Development Control Committee



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

SITE VISITS WILL BE HELD ON THURSDAY 31 MARCH 2016. Coach to depart West Suffolk House at 9.30am. Sites to be visited as follows:

- 1. DC/15/1794/FUL Nowton Court Residential Home, Bury Road, Nowton
- 2. DC/16/0172/FUL 69 Highfield, Clare

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:	Claire Skoyles Democratic Services Officer Tel: 01284 757176 Email: claire.skoyles@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 March 2016 (copy attached). Part 1 - Public 4. Hybrid Planning Application: DC/15/2277/HYB 9 - 46 Full application for 23 affordable dwellings with associated (i) open space, landscaping and parking served by existing access from Stanningfield Road and demolition of existing sheltered housing units; and (ii) Outline Application for up to 35 dwellings served by continuation of access of full application at Erskine Lodge and land adjoining, Stanningfield Road, Great Whelnetham for the Havebury Housing Partnership. Report No: **DEV/SE/16/023** 5. Planning Application: DC/15/1794/FUL 47 - 68 60 bedroom nursing home with parking, as amended by plans received on 11 February 2016 partially reducing the height of the building and amending the external appearance at Nowton Court Residential Home, Bury Road, Nowton, for Euronite Ltd Heritage Manor Ltd Report No: DEV/SE/16/024 6. Planning Application: DC/15/1915/FUL 69 - 86 Erection of (i) proposed stables, barn, office, yard, horse walker, and lunge ring; and (ii) associated landscaping and access road, as amended by plans and details received 16 December 2015, at

Pattles Grove, Chedburgh Road, Whepstead for Pattles Grove

Report No: **DEV/SE/16/025**

Stud Limited.

7. Planning Applications: DC/16/0207/FUL and 87 - 100 DC/16/0208/FUL Application DC/16/0207/FUL - Retention of (i) menage (ii) 2 no. field shelters (iii) 2 no. cart lodges (iv) barn, rebuilt to include office, studio and home gym Application DC/16/0208/FUL -Erection of (i) metal framed horse walker (ii) single storev side extension to existing barn; and Retention of metal framed lunge ring (2) at Pattles Grove, Chedburgh Road, Whepstead, Suffolk for Mr Gaywood Report No: **DEV/SE/16/026** 8. Planning Application: DC/16/0172/FUL 101 - 110 Construction of 1 no. two-storey dwelling (demolition of existing single storey attached out-house) at 69 Highfield, Clare for Mr and Mrs M Wimpress Report No: DEV/SE/16/027 9. Householder Planning Application: DC/15/2590/HH 111 - 120 First floor side and rear extension together with single storey front extension (resubmission of DC/15/2017/HH) at 4 Drury Cottages, Brockley, Bury St Edmunds for Mr Lee Report No: **DEV/SE/16/028** 10. Householder Planning Application: DC/16/0232/HH 121 - 130 Erection of (i) single storey rear extension (following demolition

Erection of (i) single storey rear extension (following demolition of the existing conservatory and lean-to) and (ii) demolition of existing garage and installation of gate 20 West Road, Bury St Edmunds, Suffolk for Mr Angus Barnard.

Report No: **DEV/SE/16/029**

11. Planning Applications: DC/15/1752/FUL; DC/15/1753/FUL; DC/15/1754/FUL; DC/15/1758/FUL; DC/15/1759/FUL; DC/15/1761/FUL

131 - 136

Application DC/15/1752/FUL - Retention of modification and Change of use of former agricultural building to part offices (Class B1(a)) and part storage (Class B8). (Building B).

Application DC/15/1753/FUL - Retention of modification and change of use of former agricultural building to storage (Class B8). (Building C).

Application DC/15/1754/FUL - retention of modification and change of use of former agricultural building to storage use (Class B8) (Building D).

Application DC/15/1758/FUL - retention of modification and change of use of former agricultural building to Class B1 (a) offices or B1(b) research or B1 (c) industrial or B8 Storage or Sui Generis use. (Building F).

Application DC/15/1759/FUL - Retention of change of use of former agricultural land to use for open storage (Class B8) for caravans and motorhomes, (10 max), horseboxes (5 max) and containers (20 max).

Application DC/15/1760/FUL - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building I).

Application DC/15/1761/FUL - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building J).

At Larks Pool Farm, Mill Road, Fornham St Genevieve, Suffolk for C J Volkert Limited.

Report No: DEV/SE/16/030

12. Tree Preservation Order Application DC/15/2196/TPO

137 - 146

Tree Preservation Order 218 (1972) 42: Fell 1 no. Lime at 11 Northgate Avenue, Bury St Edmunds for Mrs Julia Hadley.

Report No: DEV/SE/16/031

13. Exclusion of Press and Public

To consider whether the press and public should be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 - Exempt

14. Exempt Appendix: Tree Preservation Order Application: 147 - 190 DC/15/2196/TPO (para 7)

Tree Preservation Order 218 (1972) 42: Fell 1 no. Lime at 11 Northgate Avenue, Bury St Edmunds for Mrs Julia Hadley.

Exempt Appendix A to Report No: DEV/SE/16/031

(This exempt appendix is to be considered in private under paragraph 7 of Schedule 12A of the Local Government Act 1972, as it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)



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

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

2. Material Planning Considerations include:

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

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998
	and the Replacement St Edmundsbury
	Borough Local Plan 2016
The Forest Heath Core Strategy 2010,	St Edmundsbury Borough Council Core
as amended by the High Court Order	Strategy 2010
(2011)	
Emerging Policy documents	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 <u>as a whole</u>)
 - 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/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to

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

• Member Training

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

Notes

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

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



Development Control Committee



Minutes of a meeting of the Development Control Committee held on Thursday 3 March 2016 at 10.00 am at the Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU

Present: Councillors

Chairman Jim Thorndyke **Vice Chairman** Angela Rushen

John BurnsSusan GlossopCarol BullAlaric PughTony BrownDavid RoachTerry ClementsJulia WakelamPaula FoxPatricia Warby

Substitutes attending:

Frank Warby

By Invitation:

Diane Hind (for Item 180) David Nettleton (for Item 182)

174. Apologies for Absence

Apologies for absence were received from Councillors Robert Everitt, Ian Houlder, Ivor Mclatchy and Peter Stevens.

175. Substitutes

The following substitution was announced:

Councillor Frank Warby for Ivor Mclatchy.

176. Minutes

The minutes of the meeting held on 4 February 2016 were confirmed as correct record and signed by the Chairman.

177. Planning Applications

The Committee considered Reports DEV/SE/16/18 to DEV/SE/16/22 (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/16/18 to DEV/SE/16/22) 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.
- 178. Planning Applications: DC/15/1752/FUL, DC/15/1753/FUL, DC/15/1754/FUL, DC/15/1757/FUL, DC/15/1758/FUL, DC/15/1759/FUL, DC/15/1760/FUL, and DC/15/1761/FUL
 - (i) Planning Application DC/15/1752/FUL Retention of modification and change of use of former agricultural building to part offices (Class B1 (a)) and part storage (Class B8) (Building B).
 - (ii) Planning Application DC/15/1753/FUL Retention of modification and change of use of former agricultural building to storage (Class B8) (Building C).
 - (iii) Planning Application DC/15/1754/FUL Retention of modification and change of use of former agricultural building to storage (Class B8) (Building D).
 - (iv) Planning Application DC/15/1757/FUL Part retention of replacement building (former agricultural building demolished) to be used for Class B1 (a) offices or B1(b) research or B1(c) industrial or B8 storage (Building E) (WITHDRAWN).
 - (v) Planning Application DC/15/1758/FUL Retention of modification and change of use of former agricultural building to Class B1(a) offices or B1(b) research or B1(c) industrial or B8 storage or sui generis use (Building F).
 - (vi) Planning Application DC/15/1759/FUL Retention of change of use of former agricultural land to use for open storage, Class B8, for caravans and motor homes (10 max.), horse boxes (5 max.) and containers (20 (max.).
 - (vii) Planning Application DC/15/1760/FUL Retention of modification and change of use of former agricultural building to Class B8, storage use (Building I).

(viii) Planning Application DC/15/1761/FUL - Retention of modification and change of use of former agricultural building to Class B8 storage (Building J).

at Larks Pool Farm, Mill Road, Fornham St. Genevieve for C J Volkert Ltd.

These planning applications were presented to the Development Control Committee following consideration by the Delegation Panel. These had originally been referred to the Delegation Panel as the Officer recommendations for approval were contrary to the Parish Council's response in raising concern to these applications.

The Committee had visited the site on 25 February 2016.

The Committee was advised that Planning Application DC/15/1757/FUL had been withdrawn by the Applicant prior to the meeting and, therefore, consideration was no longer required.

The following persons spoke on this application:

(a) Objectors - Mark Aston and Colin Hilder

(b) Applicant - Leslie Short (Agent)

In discussing the applications, Members noted the views of the speakers and acknowledged that this was a complicated site with regard to the extensive enforcement history and also with the ongoing enforcement investigations into the present unauthorised uses, which had led to the submission of these applications.

Some Members also raised concerns with regard to the operations within the site, the impact of the traffic movements to/from the site, the impact on the local highway and the impact on the pedestrian footpath. In relation to the transport issues, the Case Officer explained that a Transport Statement had been submitted by the Applicant and the Highways Authority did not wish to restrict the granting of planning permission as it was considered that the access was suitable and that the development would have no impact on highway safety. Therefore, the Highways Authority were not recommending that any conditions be imposed.

It was the general conclusion of both Officers and Members that these applications would assist with ensuring that the site was regularised and monitored.

Decision:

Permission be granted in respect of planning applications DC/15/1754/FUL, DC/15/1758/FUL, DC/15/1760/FUL, DC/15/1761/FUL, DC/15/1753/FUL and DC/15/1759/FUL.

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

179. Hybrid Planning Application DC/15/2277/HYB

- (i) Full application for 23 affordable dwellings with associated open space, landscaping and parking served by existing access from Stanningfield Road and demolition of existing sheltered housing units; and
- (ii) Outline application for up to 35 dwellings served by continuation of access of full application.

at Erskine Lodge and land adjoining Stanningfield Road, Great Whelnetham for Havebury Housing Partnership

(Councillor Frank Warby declared a pecuniary interest as a Member of the Havebury Housing Partnership Board and withdrew from the meeting for the consideration of this item).

(Councillor Patsy Warby declared a local non-pecuniary interest and remained within the meeting for the consideration of this item).

This application was referred to the Development Control Committee as it was a 'major development' and the Officer recommendation to grant planning permission was contrary to the views of the Parish Council.

The Committee had visited the site on 25 February 2016.

The Case Officer firstly reported on the following corrections to the report:

- (a) Paragraph 3.- First sentence; the word 'social', be replaced with the word 'affordable', therefore now reading:
 - '3. The 23 dwellings proposed in phase 1 are all proposed as 'affordable housing' and all for **affordable** rent.'
- (b) Paragraph 6. The Case Officer explained that the original date for the public consultation period had now expired. However, given the size, health impact and the securing within the S106 agreement of a health contribution, the decision had been taken to consult specifically with the NHS Trust, which had been extended to 11 March 2016. This period of extended consultation had been noted by the public, who also considered that they should have an extended time to submit further representations. Therefore, to ensure fairness, the overall public consultation period had also been extended to 11 March 2016.
- (c) Paragraph 147(i). reference to paragraph `227.' should actually be paragraph '145.', therefore now reading:
 - '147. That, in the event of one or more of the following arising;
 - (i) the Head of Planning and Growth recommending alternative (reduced) Heads of Terms from those set out in paragraph **145.** above on the grounds of adverse development viability, or'

The Case Officer then reported and summarised the further representations which had been received since the publication of the agenda papers:

(a) Great Whelnetham Parish Council

- Maintained their objections to the planning application.
- The scale of the development proposed was too large for the village and represented over two phases, approximately an increase of 10% of its population. The existing infrastructure would be unable to cope with this increase. There was no need to site such a large development at this location.
- It was premature to grant 35 homes on phase 2.
- The adoption by the Local Planning Authority of the Development Brief in December 2015, which proposed a total of 60 homes, had ignored local feedback and had not been agreed by residents and was contrary to the Development Policies within the Brief.
- The proposals were contrary to the adopted Local Plan policies.
- Proposals for two-storey flats, maisonettes and houses on the elevated development site was inappropriate and did not preserve or enhance the Conservation Area, where the development site was located. Family dwellings, rather than flats and maisonettes were needed locally.
- The height of the proposals were out of character with the setting and would lead to a loss of privacy and amenity to existing adjoining dwellings. The raised position of the development site, in relation to adjourning homes, exacerbated this.
- The Parish Council did not accept the traffic data and conclusions relied upon. The existing Stanningfield Road/A134 junction was already prone to long delays and this situation would be exacerbated by the introduction of additional cars from the new development.
- Unless some traffic calming measures were introduced at this new location, pedestrians and drivers would become more unsafe.
- The proposed car parking was inadequate.
- The development proposals represented a flood risk. Surface water drainage was already inadequate and this issue would be exacerbated by the additional homes.

(b) Local residents

- (i) Post Office and Village Stores
 - Main concern was privacy and boundary treatment between the site and their property and were concerned that the area was currently exposed with no treatment on the boundary.

• Seeking clarification about the boundary treatment, along that boundary.

(ii) Local resident

Approved of the proposals and commented upon the bus stop improvements which the Highways Authority were requesting as a financial contribution within the S106 agreement. The general public wanted the present arrangements to remain, as the bus operators, when consulted several years ago, said that if official bus stops were provided, then the bus would only stop at those locations. Therefore this would deny the public easy on/off access to buses closer to their homes. Bearing in mind that the majority of users of the bus service were elderly, this would not be practical for them. Therefore, requested for the Council and the Highways Authority to make no changes in respect of the bus stops.

(iii) Local resident (living near to the site)

- Referred to traffic and highways and impact on the area and his property.
- Difference in levels between the two sites and that Erskine Lodge itself was currently single storey. Expressed concern about replacing Erskine Lodge with two storey dwellings.
- Privacy and loss of light to his house and garden.
- Not clear about what type of fencing would be erected on the boundary.
- Existing vegetation on the boundary was not sufficient to provide privacy.
- Owing to the sloping nature of the boundary, referred to the impact on the retaining wall in back garden of his site, which could be damaged once activity commenced.
- Questioned the adequacy of the solutions to encourage new residents out of their cars and onto the bus service.
- As the site was designated as a Conservation Area questioned how this area could be developed in the way being proposed.

The Chairman expressed concerns that the Committee had only been provided with a summary of further extensive representations and also referred to the consultation period having been extended to 11 March 2016. Therefore, the Chairman asked the Committee if they were still prepared to determine this application or whether it should be deferred until the consultation period had expired, to allow for all representations to be properly considered.

The Case Officer also informed the Committee that taking into account the period of extended public consultation to 11 March 2016, it was also being

proposed for an additional recommendation (iv) under paragraph 144. to read:

`144. That subject to:

'(iv) there being no new material planning issues raised during the outstanding period of public consultation.'

The Case Officer explained that if new material planning issues were raised during the period of outstanding consultation, which had not been considered by Members as part of their debate, or as part of the Committee report, then this application would be brought back to the Committee accordingly, for further consideration.

