveller Accommodation Needs Assessment (GTNA) published in October 2011, with an update published in April 2012.

In relation to need, the Inspector's report into the examination of the Vision 2031 documents (July 2014) states at paragraph 39;

'There are existing planning permissions for five pitches (a net increase of three), which are deliverable and are sufficient to meet the need for the next five years, while the Bury Vision 2031 document identifies a broad location for growth to meet the identified need in years six to ten. Thus the requirements of PPTS para 9(a) & (b) are met by the plan.'

A summary of the overall requirement is set out in paragraphs 5.54-5.56 of the adopted Bury St Edmunds Vision 2031 document. The figures equate to a need of 4-6 pitches to 2021 (which has been met by existing permissions) and a further 3 to 6 pitches to 2031 (the south east strategic site is identified in the adopted concept statement as a suitable location, should a need be

identified at the time). This total of 7-12 pitches is significantly lower than that previously required by the now revoked East of England Plan.

A review of the Traveller Needs Assessment is currently being undertaken by the Cambridgeshire County Council, the results of which will form an updated evidence base for the council.

Taking into account the requirements established in the Bury St Edmunds Vision 2031 document, it is important to distinguish between a required 'theoretical' need in a Local Plan document, as opposed to an immediate 'actual' need which presents itself in the form of family requiring a gypsy/traveller site.

This application is dealing with an actual need and therefore needs to be assessed in relation to current planning policy, to determine whether the principle of development on the site is acceptable.

This application would provide a total of five pitches which would meet the borough's long term need for a further 3-6 pitches to 2031. If any additional families presented a need for a gypsy and traveller site before the end of the plan period (2031), these applications would be judged against the adopted Core Strategy criteria based policy CS6 – Gypsies, Travellers and Travelling Showpeople.

The principle of the development

This application presents three key issues for consideration in relation to the principle of development;

1. The application is on land which forms part of a wider strategic area of growth in south east Bury St Edmunds (Policy BV7), which states 'applications for planning permission will only be determined once the masterplan for the whole site has been adopted by the local planning authority.' Therefore the application for development on this land could be considered to be premature coming forward in advance of the masterplan.
2. Whether the application meets the requirements set out in the national Planning Policy for Traveller sites
3. Whether the application meets the requirements set out in local Policy CS6 of the Core Strategy.

These issues are considered below in turn;

1. Prematurity

In July 2014, application DC/14/1261/FUL was submitted for change of use of land to form an extension to the residential retirement park at The Firs. The application site forms part of the wider south-east Bury St Edmunds strategic development allocation set out in the newly adopted Bury St Edmunds Vision 2031 document.

The land in question is allocated by policy BV7 of Vision and states ... *applications for planning permission [for development within the site allocation] will only be determined once the masterplan for the whole site has been adopted by the local planning authority.*

Whilst work has commenced (by a developer consortium), a masterplan for the whole site is yet to be adopted by the Council. The latest information from the consortium is that consultation on the draft masterplan is likely to take place in Spring 2015, to be followed by the submission of a planning application. This means the application proposal for The Firs (being part of the masterplan site) was contrary to Policy BV7. In early November the application was withdrawn, one of the reasons being its prematurity in advance of the masterplan process for the whole site.

The application for the gypsy and traveller site is also located within the boundary of allocated site BV7 and could therefore also be considered to be premature of the masterplan process for the whole site. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

It is important to make the distinction between the application for the extension to the residential retirement park, and the application subject of this policy response for the change of use of land from woodland to a gypsy and traveller site.

It is considered that unlike the need for market housing, the presentation of an actual need for a gypsy and traveller site is a material consideration that could warrant the departure from an adopted development plan policy.

2. National Guidance

One of the main intentions of the national guidance Planning policy for Traveller Sites – was to;

'(3) ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'

Within the guidance, 'gypsies and travellers' means 'persons of nomadic habit of life, whatever their race or origin, including such persons who on

grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.'

In relation to plan making, the guidance is clear in Policy B that;

'(10) Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward.'

Policy H* sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered;

- 'a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections'*

These issues are considered in turn below;

a) **'need'** – The family clearly have an urgent 'actual' need for a site, despite the 'theoretical' short term need for sites having been met by other planning permissions. This is demonstrated by the various unauthorised encampments which were resolved by the provision of short term permission to reside at Moreton Hall (temporary stopping site).

b) **'availability'** – A number of rounds of 'calls for gypsy and traveller sites' took place during the preparation of the Vision 2031 site allocation documents, the most recent being in summer 2013. No sites were submitted to the Council or identified at that time. It is also understood that the family themselves have been actively searching for site in the vicinity of the town. The site is within the red line boundary of Policy BV7 which indicates availability and intent to deliver; however, to date no discussions have taken place with the developer consortium as to the location of a gypsy and traveller site in the context of the masterplan. The developers are currently objecting to this application on the basis that the location of a site will be considered at the time of development, should there be a need at that time. It should be noted that if planning permission is granted for Gypsy and Traveller provision at the community woodland site, this may well meet all of the gypsy and traveller needs for the SE site.

c) '**personal circumstances of the applicant**' – It is understood that the family have been living in the Bury St Edmunds and the wider area for some years, have children in local schools and have made local employment connections.

d) '**locally specific criteria**' – Policy CS6 sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.

e) '**determine application for any sites – not just those with local connections**' – This guidance is being followed in the determination of this application.

3. Local Planning Policy

Policy CS6 of the Core Strategy is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople. The policy states that proposals which would not cause unacceptable harm will be permitted where they had regard to the following factors:

- a) Designated and protected habitats and species, heritage designations, soil and water quality, and other natural resources;
- b) The location in relation to schools, medical facilities, shops and other local services and community facilities;
- c) The amenities of nearby occupiers;
- d) Their size and scale in relation to any nearby existing community;
- e) The character and appearance of the countryside;
- f) The provision of a satisfactory means of access and the adequacy of the highway network.

Each point is considered in turn below;

a) Designated and protected habitats and species, heritage designations, soil and water quality, and other natural resources;

The area is designated as community woodland and the proposed development would require the felling of an area of broadleaf plantation woodland. Whilst there is no indication within the applicant's supporting information that the potential loss of woodland will be mitigated elsewhere, it should be taken into consideration that the development of the south-east strategic site will provide significant areas of public open space and the loss of this land could be taken into account during the preparation of the Masterplan for the site.

The Ecology, Tree and Landscape Officer will provide a response on the potential impact on protected species and habitats and the impact of any net biodiversity loss.

The site is not affected by any heritage designations.

b) The location in relation to schools, medical facilities, shops and other local services and community facilities;

The site is located on the south eastern edge of Bury St Edmunds, within walking distance of shops, medical facilities and other local services and community facilities. The development of the south-eastern strategic site will further improve the availability of services and facilities in this location.

c) The amenities of nearby occupiers;

The application site is located on the northern edge of the town, under Policy BV7 south east strategic growth area. The application site and the adjacent lorry park are both outside of the control of the south east area's developer and are owned by Suffolk County Council. The site lies adjacent to a lorry park and is a short distance from a waste and recycling centre. The site lies opposite a group of business units, the Veterinary Investigation Centre and to the south is a golf driving range. There are currently no residential dwellings within the immediate vicinity of the site. Suffolk Constabulary's response to the application confirms that application is of low risk in terms of impact on residential or other amenity.

d) Their size and scale in relation to any nearby existing community;

The application is for five pitches which will lie wholly within the wooded area to the east of the lorry park. The scale is deemed appropriate in relation to the site plan submitted with the application and does not directly impact on existing communities.

e) The character and appearance of the countryside;

The site lies within the settlement boundary of Bury St Edmunds under policy allocation BV7 for the south east strategic growth area and will not impact on the character or appearance of the countryside.

f) The provision of a satisfactory means of access and the adequacy of the highway network.

The site is accessed off an existing highway and it is noted that Suffolk County Council Highways have not issued an objection to the application on highways grounds.

Conclusions

When considering the application against national and local development policy, it is clear that the starting point must be whether there is a need for

the site. It has been established that the family's 'actual' need for a site, as opposed to any 'theoretical' need set in traveller needs assessments, requires the application to be considered against the criteria in both national and local planning policy.

It is considered that whilst this application could be considered to be premature in advance of a masterplan being developed and adopted for the south east strategic growth area, the urgent need for a gypsy/traveller site presented by the applicant is a material consideration which in this case warrants a departure from the adopted development plan. In any case, it is considered that determining the application would be highly unlikely to fetter the delivery of the Masterplan as a whole, and therefore would not compromise the delivery of Policy BV7.

In respect of the assessment of the site against national and local planning policy, it is considered that the location of the site would not cause unacceptable harm in relation to the criteria b)-f) of Policy CS6 of the Core Strategy. Criteria a) will be considered in full by the Ecology, Tree and Landscape Officer.

On the basis of the above information, on balance it is recommended that the planning application as submitted be approved.

AMH
Planning Policy
27.11.14

APPENDIX 2

Application Number DC/14/1667/FUL
Address Land South Of Rougham Hill, Rougham Hill

Proposal Change of use of woodland to Gypsy/Traveller site consisting of five pitches

Comments

Layout and impact on trees

The site comprises plantation broadleaf woodland estimated to be 40 years old; and hedgerows and mature trees on the north eastern boundary which significantly pre-date this. The ecological report highlights that the plantation trees are densely planted and as such there is little understorey planting. The most mature and significant trees are located on the north east boundary of the site and this is reflected in the arboricultural assessment which identifies these trees as category 'A' trees. In addition the southern and northern boundaries which are not planted (with oaks) have developed into diverse scrub. The woodland is considered to be of moderate ecological value and of moderate landscape value providing separation between the Public Right of Way (PRoW) and the lorry park which it screens from the north and west.

The proposals will require the removal of a number of trees; essentially the plantation oak in the central part of the site. The proposed access road and the dayroom /utility buildings are located along the south western side of the site and this will minimise impact caused by excavation of foundations on the mature trees. However the proposals require the introduction of significant areas of hard standing for caravan pads and for car parking and leisure. These areas have the potential to impact on trees. The arboricultural report and email of 13 January 2015 make recommendations for design and construction methods to ensure that harm to trees including the mature trees is minimised. Given the lack of detail (the location of the mature trees has not been identified); if consent is to be given, these measures will need to be conditioned as follows:

- The position, species and root protection area (RPA) of all the mature trees particularly to be marked on a plan
- Details of no-dig pads for mobile homes and caravans to be submitted
- Details for dayrooms/utility foundations where they are within RPAs
- Details of no-dig construction for permeable hard standing required for car parking and leisure functions.

Irrespective of these measures there will be a loss of trees (and woodland) resulting from these proposals. The proposals as submitted do not include compensation for this loss. This is an item that has been highlighted by Suffolk Wildlife Trust in their letter of 6 October 2014.

Given that there is little room within the application site to provide replacement canopy cover; possible mitigation could be the management for nature conservation of the defunct hedgerows and mature trees retained adjacent to the PRoW. This would have the additional benefit of maintaining the amenity of the route. A management plan would be required which could be submitted by the landowner as part a condition or other obligation.

Comments relating to the FC consultation response

The Forestry Commission consultation response highlights Government policies which seek to retain and protect woodland and forest. This change of use application does appear to be in

conflict with The UK Forestry Standard and this factor would need to be considered against the other benefits of the proposals.

There is no indication/records to suggest that this small area of woodland is 'ancient' woodland or that there are veteran trees present although one mature oak has been identified to have a diameter at breast height (dbh) of 1100mm (veteran trees can have a dbh of 1000mm). This oak is recorded in the arb report to be in good condition; however elsewhere in the ecology report it is recorded that there is some deadwood which is one of the features of veteran trees and other cracks and crevices. Whilst the NPPF para 118 seeks to protect irreplaceable habitats, the woodland to be lost here is not irreplaceable, and the mature trees including the oak are to be retained.

The FC confirms that the Forestry EIA regulations do not apply.

The FC consultation response is correct in its observation that management of the woodland would lead to improvements in the biodiversity and that the woodland could be retained and managed as a commercial proposition with the value of the trees and the biodiversity of the woodland increasing with time. The trees would need to be managed to achieve this

The FC has also confirmed that if planning consent is given a Forestry Commission felling licence would not be required.

Impact on landscape and visual amenity

The woodland is known to have been planted in 1974 as a community woodland project, however the woodland appears to have never been managed and the area is known to have a reputation for antisocial behaviour. The existing new sign at the site was part of a clean up undertaken recently to improve the sites amenity. Other than the use of the PRoW which is observed to be well used there is no evidence that the community actively use this space excepting a cycle trail formed of artificially created mounds and dips between the tree lines.

The proposal will result in partial loss of the woodland. The proposals are to remove the plantation oak trees in the central section leaving the boundary trees which will minimise the harmful impact.

The boundary to the southwest of the site borders the lorry park. Should the proposals be implemented this boundary should be improved to provide an effective visual screen. This could be achieved by maintenance of the existing row of trees (potential removal of some trees and replacement with other shrubs). **Details will need to be conditioned.**

Impact on amenity of the PRoW

There is a PRoW which follows the north east boundary of the woodland. The path connects Rougham hill with Rushbrook Lane and onto Rushbrook and Sicklesmere beyond. There are hedges (described as defunct because they are not intact) on both sides of the path with mature trees. These features give the well worn path an attractive 'green lane' character.

The proposal is to retain all the mature trees and other vegetation adjacent to this path to ensure that the route's character is retained. This principal is promoted in the submission however it is not fully demonstrated because the exact location of the most significant trees has not been identified. **If consent is given, information on the position of all 'A' category trees and their retention and protection should be conditioned**

Whilst the proposal to place a closed board fence between the PRow and the footpath will screen the pitches from footpath users which will be beneficial, the presence of the fence will also be harmful to the character of the path – closed board fences are more generally associated with garden boundaries than with woodland. These factors need to be considered in the balance along with the other benefits such a fence would provide.

Relationship to South East BSE growth area

Details have not yet been finalised in relationship to this site. In relation to the adopted concept plan the proposed site falls within an area proposed for residential use with a strategic green edge. The first draft of the masterplan which is currently being developed shows the woodland area retained and integrated into green corridors which link to boundary green space and to the PRow route. Retention of the mature trees adjacent to the PRow (which forms part of the current proposals) is necessary to ensure continuity of the green corridors which could be supplemented to provide a setting/buffer for the gypsy traveller site.

Impact on nature conservation

The proposals are supported by an ecological study (Wild frontier Ecology 2014)

No impacts on designated nature conservation sites are predicted.

The proposals will lead to the loss of some woodland and a small amount of scrubland habitat from the northern boundary. The plantation woodland to be lost is considered to be replaceable (by the ecologist).

The ecological report identifies a number of mature trees on the site that could potentially be used by bats for roosting. The current proposals include for the retention of these trees and this forms part of the mitigation measures to ensure no impact on bats. A further assessment of trees for bat potential will need to be submitted alongside details relating to the retention/removal of trees (all trees to be removed will need to be assessed) to ensure there is no impact on bats. **This should be conditioned.**

The ecological report includes a section on mitigation proposals. These measures will need to be implemented in full and should **be conditioned**. In addition **a separate lighting condition should be attached (BS42020:2013).**

The close board fence should be adapted to ensure there is connectivity between the two parts of the woodland **(condition).**

JMF
20.01.15

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 5 February 2015 at **10.00 am** at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke

Vice-Chairmen Stefan Oliver and Angela Rushen

Trevor Beckwith

Robert Clifton-Brown

Robert Everitt

Phillip French

Tim Marks

Sara Mildmay-White

Alaric Pugh

Peter Stevens

Julia Wakelam

Patricia Warby

Dorothy Whittaker

Substitutes attending:

Dave Ray

David Nettleton

By Invitation:

Tony Brown

(for Item 46)

Sarah Stamp

(for Item 41)

37. **Apologies for Absence**

Apologies for absence were received from Councillors Ms Byrne and Houlder.

38. **Substitutes**

The following substitution was declared :

Councillor Ray for Councillor Houlder.

Councillor Nettleton had been appointed as a temporary substitute for Councillor Ms. Byrne under Rule 4.1.4 of the Council's Rules of Procedure.

39. **Minutes**

The minutes of the meeting held 8 January 2015 were confirmed as a correct record and signed by the Chairman.

40. **Planning Applications**

The Committee considered Reports DEV/SE/15/13 to DEV/SE/15/18 (previously circulated) outlining the planning history of each site and containing full details of each application, including all consultation replies. Report DEV/SE/15/19 was withdrawn at the request of Officers.

RESOLVED: That

- (1) subject to the full consultation procedure, including notifications to Parish Councils/Meetings and reference to the Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and advertisement consent be made as indicated below;
- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/15/13 to DEV/SE/15/18) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (3) refusal reasons be based on the grounds outlined in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

41. **Planning Application DC/14/1667/FUL**

**Change of use of woodland to Gypsy/Traveller Site consisting of 5 pitches at land south of Rougham Hill, Rougham Hill, Bury St Edmunds for Mr Kevin Delaney.
Report No: DEV/SE/15/13**

(Councillors Beckwith and Nettleton declared Local Non-Pecuniary Interests as Members of Suffolk County Council who were owners of the application site. Both Councillors remained within the meeting.)

Officers reported on the following matters which had arisen since the agenda and papers for the meeting had been distributed:

- (i) the applicant's agent had confirmed that in the absence of a mains sewer it was proposed that the applicant would install a private sewage treatment works. The initial consultation response from the Environment Agency had advised that the application site was not considered to be at High Risk of flooding and therefore, if planning permission was to be granted, the submission of details should be required by condition;
- (ii) the receipt of an additional letter of support for the application; and
- (iii) the receipt of written representations from the Norfolk and Suffolk Gypsy Roma and Traveller Services in support of the application.

Officers identified three main issues for the Committee in relation to the application: the impact of the proposal on the landscape, the basis of need put forward by the applicant and the policy implications of the application.

The following persons spoke on the application:

- | | | | |
|-----|-------------------------|---|---------------------------|
| (a) | Objector | - | Adrian Williams; |
| (b) | Supporter | - | Father Mark Hackerson; |
| (c) | Town Council | - | Councillor Cliff Hind; |
| (d) | One of the Ward Members | - | Councillor Mrs Stamp; and |
| (e) | Applicant's Agent | - | Michael Hargreaves. |

In relation to the impact of the proposal on the landscape the Committee noted that the application site of 0.44 hectares was within an area of plantation woodland with mature trees along the southern and eastern boundaries. The land involved had been acquired by the former West Suffolk County Council in 1960. In 1974 the area had been planted with oak trees and designated a community woodland and a public amenity to commemorate the joining together of East and West Suffolk County Councils as part of Local Government reorganisation. An inscribed stone monument had been sited in the wood to commemorate the event. The proposal would involve the removal of 50% of the trees within the application site although those which bordered the pathway which traversed the site would be retained. The woodland had not received a high level of management over the years and it was suggested that this had given rise to a perception that it was of poor quality.

With regard to the basis of need put forward it was acknowledged that the applicant and his extended family had been living in Bury St Edmunds for the past four years. The applicant was currently occupying an unauthorised site off Compiegne Way on the basis of a toleration agreement whereby he would be allowed to stay until the process in respect of the current planning application had been concluded plus one calendar month.

The planning policy issues were referred to in the written report and the Committee noted that the application site was within the designated South East Bury St Edmunds Strategic Site which allocated 74.9 hectares of land for development. This development was to be guided by a Master Plan which was in the process of being prepared by the developers. It was anticipated that a draft of the Master Plan would be submitted during the Summer. Included in the brief for the Master Plan was an expectation that a site be included for a Gypsy/Traveller site, if there was a need at the time of development, although no specific location for this had been formally identified.

In discussing the application some members were of the view that it was premature and if permitted it would pre-empt the preparation of the South East Bury St Edmunds Strategic Site Master Plan. A motion that consideration be deferred until such time as the preparation of the Master Plan had been advanced was lost. A motion that planning permission be granted subject to the imposition of an additional condition requiring the retention of the stone monument was also lost. The majority of members were of the view that the application was unacceptable in landscape terms because of the loss of the

trees involved and that it was contrary to policies listed in the report and a motion that planning permission be refused on these grounds was carried.

Decision:

Permission be refused and the Head of Planning and Growth, in consultation with the Chairman, be authorised to approve the wording of the reasons for refusal to be included in the Decision Notice.

(At this point the meeting was adjourned to allow members a comfort break)

42. **Planning Application DC/14/1813/FUL**

**11 no. two bedroom flats and 4 no. one bedroom flats together with associated car parking and external works (re-submission), as amended by plans received on 19 December 2014 revising the position and the roof form of the proposed building, at Block C, Burton End, Haverhill for Prime Crest Homes Ltd.
Report No: DEV/SE/15/14**

A Committee Update Report had been previously circulated after the agenda and papers for the meeting had been distributed. Officers reported on a further response from Haverhill Town Council in which it objected to the proposal on grounds of over development, insufficient car parking provision, flood risk potential and safety considerations relating to the vehicular access from Burton End.

The following person spoke on the application:

Applicant's agent - Charles Nash

The Committee was of the view that the design of the proposal building was too ambitious, inappropriate in scale and lacked quality and respect for the locality. Furthermore, additional landscaping was warranted to screen any development from neighbouring properties.

Decision:

Permission be refused.

43. **Planning Application DC/14/1273/FUL**

**2 no. two storey dwellings, 1 no. single storey dwelling and 2 no. one and half storey dwellings with alterations to existing access (demolition of existing dwelling) at 111 Westley Road, Bury St Edmunds for Tiller Properties Ltd.
Report No: DEV/SE/15/15**

(Councillor Oliver declared a Local Non-Pecuniary interest as Chairman of Bury St Edmunds Town Council and remained within the meeting)

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed.

Officers reported on the following matters which had arisen subsequently:

- (i) the applicant's agent had submitted amended plans in respect of Plot 5 along with a sunlight/shading analysis with seasonal projections;
- (ii) receipt of a consultation response from Bury St Edmunds Town Council confirming its objection to the proposal; and
- (iii) receipt of three further letters of objection from local residents.

The following persons spoke on the application:

- (a) Objector - Richard Hall;
- (b) Town Council - Councillor Cliff Hind; and
- (c) Applicant's agent - Paul Scarlett.

The Committee noted the concerns about the overshadowing the proposed one and half storey dwelling in Plot 5 could cause to the property of 23 Minden Drive. Members enquired whether it would be possible to switch house types so that the proposed bungalow would be sited on Plot 5. Officers advised that the proposed dwelling on Plot 4 was also one and half storeys and that the bungalow proposed had been included on Plot 3 which was the smallest in area. It was not practical therefore to make changes. In response to members' questions officers advised that the existing dwelling proposed for demolition was not considered to be a Heritage Asset and therefore not worthy of retention. Trees at the site had been assessed and the service of a Tree Preservation Order could not be justified. In relation to objections that the application constituted overdevelopment Officers advised that by the ratio of 20 dwellings per hectare the development would be of low density.

Decision:

Permission be granted.

44. Planning Application DC/14/1172/FUL

Conversion and extension of vacant public house building to accommodate an A1 retail unit (270 sq.metres) and 11 residential units (5 x one bed flats and 6 x two bed flats) with associated parking and landscaping at Bell Hotel, 9 High Street, Haverhill for S2 Estates Ltd.

Report No: DEV/SE/15/16

(Councillor Pugh declared a Local Non-Pecuniary interest as he was leading on the Town Centre Master Plan project and remained in the meeting.)

Officers reported on matters which had arisen after the agenda and papers for the meeting had been distributed as follows:

- (i) a letter received signed by 33 businesses in the town expressing support for the application; and

- (ii) the views of Haverhill Town Council (these were to be reported to the meeting by Councillor Nettleton as substitute for Councillor Ms Byrne).

Councillor Nettleton reported on the objections of the Town Council to the proposal and officers responded as follows:

- (a) the agent had suggested that residential development did not contribute to the vitality and vibrancy of the High Street. The Town Council had responded by stating that the lease of the ground floor retail unit would make such a contribution. Officers further commented that the suggestion was also not borne out by the Portas Review and experience in other town centres;
- (b) the Town Council had commented that the development of the flats was not the problem but the access difficulties they raised. The agent was attempting to conflate these separate issues. Officers advised that the provision of a rear access was an option for the applicants but the local planning authority could not compel them to withdraw the proposed on-street parking arrangement;
- (c) the Town Council did not accept the agent's suggestion that there were poor transport links and sustainable transport options in view of the central position of the site and its proximity to the bus station. Officers further commented that as with market towns in rural areas most people were reliant on cars;
- (d) the agent's contention that the description on Town Centre Master Plan was misleading was not accepted by the Town Council who acknowledged that consultation on the document was underway. Officers added that a draft of the Master Plan would be available in the Summer with possible adoption in the Autumn;
- (e) in response to the agent's claim about rights of access the Town Council had drawn attention to the situation that there would be no resident parking permits which would allow residents of the flats to gain access to the site within the restricted hours. This would also apply to construction traffic. Officers did not dispute this situation since the highway restrictions were already in place; and
- (f) the Town Council was suggesting that a planning condition be imposed requiring the applicants to comply with all highway restrictions during the construction phase. Officers advised that such a condition would be ultra vires and therefore could not be imposed.

Officers further advised that whilst a rear access was not proposed by the current application access to the rear of the site could be facilitated by existing means, particularly if land to the rear of the building was to be developed in the future. In the Officers' view the parking arrangements proposed by the application would not prejudice pedestrianisation.

The Committee acknowledged that in view of the semi-derelict condition of the building a decision was needed at the present time.

Decision:

Permission be granted.

(At this point Councillors Beckwith and French left the meeting and did not return.)

45. **Planning Application DC/14/2262/FUL**

**Change of use and conversion of Church Hall to 3 no. dwellings (Class C3) at Old Independent Church, Meeting Walk, Haverhill for Old Independent United Reformed Church.
Report No: DEV/SE/15/17**

Officers reported that the applicant's agent had submitted a sectional floor level plan indicating the extent of obscured glazing proposed as a result of the alterations that were anticipated to be made to the first floor balcony. As a consequence officers suggested an amendment to Condition 5 by the addition of the following 'and details of the exact amount of obscured glazing to be provided and those relating to floor levels to be submitted and approved'. Additionally a further Condition 6 was suggested 'Details of the re-siting of gravestones be submitted and agreed'

The following persons spoke on the application:

- (a) Objector - Anna Hughes; and
- (b) Applicant's agent - Cliff Patten

Decision:

Permission be granted subject to the amendment of Condition 5 and the addition of Condition 6 as detailed above.

(Councillor Pugh requested it be recorded that he abstained from voting on the above. At this point Councillor Clifton-Brown left the meeting and did not return.)

46. **Planning Application DC/14/1780/FUL**

**(i) Internal and external alterations; and (ii) construction of a new entrance pavilion at Old Independent Church, Meeting Walk, Haverhill for Old Independent United Reformed Church
Report No: DEV/SE/15/18**

A Committee Update Report had been previously circulated after the agenda and papers for the meeting had been distributed.

The following persons spoke on the application:

- (a) One of the Ward Members - Councillor Brown; and
- (b) Applicant's agent - Cliff Patten.

Officers advised that options for using the existing entrance to the building had been investigated but were impractical because of the differing floor levels. The proposed porch addition was therefore the only alternative. Whilst this was modern in appearance it would be subservient to the main building and set back from the front façade. It would be difficult to replicate the Victorian style of architecture contained in the church building.

Decision:

Permission be granted.

(Councillor Nettleton requested that it be recorded that he voted against this decision)

47. **Listed Building Application SE/13/0902/LB**

(i) Demolition of Buildings 5, 6, 8, 9 and 11; (ii) repair exposed walls and features of retained buildings and exposed ground ; and (iii) internal works to French Gothic Building to install new service core and form new suites, as amended by details received on 9 August 2013, at Gurteen & Sons Ltd, High Street, Haverhill for D Gurteen & Sons.

Report No: DEV/SE/15/19

This item had been withdrawn from the agenda at the request of Officers.

The meeting concluded at 1.35pm

Signed by:

Chairman

Council



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Council** held on
Tuesday 22 September 2015 at **7.00 pm** at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Mayor Patrick Chung
Deputy Mayor Julia Wakelam

Sarah Broughton	Paul Hopfensperger	Barry Robbins
Simon Brown	Ian Houlder	Richard Rout
Tony Brown	Margaret Marks	Angela Rushen
Carol Bull	Tim Marks	Andrew Speed
John Burns	Betty Mclatchy	Clive Springett
Terry Clements	Ivor Mclatchy	Sarah Stamp
Jason Crooks	Jane Midwood	Peter Stevens
Robert Everitt	Sara Mildmay-White	Peter Thompson
Paula Fox	David Nettleton	Jim Thorndyke
Susan Glossop	Clive Pollington	Paula Wade
John Griffiths	Alaric Pugh	Frank Warby
Wayne Hailstone	Joanna Rayner	Patricia Warby
Diane Hind	Karen Richardson	
Beccy Hopfensperger	David Roach	

82. **Minutes**

Subject to amendments to the final paragraph of Minute 69 so that it read to the following, the public and exempt minutes of the meeting held on 7 July 2015 were confirmed as a correct record and signed by the Mayor:

*'In a response to a question from **Colin Hilder** of Fornham Ward about whether the Development Control Committee would be reviewing the current procedures for planning enforcement, Councillor Pugh, Portfolio Holder for Planning and Growth explained the plans to improve performance on planning enforcement, including the introduction of the quarterly monitoring reports.'*

83. **Mayor's announcements**

The Mayor reported on the civic engagements and charity activities which he, the Mayoress, Deputy Mayor and Consort had attended since 7 July 2015.