Decision:

That the determination of this application be deferred, to allow for any further representations to be received and considered, following the extension of the consultation period to 11 March 2016.

180. Outline Application (All matters reserved) DC/15/2245/OUT

7no. dwellings, at land between 4 and 8 Norfolk Road, Bury St Edmunds, for Mr John George.

(Councillor Julia Wakelam declared a pecuniary interest as she had predetermined the application by the submission of an objection as a resident of Northgate Avenue and as the Member for the adjoining Ward. She withdrew from the meeting for the consideration of this item).

This application was presented to the Development Control Committee following consideration by the Delegation Panel, at the request of the Ward Member. Bury Town Council had made no objections to the proposal, based on the plans received.

The Committee had visited the site on 25 February 2016.

The following persons spoke on this application:

(a) Objector - Jeff Paine

(b) Ward Member - Councillor Diane Hind
(c) Applicant - Richard Sykes-Pophar

(c) Applicant - Richard Sykes-Popham (Agent)

In discussing the application, Members noted the views of the objector and the Ward Member with regard to parking issues/traffic congestion in Norfolk Road, overdevelopment and the levels/gradients within the site and the possible effect this could have on existing properties.

Decision:

Outline permission be granted.

181. Planning Application DC/15/1915/FUL

- (i) Change of use of land to horse stud farm
- (ii) Proposed Stables, Barn, Office, Yard, Horse Walker and Lunge Ring
- (iii) Associated landscaping and access road as amended by plans and details received 16 December 2016

at Pattles Grove, Chedburgh Road, Whepstead for Pattles Grove Stud Ltd.

The Committee were advised that this application had been withdrawn from the agenda.

182. House Holder Application DC/15/2503/HH

Installation of external wall insulation to the front and rear elevations (re-submission of Planning Application DC/15/1343/HH), at 27 Springfield Avenue, Bury St Edmunds for Mr Oliver Ingwall King.

This application was referred to the Development Control Committee as it was made by a contracted employee of St Edmundsbury Borough Council.

The following persons spoke on this application:

- (a) Ward Member Councillor David Nettleton
- (b) Applicant Oliver Ingwall King

In discussing the application, it was the view of Members that this application should be supported, as they considered it was an innovative way of undertaking wall insulation on a property of this type, where due to its small size, it was not practical to insulate walls internally. Members also considered that this proposal would not cause a detrimental impact upon the appearance of adjoining properties or within the area, as a whole.

Decision:

Permission be granted, contrary to the Officer recommendation of refusal, as Members considered that there was sufficient justification for the proposal.

The Meeting concluded at 12.35 pm

Signed by:

Chairman

Agenda Item 4 DEV/SE/16/023



Development Control Committee 7 April 2016

Planning Application DC/15/2277/HYB Erskine Lodge and Land Adjoining, Stanningfield Road, Great Whelnetham

Date 20 November **Expiry Date**: 19 February 2016

Registered: 2016

Case Gareth Durrant Recommendation: Grant, with S106

Officer: Agreement

Parish: Great Ward: Horringer and

Whelnetham Whelnetham

Proposal: Hybrid Planning Application – (ii) Full application for 23 affordable

dwellings with associated open space, landscaping and parking served by existing access from Stanningfield Road and demolition of existing sheltered housing units. (ii) Outline application for up to 35 dwellings served by continuation of access of full application.

Site: Erskine Lodge and land adjoining, Stanningfield Road, Great

Whelnetham.

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.

<u>CONTACT CASE OFFICER:</u> Gareth Durrant Email: Gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

This application is referred to the Development Control Committee because it is for 'major development' and the officer recommendation to grant planning permission is contrary to the views of the Parish Council.

The item was deferred by Members at the last Development Control Committee meeting on 3 March 2016 to allow an outstanding period of consultation to be completed.

Proposal:

- 1. The application has been submitted in a 'hybrid' form being partly for detailed (full) planning permission (phase 1 23 dwellings) and partly for outline planning permission (phase 2 up to 35 dwellings). The application proposes the erection of up to 58 dwellings in total. The existing Erskine Lodge buildings would be demolished to make way for the development of phase 1.
- 2. The development would be served by the existing single vehicular access to Stanningfield Road close at the south-east corner of the site. There is a further access, also from Stanningfield Road (and also an existing access) although this would be secondary access for pedestrian/cycle access (and, if required, for emergency vehicles).
- 3. The 23 dwellings proposed in phase 1 are all proposed as 'affordable housing' and all for affordable rent. There would be 16 no. 1-bedroom and 4 no. 2 bedroom flats. These would be provided in four separate blocks Three dwellings are proposed (1 no, 2-bedrooms, 1 no. 3 bedrooms and 1 no. 4 bedrooms). The dwellings would all be two-storeys and provided in the form of semi-detached pair. The third dwelling would be attached to one of the blocks of flats. Details of the 35 dwellings proposed for phase 2 are reserved.
- 4. The majority of the buildings (19 units) proposed in phase 1 would be between 7.4 and 7.8 metres tall to ridge. There are some taller buildings (4 units) up to 8.7, 8.9 and 9.1 metres in height.
- 5. The plans submitted with the planning application indicate the use of a limited palette of external building materials for the Phase 1 buildings;
 - Bricks Ibstock Bradgate Light Buff
 - Roof tiles Natural Slate/Clay Plain Tiles
 - Detailing Thermowood vertical timber cladding and render to walls, upvc double glazed windows, upvc doors, upvc fascias and soffits and aluminium rainwater goods.
- 6. The application has been amended since submission to include further

information about off-site highway measures, surface water drainage proposals and minor amendments to the internal road specification.

Application Supporting Material:

- 7. The following documents accompanied the planning application upon submission:
 - Forms and drawings including location, layouts and dwelling/perspectives details for phase 1, illustrative layout for phase 2, site sections, physical constraints/opportunities plans
 - Design, Access and Heritage Statement
 - Arboricultural survey and tree survey
 - Land Contamination Assessment
 - Statement of Community Involvement
 - Flood Risk Assessment
 - Surface Water Drainage Strategy (as amended)
 - Archaeological Briefs
 - Affordable Housing Statement
 - Ecological Assessment and bat surveys
 - Transport Statement (including addendum)
 - Soft Landscaping Strategy Report

Site Details:

- 8. The site is situated relatively centrally to Great Whelnetham. It is within the settlement boundary as defined by the Rural Vision 2031 Area Action Plan. The site is allocated for a residential development by the Plan and has the benefit of an adopted Development Brief to guide a development scheme.
- 9. The application site is comprised of two separate land parcels in separate ownership. The site supports Erskine Lodge a currently vacant 23-unit sheltered housing scheme which sits towards the Stanningfield Road frontage. The remainder of the application site is unused meadow land situated behind Erskine Lodge.
- 10. The site is within and close to the edge of the Great Whelnetham Conservation Area and there are various listed buildings situated outside the site to the north.
- 11. The east boundary of the site adjoins the Stanningfield Road highway. The site abuts existing dwellings (and village post office) along its northeast, north and part southern boundaries. The remainder of the south boundary and west boundary abuts open countryside. The village wastewater treatment works facility is situated at the southwest corner.
- 12. The site rises up from its boundaries, peaking close to its centre. The site is on higher levels than adjacent land. This is particularly apparent along the north-west site boundaries where the site is circa two metres higher

- than existing abutting developments.
- 13. There are a number of trees on the site and a domestic hedgerow marks the boundary between Erskine Lodge and the meadow.

Planning History:

- 14. 1972 Outline planning permission granted for the erection of 'Elderly Persons Sheltered Accommodation'. Reserved Matters were subsequently approved in 1975 (Applications N/72/2549 and E/75/1217)
- 15. 1979 Planning permission refused for the erection of 3 dwellings (Application E/79/3167/P).
- 16. 1980 Planning permission refused for the erection of 1 dwelling (Application E/80/1762/P). A subsequent appeal was dismissed in 1981.

Consultations:

- 17. **Natural England No objections** to the proposals (noting they have not assessed the proposals for impacts upon protected species). Natural England requests that opportunities should be secured for biodiversity and landscape enhancements if planning permission is granted.
- 18. Environment Agency comment that, owing to recent remodelling, none of the properties would be situated within Flood Zones 2 and 3 (at risk from flooding). The Agency has no objections to the proposed development due to the location of the site and the flood risk mitigation measures proposed in the Flood Risk Assessment. The Agency is providing its advice on the assumption the LPA deems the site to have passed the Sequential Test.
- 19. **Anglian Water Services no objections** and comment the Gt Whelnetham Water Recycling Centre has available capacity for flows arising from the development. AWS also confirms the sewerage system also has available capacity for the flows generated.
- 20. **Historic England no objections** (subject to amendment) and comment as follows:
 - We would not object to the proposals as it would not cause harm to the significance of the conservation area in terms of paragraph 132 of the NPPF.
 - The application site lies on the western edge of the conservation area. Historic England would chiefly be concerned with the effect that the proposals would have on the conservation area and we would leave the Council to determine the impact on the grade II listed buildings nearby. The existing building on the site is a large residential care home which is neither a positive or negative contributing factor to the conservation area. It occupies an area which has modern, linear development to the south and a more

historic development pattern to the north and east. The views into and away from the conservation area are important and would be considered a positive contribution to the heritage asset.

- Significance is based on a range of heritage values that make up
 the overall architectural, artistic and/or archaeological interest of
 the heritage asset, in this case the Great Whelnetham Conservation
 Area. As the NPPF makes clear, significance derives not only from a
 physical presence but also from its setting. The NPPF further
 defines the setting as the surroundings in which a heritage asset is
 experienced, and makes clear that the impact on significance can
 occur through change within setting of a heritage asset.
- The proposals broadly follow the concept layout within the Development Brief. In our previous comments, we noted that this layout followed the analysis of the site opportunities and positive features, including permeable views and landscape features. Rather than the 1½ and 2 storey units indicated at enquiry stage, these proposals are for 2 storey buildings.
- We previously commented that changes to this parcel of land would affect the conservation area, however this redevelopment provides an opportunity for enhancement. We suggested that a good variety of materials and plot designs are used in any proposals, to encourage a high quality development with a sense of place and remove any risk of monotonous construction.
- The application proposes unique layouts for each building and when combined with the variety of materials proposed, would provide a development which would have interest. Whilst this is welcomed, it seems that the chosen materials could have some more thought. The window, fascia and soffit are proposed as uPVC, which could conflict with the aluminium rainwater goods and timber cladding. We suggest that, if minded to approve, the Council requires additional information on the products proposed, to ensure that it is consistent with the good quality materials needed to satisfy paragraph 137 of the NPPF. It may be that powder coated aluminium windows and door units provide a higher quality feature which would better suit the contemporary design proposed. In addition, we suggest that good quality detailing is secured by way of condition.
- We would not be able to comment further on the phase 2 part of the application, as it includes no additional information than that contained within the Development Brief. As before, we would not object to it, and again suggest that a varied plot design broadly in accordance with the concept layout proposed would be appropriate. High quality materials would be the most appropriate way of enhancing the conservation area and should be secured at reserved matters stage.

- 21. **Suffolk Wildlife Trust** raises **no objections** and requests conditions are imposed to secure existing boundary planting (given its wildlife benefits), to mitigate impacts upon hedgehogs (and to encourage use of the development by hedgehogs) and to protect bats. Further survey work will also be required to assess the potential for reptiles and grass snakes.
- 22. **Suffolk Constabulary** raises **no objections** and invites the applicant/developer to work with them to ensure the proposed development incorporates crime reduction design techniques (including 'Secured By Design').
- 23. **Suffolk County Council (Highway Authority)** (December 2015) **Objects** to the planning application and requests various design amendments to the road and access layout of the scheme and requests various S106 contributions.
- 24. **Suffolk County Council (Highway Authority)** (February 2016, following receipt of amended plans) **no objections** subject to conditions (details of footpath link to and pedestrian crossing of, the site access; details of areas for bin storage; details of estate roads and footpaths; timing of construction of carriageways and footways and manoeuvring/parking areas & secure cycle storage; details of a Sustainable Travel Information Pack). The Authority also requests a developer S106 contribution of £16,000 to be used to provide bus stop improvements in Stanningfield Road, including passenger shelters should space be available.
- 25. **Suffolk County Council (Flood and Water Management)** (December 2015) **objects** to the planning application and requests further information/clarification of surface water drainage for Phase 1. No objections were received with regard to the drainage strategy proposed for Phase 2, subject to conditions.
- 26. **Suffolk County Council (Strategic Development)** submit **holding objections** in the absence of archaeological assessment work requested by the Archaeological Unit. The following comments were also received;
 - **Education (Primary and Secondary)** The local catchment schools are Great Whelnetham CEVCP School and King Edward VI CEVC Upper School. At both the primary and secondary school levels Suffolk County Council currently forecasts that there will not be sufficient surplus capacity to accommodate any of the pupils arising. Therefore the County Council seeks the following contribution towards new school places.

Primary: £133,991
Secondary: £128,485
Sixth Form: £39,814
Total: £302,290

• **Education (Pre-school provision)**. It is the legal duty of SCC to ensure that there is sufficient local provision under the Childcare

Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. At present there is a surplus of places in this locality, sufficient to absorb the additional children emanating from the development.

- Play space provision. Consideration will need to be given to adequate play space provision.
- **Libraries**. Great Whelnetham is served by a mobile library service and this is considered sufficient provision in the specific circumstances of this case.
- **Waste**. A waste minimisation and recycling strategy (including bins) should be implemented by planning conditions.
- Accessible Housing In line with Sections 6 and 8 of the NPPF, homes should be designed to meet the health needs of all groups in society. Policy DM22 of the West Suffolk Development Management Policies also identifies that new homes should be 'adaptable in terms of lifetime changes and use', with paragraph 5.3 explaining that this means the Lifetime Homes standard. Following the replacement of the Lifetime Homes standard, designing homes to the new 'Category M4(2)' standard offers a useful way of fulfilling this objective, with a proportion of dwellings being built to 'Category M4(3)' standard.
- **Sustainable Drainage Systems.** Summarises the hierarchy of responsibility and national policy relating to SuDS drainage and recommends the relevant lead flood authority is consulted.
- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
- **Superfast broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).
- 27. **Suffolk County Council (Archaeology)** (December 2015) **object** to the planning application in the absence of adequate information (desk based assessment and field investigation) with respect to the potential of the site to contain significant archaeological deposits. The service notes that a large Roman settlement with burials is recorded on the site (other Roman finds have been recovered previously). The application should not be determined until this work is undertaken.
- 28. **Suffolk County Council (Fire and Rescue Service) no objections** to the proposals and advise that access for fire appliances needs to meet with Building Regulations requirements and advocates the use of sprinkler systems within new buildings. The service confirms no additional water supply for fire fighting is required.

- 29. **SEBC (Environment Team Contaminated Land) no objections**, and recommend the imposition of a standard contaminated land condition given the desk study has revealed potential sources of contamination.
- 30. **SEBC (Strategic Housing Team) supports** the planning application in principle and comment the second phase of the development should provide more larger family accommodation in order to meet the needs of the village.
- 31. **SEBC (Public Health and Housing)** no objections.