84. **Apologies for Absence**

Apologies for absence were received from Councillors Terry Buckle, Bob Cockle and Jeremy Farthing.

85. **Declarations of Interests**

Members' declarations of interests are recorded under the item to which the declaration relates.

86. **Leader's Statement**

Councillor John Griffiths, Leader of the Council, presented his statement as contained in Paper COU/SE/15/027.

He provided updates on the devolution agenda; the role of the Suffolk authorities in supporting nationwide plans for addressing the current refugee crisis in Europe; and that Suffolk councils had agreed to launch a call for potential short term Gypsy and Traveller sites across the county in an attempt to mitigate unauthorised encampments.

In response to a question regarding the allocation of feasibility funding to major projects without the guarantee that the project would be delivered, Councillor Griffiths stated that particularly in light of the expected future cut in the Government settlement grant, the Council must continue to make a combination of savings and income. Savings and income generated over the longer term often required significant investment in projects, which required the necessary expertise and forward funding to undertake feasibility studies to ensure the project was viable.

87. **Public Participation**

The following questions were put and answered during this item:

1. **Adrian Williams** of Bury St Edmunds, asked a question in connection with his objection to the recommendation of the Sustainable Development Working Party and Cabinet to reinstate the originally proposed site for potential Gypsy and Traveller accommodation in the Masterplan for the South East Bury St Edmunds strategic development site, and how this appeared to go against the decision of the Development Control Committee which had refused permission for a planning application for Gypsy and Traveller accommodation in this location.

In response, Councillor Alaric Pugh, Portfolio Holder for Planning and Growth stated that the decision to refuse planning permission had been taken into account during the Council's consideration of the Masterplan. The emergence and recommended adoption of this document would amount to a material change in circumstances which could affect and influence any outstanding appeal, particularly as upon adoption of the Masterplan, the first reason for refusal would fall away. Councillor Pugh continued with explaining that the importance of the community woodland site in the wider landscape would be changed given that the Masterplan development would subsequently provide many hectares of public open space, including new woodlands and therefore

the existing community woodland land had become more appropriate as a potential Gypsy and Traveller site.

2. **John Corrie** of Bury St Edmunds, asked a question in connection with the above topic, including the decision of the Development Control Committee to refuse permission for a planning application for Gypsy and Traveller accommodation in this location. Mr Corrie also made reference to the current land ownership of the community woodland site and how alternative Gypsy and Traveller sites in the Borough should be sought.

In response, Councillor Alaric Pugh, Portfolio Holder for Planning and Growth reiterated his comments to Mr Williams to Mr Corrie, adding that the need for Gypsy and Traveller accommodation did not form part of the reasons for refusing the proposed development at the woodland site.

In his supplementary question, **Mr Corrie** referred to Suffolk County Council as landowner, not making the community woodland site available for Gypsy and Traveller accommodation. In response, Councillor Pugh stated it was inappropriate to comment on the land ownership issue as full Council was considering the adoption of the Masterplan for the South East Bury St Edmunds strategic development site and not a planning application for Gypsy and Traveller accommodation.

3. In response to a question from **Simon Harding** of Bury St Edmunds, which was in connection with the Council's support for more food self-sufficiency and the reduction in food imports and miles, Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, explained how the Council supported the policy, particularly in terms of promoting economic growth. He quoted Actions contained in the West Suffolk Six Point Plan for Jobs and Growth which indicated how the Council was committed to local businesses, provisions markets and the agricultural sector in helping to support national policy.

In a supplementary question, **Mr Harding** asked how the Council classified the quality of the arable farmland at Hollow Road Farm and whether brownfield land should be firstly considered for the siting of the proposed West Suffolk Operational Hub (WSOH). In response, Councillor John Griffiths, Leader of the Council stated that the Hollow Road Farm site was not the preferred option for the WSOH and further consultation was proposed to be undertaken on this issue (as detailed later in the minutes). The most suitable location for a WSOH would not necessarily be on brownfield land as many other factors needed to be considered (as detailed later in the minutes).

4. In response to a question from **Valerie Legg** of Bury St Edmunds, which was in connection with other sites being considered for the possible location of the West Suffolk Operational Hub and whether sites were being examined to the same depth as the Hollow Road Farm site, Councillor Peter Stevens, Portfolio Holder for Operations stated the following:

Subject to Council approval for funding (as detailed later in the minutes), a further six-week pre-planning application consultation process would be undertaken to provide an opportunity for suggestions for alternative sites and to provide information for public scrutiny, which would include the four

matters detailed in the resolution of Cabinet in respect of this item on 8 September 2015 (Report No: CAB/SE/15/050 refers).

The outcomes of the consultation would be discussed with a Focus Group, who would be asked to comment on its content, including any preferred site and subsequently, a planning application would be submitted. Once the outcomes of the consultation and any preferred site had been with discussed with the Focus Group, the results of the consultation would be published.

In response to a supplementary question of **Ms Legg**, Councillor Stevens explained that a specific date had not yet been determined to commence the proposed new six-week pre-application consultation.

5. **Nathan Loader**, of Kedington Parish Council asked a question in connection with what he considered to be a flawed North East Haverhill Masterplan and how Haverhill needed to be more economically sustainable before it could be considered for additional housing, including whether the Council had worked with Cambridgeshire County [and District] Councils to ensure it was not 'doubling up' on its delivery of houses to match the assumed jobs growth in Cambridgeshire.

In response, Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, explained that Haverhill and area had excellent potential for housing development and economic growth and by working closely with neighbouring authorities, developers, businesses etc, both this and the Haverhill Town Centre Masterplans had been produced to support that vision.

6. **Justin Waite**, of Kedington asked a question in connection with the consultation process for the North East Haverhill Masterplan and whether it had been undertaken with sufficient community engagement and in accordance with legislation and policy.

In response, Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, stated that the consultation process had been extremely thorough and was in accordance with the Council's adopted protocol for the production of masterplans and its own Statement of Community Involvement. He referred to documentation that indicated the level of consultation undertaken and offered this information to Mr Waite upon request.

In response to a supplementary question of **Mr Waite** where he wished to highlight that a significant part of the North East Haverhill development was proposed for Kedington parish, Councillor Griffiths, Leader of the Council explained how in addition to the significant investment in last ten years, the Council sought to enhance the future prospects of Haverhill and its surrounding area and both this and the Town Centre Masterplan assisted in bringing that vision to fruition.

7. **Michael Collier**, Chairman of Fornham St Martin cum St Genevieve Parish Council, asked a question in connection with the proposed new pre-application consultation process for the proposed location for the West Suffolk Operational Hub (WSOH) and sought assurance that the Council was not undertaking the new consultation to justify the previously preferred location of Hollow Road Farm.

In response, Councillor Stevens, Portfolio Holder for Operations, reiterated his comments that he had made to Valerie Legg above, and offered his assurance that this was a new consultation and following due consideration, a preferred site for the WSOH would be identified in conjunction with a Focus Group in an open and transparent manner.

(As the total time allocation of 30 minutes for this item had now exceeded and in accordance with Council Procedure Rule 10.1 (o), a motion to suspend Council Procedure Rule 6.1 was put to the vote and carried, to enable the remaining members of the public in attendance to have their questions put and answered within the designated time limit of five minutes each.)

8. **Adrian Graves**, of Great Barton asked a question in connection with the proposed new pre-application consultation process for the proposed location for the West Suffolk Operational Hub (WSOH) and how he felt the recommendation for Council's consideration under Agenda Item 8 (B) (1), Report No: COU/SE/15/028, was misleading.

In response, Councillor Stevens, Portfolio Holder for Operations, explained that the recommendation sought sufficient funding to underwrite the project (with partners), which included the new pre-application consultation process. While Cabinet had approved the recommendation to undertake a further six-week consultation as an executive matter, it could only proceed with the approval of funding, as detailed in the recommendation to Council. The approval of funding would not limit a review of any potential sites that may come forward as part of the new consultation.

9. In response to a question from **Howard Quayle**, Chairman of Fornham All Saints Parish Council, in connection with funding previously allocated to the West Suffolk Operational Hub project and that now recommended for approval, Councillor Stevens, Portfolio Holder for Operations explained that a breakdown of costs had been outlined in the report, some of which would be used to facilitate the new consultation.

88. **Service by Former Members of the Council**

(During the consideration of the motions for the Long Service Awards, Councillor Julia Wakelam, Deputy Mayor, duly took the Chair to enable the Mayor to present framed copies of their specific resolutions to each former Councillor in attendance.)

On 16 July 1991 and in addition to the statutory provision for the creation of Honorary Freeman and Honorary Alderman, the Council created a third award option, namely formal acknowledgement of 12 years or more cumulative service by former Members of the Council. Accordingly, the following motions in respect of those who were eligible for the award were duly carried.

(1) Paul Farmer MBE

On the motion of Councillor John Griffiths, seconded by Councillor Sara Mildmay-White, and duly carried, it was

RESOLVED:

That, in recognition of twelve years of dedicated public service by Paul Stephen Farmer MBE as an elected Member of the Council for Abbeygate Ward, Bury St Edmunds and in acknowledgement of his contribution to the work of the Borough Council, and his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(2) Phillip French

On the motion of Councillor John Griffiths, seconded by Councillor Frank Warby, and duly carried, it was

RESOLVED:

That, in recognition of twelve years of dedicated cumulative public service by Phillip Morton French as an elected Member of the Council for the Cangle, Haverhill North and Haverhill South Wards, and in acknowledgement of his contribution to the work of the Borough Council, and his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(3) Christopher Spicer

On the motion of Councillor John Griffiths, seconded by Councillor Peter Stevens, and duly carried, it was

RESOLVED:

That, in recognition of twelve years of dedicated public service by Christopher James Evan Spicer as an elected Member of the Council for the Pakenham Ward, and in acknowledgement of his contribution to the work of the Borough Council, including his term of office as Mayor for 2011/2012, and his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(4) Adam Whittaker

On the motion of Councillor John Griffiths, seconded by Councillor Terry Clements, and duly carried, it was

RESOLVED:

That, in recognition of twelve years of dedicated public service by Adam Whittaker as an elected Member of the Council for Haverhill West Ward, and in acknowledgement of his contribution to the work of the Borough Council, and his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(5) Stefan Oliver

On the motion of Councillor John Griffiths, seconded by Councillor Sarah Stamp, and duly carried, it was

RESOLVED:

That, in recognition of thirteen years of dedicated public service by Stefan Robert Morgan Oliver as an elected Member of the Council for the Westgate Ward, Bury St Edmunds and in acknowledgement of his contribution to the work of the Borough Council, including his term of office as Mayor for 2005/2006, and his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(6) Helen Levack

On the motion of Councillor John Griffiths, seconded by Councillor Patsy Warby, and duly carried, it was

RESOLVED:

That, in recognition of sixteen years of dedicated public service by Helen Mary Levack as an elected Member of the Council for the Risby Ward, and in acknowledgement of her contribution to the work of the Borough Council, and her service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(7) Trevor Beckwith

On the motion of Councillor John Griffiths, seconded by Councillor Peter Thompson, and duly carried, it was

RESOLVED:

That, in recognition of twenty years of dedicated public service by Trevor Beckwith as an elected Member of the Council for the Eastgate and Moreton Hall, Bury St Edmunds Wards, and in acknowledgement of his contribution to the work of the Borough Council, and his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(8) Derek Redhead

On the motion of Councillor John Griffiths, seconded by Councillor Sarah Broughton, and duly carried, it was

RESOLVED:

That, in recognition of twenty years of dedicated public service by Derek Redhead as an elected Member of the Council for Wickhambrook Ward, and in acknowledgement of his contribution to the work of the Borough Council, and

his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

(9) Robert Clifton-Brown

On the motion of Councillor John Griffiths, seconded by Councillor Peter Stevens, and duly carried, it was

RESOLVED:

That, in recognition of twenty-six years of dedicated public service by Robert Lawrence Clifton-Brown as an elected Member of the Council for Withersfield Ward, and in acknowledgement of his contribution to the work of the Borough Council, including his term of office as Mayor for 2002/2003, and his service to the community and fulfilment of the duties and responsibilities of a Councillor, the Council hereby record its thanks and deep appreciation.

On the individual approval of each resolution, the Mayor separately presented former Councillors Farmer, Spicer, Whittaker, Oliver and Clifton-Brown with a framed copy of their specific resolution. As former Councillors French, Levack, Beckwith and Redhead were not in attendance, framed copies of their resolutions would be forwarded to each of them accordingly.

(Councillor Patrick Chung, Mayor, duly re-took the Chair at the conclusion of this item.)

89. Service by Former Members of the Council: Vote of Thanks to Other Immediate Past Members

On the motion of Councillor John Griffiths, seconded by Councillor Sara Mildmay-White, and duly carried, it was

RESOLVED:

That the Council records a vote of thanks in respect of the former Councillors who had not been re-elected or had not stood for re-election, namely, former Councillors Maureen Byrne, Anne Gower, the late Paul McManus, David Ray, Marion Rushbrook, Paul Simner and Dorothy Whittaker.

90. Recognition of Former Cabinet Members not Eligible for Long Service Awards

It had been proposed by the Cabinet that former Cabinet Members that were not eligible for Long Service Awards should also receive separate formal acknowledgement by the Council for their contribution to the work of the Borough Council's executive through their roles as Portfolio Holders. In relation to such councillors not re-elected in May 2015, the Cabinet would pass such a resolution of thanks at its own meeting on 20 October 2015, but Council considered that in future, it would be appropriate for it to make such an acknowledgement directly alongside other votes of thanks.

On the motion of Councillor John Griffiths, seconded by Councillor Robert Everitt, and duly carried, it was

RESOLVED:

That, in future, the Council in acknowledgement of their contributions to the work of the Borough Council through their roles as Portfolio Holders, and for their service to the community and fulfilment of the duties and responsibilities of a Councillor, shall record its thanks and deep appreciation to former Cabinet Members not eligible for Long Service Awards.

91. Referrals report of recommendations from Cabinet

The Council considered the Referrals report of Recommendations from Cabinet, as contained with Report No: COU/SE/15/028.

(A) Referrals from Cabinet: 1 September 2015

1. West Suffolk Strategic Plan and Medium Term Financial Strategy 2016-2020

Approval was sought for the West Suffolk Strategic Plan and Medium Term Financial Strategy 2016-2020.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of Council, including that the draft documents had both been updated through a 'light touch' review, which focussed on updating the projects and actions within the existing frameworks and making minor changes to reflect developments in legislation or local government financing arrangements.

A discussion was held on investing in affordable housing and encouraging developers to build high energy efficient homes.

On the motion of Councillor Ian Houlder, seconded by Councillor Clive Springett, and duly carried, it was

RESOLVED:

That subject to updates and amendments by the Leaders, as detailed in paragraphs 13 and 14 of Report No: CAB/SE/15/048, the:

- (1) West Suffolk Strategic Plan 2016-2020; and
- (2) West Suffolk Medium Term Financial Strategy 2016-2020, be adopted.