Representations:

- 32. Parish Council: **object** to the planning application and provide the following comments;
 - The density of the proposed development is not consistent with the existing pattern of dwellings in the village
 - The high number and concentration of dwellings proposed, taking into account the combination of the full application for 23 dwellings and the outline application for 35 properties will have a negative effect on the current village social structure
 - Is this increase in population sustainable and adequately supported by local services and infrastructure? In particular there are concerns about:
 - availability of school places
 - traffic this development will put additional pressure on the already busy and dangerous A134 junction
 - drainage additional hard surfaces could create greater rainwater drainage issues in an area where heavy rainfall already creates problems
 - The number of houses proposed for this site is not consistent with the Vision 2031 plan where is the justification for the deviation from the master plan so soon after its approval?
 - There is a strong desire that there should be enforceable priority in the availability of the proposed properties for those with local connections
 - The proposed finish of the buildings with wood cladding does not seem to be sympathetic with or in the vernacular of the existing stock
 - There are doubts about the ratio of maisonettes to houses. The proposed development has little provision for families. Is there evidence that this is in line with the requirement for this village?
 - Parking places the provision for car parking is seriously inadequate. There have been historic problems with parking provision in other

parts of the village, and it would be a mistake for the design not to take account of local needs from the beginning. A car is near-essential in this village location because of limited and crowded public transport provision. The Council believes that there is a requirement for an average provision of at least two parking places per dwelling for residents, with additional parking for visitors. There is also some scope for confusion in the supporting documentation:

- Section 10 of the Application quotes the number of places as 85. This number applies to the total places for the full application and outline application, with a total of 58 dwellings
- The Plan 14-017-A-009 gives the number of parking places as 34, which applies to the full application for the 23 buildings of phase 1.
- 33. In March 2016, the Parish Council submitted further representations about the planning application. The letter extended to 4 pages, but contained a helpful summary which is as follows:
 - The scale of the development proposals is too large for a village of this size representing, over two phases, an increase by approx. 10% of its population. Existing infrastructure cannot cope with this increase, nor is there any need to site such a large development at this location.
 - It is premature to grant outline planning permission for 35 houses on Phase 2.
 - The adoption by the local planning authority of the development brief in December 2015 (proposing a total of 60 homes) has ignored local feedback and has not been agreed with residents. This is contrary to the development plan policies underpinning the development brief.
 - The proposals are contrary to adopted development plan policies as set out in detail below.
 - The proposals for two-storey flats/maisonettes/houses on the elevated development site is inappropriate for this village setting and does not preserve or enhance the conservation area in which the development site is located. Family dwellings rather than flats and maisonettes are needed locally. The height of the proposals is out of character with the setting and will lead to a loss of privacy and amenity by existing adjoining dwellings. The raised position of the development site in relation to adjoining homes exacerbates this.
 - The Council does not accept the traffic data and conclusions relied on by the applicant. The existing Stanningfield Road/A134 junction is already prone to long delays, which situation will be exacerbated by the introduction of additional cars from the new development.

Unless some traffic calming is introduced at this location, conditions for pedestrians and drivers will become more unsafe.

- The proposed car parking is inadequate.
- The development proposals represent a flood risk surface water drainage is already inadequate and this issue will be exacerbated by additional homes.
- 34. Twenty-three letters have been received from local residents objecting to the proposed development. The issues and objections raised can be summarised as follows:
 - Too many dwellings proposed and of the wrong type.
 - The development is too big for the village.
 - The adopted Development Brief should be ignored because it does not have local support.
 - Development likely to become 'run down' in time.
 - There is only limited need for affordable housing in the village.
 - Not sufficient information with which to be able to judge impact.
 - Overlooking, loss of privacy and loss of light.
 - Impact of building works upon existing residents.
 - Ground work could damage retaining walls close to the site boundary.
 - New boundary fencing is required for security and privacy purposes.
 - The site (meadow) is important for ecology.
 - The proposals would not tempt people out of their cars.
 - There is no space on existing roads to cater for cyclists.
 - There would be insufficient car parking.
 - Potential for on-site parking to block private vehicular access.
 - Loss of elderly person's accommodation is a regrettable.
 - Increase in traffic.
 - Increased pressure upon the A134/Stanningfield Road junction which is already under pressure. Some traffic calming measures and a formal pedestrian crossing of the A134 are required.
 - The proposals which would be imposing and tall, being on raised ground, would be harmful to the character of the Conservation Area.
 - The materials design and form of proposed buildings would be more suited to an urban (town) location but not a village setting.
 - The site is important for its archaeology.
 - Flats are not appropriate in the village.
 - Development of the site should be for local people only.
 - Only the existing Erskine Lodge site should be developed. The meadow land should be scrapped from the development.
 - The link to the primary school should be upgraded to encourage pedestrian/cycle access to the school (and reduce car pressure and hazards at the school).
 - The building materials would be out-of-keeping.
 - Development density is too high.

- Loss of bat habitat owing to demolition of Erskine Lodge.
- Adverse impacts upon biodiversity.
- The housing is not needed or wanted by the village.
- The 1250 homes at Abbots Vale (South East Bury St Edmunds) is more than sufficient.
- Village infrastructure (roads, sewerage, drainage, education) will not support this level of development.
- Development is too close to the treatment works.
- Increased threat of surface water flooding to existing properties.
- Adverse impact upon property values.
- Loss of views from some existing homes.
- 35. One letter has been received from a local resident whom does not wish to object to the planning application but wishes to raise concerns about security and privacy issues and request the provision of boundary fencing to ameliorate these concerns.
- 36. One letter has been received from a local resident whom comments they approve of the proposals but request the unmarked bus stops in Stanningfield Road remain as they are so people are able to stop the buses at locations convenient to them (i.e. a formalised bus stop would mean busses stop at it and no-where else).
- 37. One letter has been received from a local resident in support of the proposals. The correspondent confirms they are a family (husband wife and young child) living in the family with their parents and have been on the housing waiting list for 10 years. They are hoping for an opportunity of living in one of the dwellings proposed by the planning application.

Policy:

38. The following policies of the Joint Development Management Policies Document (2015), the Rural Vision 2031 (2014) and the St Edmundsbury Core Strategy (2010) have been taken into account in the consideration of this application:

Joint Development Management Policies Document (2015):

- Policy DM1 Presumption in Favour of Sustainable Development.
- Policy DM2 Creating Places Development Principles and Local Distinctiveness.
- Policy DM4 Development Briefs
- Policy DM6 Flooding and Sustainable Drainage.
- Policy DM7 Sustainable Design and Construction.
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 Protected Species.
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources,

- Minimising Pollution and Safeguarding from Hazards.
- Policy DM15 Listed Buildings.
- Policy DM17 Conservation Areas.
- Policy DM20 Archaeology.
- Policy DM22 Residential Design.
- Policy DM42 Open Space, Sport and Recreation Facilities.
- Policy DM45 Travel Assessments and Travel Plans.
- Policy DM46 Parking Standards.

Rural Vision 2031 (2014)

- Policy RV1 Presumption in Favour of Sustainable Development.
- Policy RV3 Housing Settlement Boundaries.
- Policy RV20(a) Allocates the application site for redevelopment.

St Edmundsbury Core Strategy December (2010).

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS5 (Affordable Housing)
- Policy CS7 (Sustainable Transport)
- Policy CS13 (Rural Areas)
- CS14 (Community Infrastructure Capacity and Tariffs)

Other Planning Policy:

- 39. The following Supplementary Planning Documents are relevant to this planning application:
 - Joint Affordable Housing Supplementary Planning Document (September 2013).
 - Open Space, Sport and Recreation Supplementary Planning Document (December 2012).
- 40. Full Council considered the Erskine Lodge Development Brief at their meeting on 15th December 2015 and resolved to adopt it, subject to some minor changes being secured to its content. Those changes have been made to the document, which has subsequently been adopted. The Development Brief document can be given weight in the consideration of this planning application.
- 41. The Development Brief, which has been prepared in the light of Development Plan policies, does not form part of the Development Plan for the District. The Development Brief has the status of informal planning guidance and will be a material consideration when determining planning applications. It is a matter for the decision maker in each case to consider the weight to be afforded to the Development Brief.

- 42. The National Planning Policy Framework (hereafter referred to as 'the Framework') sets out government's planning policies for England and how these are expected to be applied.
- 43. 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."
- 44. 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".
- 45. The relevant policies of the Framework are discussed below in the Officer Comment section of this report.
- 46. The Government has (March 2014) published National Planning Practice Guidance (NPPG) 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.

Officer Comment:

- 47. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Transportation and Highway Safety
 - Natural Heritage
 - Built Heritage
 - Environmental Conditions
 - Design and Layout

- Residential Amenity (existing and potential residents)
- Sustainable Construction and Operation
- Planning Obligations

Principle of Development

- 48. 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.
- 49. 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;)
- 50. 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.
- 51. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
- 52. Policy RV1 of Rural Vision 2031 repeats national policy set out in the Framework insofar as there is a presumption in favour of sustainable development. This is repeated by Policy DM1 of the Joint Development Management Policies document. Policy RV3 of Rural Vision 2031 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan.
- 53. Policy RV20a of Rural Vision 2031 allocates the application site for residential development. The policy sets out the following requirements:

- Development of the site in the short term is acceptable.
- The amount of land available for development, location of uses, access arrangements, design and landscaping will be informed by a Development Brief.
- Applications for planning permission will only be determined once the Development Brief has been adopted by the LPA.
- The mix of market and affordable housing will be detailed in the Development Brief and will include trigger points for delivery.
- Proposals for development should reflect the scale and form of surrounding development.
- Strategic landscaping and open space must be provided to address the sites requirements and location.
- 54. The Erskine Lodge Development Brief was prepared and adopted in accordance with the requirements of policy RV20 of Rural Vision 2031 and Policy DM4 of the Joint Development Management Policies Document. The planning application (Phase 1 in particular at this stage) accords with the content of the adopted Development Brief.
- 55. In the light of the above planning policy and Development Brief context, officers consider the development of the Erskine Lodge site at Great Whelnetham accords with national and local policies, including allocation in Policy RV20a of Rural Vision 2031, and is therefore acceptable in principle.
- 56. The remainder of the officer assessment below considers other material considerations and impacts in detail (and in no particular order) and discusses S106 requirements before reaching conclusions and a recommendation.

Transportation and Highway Safety

- 57. The Framework states it is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. It also confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 58. Policy CS7 of the Core Strategy seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured.
- 59. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.

- 60. The planning application was accompanied by a Transport Statement which considered the transport implications of the entire development (58 units). The Assessment calculated there would be 24 car/van movements during the am peak hour (6 arrivals and 18 departures) and 23 car/van movements during the pm peak hour (14 arrivals and 9 departures).
- 61. The Transport Statement concludes the village is locationally accessible and sustainable in accordance with national and local policy. It also concludes that the vehicular demands arising would have a minimal impact on the capacity and safety of the highway network.
- 62. The development would not generate significant traffic movements, particularly during the crucial am and pm peak hours. The proposals would not lead to congestion of the highway network.
- 63. A total of 22 bayed car parking spaces are provided for the 23 dwelling units proposed within Phase 1 of the scheme. Further car parking is made available in layby's aligning one of the internal roads (approximately 9 additional spaces). Whilst this level of parking is around 5 spaces below the adopted Parking Standards (2014) this has not triggered an objection from the Highway Authority. Opportunities would exist to park additional vehicles on other parts of the new roads provided within the development such there is unlikely to be demand for additional parking on roads outside the application site, including during peak demand periods. The level of off-street car parking proposed for the development is considered acceptable, despite being contrary to (slightly below) the standards adopted by the County Council.
- 64. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards on approaches to the site, around the village or further afield. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during am and pm peak hours.

Natural Heritage

- 65. 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.
- 66. Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements

relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.

- 67. The development proposals would not affect any internationally, nationally or locally designated sites of nature conservation interests.
- 68. The applicant's ecological assessment confirms the application site has been surveyed for a range of rare species. The report recommends the following measures are taken;
 - Biodiversity enhancement measures to be incorporated into the landscaping scheme, provision of bat and bird nest boxes, creation of deadwood habitat, and retention of trees where possible.
 - Protection of retained trees and the watercourse during construction (requirement for an otter survey if this area is to be disturbed).
 - Further bat emergence surveys during the bat activity season.
 - Protection of the function of the river as a wildlife corridor (those areas within the site).
 - Enhancement of the retained areas of semi-natural habitat.
 - Covering of excavations and exposed pipework overnight
 - Watervole survey
 - Retention of vegetation during the bird nesting season.
 - Walkover survey immediately prior to commencement of works to ensure badgers have not colonised the site in the interim.
 - Careful use of lighting
- 69. The applicants have already carried out further bat surveys as recommended by the ecological assessment. This discovered a day bat roost within the Erskine Lodge building. This means that no unlicensed work can be carried out at the site. Any work that has the potential to disturb bats would require a prior license from Natural England. In advance of being able to secure a license, the 'developer' would need to secure a grant of planning permission and discharge any conditions relevant to bats. The bat report recommends further surveys are carried out during the 2016 bat survey season and x3 bat boxes be installed on an appropriate tree prior to any licensed demolition works being carried out to Erskine Lodge. Any construction team on the site would be briefed to ensure they are aware of bat issues associated with their works. The elements of the demolition works that might affect bats would be undertaken by hand and supervised by a bat worker. Any bats found would be re-located to a bat box.
- 70. These recommendations have been accepted by the Suffolk Wildlife Trust whom also recommends that reptile surveys are carried out subsequently. The recommendations of the ecological survey, bat report and submission of the results of further surveys (including any mitigation requirements) requested by the Trust could be secured at the appropriate time, by means of appropriately worded planning conditions.