2. West Suffolk Investment Framework

Approval was sought for the West Suffolk Investment Framework.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance drew relevant issues to the attention of Council, including that the Investment Framework supported staff and Members throughout the initial development stages to the decision making process for the Councils' key strategic projects,

particularly those that required the Councils to invest. It also supported the Councils' compliance with the 'The Prudential Code for Capital Finance in Local Authorities'.

In addition, a number of West Suffolk's key strategic projects had the potential to commit significant capital sums, as well as officer and Member resources. It was important therefore that feasibility funding was made available at the early stages of these business case developments, so as to unlock these projects and their investment potential and to enable the necessary progress to a full business case and the identification of a preferred way forward for Member scrutiny and approval.

On the motion of Councillor Ian Houlder, seconded by Councillor Patsy Warby, and duly carried, it was

RESOLVED:

That the West Suffolk Investment Framework attached at Attachment A to Report No: CAB/SE/15/049, be approved.

(B) Referrals from Cabinet: 8 September 2015

1. West Suffolk Operational Hub

Approval was sought for the Borough Council's contribution of £108,000 funding to enable the West Suffolk Operational Hub project to progress.

Councillor Peter Stevens, Portfolio Holder for Operations drew relevant issues to the attention of Council, including that on 8 September 2015, the Cabinet resolved that:

- (1) *the contents of Report No: CAB/SE/15/050, be noted;*
- (2) *approval is given for a further six-week period of public pre-application consultation that will give an opportunity for suggestions for alternative sites and provide information for public scrutiny including the:*
 - (i) *case for a shared waste hub;*
 - (ii) *site selection criteria;*
 - (iii) *process of site selection; and*
 - (iv) *sustainability appraisal.*

While Cabinet had approved (2) above as an executive matter, this could only proceed with the approval of funding, as detailed in the recommendation to Council. Members noted from Report COU/SE/15/028 the initial funding allocated during the feasibility and deliverability phases of the West Suffolk Operational Hub (WSOH) project, and an outline of the estimated elements of further costs required to progress the project. This summary included the estimated costs to undertake the new six-week pre-application consultation approved by Cabinet on 8 September 2015.

Councillor Stevens reiterated his comments from earlier in the meeting regarding the outcomes of the new consultation being considered by a Focus

Group. Having taken all documentation into account as outlined in the Cabinet resolution above, which would be made publicly available, and the results of the consultation, the Group would be asked to consider a preferred option to site the WSOH and a planning application would be subsequently submitted.

A detailed discussion was held and Councillor Sarah Broughton, Ward Member for Great Barton Ward, which was adjacent to the previously preferred WSOH location of Hollow Road Farm (HRF), welcomed the new consultation but expressed some concern that reference to HRF remained in Cabinet Report No: CAB/SE/15/050 as the preferred site, and whether the impact of the new proposals for the future of the organic waste service had been taken into account in the development of this project (see Minute 91 (B) (2) below.)

Councillor Beccy Hopfensperger, Ward Member for Fornham Ward, which was the ward in which HRF was located, supported Councillor Broughton's concerns and sought assurance that the new consultation would genuinely consider alternative suggestions for sites and how no further funding should be allocated to progress the proposed business case until this new consultation had been completed and analysed.

Some Members also expressed concern regarding:

- (a) references to HRF as the preferred option in Cabinet Report No: CAB/SE/15/050;
- (b) the proposed increase in funding required since the matter was last considered in July 2015; and
- (c) the proposed new consultation process and how other credible, available, alternative sites to HRF (including those with rail links) should genuinely be considered in an open and transparent manner.

Other Members acknowledged however, that:

- (a) the references to HRF as the perceived preferred option in Cabinet Report No: CAB/SE/15/050, had been taken out of context;
- (b) the documentation that would be publicly available to assist interested parties with suggesting alternative sites, as detailed in the Cabinet resolution above, was a positive step in promoting democracy and transparency and provided further reassurance that a genuine consultation would be undertaken; and
- (c) a solution to identifying a preferred optimum location for siting the WSOH for the delivery of cost and efficiency savings was the ultimate goal; however that in order to fund the new consultation process, the request for further funding had increased since last presented to Council.

Councillor Stevens proposed the motion, which was duly seconded by Councillor Robert Everitt. Councillor David Nettleton requested that the vote be recorded and this was supported by more than five other Members, as

required by the Constitution. The votes recorded were 30 votes for the motion, 12 against and no abstentions, namely:

For the motion:

Councillors Simon Brown, Bull, Chung, Everitt, Glossop, Griffiths, Hailstone, Houlder, Margaret Marks, Tim Marks, Betty McLatchy, Ivor McLatchy, Midwood, Mildmay-White, Pollington, Pugh, Rayner, Richardson, Roach, Rout, Rushen, Speed, Springett, Stamp, Stevens, Thompson, Thorndyke, Wakelam, Frank Warby and Patsy Warby.

Against the motion:

Councillors Broughton, Tony Brown, Burns, Clements, Crooks, Fox, Hind, Beccy Hopfensperger, Paul Hopfensperger, Nettleton, Robbins and Wade.

Abstentions:

None

The motion was duly carried and

RESOLVED:

That funding of £220,000 (£112,000 FHDC and £108,000 SEBC), as detailed in Section 3 of Report No: CAB/SE/15/050, be approved, and for this to be allocated from the respective Council's Strategic Priorities and Medium Term Financial Strategy reserve to enable the project to progress.

(At this point, a motion to adjourn the meeting for a short comfort break was moved, seconded and upon being put to the vote was duly carried. The meeting resumed at 9.39 pm.)

2. The Future of the Organic Waste Service in West Suffolk

Following the recent Suffolk Waste Partnership review of organic waste management, approval was sought for revisions to the organic waste service in West Suffolk.

Councillor Peter Stevens, Portfolio Holder for Operations drew relevant issues to the attention of Council, including that specific options for the future of West Suffolk's brown bin scheme and the implications relating to each had been considered in detail. Option 3 was the preferred option of officers and Cabinet, which would be to introduce an annual subscription charge and exclude food/kitchen waste, which would potentially generate an income to ensure that the service was cost neutral. The justification for the proposal was provided in Cabinet Report No: CAB/SE/15/051.

The service would be provided on an opt-in basis at a cost of approximately £1.35 per collection, which was value for money when compared to the cost of a bulky goods collection at £35 a time. VAT was not believed to be charged within this charge; however this would be confirmed to the Performance and Audit Scrutiny Committee in November 2015.

The majority of Members acknowledged that this was difficult decision to make; however if the scheme was to continue in its current format, West Suffolk would be faced with an estimated budget increase of approximately half a million pounds per year in comparison to current costs. If not implemented, savings would therefore need to be found from elsewhere with potential impacts on services across the two West Suffolk councils.

Members also recognised that it was not conducive to potentially increase Council Tax by approximately 6% to continue the existing service. Such an increase would command a referendum and consideration would therefore need to be given to the potential cost implications of that.

Some clarification was sought on the new collection service and possible ramifications of the change; and whether there were possibilities for providing support to communities to introduce their own community composting facilities.

On the motion of Councillor Peter Stevens, seconded by Councillor Ian Houlder, and duly carried, it was

RESOLVED:

That

- (1) the exclusion of food/kitchen waste from the brown bin scheme - to commence following procurement of the new treatment contract, be agreed;
- (2) a subscription charge of between £35 and £50 per year for the brown bin service, as detailed in Section 1.4.3 to 1.4.8 of Report No: CAB/SE/15/051, be introduced; and
- (3) a future report be received outlining the results of the procurement exercise and the Suffolk Waste Partnership's agreed actions to deliver recommendations 1 and 2 above.

3. Annual Treasury Management Report 2014/2015

Approval was sought for the Annual Treasury Management Report for 2014-2015.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Council.

On the motion of Councillor Houlder, seconded by Councillor Clive Springett, and duly carried, it was

RESOLVED:

That the Annual Treasury Management Report for 2014-2015, attached as Appendix 1 to Report No: TMS/SE/15/004, be approved.

4. Haverhill Town Centre: Masterplan

(Councillors Tony Brown and Tim Marks declared local non-pecuniary interests as members of ONE Haverhill's Town Centre Masterplanning Core Group and both remained in the meeting for the consideration of this item.)

Approval was sought for the adoption of the Haverhill Town Centre Masterplan.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Council, including that he wished to place on record his thanks to ONE Haverhill and other partners during the development of this Masterplan. Emphasis was also placed on the excellent response to the consultation.

Other Haverhill Councillors supported Councillor Pugh's comments and Councillor Tony Brown offered his personal thanks to Councillor Pugh for his leadership on this project and also to David Lock Associates (consultants appointed to produce the Masterplan).

In response to a question in connection with car parking and the potential for an Automatic Number Plate Recognition (ANPR) survey of the entire town to extract data to assess the effect of traffic flow and volume in and around the town centre, including the impact the proposed new developments may have, Councillor Pugh stated that support had been shown in principle for this survey from Suffolk County Council as Highway Authority.

Members also reiterated the importance of the delivery of the aspirations identified in the Masterplan.

On the motion of Councillor Alaric Pugh, seconded by Councillor David Roach, and duly carried, it was

RESOLVED:

That the Masterplan for Haverhill Town Centre, as contained in Appendix A to Report SDW/SE/15/007, be adopted as a Supplementary Planning Document.

5. North East Haverhill: Masterplan

(In the interests of transparency, Councillor Tony Brown declared that he was the Suffolk County Councillor for Haverhill East and Kedington Division. Councillor John Burns declared a local non-pecuniary interest as he lived adjacent to the proposed strategic development site. Both Members remained in the meeting for the consideration of this item.)

Approval was sought for the adoption of the North East Haverhill Masterplan.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Council, including that the resulting Masterplan had been formulated taking account of a range of opportunities

and constraints, as detailed in the report to the Sustainable Development Working Party (Report No: SDW/SE/15/008 refers).

Councillor Karen Richardson, Ward Member for Kedington Ward reiterated the views of the members of the public that had spoken during agenda item 6; considered the consultation had been unsatisfactory and felt the number of homes planned would adversely impact on the residents of Kedington and other neighbouring villages.

Councillor Tony Brown also expressed similar concerns including that although it was acknowledged that discussions were being undertaken to make improvements to the existing A1307 trunk road, the present infrastructure and poor transport links could currently not support the planned development and growth set out in the Masterplan.

Councillor Pugh proposed the motion, which was duly seconded by Councillor Ivor McLatchy. Councillor Tony Brown requested that the vote be recorded and this was supported by more than five other Members, as required by the Constitution. The votes recorded were 31 votes for the motion, 8 against and 3 abstentions, namely:

For the motion:

Councillors Broughton, Simon Brown, Chung, Clements, Everitt, Glossop, Griffiths, Hailstone, Hind, Beccy Hopfensperger, Houlder, Margaret Marks, Tim Marks, Betty McLatchy, Ivor McLatchy, Mildmay-White, Pollington, Pugh, Rayner, Roach, Rout, Rushen, Speed, Springett, Stamp, Stevens, Thompson, Thorndyke, Wakelam, Frank Warby and Patsy Warby.

Against the motion:

Councillors, Tony Brown, Burns, Crooks, Paul Hopfensperger, Midwood, Nettleton, Richardson and Robbins

Abstentions:

Councillors Bull, Fox and Wade.

The motion was duly carried and

RESOLVED:

That the Masterplan for North East Haverhill, as contained in Appendix A to Report SDW/SE/15/008, be adopted as non-statutory planning guidance.

6. South East Bury St Edmunds Strategic Development Site: Masterplan

Approval was sought for the adoption of the Masterplan for the South East Bury St Edmunds Strategic Development Site.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of Council, including that following a detailed discussion at the meeting of the Sustainable Development Working Party and subsequent ratification by Cabinet, it had been recommended to reinstate the

site for the proposed Gypsy and Traveller accommodation as originally proposed in the earlier draft Masterplan.

Councillor Sarah Stamp, one of the Ward Members for Southgate Ward, considered that many of the concerns that had been raised during the consultation had been addressed, however she would remain opposed to the reinstatement of the proposed Gypsy and Traveller site as she believed this was not an appropriate location and alternative options should be considered.

Other Members supported the concerns of Councillor Stamp but acknowledged other merits of the Masterplan. The majority of Members supported approval for the Masterplan.

On the motion of Councillor Alaric Pugh, seconded by Councillor Margaret Marks, and duly carried, it was

RESOLVED:

That the Masterplan for the South East strategic land allocation, as contained in Appendix A to Report SDW/SE/15/009, be adopted as non-statutory planning guidance, subject to the reinstatement of the site of the proposed Gypsy and Traveller accommodation as originally proposed in the earlier draft Masterplan.

(Councillor David Nettleton left the meeting at the conclusion of this item.)

92. **Devolution in Suffolk**

Council considered Report No: COU/SE/15/029, which sought endorsement of Suffolk's Expression of Interest to Government regarding devolution as the basis for future detailed negotiations with Government; and of the proposed approach to negotiation with Government throughout autumn 2015, in advance of final sign-off of more detailed proposals by Council.

Councillor John Griffiths, Leader of the Council drew relevant issues to the attention of Council, including that since the devolution proposal, contained in Appendix A, had been submitted to Government on 4 September 2015, some feedback had been received. Alongside taking forward the work on integrating the public sector in Suffolk, advice had been given to consider the possibility of forming a wider combined authority with Norfolk, to which Government could devolve powers around growth and infrastructure.

He added that commitment was still shown for the proposals contained in Appendix A, whether they would be taken forward by a combined authority; on a Suffolk-wide basis or in another way was to be determined.

Discussion was held on the tight timescales regarding the submission of the bid, which was because plans needed to be in place for decisions to be taken by Government before the Spending Review in November 2015; however the majority of Members recognised the benefits that could be had for West Suffolk, including pursuing the issue of subsidiarity (double devolution) i.e. what SCC could devolve to the Suffolk district and borough councils.

Liz Watts, one the two Directors for the West Suffolk councils, would shortly be leaving the organisation to take up the post of Chief Executive for East Hertfordshire District Council. Councillor Griffiths wished to place on record his sincere thanks to Liz and commended her sterling work with the councils over the previous years. Members supported this sentiment.

On the motion of Councillor John Griffiths, seconded by Councillor Ian Houlder, and duly carried it was

RESOLVED: That

- (1) Suffolk's ambition for devolution contained in its Expression of Interest to Government as the basis for future detailed negotiation with Government throughout the autumn 2015, be endorsed;
- (2) the approach to negotiating more detailed proposals with Government be endorsed; and
- (3) it be agreed that following negotiation with the Government, any proposed devolved arrangements will be subject to consideration and agreement by full Council.

(Councillor Jim Thorndyke left the meeting during the consideration of this item.)

93. **Right to Challenge Parking Policies**

Council considered Report No: COU/SE/15/030, which sought approval for changes to the Council's Petition Scheme to reflect a duty which gave local residents and businesses the right to challenge parking policies set out in Traffic Regulation Orders (TROs).