Built Heritage

- 71. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
- 72. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) conserving or enhancing the historic environment including archaeological resources.
- 73. Policy DM15 of the Joint Development Management Policies Document requires development proposals affecting (inter alia) the setting of a listed building to demonstrate a clear understanding of the significance of the setting of the building alongside an assessment of the potential impact of the proposal upon that significance. The policy also requires new developments to respect the setting of listed buildings, including inward and outward views and be of an appropriate scale, form, height, massing and design which respects the listed building and its setting. Policy DM16 addresses proposals affecting non designated heritage assets. Policy DM17 sets out criteria for considering development proposals within, adjacent to or visible from within a Conservation Area. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.
- 74. There is a small scattered group of listed buildings to the north of the application site. Drury House, a Grade II listed building is the closest of these and is situated adjacent to the north west corner of the site (other listed buildings are significantly separated and screened from the site and would not be adversely affected by the development proposals). Whilst the full extent of impacts of this development upon the setting of the listed building cannot be carried out at this stage, given the outline status of the development nearest to the listed building (phase 2 of the proposals), the development is not anticipated to give rise to adverse impacts. Indeed, the illustrative scheme submitted with the planning application (for phase 2) illustrates a suitable separation between the development and Drury House. The listed building is well separated and screened from the application site such that the development is unlikely to be prominent in views from the listed building or its grounds. Furthermore, the development is unlikely to be seen in the wider setting of the building, including distant views.
- 75. The application site is within the Great Whelnetham Conservation Area designation. The conservation area is drawn loosely around the oldest dwellings in the village and follows the A134 Sudbury Road running north/south. The designation also captures areas of woodland and agricultural land to the east of the A134. The modern, high density, estate

- type developments to the south west of the village (off Stanningfield Road in particular) do not form part of the Conservation Area.
- 76. The Conservation Area contains a mix of building sizes and types, including a small number of listed buildings to the north of the site. The character is predominantly of low-density housing development fronting onto the A134 Sudbury Road, but there are also examples of higher density development, including the row of buildings abutting the application site and, of course, Erskine Lodge itself.
- 77. The construction of a scheme of medium density residential units, including higher density flats, at the application site, would represent a marked change to the character of the Conservation Area. Through their design and choice of materials, the proposed buildings would be honest representations of their time. The buildings (in Phase 1) are of a typical Suffolk form, with rectangular plan and pitched roofs. The detailing and materials to be employed on these vernacular forms would be more contemporary and introduce a new phase of architectural style into the village conservation area. The development would not be unattractive in itself, particularly if the architectural themes and choice of materials (perhaps with some variation) employed in Phase 1 are carried forward into the later Phase 2, but would, nonetheless, permanently change the built character of this part of the Conservation Area.
- 78. There is no suggestion this change would be harmful to the character of the Conservation Area in part or as a whole. The existing character of the Conservation Area (as briefly set out at paragraphs 72 and 73 above) would be maintained. Historic England, having considered these proposals, are of the view the proposed development would enhance the character of the Conservation Area particularly as it would include the removal of the Erskine Lodge buildings (which are of utilitarian mid to late 20th Century appearance). Historic England has commented on the detail of the proposals are have advocated the omission of the UPVC windows and doors currently proposed in favour of higher quality materials. Officers agree with the view of Historic England in this respect and are actively seeking amendments to the application. Members will be updated of progress in this regard at the meeting.
- 79. The archaeological unit at Suffolk County Council is of the view that archaeological deposits are likely be present at the site given archaeological finds that have occurred in the vicinity (ref paragraph 27 above). Whilst the planning application is accompanied by Archaeological Briefs for Phases 1 and 2, the Authority has objected to the application in the absence of more detailed assessment based on appropriate field work. The Authority has requested this information in advance of the application being determined (approved). The applicants have commissioned full archaeological works in accordance with the request of Suffolk County Council. Whilst the field work (trenching) has been carried out, the outcomes are still being assessed and a full archaeological report is awaited. An interim report has been provided which confirms finds of some significance have been found at the site. Suffolk County Council are awaiting submission of the full report before providing further comment.

80. The recommendation set out below at the end of this report requests delegated authority to determine the planning application only following receipt of the additional archaeological information required <u>and</u> the subsequent withdrawal of its objection by the archaeological unit at Suffolk County Council. Should Suffolk County Council maintain its objection upon receipt of the full report, the recommendation (if followed) would not allow a planning permission to be issued without first having been reconsidered by the Committee (although a refusal of planning permission on archaeological grounds could be issued post committee). Should Suffolk County Council subsequently withdraw its objections upon receipt of the full report, any reasonable conditions requested could be imposed upon any (potential) planning permission granted. It is anticipated this matter would be resolved post committee, and before a S106 Agreement is completed.

Environmental Conditions (Flood Risk, Drainage and Contamination)

- 81. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding (the sequential test). The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
- 82. 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.
- 83. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
- 84. The planning application is accompanied by a Flood Risk Assessment (FRA) which examines flood risk to the development (from potential river flooding) and from the development (management of surface water discharge). The document examines the Environment Agency flood zone maps which illustrate large areas to the north and west of the site being within flood zones 2 and 3. However the FRA goes on to confirm, following consultation with the Agency, the 1 in 100 year flood event levels (with an allowance for climate change) were confirmed as 40.61m AOD. The FRA goes on to confirm the whole of the site is substantially above this level and is this not at risk of flooding.
- 85. The FRA went on to examine fluvial flood levels with specific regard to 1 in 1000 year levels. Given the absence of Environment Agency data in this regard, the applicant commissioned modelling of the 'Ordinary Watercourse Tributary' of the River Lark. The result of the modelling shows there is no flooding across the site when considering the worst case 1 in 1000 year event, thus meaning that high water levels in the Lark do not cause a backing up in the Ordinary Watercourse. The FRA claims the

- results of modelling demonstrates that the floodplain extent shown on the Environment Agency mapping is not correct and the site is actually entirely in Flood Zone 1 (low risk).
- 86. The FRA also sets out proposals for a surface water drainage strategy. The document confirms a sustainable approach to surface water management will be adopted using ground infiltration in suitable areas and attenuated discharge to the river Lark where poor infiltration is encountered.
- 87. The dwellings proposed by the application are not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3). Whilst some peripheral areas are within the high risk zones, all of the dwellings proposed would be sited in Flood Zone 1. Given the fact that all the dwellings are/could be provided within Flood Zone 1 (lowest risk) and no development would be carried out within Zones 2 and 3 (at risk from flooding), there is no requirement to carry out a 'sequential test' in advance of determining this planning application. The proposed development is considered acceptable with respect to the risk of flooding from the river Lark and its tributaries.
- 88. The planning application includes details of a surface water drainage strategy for the development. The Flood and Water Management Team at Suffolk County Council is generally satisfied with the strategy, but has requested clarification of some matters such that the strategy is not yet fully agreed. The recommendation set out below, at the end of this report, is subject to confirmation that (upon receipt of the information requested) the Flood and Water Management Team are content with the drainage strategy. Any grant of planning permission for the development could then be made subject to any reasonable conditions requested by the Team.
- 89. The planning application is accompanied by a Phase I Geo-environmental assessment. This concludes that there is a possibility that contamination may exist at the site, and recommends a Phase II (intrusive) assessment is carried out prior to commencement of development (post planning).
- 90. The Council's Environmental Health team has recommended imposition of a standard condition upon a (potential) planning permission in order to further investigate and remediate the potential sources of contamination and ground gases.

Design, Layout and Landscape Impact

- 91. 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.
- 92. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously

used land but other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.

- 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. Policy CS3 sets out more detailed criteria for achieving high quality design that respects local distinctiveness.
- 94. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals (including landscape context).
- 95. Core Strategy Policy CS2 seeks to conserve and enhance (where possible) the character and qualities of local landscapes and the wider countryside. Policy CS3 seeks to ensure appropriate consideration is given to the protection of the landscape as part of development proposals. Policy DM2 of the Joint Development Management Policies Document recognises the landscape as a key feature requiring assessment and consideration when considering proposals for development. Policy DM13 requires development to be sympathetic to the landscape and confirms development will be permitted where it would not have an unacceptable adverse impact in this respect.
- 96. The planning application was accompanied by a Design and Access Statement. The document explores the opportunities and constraints of the site and explains the design rationale and strategies which have informed the proposals. The application was submitted in a hybrid form, with 23 dwellings proposed in detail at this stage. Whilst illustrative plans have been submitted to demonstrate how the dwellings currently proposed in outline (phase 2; up to 35 dwellings) might be developed, the design discussion here is limited to the detailed (Full planning permission) elements of the proposal (phase 1; 23 dwellings).
- 97. The site is situated in an existing residential area and is partly developed. The site has a limited frontage onto Stanningfield Road and sits behind existing frontage properties onto the A134 Sudbury Road. The site marks a transition in the character of the village from the mid 20th Century local authority housing and 'estate' type developments situated in/off Stanningfield Road into the more historic, core of the village aligning the A134 to the north. The transition is marked by the Conservation Area designation. The potential impact of the development upon the Conservation Area is discussed elsewhere in this report.
- 98. The proposed demolition of the existing Erskine Lodge buildings at the site and its replacement with small groups of two-storey flats (in Phase A)

- would not, in your officers' view, erode the character of the area and the Stanningfield Road streetscene which, at this point, is of a mixed, transitional character.
- 99. The layout of the site is efficient with 58 dwellings on a 2.1 ha site representing a density of approximately 27 dwellings per hectare. The Phase 1 would be built at higher density, predominantly because it contains flatted development. The Phase 1 area of the site (about a third of the total site area) would be built out at a density of approximately 36 dwellings per hectare. Given the spacing of the blocks and the retention of existing semi-mature landscaping at this part of the site, the high density development would not appear over-crowded. The later phase of development (circa 1.4 hectares) would be built out to a maximum density of 25 dwellings per hectare. The development density is what one would expect of a modern small to medium housing development in a village setting and would respect and reflect the density of existing modern estate type developments in the village.
- 100. Given the flatted nature of the phase 1 proposals, there would be limited sub-division of plots. The majority of the site would be open and 'public' which would create an open, spacious character. Car parking is communal and interspersed. There are some communal parking areas, but these are small, well landscaped and overlooked. Other car parking is provided via informal bays alongside the internal road, interspersed with street trees and landscaping. The interesting layout of Phase 1 of the site is considered acceptable.
- 101. The materials (brick and boarding to walls and pantiles or plain tiles to roofs) are considered acceptable, albeit with amendment to omit UPVC doors and windows. Given the sensitive Conservation Area location, a condition should be imposed requiring samples of external materials to be submitted for approval.
- 102. The impact of the proposed development upon the landscape (to the west and south in particular) is considered acceptable with any significant adverse effects capable of mitigation via the introduction of new strategic landscaping (the precise details of which would be secured at reserved matters stage as part of proposals for Phase 2).
- 103. The design and layout of the development (including its impact upon the village conservation area, which is discussed elsewhere in this report) is considered acceptable and fully accords with National and Local planning policy aspirations of achieving high quality design.

Residential Amenity

104. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people.

- 105. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
- 106. The north east site boundary is in close proximity to a number of buildings, including dwellings which back on to the site (these buildings front on to the A134 Sudbury Road). The site is on higher levels than these dwellings such that the application site levels are approximately at first floor equivalent level to the adjoining buildings. This factor, combined with the fact the adjacent buildings have, for the most part, shallow rear garden spaces, means they are particularly vulnerable to development of the application site.
- 107. The 'hybrid' nature of the planning application means that details of proposed phase 1 only are to be considered at this time. Details of a potential layout of proposed phase 2 are included for illustrative purposes only. There are three dwellings fronting onto the A134 Sudbury Road adjacent to the Phase 1 part of the application site. These are (from south to north); 'Rose Cottage', 'Windfalls' and 'Riverside'. Other properties on the north side of these three would not be affected by the Phase 1 proposals and impacts of the later Phase 2 proposals would need to be carefully considered at the appropriate time. There would also be no adverse impacts upon No.1 Stanningfield Road to the south of the site given the separation of proposed buildings from that property (circa 22 metres).

Impact upon 'Rose Cottage'

- 108. 'Rose Cottage' is a small cottage with first-floor accommodation within its Mansard Roof. Its aspect (and main windows for light and outlook) faces east away from the application site towards the A134 Sudbury Road. It sits on a lower level to the application site and is divided from it by a combination of a (circa) 1.5m high fencing and existing semi-mature vegetation. There are no first floor windows in the rear elevation of the cottage facing towards the application site nor on the side facing south (obliquely facing the phase 1 application site). Similarly there are no ground floor windows facing towards the site and the majority of the limited space immediately behind (west) the cottage has been infilled with a single storey flat roofed extension (facing south towards the side gardens of the property).
- 109. The nearest proposed building block to this dwelling contains plots 1-4, a block of two-storey flats. Whilst there would be ground and first floor windows facing towards 'Rose Cottage' and its side garden, the relationship to the property is considered acceptable given the circa 15m separation between the buildings in combination with the character of the cottage, its window positions and protection currently afforded by the existing changes in levels and boundary treatment (which protects the side garden space in particular).

110. There are no concerns arising with respect to potential impacts of the development upon the amenities currently enjoyed by the occupiers of 'Rose Cottage'.

Impact upon 'Windfalls'

- 111. 'Windfalls' is the immediate neighbour to 'Rose Cottage' and sits immediately to the north. This dwelling also sits on a lower level than the application site with site levels falling between the sites by the equivalent of (approximately) one storey. The property has been extended to its side and its principal element has a Mansard roof. The roof is aligned such that its tiled surfaces face north & south. It is the gable walls of this particular property which face towards the A134 Sudbury Road to the front and the application site behind. There are two windows at first–floor level in the rear gable elevation of 'Windfalls', both of which face towards the application site (and which are positioned circa 6 metres from the site boundary).
- 112. The nearest of the proposed Phase 1 buildings to 'Windfalls' are plots 22 and 23, a pair of semi-detached two-storey dwellings. At their nearest (plot 23) these would be positioned approximately 16 metres into the application site away from the mutual boundary with 'Windfalls'. The 'back to back' distance between 'Windfalls' and proposed plot 23 would be 22 metres, which is considered an acceptable distance to avoid overlooking between (and into) windows. Careful treatment of the common boundary would protect the occupiers of 'Windfalls' from the use of the external areas of the site in-between the buildings.
- 113. There are no concerns arising with respect to potential impacts of the development upon the amenities currently enjoyed by the occupiers of 'Windfalls'.

Impact upon 'Riverside'

114. 'Riverside' is situated to the north of 'Windfalls' and is also a two-storey dwelling on lower levels (equivalent to approximately 1-storey) than the application site. This property also has first-floor windows facing towards the application site. Like its neighbour 'Windfalls' the nearest proposed building to 'Riverside' is also plot 23 although the separation distance to this plot is much greater than that of 'Windfalls' and its relationship to plot 23 would also be off-set in comparison. Accordingly, there are no concerns arising with respect to the potential impacts of the phase 1 development upon the amenities currently enjoyed by the occupiers of 'Riverside'. This particular property (and others positioned further north) are more vulnerable to impacts arising from Phase 2 of the development (presently proposed by this planning application in outline form) and thus any reserved matters submissions pertaining to Phase 2 would need to have full regard to its impacts upon the dwellings abutting the site, including 'Riverside'.

Sustainable Construction and Operation

- 115. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
- 116. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
- 117. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 118. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
- 119. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.
- 120. The planning application was not accompanied by a statement confirming how Building Control requirements for energy efficiency will be achieved. The Design and Access Statement does not suggest any methods will be used above standard Building Control Requirements, which is currently deemed acceptable by National Planning policy and related national guidance.
- 121. The planning application does not address water efficiency measures and does not presently propose a strategy for minimising water use. The proposals are therefore contrary to policy DM7 of the Joint Development Management Policies Document in this respect. It is, however, considered reasonable to impose a condition on any potential planning permission

granted, to require these details to be submitted at a later date and the agreed measures subsequently incorporated into the construction/fitting out of the development.

Other issues

- 122. The application proposals, given their relatively small scale, are unlikely to have significantly adverse impacts upon local infrastructure provision that are not capable of mitigation (including education, sewerage capacity and energy supply).
- 123. 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.

Planning Obligations

- 124. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
 - be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
- 125. The Framework also states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.
- 126. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.
- 127. The following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts).

Affordable Housing

128. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.

- 129. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
- 130. Core Strategy Policy CS5 requires up to 17.4 of the 58 dwellings to be secured as 'affordable' (80% (14 no.) for affordable rent and 20% (3.4no) for shared ownership.
- 131. In this case the developer is an affordable housing provider and they have offered all of the stock proposed in Phase 1 (23 dwellings = just under 40%) 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 the S106 Agreement acknowledges the obligation does not accord with the tests set out a Regulation 122 of the CIL Regulations (paragraph 124 above) and that the Council (in this case Members of the Development Control Committee) do not have regard to the uplift in affordable housing in reaching their decision on the planning permission.