Councillor Peter Stevens, Portfolio Holder for Operations drew relevant issues to the attention of Council, including the proposed amendments were contained in Appendix A with information on the statutory guidance on parking petitions (DCLG 2015) provided in Appendix B.

On the motion of Councillor Stevens, seconded by Councillor Sara Mildmay-White, and duly carried, it was

RESOLVED:

That the changes to the Petition Scheme for St Edmundsbury Borough Council, as contained in Appendix A to Report No: COU/SE/15/030, be approved.

94. **Questions to Committee Chairmen**

There were no questions of Committee Chairmen on business transacted by their committees since the last ordinary meeting of Council on 7 July 2015, as outlined below:

Committee	Chairman	Dates of meetings
Overview and Scrutiny Committee	Cllr Diane Hind	22 July 2015
Performance and Audit Scrutiny Committee	Cllr Sarah Broughton	30 July 2015
Development Control Committee	Cllr Jim Thorndyke	6 August 2015 3 September 2015
West Suffolk Joint Standards Committee	Cllr Jim Thorndyke	19 August 2015

95. Urgent Questions on Notice

Councillor Julia Wakelam, Deputy Mayor, had given notice under Paragraph 8.5 (b) of the Council Procedure Rules, of the following question to Councillor Sara Mildmay-White, Portfolio Holder for Housing:

'Has St Edmundsbury Borough Council informed the Government of the willingness of our community to welcome up to five refugee families to Bury St Edmunds, and the willingness of our Council to assist in that, and if not, will it now do so?'

In response, Councillor Mildmay-White, stated that the Home Office had asked that councils in two-tier areas should be encouraged to collaborate and feed back potential numbers of refugees that could be accommodated via the Strategic Migration Partnership. In light of this guidance, the Suffolk Public Sector Leaders' Group had agreed to establish a county-wide task force to prepare any specific request made by Government.

Specifically, St Edmundsbury Borough Council had started initial conversations with Havebury Housing Partnership to identify any potential properties which may be suitable for accommodating refugees.

In respect of utilising privately-owned accommodation, housing needed to be self-contained and safeguarding issues taken into account; however, it may be possible to consider second homes if owners made them available.

96. Report on Special Urgency

The Council received and noted a narrative item, as required by the Council's Constitution, in which the Leader of the Council reported that at the time the Council agenda was published, no executive decisions had been taken under the special urgency provisions of the Constitution.

97. Exclusion of Press and Public

See minute 98 below.

98. Exempt Minutes: 7 July 2015

No reference was made to specific detail of the exempt minutes, therefore this item was not held in private session.

The exempt minutes of the meeting held on 7 July 2015 were confirmed as a correct record under Minute 82 above and signed by the Mayor.

The meeting concluded at 11.16 pm.

Signed by:

Mayor

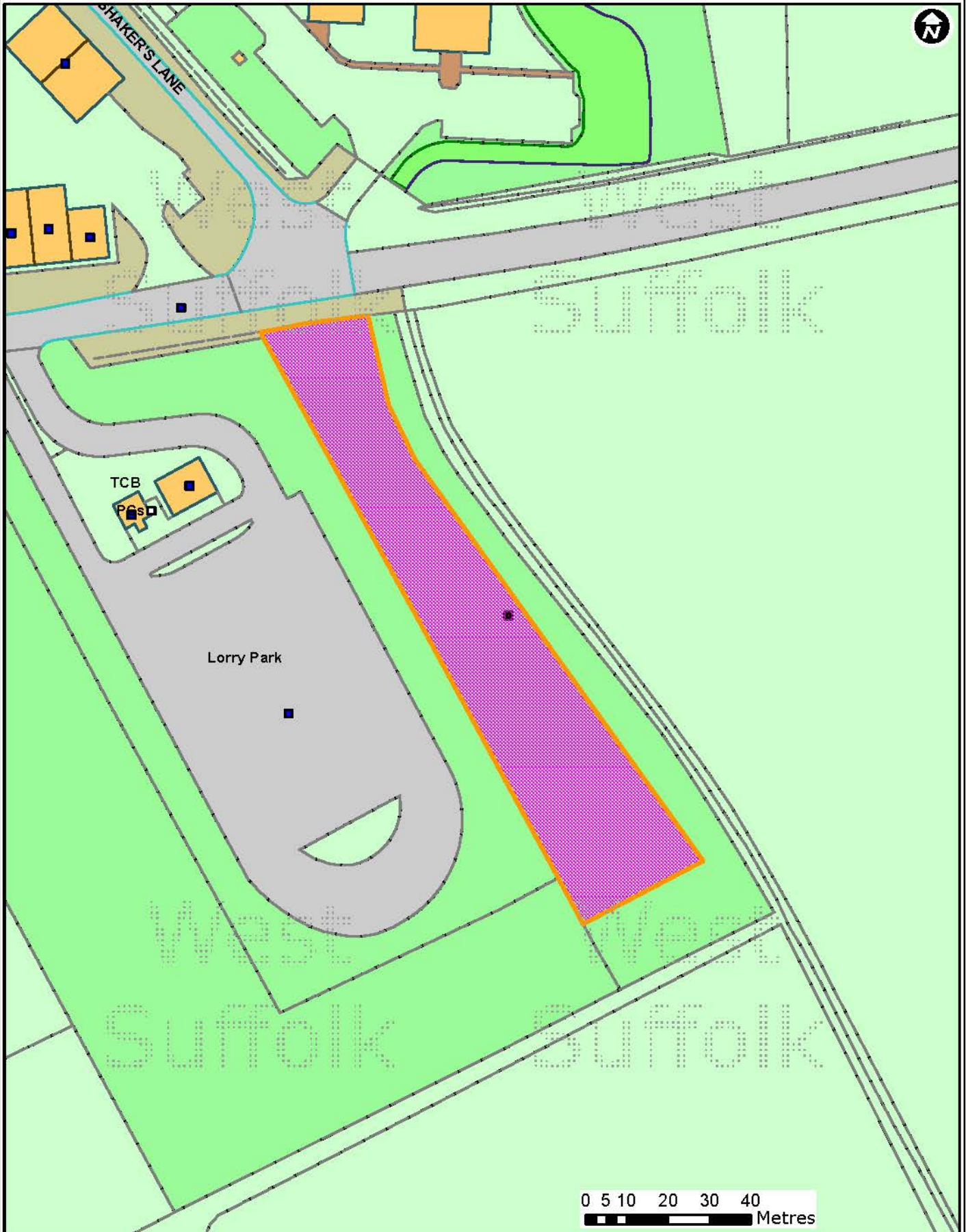
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In accordance with the requirements of the Concept Statement for South East Bury St Edmunds, the Draft Master Plan Document considered opportunities for the provision of Gypsy and Traveller pitches and identified a potential location within the site. Whilst there was support from the Gypsy and Traveller community for the proposed location and no objection in principle from Suffolk County Council, there was a substantial number of objections from other consultees. However, following a decision by the Sustainable Development Working Party reference to the potential gypsy and traveller site on the illustrative plan is retained. Provision will be considered only if a need is identified at the time of development.



DC/14/1667/FUL

Land South of Rougham Hill

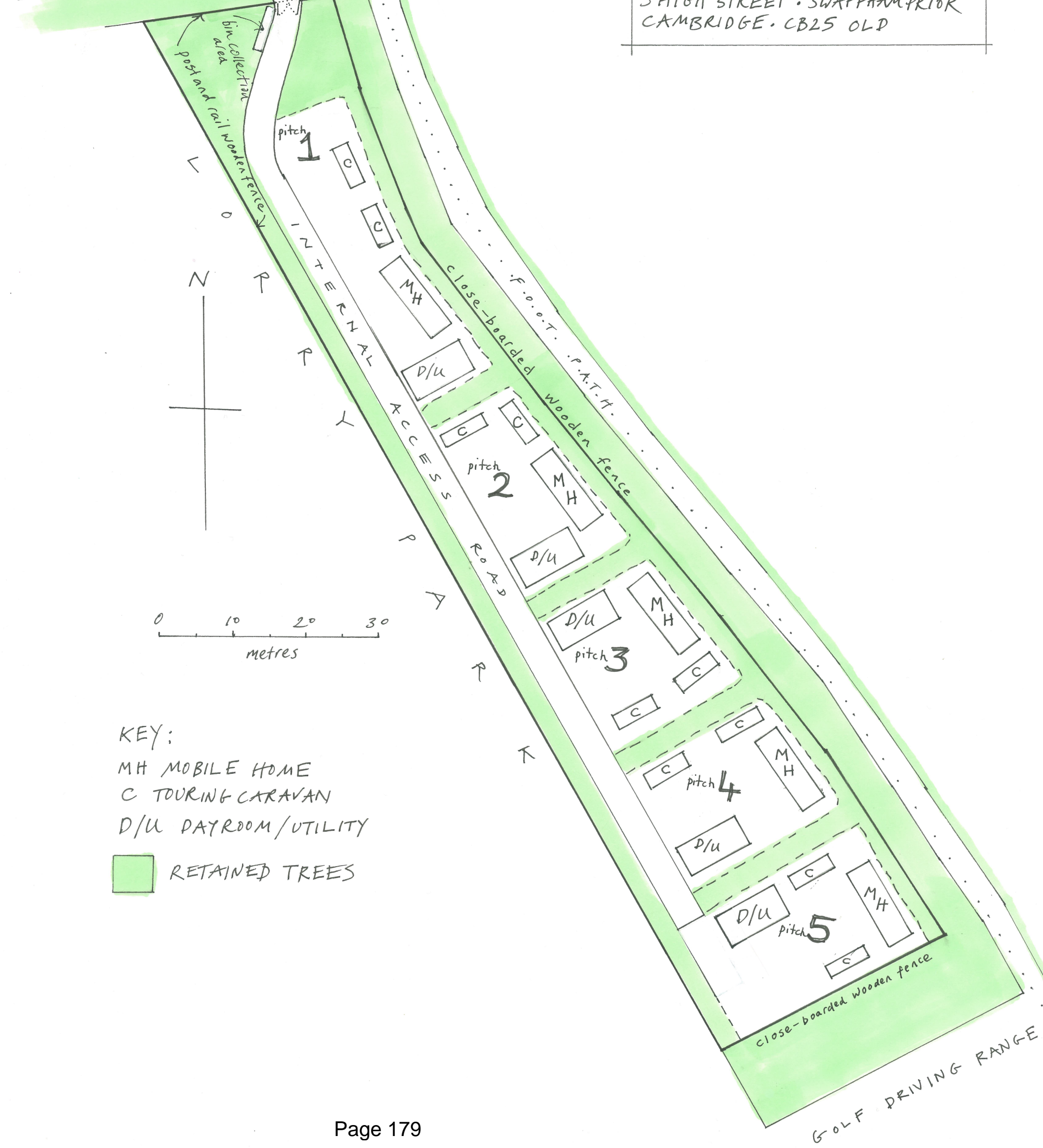


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VETERINARY INVESTIGATION CENTRE

ROUGHAM HILL

DRAWING: ROUGHAM HILL
PROPOSED SITE PLAN
SCALE — 1:500 at A3
DRAWN BY C J TYLER
MICHAEL HARGREAVES PLANNING
5 HIGH STREET · SWAFFHAM PRIOR
CAMBRIDGE · CB25 0LD



KEY:
 MH MOBILE HOME
 C TOURING CARAVAN
 D/U DAYROOM/UTILITY
 [Green Box] RETAINED TREES

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 7 January 2016

Tree Preservation Order Application DC/15/2196/TPO

11 Northgate Avenue, Bury St Edmunds

Date: 27 October **Expiry Date:**
Registered: 2015

Case: Aaron Sands **Recommendation:** Grant Approval
Officer:

Parish: Bury St **Ward:** Risbygate
Edmunds Town

Proposal: TPO 218(1972)42 - Tree Preservation Order - 1no. Lime - Fell

Site: 11 Northgate Avenue, Bury St Edmunds IP32 6BB

Applicant: Mrs Julia Hadley

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Email: aaron.sands@westsuffolk.gov.uk
Telephone: 01284 757355

Background:

This application is referred to the Committee due to the interest shown by Councillor Julia Wakelam as a neighbour of the property and as one of the Ward Members and in the interests of openness and transparency.

Proposal:

1. Permission is sought for the felling of a Lime tree sited at the end of a row of 8 no. Lime trees comprising G8 of Tree Preservation Order 218 (1972). The application form states the poor health of the tree as the reason for the felling.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Tree Inspection Report
 - Location Plan

Site Details:

3. The site comprises a two storey, semi-detached dwelling within the Housing Settlement Boundary. The tree is one of three located within the rear of number 11 Northgate Avenue, with the line of Lime Trees continuing in gardens along Stephenson Place. The trees are visible in glimpses along Northgate Avenue with a more substantial view along Stephenson Place. They have historically been maintained as pollarded trees.

History:

4. SE/11/1107 - TPO218(1972)33 - Tree Preservation Order Application - Fell one Lime tree with G8 on Order. Refused. 07/11/2011. Dismissed at Appeal 28/05/2012
5. SE/11/0605 - TPO218(1972)32 - Tree Preservation Order Application - Pollard 3 Lime trees (to reduce height by 3 metres) - trees within Group G8 of Order. Refused 08/07/2011
6. SE/08/0526 - TPO218(1972)28 - Tree Preservation Order Application - Remove all suckers to a height of one metre to three Lime trees (marked 1, 2 and 3 on plan) and reduce height of Lime tree closest to house (1 on plan) by two metres. All trees within group G8 on Order. Split Decision. 03/06/2008

Consultations:

7. Arboricultural Officer: *No objection – the tree is showing signs of white rot and appears to be in poor health and felling would be appropriate. It is advised that a replacement may not be successful given the constraints of the area.*

Representations:

8. Town Council: No objection
9. Councillor Julia Wakelam (as a neighbour):
 - Objection, the report does not adequately diagnose the fungus as Honey Fungus and the tree should be preserved for the reasons given by the Inspector in 2012 (*under appeal ref. SE/11/1107*)

Officer Comment:

10. The issues to be considered in the determination of the application are:
 - Amenity of the Tree
 - Health of the Tree
 - Replacement of the Tree

Amenity of the Tree

11. The Lime tree forms the end tree of a group of Lime Trees retained from the development of the area. This row contributes to the leafy character of the area and is visible from Stephenson Place and in glimpsed views along Northgate Avenue. The trees are an important feature of the area, despite a wealth of tree cover in the area and it can therefore be considered that the tree has substantial amenity value, worthy of protection by TPO.