Education

- 132. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
- 133. Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.
- 134. The Local Education Authority has confirmed, post School Organisational Review, there is no capacity at local primary and secondary schools (including Sixth form) to accommodate the pupils forecast to emerge from this development and has requested developer contributions to mitigate impacts. The contributions would be used towards delivering additional school places in the catchment. These contributions could be secured via S106 Agreement.
- 135. Suffolk County Council has also confirmed there is no requirement for the development to provide a contribution to be used towards pre-school provision in the area given there is existing capacity.

Public Open Space

136. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

- 137. Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.
- 138. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
- 139. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
- 140. Following the enactment on Regulation 123 of the CIL Regulations in April 2015, which deems the pooling of more than five developer contributions towards infrastructure categories unlawful, it is no longer possible to secure developer contributions towards non-specific off-site projects (i.e. pooled contributions).
- 141. The planning application proposes some areas of 'public open space' at quantities below policy expectations. There are potential opportunities to secure developer contributions to be used towards off-site provision of public open space on the assumption the development proposals are generating need for additional off-site provision. Officers have asked the Parks Team to assess whether there is a need to secure a contribution in this case. Members will be updated of the current position at the meeting.

<u>Health</u>

142. The NHS Property Services has been consulted of the proposals. Any reasonable request for developer contributions to be used to off set the health impacts of the development proposals could be secured via the S106 Agreement. The recommendation at the end of this report has been drafted to accommodate a health contribution as part of a S106 Agreement, should a reasonable and justified request be received.

<u>Highways</u>

143. Funding to be used to upgrade existing bus stops in Stanningfield Road has been requested by the County Council (Highways Development Management). These bus stops are close to the application site and could be used by residents of the proposed development. The 'stops' are presently un-marked such that the provision of flags, timetable information and shelters would be beneficial and may encourage some residents of the scheme to use local bus services. The improvements would also benefit secondary school children from the development accessing bus services into Bury St Edmunds.

Summarv

144. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, education, public transport and health care would be acceptable. The proposal would

comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. Further details of some of the proposed planning obligations may be required in order to confirm compliance with CIL Regulation 22 tests (set out at paragraph 124 above) may be required prior to the completion of the formal Agreement.

Conclusions:

- 145. The principle and detail of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework.
- 146. The proposals would result in a more efficient use of the site and achieve a high quality development without leading to significantly adverse impacts upon its surroundings, including existing dwellings in close proximity to the site. The development complies with relevant National and Local planning policies and accords with the Development Brief recently adopted for the site.

Recommendation:

- 147. That, subject to:
 - i) receipt of satisfactory archaeological information from the applicants and subsequent withdrawal of objections by the Archaeological Unit at Suffolk County Council;
 - ii) satisfactory amendments being received to replace currently proposed UPVC door and window details with suitable alternative materials, and;
 - iii) the receipt of satisfactory further surface water drainage information and subsequent confirmation being received from Suffolk County Council Floods Team they do not object to the planning application;

Part FULL and part OUTLINE planning permission be **granted** subject to:

- 148. The completion of a S106 agreement to secure:
 - Policy compliant level and tenure split of affordable housing
 - Education contribution (Primary, Secondary and Sixth Form contribution of up to £302,290).
 - Off-site public open space contribution, if subsequently reasonably requested by the Parks Team (£ amount to be calculated and agreed).
 - Local Highways contribution (Bus Stop improvements) up to £16,000.
 - Health contribution (if subsequently and reasonably requested by the relevant NHS Trust £ amount to be agreed).
 - Any further clauses considered necessary by the Head of Planning and Regulatory Services.

 Removal/amendment prior to decision of any S106 clauses the Head of Planning and Regulatory Services subsequently considers do not meet the legal tests set out at Regulations 122 and 123 of The Community Infrastructure Levy Regulations 2010.

149. And subject to conditions, including:

- Time limit (separate conditions for the full and outline elements of the proposals)
- Implementation of the recommendations of the ecological assessment, including provision for hedgehogs in the landscaping scheme (full and outline).
- Implementation of the recommendations of the bat surveys (full and outline)
- Further field survey work (at the appropriate time) for reptiles (full and outline).
- Samples of external materials (full only, materials for the outline proposals could reasonably be resolved at Reserved Matters stage by inclusion within the submission or by condition attached to any Reserved Matters consent).
- Water efficiency measures (full and outline)
- Bin and cycle storage strategy (full and outline)
- Open space strategy for future management and maintenance (full and outline)
- Hard and soft landscaping details, including boundary treatments (full application only landscaping for the outline proposals is reserved)
- Retention and protection of existing trees and hedgerows (full and outline)
- Any reasonable archaeological conditions subsequently requested by the Archaeological Service at Suffolk County Council (Full and/or outline)
- Construction management plan (full and outline)
- As recommended by the Highway Authority at paragraph 24 of the report (full and outline, as appropriate)
- Contamination & remediation (further investigations and any remediation necessary full and outline)
- Means of enclosure (full and outline)
- Waste minimisation and re-cycling strategy (including demolition of Erskine Lodge buildings – Full and outline)
- Precise details of a surface water drainage scheme (full and outline), and/or other surface water conditions as may subsequently be reasonably requested by the Floods Team at Suffolk County Council)
- Any deletions, amendments or additional conditions subsequently considered necessary by the Head of Planning and Regulatory Services.

150. That, in the event of one or more of the following arising;

i) the Head of Planning and Regulatory Planning Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 148

above on the grounds of adverse development viability, or

- ii) Suffolk County Council Floods Team and/or Archaeological Team outstanding requests for further information not being resolved within a reasonable time period, or
- iii) satisfactory details not being received in a reasonable time period to remove current proposals for UPVC door and window detailing proposed and replacement with suitable alternative materials,

the planning application be returned to the Development Control Committee for further consideration.

151. That in the event the applicant

- i) declines (in full or in part) to enter into a planning obligation to secure the Heads of Terms set out at paragraph 148 above for reasons considered unreasonable by the Head of Planning and Regulatory Services and/or
- ii) the Archaeological Service of Suffolk County Council maintains its objections to the planning application following submission of further archaeological information for reasons the Head of Planning and Growth considers are reasonable and defendable;

planning permission be refused for the following reasons (as may be appropriate):

- a) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sustainable transport and/or health (contrary to the Framework and relevant Development Plan policies)
- b) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS5 and supporting SPD document).
- c) Adverse impacts upon known (or unknown, as appropriate) archaeological interests of the site, being contrary to the NPPF and policy DM20 of the Joint Development Management Policies Document (2015).

Documents:

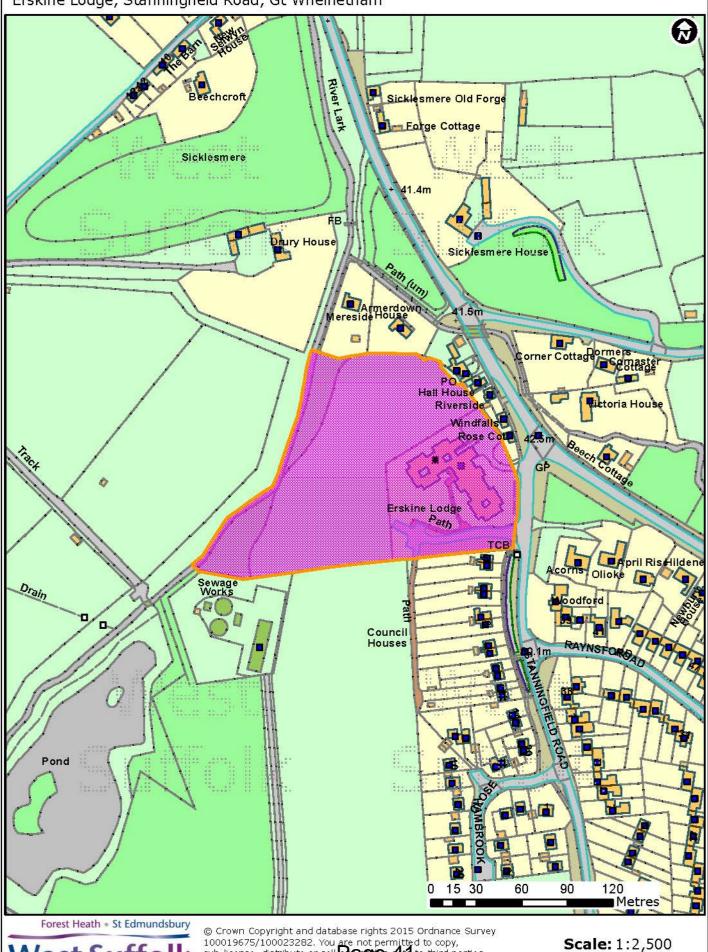
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NXN5U6PDLEE 00

Case Officer: Gareth Durrant Tel. No. 01284 757345

DC/15/2277/HYB

Erskine Lodge, Stanningfield Road, Gt Whelnetham



West Suffolk working together

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Date: 17/02/2016







Please refer to drawing no 14-017-A-009 N for detailed Phase One Site Plan

Drawing Number 14-017-A-008A Oct 2015 Drawn By MAS

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Agenda Item 5 **DEV/SE/16/024**



Development Control Committee 7 April 2016

Planning Application DC/15/1794/FUL Nowton Court Residential Home, Bury Road, Nowton

Date 16 September **Expiry Date**: 16 December 2015

Registered: 2015

Case Charlotte **Recommendation:** Refuse

Officer: Waugh

Parish: Nowton Parish Ward: Horringer and

Council Whelnetham

Planning Application – 60 bedroom nursing home with parking, as

amended by plans received on 11 February 2016 partially reducing the height of the building and amending the external appearance

Site: Nowton Court Residential Home, Bury Road, Nowton, IP29 5LU

Applicant: Euronite Ltd Heritage Manor Ltd

Synopsis:

Proposal:

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

<u>CONTACT CASE OFFICER</u>: Charlotte Waugh Email: charlotte.waugh@westsuffolk.gov.uk

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Background:

This application is referred to Development Control Committee at the request of the ward member to allow full consideration of the scheme. It is a 'major' application and so is presented directly before the Committee without initial consideration by the Delegation Panel. The application is recommended for refusal.

A site visit is proposed to be undertaken on 31 March 2016.

Proposal:

- 1. Planning permission is sought for the erection of a nursing home containing 60 en-suite single bedrooms, communal areas, office, reception, nurse stations, assisted bathrooms, café, hair salon and kitchen. The building has been designed as three linked crescents to surround a prominent Redwood tree and other existing landscape features. The total size of the building is 56 x 39 metres over three storeys, with a maximum ridge height of 13 metres (on the south crescent), a gross floor area of 2819m2 and a footprint of 965m2. In addition, 30 parking spaces are proposed as well as hard landscaping to link the building to the exiting access and car park. Informal sensory gardens and wander gardens are proposed to the east and north of the building for the use of occupants and visitors.
- 2. The full Nowton Court site extends to 2.15 hectares with the application site comprising 0.76 hectares of this. This area includes the proposed building with vehicular access, parking and surrounding gardens. The intention is for the proposed building to provide nursing and dementia care which is needed to complete the 'care village' envisaged by the applicant.
- 3. Amended plans were submitted during the course of the application which reduced the number of bedrooms proposed from 62 to 60. Furthermore, the amendments lowered the overall height of the building and made changes to the design including the use of an accessible green roof on the eastern crescent. Additional information was also submitted at this stage including additions to the landscape appraisal, planning statement and historical statement and further plans detailing the removal and retention of trees within the application site.

Application Supporting Material:

- 4. Information submitted with the application as follows:
 - Location plan
 - Existing and proposed plans and sections As amended
 - Proposed 3D visualisations
 - Design & Access Statement
 - Planning Supporting Statement As updated
 - Tree survey and Arboricultural assessment
 - Landscape Appraisal supplemented by additional Landscape Strategy

- Planting proposal
- Ecological Appraisal
- Statement of need
- Travel Plan statement
- Historical statement
- Land Contamination Assessment
- Archaeological Assessment

Site Details:

- 5. The site is situated in the countryside outside of any designated housing settlement boundary and adjacent to Nowton Park, although in an area historically included as part of it. It comprises two buildings; the original late 19th century Manor House which is considered a non-designated heritage asset (Nowton Court), and a stable block to the north which was extended and converted in the late 20th century (Nowton Grange).
- 6. These existing buildings largely contain residential apartments which are occupied by elderly people with varying degrees of care provided in addition to an associated wellbeing centre which offers beauty treatments and activities. Nowton Court provides rented assisted living units with residents typically being over 75 and receiving daily care. Nowton Grange provides independent living units which residents purchase the leasehold of. At present there are approximately 50 residents within the site as a whole.
- 7. The site is in a well-treed setting, many of which were planted in the late 1880's as part of the original laying out of what is now Nowton Park. Nowton Park is located adjacent to the application site and provides views of the Manor House down an avenue of Lime trees. The site is designated as a Local Wildlife Site, Special Landscape Area, as Recreational Open Space and is subject to an extensive Tree Preservation Order (TPO). It is also located in an area of archaeological importance.

Planning History:

- 8. The site comprises two buildings which have previously accommodated a boy's prep school and then a ladies' finishing school (1990/91). The buildings were subsequently acquired by a Japanese University in 1995 and were used as residential accommodation for the students.
- 9. Planning Application <u>SE/08/1481</u> for (i) the erection of single storey ground floor extension to north wing (ii) replacement of second floor terrace with single storey extension (iii) alterations to fenestrations including 11 no. Juliet balconies, 2 no. new windows, replacement of 1 no. window with entrance door in courtyard east elevation & removal of 1 no. exit door to east elevation (iv) removal of spiral staircase to west elevation (v) alterations to existing windows. This proposal which ultimately sought internal and external alterations to form 18 apartments for occupation as extra care accommodation, was approved on 28 November 2008.

10.Most recently, application <u>SE/11/1265</u> was submitted for (i) Erection of 54 bedroom nursing home. This was refused on the basis that the development was in an unsustainable location, of inappropriate design and would have an adverse impact on trees and the overall character and appearance of the site.

Consultations:

11. <u>Highway Authority:</u> After raising initial concerns, no objections are offered on the amended plans subject to conditions.

<u>Travel Plan Officer</u>: No objections to proposal and submitted travel plan, subject to condition.

<u>Public Health & Housing</u>: No objections.

Land Contamination Officer: No objections.

<u>Planning Policy</u>: Outlines relevant policies in relation to the proposal, in particular those related to the position of the site outside of any housing settlement boundary and within an area of recreational open space and special landscape area. Due to these designations the proposal is considered contrary to adopted policy where there is a presumption against unsustainable development, however, the increasing need for nursing accommodation to care for the elderly as well as the creation of jobs and adoption of a travel plan are noted. In summary the harm of the proposal will need to be weighed against the public benefits.

Economic Development: Support the application.

Natural England: No objections.

<u>Conservation Officer:</u> Raises concern over the scale, height, massing and design together with the actual and likely threat of loss of trees. The proposed building fails to appear subservient to the manor house, with a largely comparable height which is positioned forward of the principal elevation. Consequently, the proposals fail to sustain and enhance the significance of the non-designated heritage asset as required by para 131 of the NPPF

Ecology Tree & Landscape Officer: Object. The trees within the site are protected by a TPO of which the proposal requires the direct loss of twelve, as well as areas of boundary tree and shrub planting eroding the existing boundary of the site with Nowton Park which at its closest point is only 8 metres from the proposed building. The retention of heritage trees on the site will be reliant on management of the site and the level of success of no dig foundations (of which details have been provided). Concerns are expressed regarding the removal of hard landscaping to the surrounding gardens and whether this provides suitable access to open space for the occupants. Furthermore, the building is located in close proximity to Nowton Park and particularly the popular circular park, where it will appear dominant by virtue of its scale and location in relation to the

boundary and significant reduction in existing boundary trees.

<u>Parks Operations Manager:</u> Object. The current management plan for the park clearly states the authorities' intention and aspirations for the future. It is considered that the proposed development would compromise this intent.

Representations:

- 12. Nowton Parish Council: Object. Recognise that there is a need for this proposal but consider that it is in the wrong place as it is in a Special Landscape Area. The Parish also consider the entrance and exit to be dangerous.
- 13.Representations have been received from 15 local residents, including from the group Parklife Nowton and occupants of Nowton Grange, raising the following (summarised) concerns:
 - Development is too big for existing constrained site
 - Excessive scale and mass of building
 - Will spoil the beauty of existing manor house
 - Should be subordinate to existing development
 - Objections to tree felling
 - Utilitarian design is out of keeping and not of high quality
 - Not an area of high density accommodation
 - Noise and disruption during construction
 - Peaceful area with environmental value which will be eroded
 - Car park will be close to park and used all times of the day
 - Site is only accessible by driving cut off from public transport unsustainable
 - Will be highly visible from the park which is a special landscape area
 - Entry and exist will be close to Nowton Grange flats making it noisy and dangerous
 - The site forms part of park and shouldn't have to be screened
 - Harms the special qualities and amenity of the Park
 - Areas of open green space need safeguarding
 - Wrong place for major development
 - Increased traffic on dangerous stretch of road
 - Transport plan doesn't stack up
 - Proposal does not comply with planning policies
 - Smaller footprint, less beds and better overall design would be more acceptable
 - Will be difficult to resist further development i.e parking space
 - Agree with Parish Council comments
 - Amended plans are an improvement
- 14.In addition a petition has been submitted objecting to the application with 158 signatures.
- 15. <u>Bury St. Edmunds Society:</u> (To original plans) Concerned about the impact upon one of the Towns most important amenity spaces. Consider that the

overall bulk and height of a three storey building will significantly affect the open, country-side character of the park. Furthermore, the new building diminishes the scale and aspect of the existing Hall which is distinguished by its neo-Gothic roofline. The plans represent over development of this constrained site.

- 16.7 Letters of support have been received, including from the Nowton Grange Resident's Association and West Suffolk Hospital's Chief Executive which raise the following summarised points:
- Stress how important the facility is needed
- As regular park users do not feel building will affect enjoyment of the park walks
- Will support the local health economy

Policy: The following policies of the Joint Development Management Policies Document (February 2015), St Edmundsbury Core Strategy (December 2010) and Vision 2031 (September 2014) have been taken into account in the consideration of this application:

17. Joint Development Management Policies Document:

- Policy DM1 Presumption in favour of sustainable development
- Policy DM2 Creating Places
- Policy DM5 Development in the Countryside
- Policy DM12 Mitigation, enhancement, management and monitoring of biodiversity
- Policy DM13 Landscape Features
- Policy DM23 Special Housing Needs
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

18.St Edmundsbury Core Strategy:

- Policy CS2 Sustainable Development
- Policy CS3 Design & Local Distinctiveness
- Policy CS7 Sustainable Transport
- Policy CS9 Employment and the Local Economy
- Policy CS13 Rural Areas

19. Rural Vision 2031:

- RV1 Presumption in favour of sustainable development
- RV3 Housing Settlement Boundaries

Other Planning Policy:

- 20. National Planning Policy Framework (2012)
 - core principles
 - Section 1 Building a strong competitive economy
 - Section 7 Requiring good design
 - Section 11 Conserving and enhancing the natural environment
 - Section 12 Conserving and enhancing the historic environment

Officer Comment:

- 21. The issues to be considered in the determination of the application are:
 - Principle of Development, including consideration of need
 - Design of the Building
 - Impact on Trees and Landscape/including consequentially upon the recreational amenity and enjoyment of Nowton Park
 - Impact on Nowton Court
 - Impact on residential amenity
 - Impact on Ecology
 - Economic benefits
 - Impact on Highway Safety
 - Conclusions and planning balance

Principle of development, including consideration of need

- 22. The site falls outside of any settlement boundary where policies DM5 and CS13 make it clear that protecting the character and diversity of the countryside is a priority and therefore is an area where there is a presumption against residential development. Support in principle is gained however from policy DM23 which allows proposals for new or extensions to existing accommodation for elderly and/or vulnerable people on sites which are otherwise in compliance with adopted policy. In relation to areas such as this where housing would not ordinarily be provided, and subject to the remainder of Policy DM23 and other relevant policies, permission will be granted where the need 'can clearly be demonstrated'. It is the issue of need therefore that is central to the acceptability of the principle of this development on this site.
- 23. The National Planning Policy Framework (The Framework) states at paragraph 17 that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 24. The proposed nursing home is on the same site as existing Class C2 residential accommodation and would form part of a care village where it would complement the existing functions (independent living facility and assisted living facility). This must be taken as being a fact which weighs in favour of the scheme.
- 25. Certainly the principle of a nursing home has benefits therefore which weigh in its favour and this argument is put forward in the supporting documentation. At present residents are often required to move to another facility if they need a greater degree of care. This scheme seeks to rectify this with the creation of its own care agency and a nursing home which could accommodate residents when this need arises rather than residents having to be displaced to suitable care elsewhere. Furthermore, research has been provided by the applicant which assesses local demographics and the forecast aging population of this area, specifically within a 5 mile radius of the site. This research concludes that a shortfall of 113 beds will be suffered by 2022. Officers consider, at face value, that

- these are both strong arguments that support the need for the development, and in this specific location, and are therefore factors which also weigh in favour of approval.
- 26. The site is designated as recreational open space which is otherwise protected by policy DM42. Notwithstanding this designation the site is in private ownership and is distinct from the adjacent Nowton Park and, as such, is not publicly accessible. On this basis, whilst the contribution made by this site to the wider setting and amenity of Nowton Park is an important matter that is discussed below it is Officer's view that it would be unreasonable to refuse planning permission on the basis that this area should be retained on any expectation that it will provide recreational open space or sport facilities. Any technical conflict with Policy DM42 is not therefore considered a matter that should weigh against this proposal in the balance of considerations.
- 27. Whilst the site is located in the rural area, the location of this proposal has, in principle, been justified, through its relationship to the existing facility, through the submission of a travel plan, which is considered acceptable and is discussed further below, and also on the basis of the 'need' arguments presented. These are factors which heavily support the principle and which Officers consider offer notable weight in support of the scheme. These factors alone are not determinative however and full consideration of any specific impacts must rightly be made.
- 28. However, insofar as the principle of development is concerned, albeit on balance, the site itself is not considered unsustainable, such that the principle of development would otherwise be considered unacceptable and that support can therefore be gained from Policy DM5 and Policy DM23. However, the overall proposal must be considered 'sustainable' in order to benefit from the presumption in favour. This report will therefore first consider and thereafter balance the issues of detail raised by this application and will then assess them against the provisions of national and local policy.

Design of the Building

- 29. The Framework 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 one which 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.
- 30. The supporting statement which accompanies the application explains how the development proposed responds to the site constraints and its surroundings, with specific reference to the design principles of the scheme including positioning, landscaping, materials and scale. The design form chosen appears to have been formulated with consideration given to the position of the existing trees. In this regard weight must be given to the fact that, in theory, this is a bespoke design solution to the

- development and site and that this therefore, by definition, goes some way to being considered 'good' design. This however is only part of it.
- 31. The design itself in terms of the elevational treatment has been subject to revision through the consideration of this application in an attempt to address concerns raised by Officers with regard to scale, massing and bulk. From what was initially considered as being a monolithic and poorly articulated building as originally submitted, elevation changes that include a more varied palette of materials plus, more importantly, some reduction in the overall scale of the elevations through the introduction of an accessible flat roof to the eastern crescent and a balcony to the southern crescent have improved the design. It remains however, in the opinion of Officers, a very largely scaled building that will inevitably have a profound adverse effect upon the locality as a result.
- 32. The proposal utilises an interesting and contemporary footprint which takes the form of three crescent shaped wings curved around a giant redwood tree which provides a focal point for the development. These crescents have been designed to respond to their orientation, aspect and function. As described in the supporting statement the west facing crescent, in red brick, relates to the original mansion and stable block. The rendered south crescent highlights the entrance point with a central steel vertical element which reflects the surrounding trees; and the east is designed with large windows to maximise the dappled light through the trees they overlook.
- 33. Scale is a matter which weighs both for and against the scheme. There are certainly benefits brought by the inclusion of 60 bedrooms in terms of the level of care offered and job creation. However, this is balanced by the height, bulk and massing of the building whose scale is dictated by viability and site constraints. The still monolithic form of the building conflicts with the domestic scale of adjacent Nowton Grange, which was originally a stable block and which retains its subservience to Nowton Court. Its bulky appearance which generally retains a uniform height, despite efforts to introduce changes to the roof line, contrasts with existing buildings which are well articulated with spires and turrets and which possess a traditional appearance.
- 34.To conclude, the intrinsic design of the building is perhaps appropriate and acceptable as the linked crescent design has a strong degree of interest and the elevations, in the main, and in themselves, are not unattractive. This however divorces consideration of such from the site context which it is not reasonable or possible to do. As will be discussed later, the proximity of the site to retained trees, and to more modestly scaled existing buildings within the Nowton Court site, render the design, when assessed contextually, somewhat less appropriate. The building crowds and is crowded by the retained trees, with the proximity to such and the considerable scale of both building and trees combining to suggest a development which is asking too much of this very constrained site. The provision of the two external fire escapes of overtly utilitarian appearance is an inexcusable design feature on a prominent elevation facing Nowton Park and which detracts very significantly from the quality and design

aesthetic of the building. In other circumstances it might have been expected that these would have been included within more modest and well articulated stair 'turrets' on these elevations, thereby masking their utilitarian appearance whilst also providing greater articulation to an otherwise monolithic building facade. That they have not been provided in this fashion indicates the need for the modest foundations required for these staircases given the proximity to retained trees and is symptomatic of a development proposal that in scale and bulk terms, and in terms of its position and proximity to trees, is simply asking far, far too much of this site in this context.

- 35.It is understood that the site itself used to accommodate a headmasters house which was removed in the 1980's, before which another building stood in a similar position. However, historic maps show that this was a modest building and is in no way comparable to that proposed. In this respect, previous development on the site carries no weight whatsoever in the determination of the application.
- 36. The site, in terms of its external areas and parking and circulation areas, must be considered unobjectionable.
- 37. However, in accordance with the provisions of the NPPF in relation to good design, and to those of policy DM2, it is not considered that this proposal offers an acceptable design solution in this context. This must be considered as a factor which weighs very, very heavily against the proposal in the balance of considerations.

<u>Impact on Trees and Landscape/including consequentially upon the recreational amenity and enjoyment of Nowton Park</u>

- 38.It is acknowledged that the footprint of the building, with three linked crescent forms, has been designed around, in particular, a mature and substantial specimen Redwood tree. Since submission of the original application further information has been provided which details the position of trees within the site at present and those to be retained as it is very heavily treed with a number of substantial specimens. The application proposes the felling of 28 of these trees, in addition to the removal of boundary vegetation, 16 of which are required for woodland management reasons. A planting plan shows the replanting of 6 trees and approximately 31 Yew and Holly on the boundaries.
- 39. Taken together the site provides a very high level of intrinsic amenity value and also, noting its location directly adjacent to the Nowton Park Country Park, also a very high level of amenity to the general recreational enjoyment and physical setting of the park itself.
- 40. The building is of a substantial scale (exacerbated by the foundation details proposed and by the levels within the site which has the effect of raising the building further) and, in places, is positioned very close to retained trees. Even with a suitable no-dig foundation (which if correctly implemented can reasonably be considered to have a neutral effect physically upon the retained trees), with so many substantial mature trees

sited so close to a three-storey building housing elderly, and vulnerable occupants, there inevitably would be future pressure to prune or remove trees. The Tree, Landscape and Ecology Officer has confirmed that in such a scenario the Authority would not reasonably be able to resist any such proposals. This would result in an even greater adverse intrinsic impact upon the amenity integrity of the site as well as, consequentially, and as will be discussed in more detail later, an adverse visual impact on the park, not least when perceived by users of the popular circular walk which runs close to the boundary of the site in close proximity to this proposal.

- 41.In this regard therefore, there are serious concerns raised as to the acceptability of the proposal, arising from its scale, its proximity to retained trees, and its proximity to the edge of Nowton Park and the popular recreational footpath routes within it.
- 42.It is considered that the siting, scale and design of the nursing home, its position on site adjacent to protected trees, Nowton Court and the avenue which runs north in the adjoining Nowton Park, and the actual and potential loss of a number of these trees, all of which lie within the Special Landscape Area, will have an adverse visual impact on the character of the site and its wider setting which would be adversely and unacceptably harmful to the visual quality of the Special Landscape Area and the provisions of Policy DM2 and DM13 of the Joint Development Management Policies Local Plan.
- 43.'Amenity' is not defined exhaustively in the planning regulations. However, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Generally, 'amenity' is understood to mean the effect on visual and aural amenity in the immediate neighbourhood. Therefore, in assessing amenity, it is necessary to consider the local characteristics of the neighbourhood, in this case, the Manor House, which is designated as a non-designated heritage asset and Nowton Park and to thereafter judge the consequences, whether positive, negative or neutral, of development upon such.
- 44. Nowton Park was developed as the 'pleasure grounds' of the Oaks family in the 1800's with their country estate evolving as their fortunes grew, introducing formal landscaping and the planting of the Lime avenue, now considered the best example in the country. The woodlands provide an excellent example of Victorian landscape planting incorporating elements drawn from the Gothic and Picturesque movements blended with enthusiastic planting of newly introduced conifers from around the world. These woodlands were laid out primarily for screening and amenity.
- 45.The 69 hectare park now has regional significance attracting approximately 300,000 visitors a year. It was established as a leisure facility in accordance with guidelines recommended by the Countryside Agency in the late 1980's, incorporating some formal recreation and some informal recreation. It also acts as a gateway to the countryside which is a job it performs well, acting as a green wedge from the urban fringe of the town into the centre of Bury St. Edmunds close to the Lark Valley. The

- park is within a designated special landscape area which gains policy protection from Policy DM13.
- 46. The proposed three storey building is sited in close proximity to the popular circular walk round the park as well as routes to the maze and arboretum. Whilst the 115 metre stretch of path likely to be most affected is only a small proportion of the overall park, this is a well used and significant area and therefore does not diminish the overall level of adverse impact, which is considered to be significant.
- 47. Assessments have been commissioned by the applicant to demonstrate the impact upon the surrounding landscape during varying seasons, in addition to 3D modelling and photo montages. These have provided a useful tool in assessing the application but have still concluded that the visual effects of the building on the adjacent footpath (measured from three different points) are considered thus in terms of impact significance; medium/high high in year 1 and medium/high medium/low in year 15. The landscape strategy states; The proposals would introduce a large new component within the view that would cause deterioration to the nature of the existing view. Given the proximity and non-continuous nature of the intervening planting, and the need for vegetation removal the new block will be seen at relatively close proximity and its contemporary form and style will mean it will be prominent.
- 48.At its closest point the building is 8 metres from the park boundary. Due to this proximity and the height, orientation and mass of the building it will be prominently visible from within the park, from limited viewpoints in the context of the park as a whole, but from within the park nonetheless. Whilst a degree of planting can be retained, and limited hedging and shrubs are proposed, the limited separation distances and the height of the building will prevent the establishment of effective screening, thereby placing an unreasonable burden on the Local Authority to screen the development from within the park, which, in any event, due to the circular path is also limited in planting space. As discussed, this harm is also exacerbated by the notable height and bulk of the building and by its linked crescent form that makes it appear substantial and bulky when viewed from any angle.
- 49. The Parks Management Plan outlines the Local Authority's aspirations for Nowton Park and contributes to many of its strategic agendas. Aim 1 is to maintain and establish facilities and features which improve the visitors experience without adverse impact on the landscape, historic and wildlife value of the site. Furthermore, Aim 4 seeks to maintain and enhance the landscape character and heritage of the site through ensuring vistas and views remain unspoilt, amongst other things. These aims, whilst not being enshrined in Planning Policy, must nonetheless be considered a significant material consideration noting, as they do, that they provide context for the LPA's assessment of harm and impact when judged against Policies DM2 and DM13.
- 50. Paragraph 123 of the Framework states planning decisions should aim to protect areas of tranquillity which have remained relatively undisturbed by

noise and are prized for their recreational and amenity value for this reason.