Health of the Tree

12. The Arboricultural Officer has visited the site and has noted that the tree is suffering from a white rot decay that has spread extensively and has meant that retention of the tree is not considered to be viable from an arboricultural perspective. Noting that such decay might spread to other trees in the area it would be arboriculturally appropriate to remove the tree to protect them and to prevent failing that could lead to property damage and endanger nearby residents.
13. Comments received from the Arboricultural Officer have indicated that the tree appears to have been damaged in the past arising from human causes. While the damage of the tree is an offence it is not considered that this would prejudice the removal of the tree given its failing health. The condition of the tree is such that, regrettably, its removal is justified. In reaching this position only arboricultural matters can be taken into account so, for example, it would not be reasonable to retain a tree that was otherwise considered to be unhealthy or dangerous, particularly noting that the disease may spread if this tree is not removed, simply on

the basis that there are suspicions about how the tree came to be unhealthy. Rather an objective assessment must be made and, in this instance and context, such an assessment points towards agreeing to the removal of the tree.

14. However, and all that said, and whilst the judgement above must be made objectively, if there are extraneous matters that have caused or otherwise contributed towards the decline in health of the tree, such that there are suspicions that a criminal offence might have occurred, then this is plainly not a matter that can be lightly disregarded. As such the matter has been passed to the enforcement team who will investigate appropriately. That said, it must be noted that this is a separate investigation and issue to the determination of this proposal, the judgement of which cannot be fettered by any concern that the health of this tree might (or of course might not) be as a result of any illegal human intervention.

Replacement of the Tree

15. Previous appeal decisions in relation to the felling of the tree have noted that a replacement tree would go some way to alleviate the loss of amenity caused by the felling. It should be noted that suspicions as to the cause of the decline in health of this tree cannot be used for or against in making a judgement as to whether or not a replacement tree is required. While the arboricultural officer notes that the constraints of the site may not be conducive to a replacement tree it is considered, however, that such a replacement should be sought in order to limit the considerable harm caused to the amenity of the area. The inspector in the case of appeal ref. SE/11/1107 comments that;

'[a replacement] would, in time, provide a feature and some screening that would be more constant without the need for regular pollarding. It would nevertheless be unlikely to reach the scale of the lime tree and would take some time to replace the amenity and screening currently afforded by it.

While a replacement of another lime might more appropriate in the context of the area the site constraints are considered to be inappropriate for a tree of this type and a tree more suited to a garden setting (in particular a variety of 'Malus') is considered to be most appropriate in this instance, striking the right balance between the suitable for the setting whilst also going some material way towards replacing the amenity value otherwise lost as a result of any approval under this application. .

Conclusion:

16. In conclusion, the tree is considered to be of sufficiently poor health so as to outweigh the strong positive contribution made to the character of the area. It is considered that its retention would be unreasonable in these circumstances where it might lead to safety issues and the spread of disease to other trees along this particular line and in the nearby vicinity. However, on balance, noting the discussion above, it is considered reasonable to require a replacement specimen to be planted.

Recommendation:

It is **RECOMMENDED** that **Approval be Granted** subject to the following conditions:

1. Standard time limit (2 years)
2. Accordance with latest arboricultural standards
3. Replacement tree required (please see appendix A for a replacement planting specification)

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/online-applications/applicationDetails.do?activeTab=documents&keyVal=NWZGWDPD05M00>

Case Officer: Aaron Sands

Date: 21 December 2015

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REPLACEMENT PLANTING SPECIFICATION

TREE PRESERVATION ORDER NO 218(1972) East Anglian School, Bury St Edmunds

<u>Owner's Name</u> Mrs Julia Hadley	<u>Address</u> 11 Northgate Avenue, Bury St Edmunds, Suffolk, IP33 6BB	<u>Contact telephone</u>
<u>Agent's Name</u>	<u>Address</u>	<u>Contact telephone</u>

TREE DETAILS

Species of tree(s) to be removed/already removed	Lime
Location of tree	The closest tree to number 11 Northgate Avenue that forms part of G8
Date of consent/felling	

REPLANTING CONDITIONS

SPECIES	Malus or as agreed in writing with the Local Planning Authority		
SIZE	Standard	QUANTITY TO BE PLANTED	One
PROTECTION RECOMMENDED	Standard		

The replacement tree(s) is/are to be planted within five metres of tree(s) to be felled and minimum of five metres distance from existing trees or new planting: or as agreed in writing with the Local Planning Authority

The replacement tree(s) is/are to be planted within same planting season or within six months of felling (whichever is sooner)

DETAILS OF PLANTING CARRIED OUT - Please complete and return one copy - retain one copy for your records.

SPECIES PLANTED		DATE OF PLANTING	
NAME IN BLOCK CAPITALS		DATE AND SIGN	

FOR OFFICE USE ONLY

Breach of Condition		Dead/Dangerous		Planning Condition	
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COPY TO BE COMPLETED AND RETURNED TO:

Planning and Regulatory Services, Landscape Section, St Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU

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DC/15/2196/TPO

15 Northgate Avenue, Bury St Edmunds



Forest Heath • St Edmundsbury

West Suffolk
working together

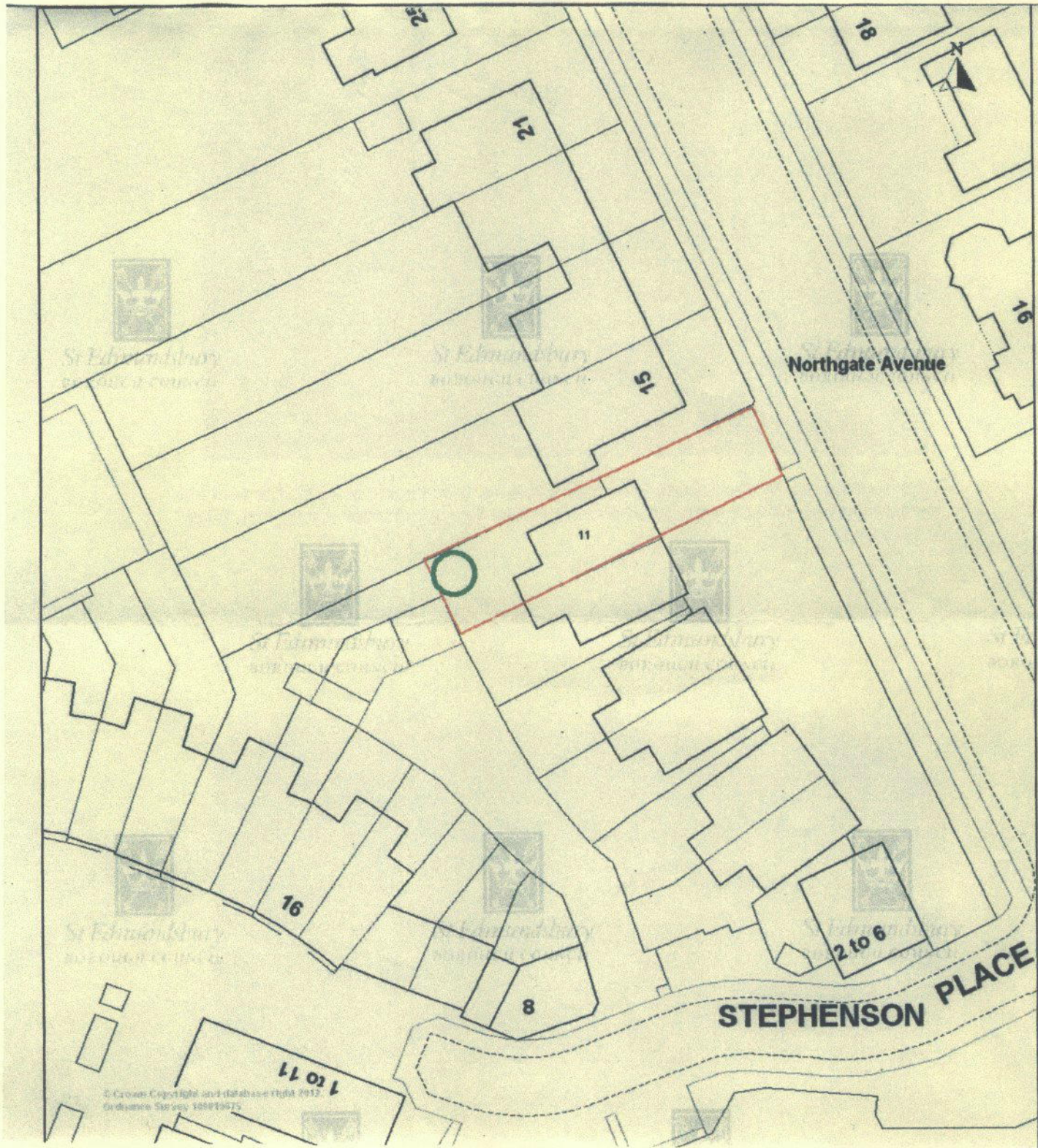
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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 7 January 2016

Tree Preservation Order Application

DC/15/2241/TPO

18 Hardwick Park Gardens, Bury St Edmunds

Date: 6 November **Expiry Date:** 1 January 2016
Registered: 2015

Case Officer: Aaron Sands **Recommendation:** Grant Approval

Parish: Bury St Edmunds Town **Ward:** Southgate

Proposal: TPO028(1960)66 - Tree Preservation Order Application - Crown lift 2no Lime Trees (1210 and 1211 on plan, within Area A1 of Order) up to 4 metres

Site: 18 Hardwick Park Gardens, Bury St Edmunds, IP33 2QU

Applicant: St Edmundsbury Borough Council

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Email: aaron.sands@westsuffolk.gov.uk
Telephone: 01284 757355

Background:

This application is referred to the Committee because the Borough Council is the applicant.

Proposal:

1. Approval is sought for crown lifting 2 no. Lime trees

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Sketch Plan
 - Tree report

Site Details:

3. The site forms part of the recreational open space of Hardwick Heath. The trees are located to the eastern edge of a pond and form part of a number of trees around this pond.

Planning History:

4. None relevant

Consultations:

5. Tree officer: No objection, the proposal is form minor works to provide clearance under the trees.

Representations:

6. Town Council: No objection
7. No other representations received

Officer Comment:

8. The proposed works are minor operations to provide clearance under the trees for safety and access. The trees are substantially developed and such an exercise would not be detrimental to their health or to the amenity they provide.
9. The trees are located within a dense copse surrounding a pond. The amount of tree cover in the area is sufficient to limit any effect to the amenity of the trees that the proposed works would have. Noting that the works are so minor this effect is considered to be negligible.

Conclusion:

10. 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:

It is **RECOMMENDED** that **Approval be Granted** subject to the following standard conditions:

1. 2 year time limit
2. Works in line with arboricultural standards

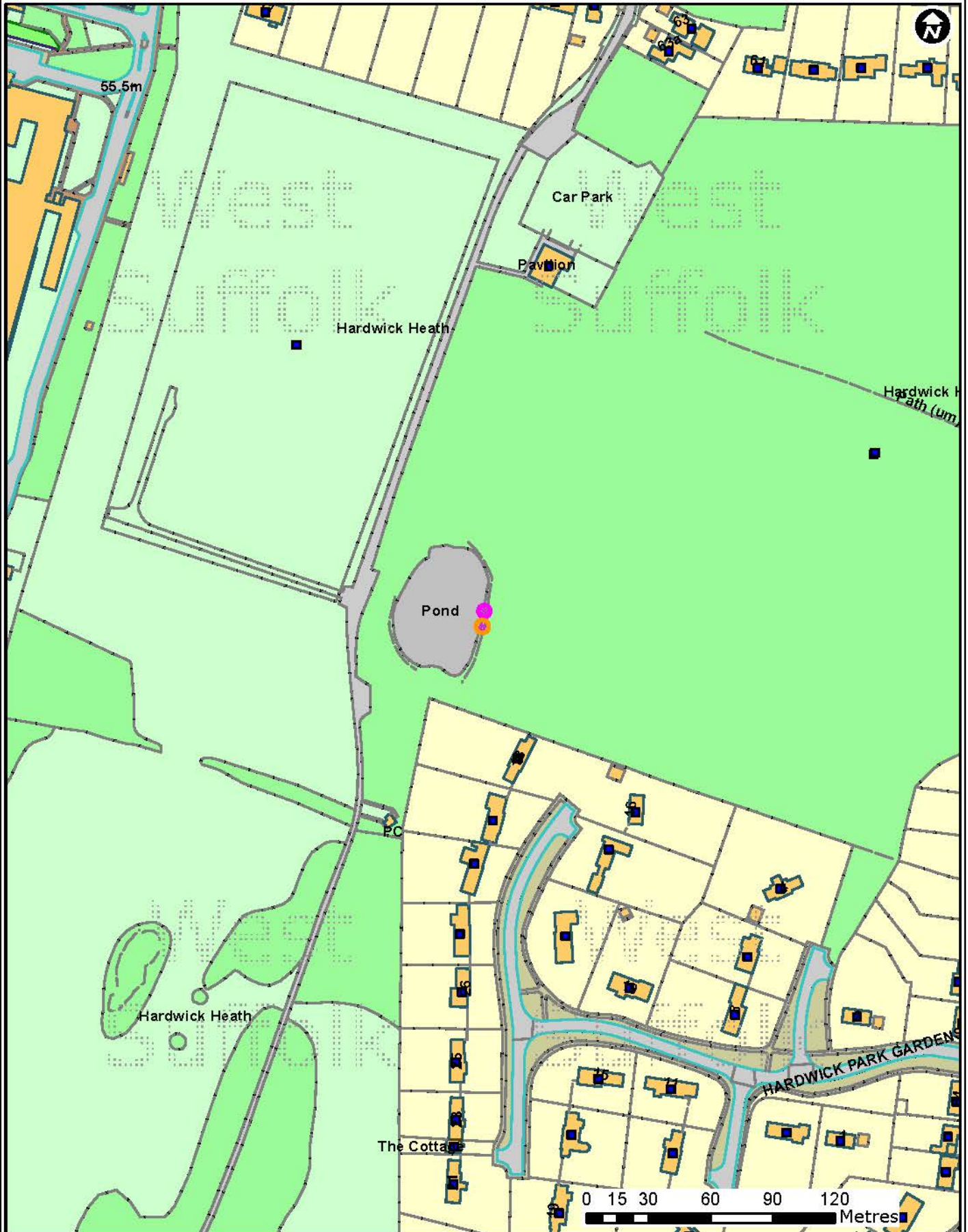
Documents:

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

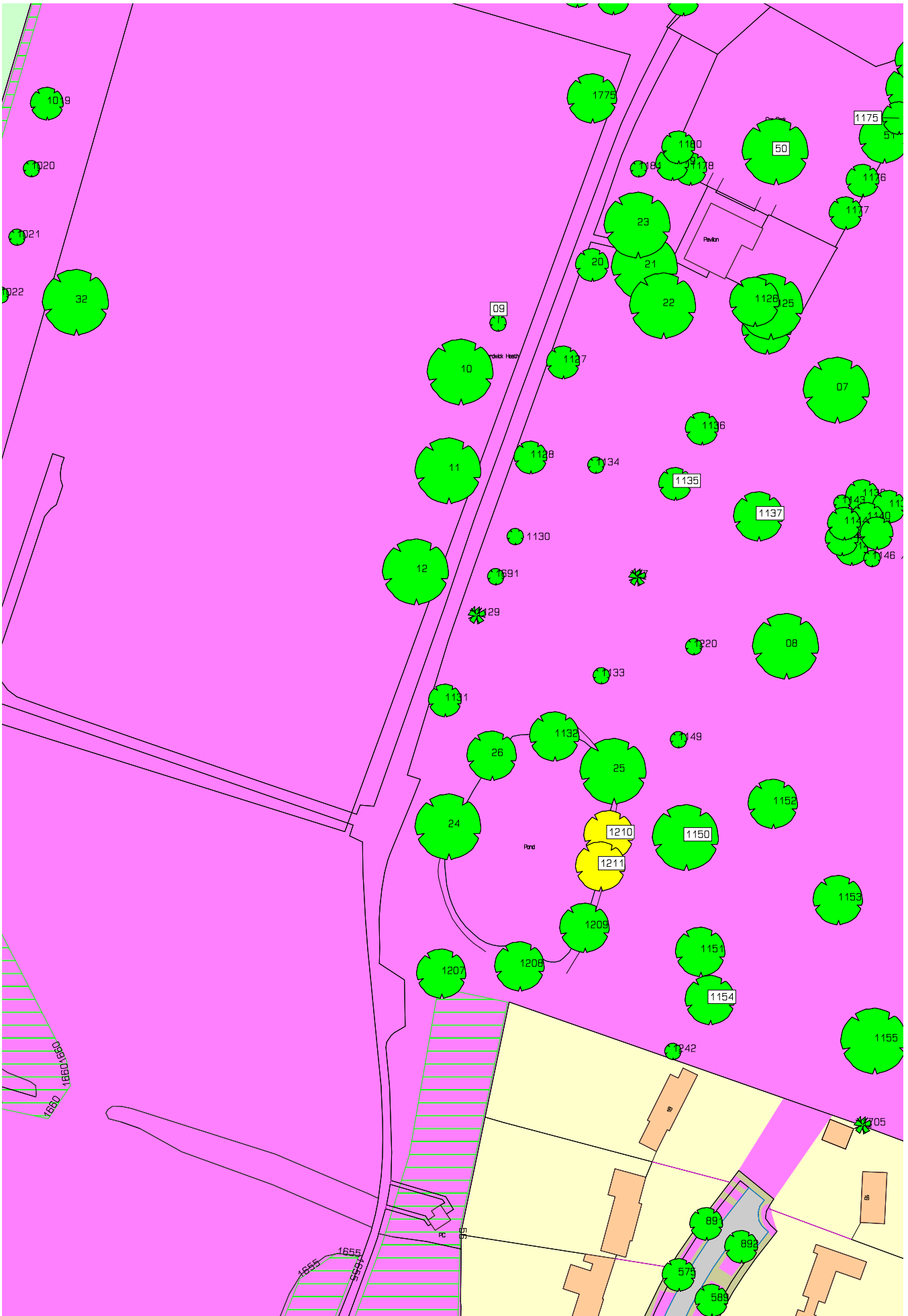
Case Officer: Aaron Sands

Date: 18 December 2015

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

7 January 2016

House Holder Application DC/15/2426/HH

Hill Holme, The Street, Little Whelnetham

Date: 30 November **Expiry Date:** 25 January 2015
Registered: 2015

Case Officer: Aaron Sands **Recommendation:** Grant Permission

Parish: Great and Little Whelnetham **Ward:** Horringer and Whelnetham

Proposal: Householder Planning Application – Single storey rear extension and associated alterations

Site: Hill Holme, The Street, Little Whelnetham, IP30 0DA

Applicant: Mr & Mrs Frederick

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Email: aaron.sands@westsuffolk.gov.uk
Telephone: 01284 757355

Background:

This application is referred to the Committee because the applicant is a member of the Borough Council's staff.

Proposal:

1. Planning permission is sought for the erection of a single storey rear extension that measures 4.8 metres in depth and 4.6 metres in width. It measures 4.3 metres to the ridge and 3 metres to the eaves.
2. The proposal also includes the alteration of the roof above the existing rear extension that will measure 4.5 metres in overall height to the ridge and 3 metres to the eaves.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application Form
 - Existing Floor Plans and Elevations (Drawing no. 001)
 - Proposed Floor Plans and Elevations (Drawing no. 002)

Site Details:

4. The site comprises a single storey dwelling located within the countryside and set back from the road with a village green to the front. An area of parking is located to the front with an integrated garage to one side. The dwelling is situated within a comfortably sized plot and is surrounded by others of a similar scale, though in a range of forms and materials.

Planning History:

5. E/79/3500 – Modernisation and extension. Granted 06/12/1979

Consultations:

6. Not Applicable

Representations:

7. Parish Council: No representation received
8. No other representations received

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

9. Joint Development Management Policies Document:
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
 - Policy DM24 (Alteration and Extension to Dwellings, including Self Contained Annexes and Development within the Curtilage)
10. St Edmundsbury Core Strategy December 2010
- Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

11. National Planning Policy Framework (2012)

Officer Comment:

12. The issues to be considered in the determination of the application are:
- Principle of Development
 - Design and Form
 - Impact on Neighbours

Principle of Development

13. Alteration and Extension to dwellings falls within the remit of policies DM2 and DM24, that recognise that many people wish to perform such extensions to their properties and seeks to guide development in its design. Such development should be respectful of the character of the host dwelling and conserve and enhance the surrounding area. They should be mindful of neighbouring properties in order to ensure no adverse effects arise to the residential amenity of neighbouring dwellings and areas.

Design and Form

14. The proposal is a modest extension located to the rear of the property. It is proposed in matching materials that will retain the character of the host dwelling and is screened from the public domain by both the bulk of the property in conjunction with the topography of the land that sits higher than the roadside. It is considered that the modest overall size is subservient to the host dwelling and the use of matching materials respects the character of the host dwelling. The proposal is therefore considered to be of a design, form and scale as to be compliant with the relevant policies and paragraphs of the NPPF.

Impact on Neighbours

15. The application site is bordered by a pair of neighbours to either side with other properties located a substantial distance from the development. To the east, Conker Trees is located at a sufficient distance from the proposal as to suffer no material impact to the residential amenity of this property.
16. While Karacel, the property to the west, shares a boundary with part of the proposed works the dwelling on this property is located along the

boundary away from the application site. The distance, combined with the direction of the roof slope, the modest scale of the proposal, and the boundary fencing are considered to sufficiently protect the amenity of the off site property.

Conclusion:

17. 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:

It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. 01A – 3 year time limit
2. 14FP – To be built in accordance with approved plans
3. 04I – Materials to match existing dwelling

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/online-applications/applicationDetails.do?activeTab=documents&keyVal=NYMCINPDLQS00>

Case Officer: Aaron Sands

Date: 18 December 2015.

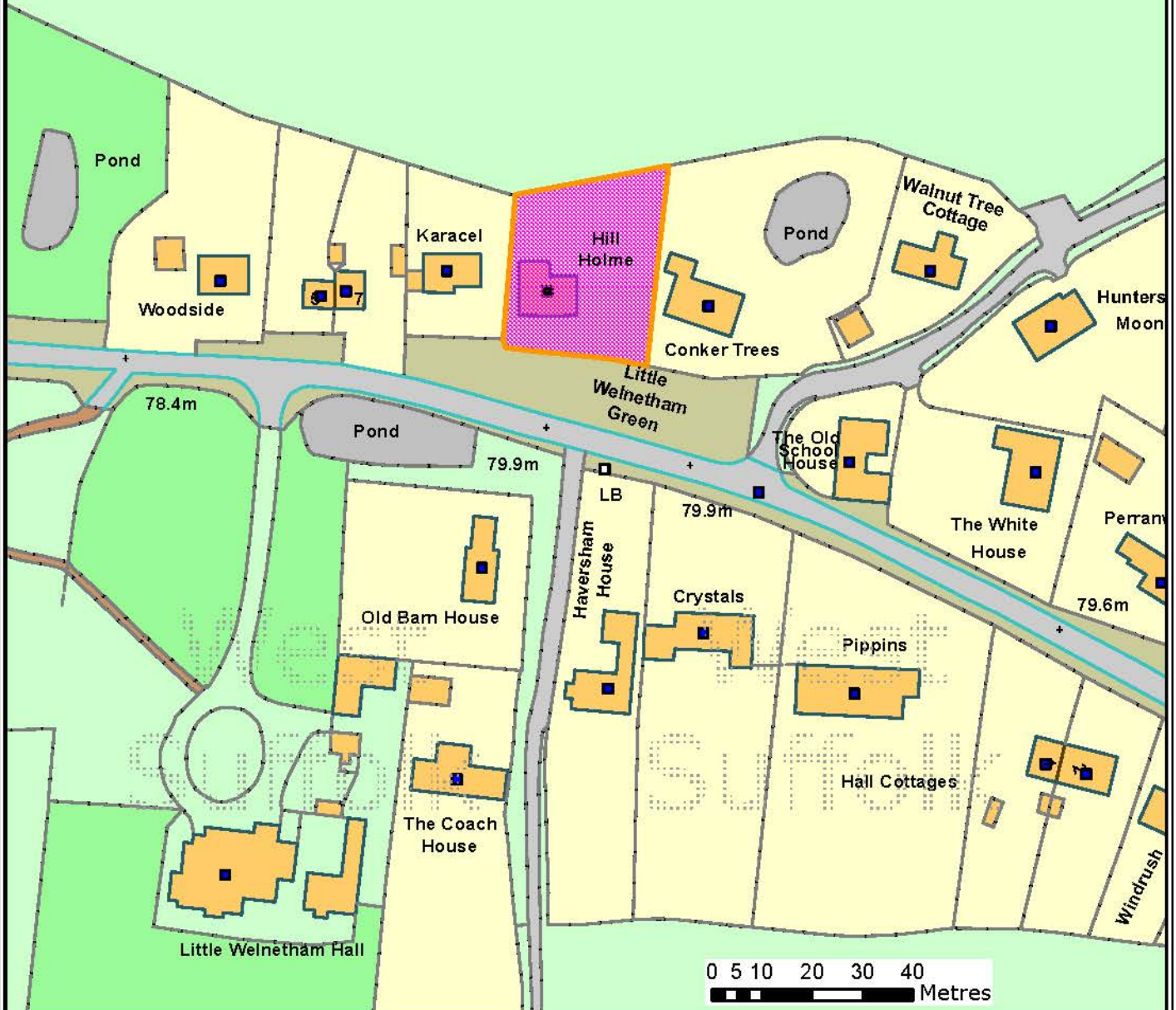
DC/15/2426/HH

Hill Holme, The Street, Little Whelnetham



Little Whelnetham

West Suffolk West Suffolk



Forest Heath • St Edmundsbury

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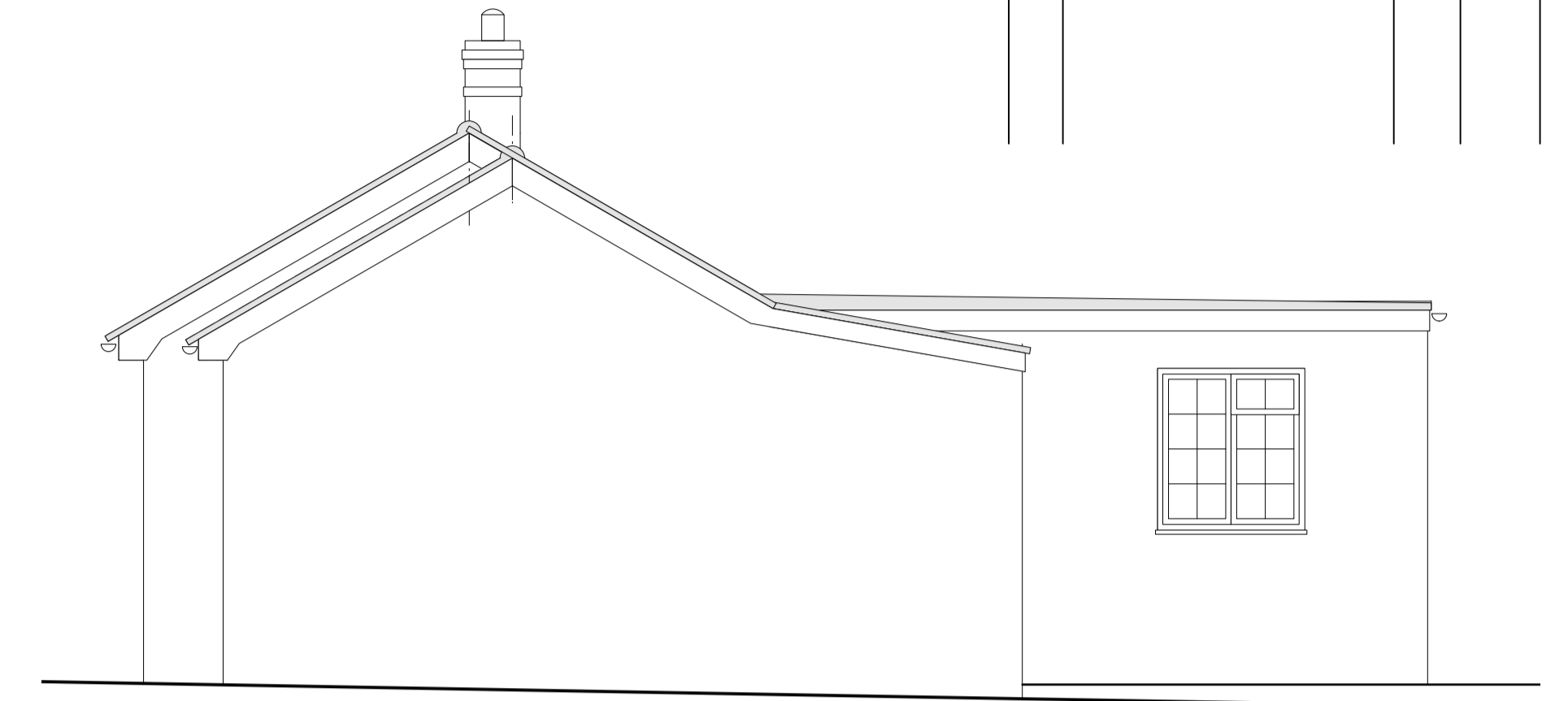
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REVISIONS				
Rev	Notes	By	Checked	Date