51.To conclude therefore, and when assessed objectively, it is considered that the design, orientation, scale and proximity of the proposal to the edge of the site, and noting the limited availability for soft landscaping as well as the position of well used footpaths within the park proximate to the building, as well as the loss of (and future pressure upon) trees are all factors that combine such that it can be concluded that the proposal will have a very significant materially adverse effect upon the aesthetic enjoyment of the adjacent park, to a degree that must be considered as weighing very, very heavily against this proposal. Put simply, Officers consider that it is too tall, and too close, with insufficient scope to be screened effectively. The resulting effect will be domineering and overbearing to users of the park, to the clear detriment of their recreational enjoyment of the park itself. This is considered contrary to the aims of the Park management plan and, consequentially, contrary to the requirements of Policy DM2 and DM13.

Impact on Nowton court

- 52. Nowton Court is considered a non-designated heritage asset, of which the large number of mature trees occupying the site make a positive contribution to its setting and consequently to its importance. Whilst silhouettes have been provided to compare the proportions of the proposed building with those already on the site, they fail to demonstrate the subservience desired in the context of Nowton Court where both the overall eaves and ridge height of the revised proposal appear largely comparable to that of the old manor house resulting in a building of similar scale, height and massing positioned forward of the principal elevation.
- 53.It is considered that the scale, height, massing and position of the proposed building, the employment of an architectural style which fails to relate to that of Nowton Court, together with the actual and likely threat of loss of trees has the potential to erode the significance of this asset. Paragraph 131 and 135 of The Framework requires planning applications to sustain or enhance the significance of heritage assets and confirms that the effect on the significance of these non-designated heritage assets should be taken into account when determining applications. On this basis, the negative impact the development will have on Nowton Court is an issue which weighs against the scheme.

<u>Impact on residential amenity</u>

54. The building is proposed close to the existing facilities accommodated within Nowton Court and Nowton Grange. Windows from these existing buildings will look on to the application site, as will windows from the proposed building. However, these are considered to be at a sufficient distance to prevent significant overlooking of either, notwithstanding the scale of the proposed building.

55. The nature of the proposal is not one that is anticipated to create substantial noise and whilst the building will create a degree of activity in terms of visitors, deliveries and general traffic movements these are not thought to create a significant loss of residential amenity to existing occupants of Nowton Court or Nowton Grange, or to any other residential dwellings which are some way distant from the site. Furthermore, other properties which are located within the park or surrounding area are not considered to suffer any loss of amenity through overlooking or disturbance from noise or traffic movements.

Ecology

- 56.An ecological appraisal has been submitted and concludes that there is a low risk of bats being present but makes recommendations such as soft felling, seasons of work and ecological enhancements. A lighting mitigation strategy is proposed, however no proposals are included and there is no indication that the strategy could be implemented such that they would be compatible with the level of light required for the safe operation of the site given its proposed use.
- 57.On this basis it is considered that, subject to conditions in relation to biodiversity enhancements, the proposal can be considered satisfactory.

Economic Benefits

- 58. The application is supported by the Council's Economic Development team and this is a matter that must be respected, and which it is considered offers considerable weight in support of the scheme. The proposed nursing home would require three shifts to meet Care Quality Commission standards which is equivalent to 65 full-time staff including nurses, carers, chefs, domestic staff, maintenance staff, management and administrators. Additionally, Nowton Court currently employs 25 staff and it is anticipated that once at full capacity, staff would grow to over 30. There would also be economic benefit arising from the construction process and, in time, additional benefit arising from spend in the local area by residents.
- 59. Consequently, there are clear economic benefits from the proposed scheme, and which must be weighted accordingly in the balance of considerations. The Framework offers support to sustainable growth and expansion of all types of business in rural areas which is combined with a government commitment to securing economic growth to create jobs and prosperity.
- 60.Accordingly, Officers consider that the very tangible economic benefits arising from this development must be given notable weight in support of the scheme in the balance of considerations.

Highway Safety

61.It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of

transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas. The Framework confirms that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

- 62.Access to the proposed nursing home would be via the existing vehicular access point from Nowton Road. Proposals to improve the access point have been submitted which detail the widening of this section of road to allow increased visibility in accordance with adopted standards. The Highway Authority is satisfied with these details and subject to the imposition of conditions, raises no objections to the access alterations or parking and manoeuvring areas proposed.
- 63. The proposed use will generate an increase in traffic in terms of employees and visitors. A mini-bus which is already in the ownership of the applicant is proposed to operate at employee shift change times and take employees between the site and a central pick up location. Subject to a robust travel plan, the County Council is satisfied with this provision.
- 64. Given the support received from the Highway Authority and the intention to utilise the existing vehicular access during construction, as opposed to that of Nowton Park as originally indicated, it is considered that subject to the inclusion of conditions, concerning both the travel plan arrangements, access and parking area details, the application is acceptable from a highway perspective and unlikely to result in a significant adverse impact on traffic generation or highway safety.

Conclusion

- 65. The proposed nursing home clearly has matters that weigh both in its favour and against it, so the recommendation remains a balanced one.
- 66.On the one hand there is an accepted need for this proposal, and development on this site has a symbiosis with the existing use here that cannot be ignored. The proposal also offers tangible economic benefit with no obvious adverse impacts upon residential amenity, biodiversity or highway safety and these are all factors combined which not only support the principle of this development but which also offer notable weight in support of the entire scheme.
- 67. However, on the other hand, there are also notable and materially harmful dis-benefits to the scheme such as its impact on the amenity of users of Nowton Park by reason of its proximity, scale, height and massing in combination with actual and potential tree loss. In this context, and for the reasons expressed above, it is also considered that the design and appearance of the proposal is not acceptable, given the, in places, utilitarian design, and the concerns in relation to proximity to trees and the potential therefore for further tree loss adding to the already manifest adverse impacts.
- 68.It is not considered that this site, which has a number of constraints to

overcome is appropriate for a development of this size, position and scale. Whilst significant effort has been made to create a scheme which fits within the site, it does not appear possible without the loss of trees and without consequential adverse impacts upon the enjoyment of Nowton Park. As advised, Officers consider this is an excessively scaled building which is poorly designed for its site context and which will have a material and very significant adverse impact to the very clear detriment of the character and appearance of the area

- 69.It is considered therefore, that the scheme does not meet the Framework's definition of sustainable development as, whilst it fulfils the economic role through job creation and contributions to the local economy and aspects of the social role by fulfilling an established need for this kind of accommodation, it fails to protect the amenity of the special landscape area and as such does not create a high quality environment, also failing to meet the Environmental elements.
- 70.Officers, whilst recognising that this is a balanced matter, do not consider this to be a particularly fine balance. The benefits are respected and noted. However, the harm arising is considered to be significant, manifest, and material, and will endure without the ability to be ameliorated, for as long as the building remains extant. It is considered therefore that the planning balance falls firmly in favour of a recommendation for refusal.
- 71. Having regard to the Framework and all other material planning considerations the proposal is considered to conflict with the provisions of both national and development plan policy. On this basis, the application is recommended for refusal.

Recommendation:

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

Policies DM2 seeks to ensure that proposals for all development recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area as well as maintain or create a sense of place and/or local character. This is supported by Policy DM13 which permits development where it will not have an unacceptable impact upon the character of the landscape.

It is considered that the site in question, noting its extensive existing woodland which comprises mature protected trees, and its proximity to Nowton Park, is a sensitive location where great care is needed in bringing forward any development.

In this regard it is considered that the excessive scale, bulk and massing of the proposed three storey building in close proximity to Nowton Park, plus the at times utilitarian design and in very close proximity to retained trees of high amenity value, will have a significant detrimental impact on the amenity currently enjoyed by

users of the park as well as an intrinsically harmful impact upon the site itself, which is designated as a special landscape area, and upon the nearby non designated heritage asset. The constrained nature of the application site results in an inappropriately positioned building, poor design choices and the loss of mature protected trees leading, consequently, to a dominant and incongruous building, the impact of which will be exacerbated by future pressure to fell trees and by the limited space for effective screening.

As such, the proposal fails to respect the special qualities of an area, local character, landscape and scale as required by policies DM2, DM13, and by the provisions of the NPPF in relation to good design.

Documents:

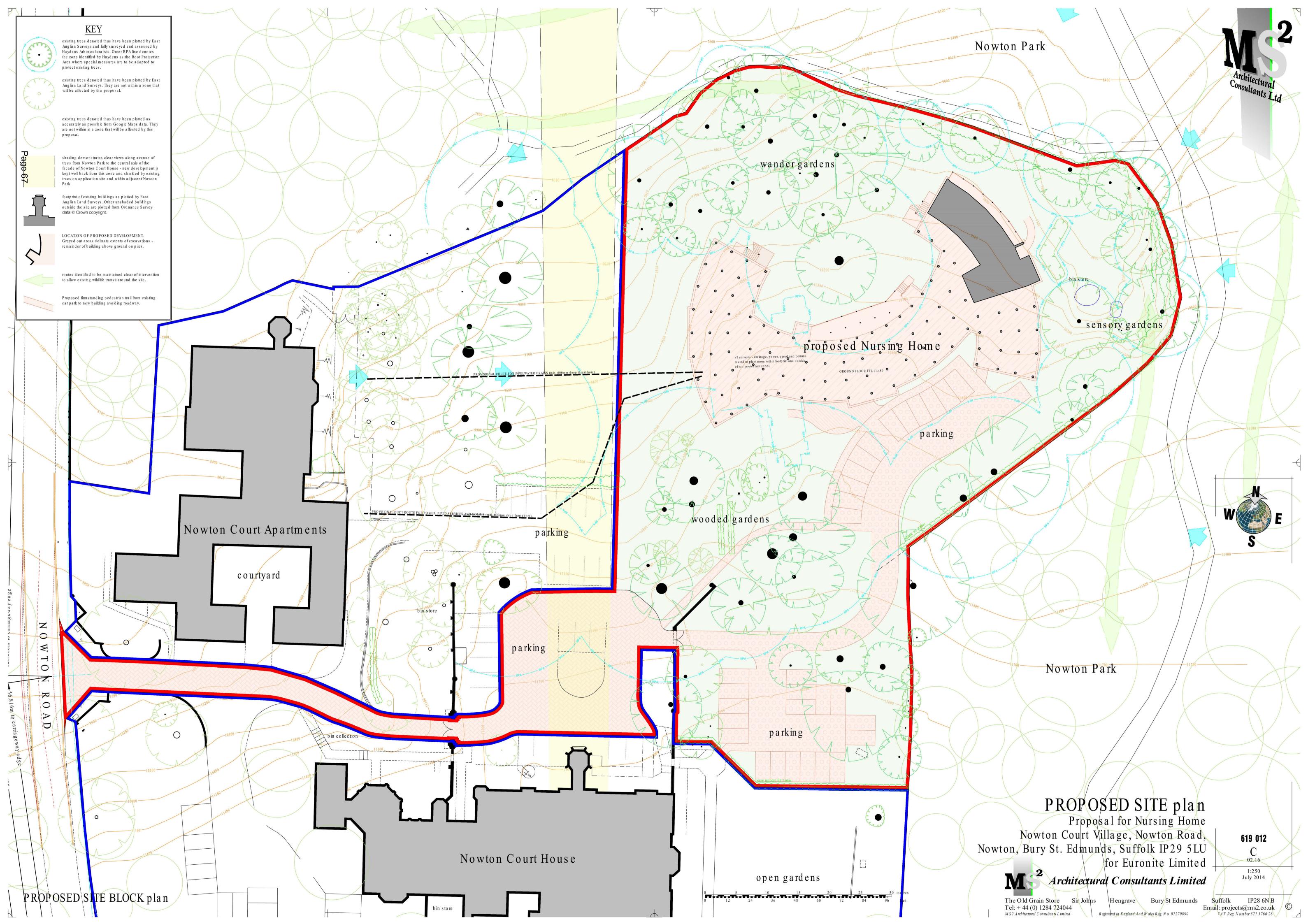
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NUAPQMPD K9000



DC/15/1794/FUL Nowton Court Residential Home, Bury Road, Nowton Pond \Box Pond Garden Cottage Tank addock E Sub Sta **Nowton P** PathNowton Court **Pond** 15 30 60 90 120 The Sanctuary Pond ■ Metres Forest Heath • St Edmundsbury © Crown Copyright and database rights 2015 Ordnance Survey 100019675/100023282. You are not permitted to copy, sub-license, distribute or sell properties in any form. Use of this data is subject to terms and conditions. Scale: 1:2,500 **West Suffolk** Date: 15/03/2016 See www.westsuffolk.gov.uk/disclaimer.cfm. working together







Development Control Committee 7 April 2016

Planning Application DC/15/1915/FUL Pattles Grove, Chedburgh Road, Whepstead

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

Registered: E.O.T agreed

Case Charlotte **Recommendation:** Approve

Officer: Waugh

Parish: Whepstead Ward: Chedburgh

Proposal: Planning Application - (i) Proposed Stables, Barn, Office, Yard,

Horse Walker and Lunge Ring (i) Associated Landscaping and access road as amended by plans and details received 16

December 2015.