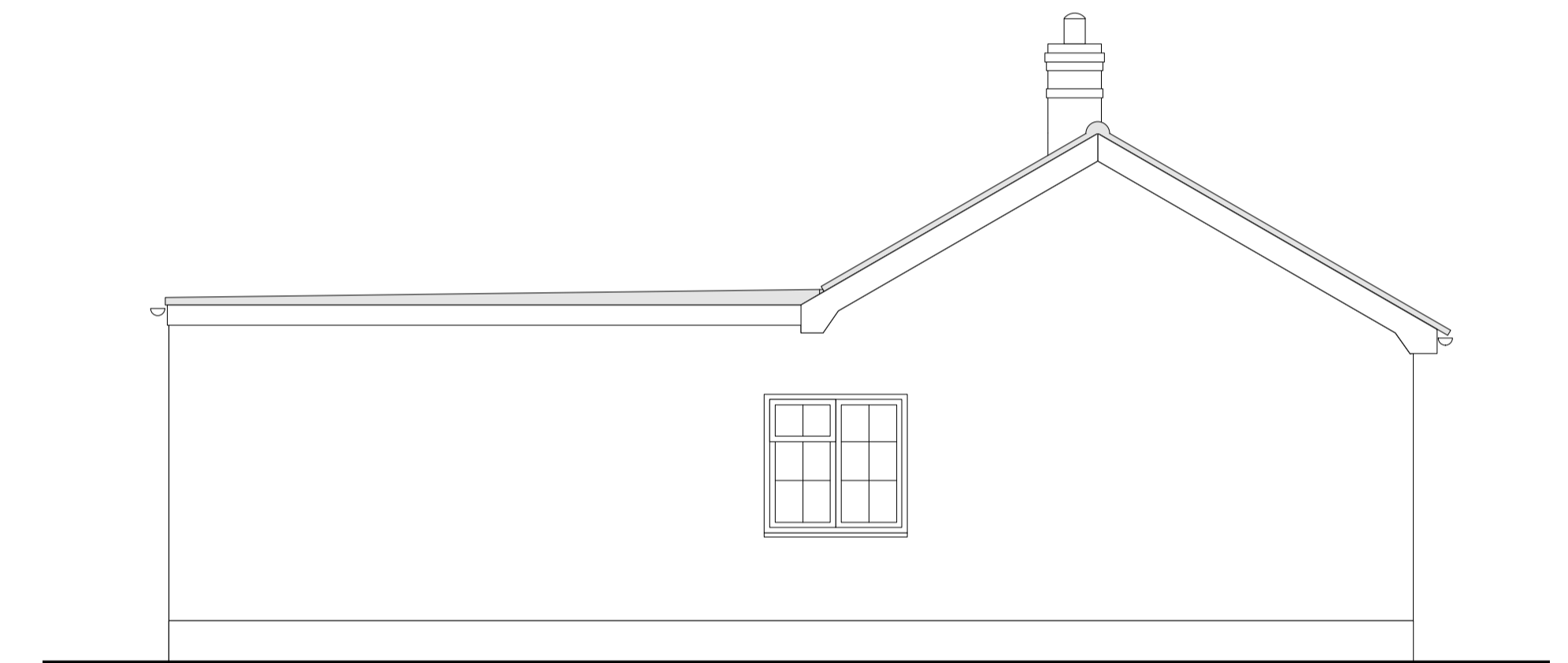
ELEVATION NORTH EXISTING



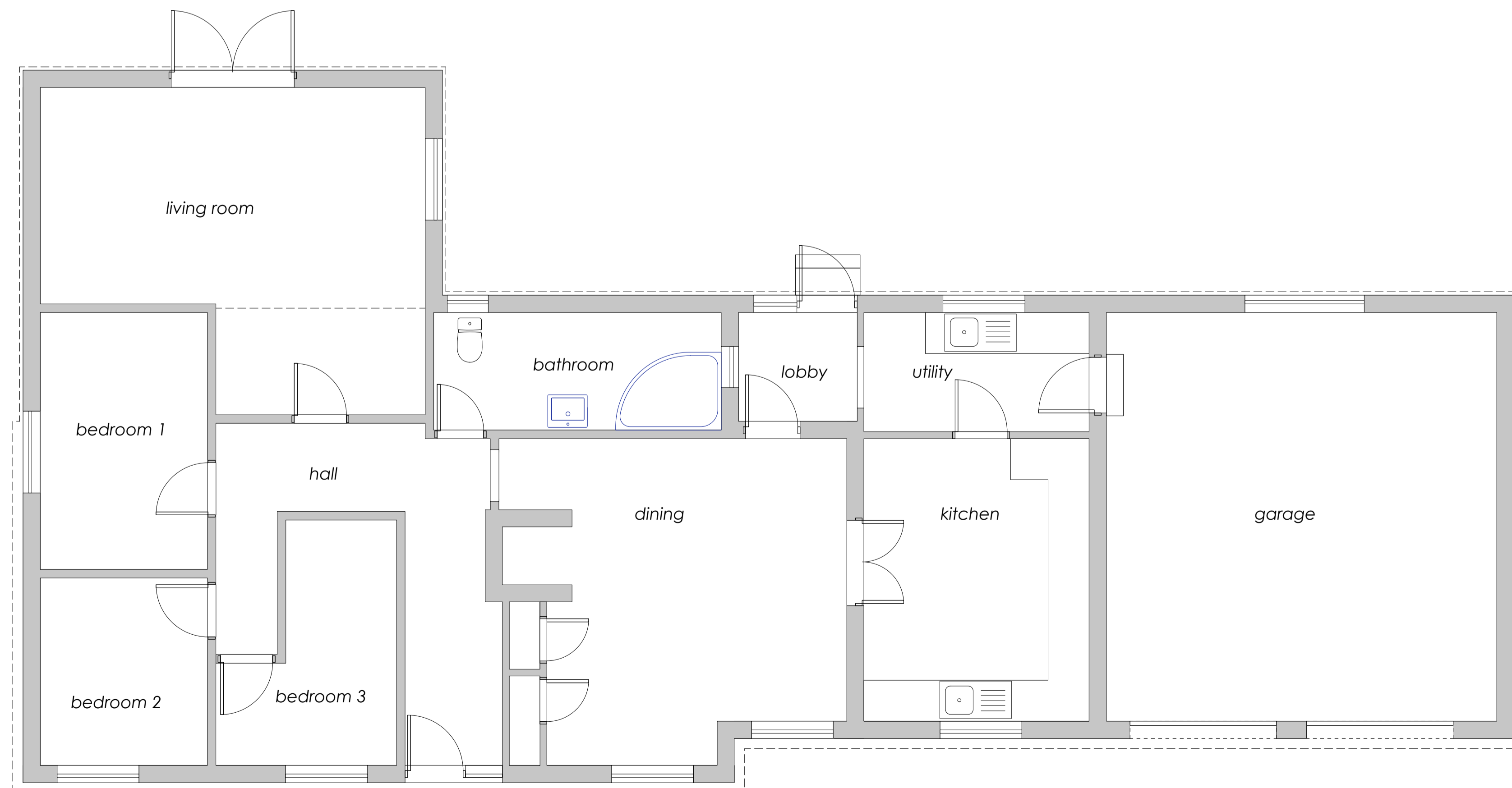
ELEVATION EAST EXISTING



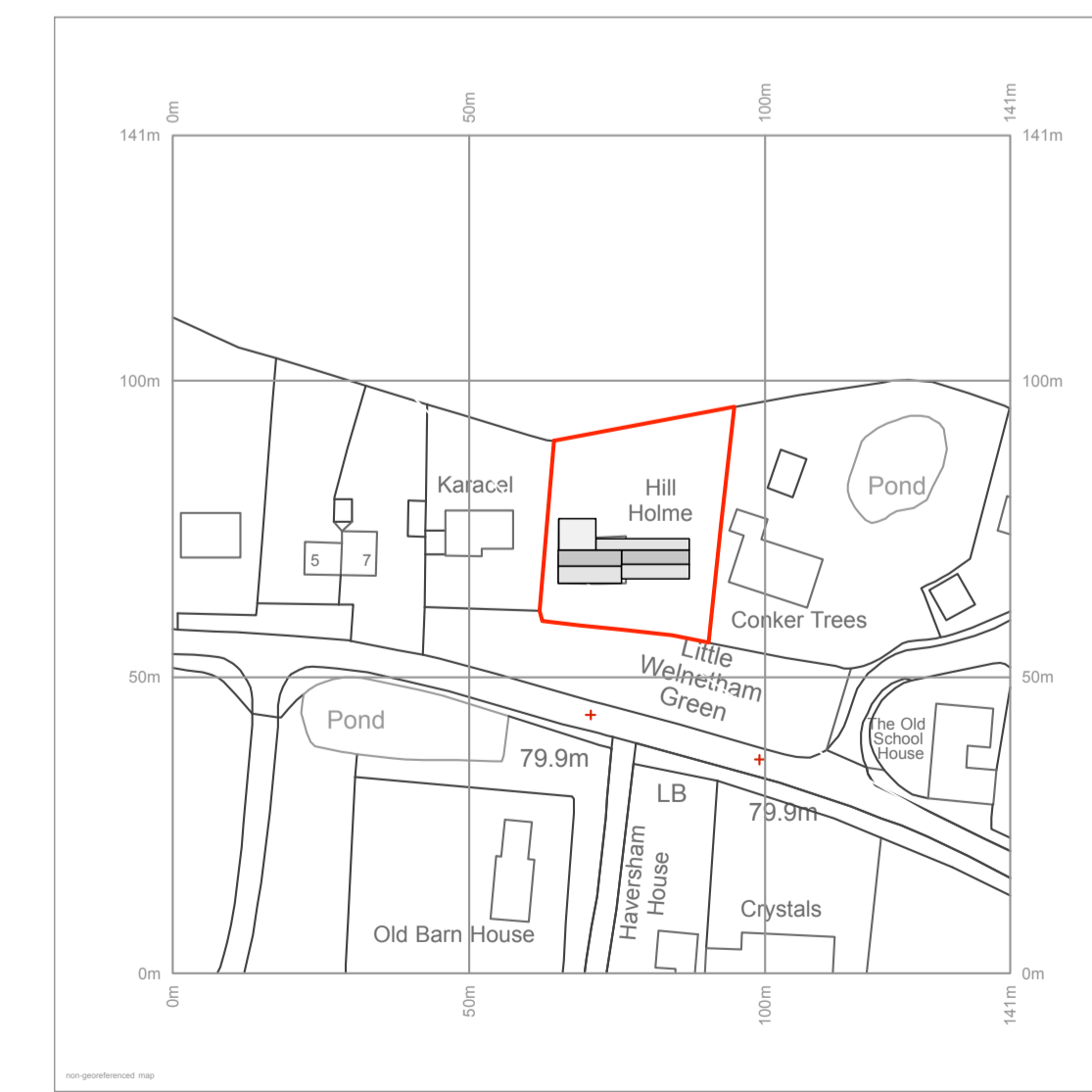
ELEVATION SOUTH/FRONT EXISTING



WEST ELEVATION EXISTING



GROUND FLOOR PLAN EXISTING



LOCATION PLAN 1:1250

ThurlowArchitects

the studio
 61 hardwick lane
 bury st edmunds
 suffolk, ip33 2rb
 t: 01284 706805



info@thurlowarchitects.co.uk
 www.thurlowarchitects.co.uk

client:

Mr & Mrs Fredericks
 project:
Extension and Remodelling
 Hill Holme
 Little Welnetham, Bury St Edmunds

drawing title:
 Existing Ground Floor Plan & Elevations
 Location Plan

project no:	dwg no:	rev:	drawn:	scale:	date:
7088	001	/	ET	1:50	Sept15

drawing status: **Planning**

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

7 January 2016

Planning Application DC/15/1956/FUL

Roundabout, Lady Miriam Way, Bury St Edmunds

Date: 9 October 2015 **Expiry Date:** 4 December 2015
Registered:

Case Officer: Ed Fosker **Recommendation:** Grant Permission

Parish: Bury St Edmunds Town **Ward:** Morton Hall

Proposal: Planning Application - installation of metal sculpture on roundabout (resubmission of DC/15/0003/FUL).

Site: Roundabout, Lady Miriam Way, Bury St Edmunds

Applicant: St Edmundsbury Borough Council - Bury In Bloom

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01284 757431

Background:

This application is referred to the Committee because it is made by St. Edmundsbury Borough Council.

Proposal:

1. Planning permission is sought for installation of metal sculpture of a dove on the Flying Fortress roundabout where Lady Miriam Way meets Mount Road and Bradbrook close. The metal sculpture itself comprises a dove on the corner of the tail section of a B17 bomber fixed to the top of a 1m high brickwork plinth. The height to the very top of the Dove itself is a maximum of 4.5m.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application form
 - Drawings of proposed sculpture
 - Block plan

Site Details:

3. The site comprises an existing roundabout where Lady Miriam Way meets Mount Road and Bradbrook close.

Planning History:

4. DC/15/0003/FUL: Planning Application - installation of metal sculpture. Withdrawn. 27.02.2015.

Consultations:

5. Highways Authority: Require the statue to be more than 5 metres away from the edge of the carriageway as in the interests of intervisibility. In addition any paint or covering should not be reflective and cause distraction to road users.

Representations:

6. Town Council: No objection based on information received.
7. One letter of representation has been received from the occupier of 68 Hardwick Lane raising concern with regard to:
 - The design has little resemblance to a Flying Fortress B 17

- Few present or future generations would understand the meaning of the proposed design
- This proposal is in danger of being a wasted opportunity to commemorate those who served in WWII at Rougham Airbase

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

8. Joint Development Management Policies Document:

- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)

9. St Edmundsbury Core Strategy December 2010

- Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

10. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

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

- Principle of Development
- Design and form
- Impact on neighbour amenity
- Highway Safety

Principle of development

12. Policy DM2 states that proposals for all development should proposals for all development should, as appropriate, recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness, special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character, maintain or create a sense of place and/or local character, particularly restoring or enhancing localities where strong local characteristics are lacking or have been eroded, not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. It is considered that the proposed sculpture of the dove, located in the middle of the roundabout as a commemorate those who served in WWII at Rougham Airbase would comply with the principles of Policy DM2

Design and form

13. The metal sculpture itself comprises a dove on the corner of the tail section of a B17 bomber fixed to the top of a 1m high brickwork plinth. The height to the very top of the Dove itself is 4.5m maximum. Given the relatively modest scale of the proposed sculpture and its position in the centre of the roundabout it is considered sensitively located in the wider street scene.

Impact on neighbour amenity

14. By virtue of its location some considerable distance from the nearest residential property, relatively modest scale and the fact that there is no illumination proposed it is considered that there would be no adverse impact on the amenity currently enjoyed by any nearby residential properties in compliance with Policy CS3 of the Core Strategy.

Highway Safety

15. The Highways Authority have stated they require the statue to be more than 5 metres away from the edge of the carriageway in the interests of intervisibility. The sculpture is positioned centrally on the roundabout 10m from the edge of the highway and no illumination is proposed therefore considered acceptable in terms of Highway safety. A condition could be imposed to ensure non-reflective paints are applied.

Conclusion:

16. 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:

It is **RECOMMENDED** that planning permission be **Granted** subject to the following conditions:

1. 01A – Time limit detailed.
2. 14FP – Development to accord with the plans, including detailed materials.
3. Use of non-reflective paints and/or external materials only.

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/online-applications/applicationDetails.do?activeTab=documents&keyVal=NW3O2HPD00Z00>

Case Officer: Ed Fosker

Date: 21 December 2015