Site: Pattles Grove, Chedburgh Road, Whepstead, Suffolk

Applicant: Pattles Grove Stud Limited

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: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application was deferred from consideration by Development Control Committee in February 2016. It had been originally referred to Committee following consideration at the Delegation Panel and had been presented to the Panel due to the objection received from Whepstead Parish Council, which conflicted with the Officer recommendation of approval.

The application was deferred as the Committee noted that there was conflicting information as to whether the existing dwelling and land forming Pattles Grove and the application site were in the same or separate ownership. Additionally there had been a contradictory view expressed that the application site had not been used previously as a paddock for the keeping of horses, and for further clarification on these matters.

1. For all previous matters in relation to this application please see the February 2016 DC Committee report at Working Paper 1.

Officer Comment:

2. This matter was deferred by the Committee to enable clarification on two points. The first of these related to matters of land ownership and the second related to clarification around the existing use of the site.

Ownership Matters

- 3. Firstly, Officers should advise that matters of land ownership are not material to the consideration of planning matters. The land could be in multiple ownerships, or single ownership, and this would not change the planning assessment or the balance of considerations to be struck. Any future sale or subdivision or amalgamation of the site could take place in ownership terms without recourse to the Local Planning Authority providing that there was no operational development involved (building works) and providing that any such change in ownership did not alter the way in which the site was used such that any change in use became 'material'. Any such operational development or material change in the use of the land would be 'development' for the purposes of the planning system and would require planning permission and, if considered expedient, could be enforced against if it took place before any such approval had been granted.
- 4. It is also the case that the possibility of future changes in the way a site might or might not be used, nor the hypothetical or unknown aspirations of any existing or future owner to alter such, are also not material planning considerations. As set out above, such aspirations, if they do not involve physical works or any material change of use, could take place

without any approval of the Local Planning Authority being necessary, or alternatively they would require such approval. Hence the Local Planning Authority would retain full control in the matter, either through its Development Management function in considering any application, or through its Enforcement function in reacting to any possible breach of planning control.

- 5. The way Policy DM32 of the Joint Development Management Policies Document 2015 is worded, as a generally permissive policy, is such that the need or not for residential accommodation or supervision associated with a particular commercial equine site is not a prerequisite for approval of such a use. The need or justification for any such would only need to be considered under Policy DM26, if an application were submitted in the future. One of the criterion, inter alia, within Policy DM26 is whether or not there is a suitable alternative dwelling in the vicinity of the site which could be used without the need for a further dwelling. So again the Local Planning Authority would retain full control in the matter, irrespective of whether or not the land was owned or operated, with, or entirely independently from, any other land or enterprise in the vicinity.
- 6. Noting the reasons why this matter was deferred, Officers have undertaken a search with the Land Registry. These show that the red line application site is within a single ownership, which accords with the 'Certificate B' notice that was signed within the submitted application forms. The owner listed on the official title documents for the application site has their address listed as Pattles Grove House. This ownership does however differ from the ownership of Pattles Grove House itself, which is outside of the red line application site and not within any blue line also indicating that it is within separate ownership.
- 7. Officer's advice therefore, and to re-iterate, is that matters of ownership are not relevant to the consideration of this proposal, which must be judged on its own merits with regard to the adopted Local Plan and the provisions of the NPPF. When such an assessment is made Officers remain of the opinion that this matter can be supported, recognising the obvious economic benefits of this scheme, supporting the rural area, with only very limited harm, and not any such harm at any such level that would fail the generally permissive Policy tests set out at local or national level. Any future applications to make any physical changes to the site, including proposals for dwellings, would be judged on their own merits against the provisions of Policy DM26, including the existence of any alternative dwellings in the area, and also based on the commercial success and future prospects of any commercial use.

Existing Use

- 8. Officers' understanding is that the existing use of the land is agricultural, consistent with the statement within the submitted application forms. This has been confirmed by Enforcement officers who have had call to visit and investigate this matter.
- 9. However, as the February 2016 DC Committee report made clear, the site benefits from an extant permission to change its use to stud use granted under SE/09/0957/FUL. The fact that this approval was granted as part of a then wider application site, which included Pattles Grove House, cannot be anything other than material to the hypothetical consideration of any possible future application for any additional dwellings in relation to the site presently before us noting the requirements of Policy DM26. However, as set out above, the existence of residential accommodation is not a prerequisite for approving commercial equine uses under Policy DM32, so the fact that there is no accommodation with this application site now, noting its subsequent divorcing in ownership terms from the area which previously included Pattles Grove House, is not material to the application before us now, and that any future application for a dwelling will be judged on its own merits against the requirements of Policy DM26.
- 10.To clarify therefore, and contrary to the description listed within the February 2016 DC Committee report, the correct description of the proposal is as listed above, and does not include permission being sought to change the use of the land, noting that the implementation of an access in conjunction with SE/09/0957/FUL means that such a change of use remains capable of implementation under that approval.

Conclusion:

11.In conclusion, it remains the view of Officers that the principle and detail of new stud buildings within the rural area is considered acceptable given their scale, form and low lying position. The accompanying documents show that the surrounding landscape will not be adversely affected by the proposal and on this basis, the development is considered to comply with development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Approved** with the following conditions:

- 1. Development to commence within 3 years
- 2. Prior to commencement of development hereby approved details of the proposed landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall be drawn to a

scale of not less than 1:200 and include planting plans; schedules of plants noting species, plant sizes and proposed numbers/ densities as well as tree protection measures. 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.

- 3. No external lighting shall be provided on the application site unless details thereof have first been submitted to and approved in writing by the Local Planning Authority.
- 4. Use of the development hereby approved shall not commence until a waste strategy for the site has been submitted to and approved in writing by the Local Authority. The strategy should include details of the removal of waste from the site including storage, frequency and removal methods.
- 5. Use of the development hereby approved shall not commence until the area within the site shown on plan no. 1507-PA1/E for the purposes of parking and manoeuvring of vehicles has been provided and thereafter that area shall be retained and used for no other purpose.
- 6. The development shall be carried out in accordance with plans.

Documents:

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

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NUVPBEPDKI6 00





Development Control Committee 4 February 2016

Planning Application DC/15/1915/FUL Pattles Grove, Chedburgh Road, Whepstead

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

Registered: E.O.T agreed

Case Charlotte Recommendation: Approve

Officer: Waugh

Parish: Whepstead Ward: Chedburgh

Proposal: Planning Application – (i) Change of use of land to horse stud farm

(ii) Proposed Stables, Barn, Office, Yard, Horse Walker and Lunge Ring (iii) Associated Landscaping and access road as amended by

plans and details received 16.12.15

Site: Pattles Grove, Chedburgh Road, Whepstead, Suffolk

Applicant: Pattles Grove Stud Ltd

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: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application is referred to Committee following consideration at the Delegation Panel. It was presented to the Panel due to the objection received from Whepstead Parish Council which conflicts with the Officer recommendation of approval.

Proposal:

- 1. Planning permission is sought for the change of use of land to a stud farm as well as the erection of stables (20 boxes contained within a single block), barn, office, yard, horse walker and lunge ring.
- 2. The application has been amended since the original submission to remove the proposed parade ring, re-locate the lunge ring and horse walker, add the retention of an existing road and move the entire site further west. Furthermore, a landscape impact assessment has been submitted as well as a proposed landscaping scheme.

Application Supporting Material:

- 1. Information submitted with the application as follows:
 - Proposed plans and elevations
 - Planning Statement
 - Landscape Impact Assessment

Site Details:

- 2. The site is located within the settlement of Whepstead (albeit outside the settlement boundary) within a shallow valley which slopes away from Chedburgh Road. Currently the land is used as paddocks and is bounded by a tree plantation to the south, a fenced and hedged boundary to the east and open paddock land to the north and west.
- 3. Pattles Grove House is located 140 metres to the south and comprises a large two storey dwelling with surrounding paddocks, stables, menage, outbuildings and office. The overall holding comprises 32 acres of land.

Planning History:

- 4. Various extensions have been approved on the host dwelling in addition to the following applications which are considered relevant to the current application:
 - SE/09/0957 Planning Application (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe without complying with conditions 4,6,7,8 and 9 of SE/04/3745/P Approved

SE/04/3745 - Planning Application - (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe – Approved

Consultations:

- 5. <u>Highway Authority:</u> No objection subject to condition.
- 6. Public Health and Housing: No objection.
- 7. Rights of Way Officer: No objection.
- 8. <u>Tree, Landscape, Ecology Officer</u>: (verbally) No objections subject to submission and approval of detailed landscape scheme.
- 9. <u>Natural England</u>: No comment.
- 10. Fire and Rescue Service: Offers advice to applicant.

Representations:

11. Whepstead Parish Council: (In response to amended plans) Councillors recognised that some effort had been made to mitigate the concerns raised by the original application and they agreed that it was a better layout than that originally proposed. However, despite the amendments, they still felt that it was an overdevelopment of the site. Concerns were raised about the lighting – and the lack of detail given on the issue. According to one neighbour who already finds the lighting intrusive, there has been no compliance with a previous lighting agreement.

It was also strongly felt that the whole site should be subject to a Section 106 agreement which would tie the whole property together and prevent future splitting. It must surely be required to maintain the commercial viability and use of the site.

- 12.Letters of objection have been received (to the original and amended scheme) from 3 adjacent occupants raising the following summarised comments:
- Proposal exceeds covenants
- Development needs to be close to the farmhouse livestock supervision
- Will affect flora and fauna/Tree survey needed
- Site can flood in heavy rainfall
- Impact on biosecurity due to adjacent equine uses
- Why not develop existing facility before new stud? if combined total of 40 stables used would be over-development
- Sufficient space for mares within existing site
- · Unauthorised developments within the site
- Viability
- Location and construction of muck container
- Lighting details should be subject to approval
- No public transport and therefore, how is it sustainable?

- Where is treatment plant outfall?
- A section 106 agreement should be used to prevent future division
- Proposed trees will take min. 5 years to be established
- Not clear how far away from the drive the development is moved

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:

- 13. Joint Development Management Policies Document:
 - DM1 Presumption in favour of Sustainable Development
 - DM2 Creating Places
 - DM5 Development in the Countryside
 - DM13 Landscape Features
 - DM32 Business and Domestic Equine Related activities in the Countryside
- 14.St Edmundsbury Core Strategy December 2010
 - CS3 Local Design and Distinctiveness
 - CS13 Rural Areas
- 15.Rural Vision 2031
 - RV1 Presumption in favour of Sustainable Development

Other Planning Policy:

 National Planning Policy Framework (2012) core principles and paragraphs 28 (Supporting a prosperous rural economy), 56 – 68 (Requiring good design)

Officer Comment:

- 17. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Visual Amenity
 - Other Issues

Principle of Development

- 18. Whilst generally both adopted and national policies seek to restrict new development in the countryside, Policy DM32 offers support to proposals for domestic and commercial equestrian development. This support is offered subject to a number of criteria:
 - The size, scale, design and siting (including lighting) does not have an adverse effect on the locality
 - Proposals would not result in irreversible loss of most versatile agricultural land
 - Proposals should re-use buildings where appropriate with new buildings located in or adjacent an existing group of buildings and have minimal visual impact within the landscape
 - Landscape mitigation measures are included

- There is no significant detriment to residential amenity
- There is appropriate parking and access and traffic movements do not compromise highway safety
- Sufficient land is available for grazing and exercise
- There is a satisfactory scheme for the disposal of waste
- Where a new equine use is proposed with no dwelling available proposals must demonstrate site selection procedure and arrangements for animal supervision
- There is no significant detriment to biodiversity or surrounding landscape.
- 19.In this case, the site currently has an equine use with the land in question being used as paddocks. Planning permission has previously been granted for stud use in 2004 and 2009, however, neither of these permissions were implemented. Whilst the use of the site was previously considered acceptable these applications have now expired and this use therefore, needs to be examined again. In this case, policy, DM32 is largely supportive of the principle of new equine uses and the acceptability of the proposal relies largely on the landscape impact of the scheme, which is considered below.

Given the above policy and the support given to rural enterprise by the NPPF the proposal is considered acceptable in principle subject to compliance with the remaining policies as listed above.

Visual Amenity

- 20.Policies DM32, DM2 and DM5 seek to ensure development does not adversely affect surrounding landscape and mitigation measures are included within schemes where appropriate.
- 21.A landscape impact assessment has been submitted to support the application and provides public viewpoints of the site from near distance, middle distance and long distance, including public footpaths, in order to assess the potential impact of the development. As described within this assessment views of the site are constrained by the surrounding topography which includes a series of ridges enclosing the site on three sides, in addition to boundary vegetation this gives rise to a relatively small visual envelope. On this basis, the limited viewpoints where the site is visible it is generally filtered by vegetation. The assessment concludes that the landscape character of the area, which is undulating ancient farmland, is able to accommodate development, provided that additional landscaping and tree retention is ensured. This has informed amended plans which detail a 15 metre tree belt between the east boundary of the application site and the access drive to Plumpton Hall. A further line of trees is indicated to the north of the buildings offering filtration of short range views and the horse walker and lunge ring have been re-located.
- 22. The tallest building proposed is 5.8 metres in height, when this is considered against the drastic change in land levels with the site itself approximately 9 metres lower than Chedburgh Road to the north, the development will not be visible from this public highway.

- 23. Several trees were removed prior to the submission of this application. These trees were not protected by any preservation order and as such, there is no objection to these works. A survey has been undertaken of adjacent notable trees and root protection areas identified. A condition will be imposed on any approval ensuring tree protection measures are adhered to and landscaping is appropriate. With this mitigation it is considered that the proposal will have a very limited impact on the landscape character of the area.
- 24. The overall layout of the site is considered appropriate; the buildings proposed are typical of this type of development comprising shallow pitched roofs with timber boarded elevations and corrugated sheet roofs with the use of clay pantiles for the office. The scale, appearance and clustered form of these buildings is considered acceptable and appropriate in this rural location. Whilst the facility proposed is not planned immediately adjacent to existing development at Pattles Grove, it is close to the site and due to its position within a corner of the paddock does not result in a large array of isolated buildings.
- 25.External lighting has the ability to disrupt the rural nature of an area and provide disturbance when it is not adequately directed and controlled. In order to ensure a sensitive scheme is implemented this will be controlled by a condition requiring details to be submitted to and approved by the Local Authority prior to installation.

Other matters:

- 26. Neighbouring residents have expressed concern regarding biosecurity and the ability for cross contamination between sites due to the close proximity of the site to adjacent equine facilities. Whilst understandably this is a serious issue, the area already accommodates horses right up to the boundary with the access road to Plumpton Hall and further paddocks on the opposite boundary. Therefore, as a result of this development the horses are not moving any closer to adjacent sites. Certainly no business, whether newly established or not wants to suffer the risk of infection. The site already works with a vet and they will be retained to advise on these matters. A condition is recommended to agree a waste strategy for the site, however, these concerns are not considered sufficient to warrant refusal of the application.
- 27. The highway authority has confirmed that they are satisfied with both the existing access and parking provision proposed subject to the imposition of a condition.
- 28.In terms of the ability to provide care and supervision to the horses on site; Pattles Grove House is 140 metres away and easily accessed by a bridge over the stream. Furthermore, closed circuit television covers the entire site and provides the owner with constant access to the sites' activities. It is unlikely that a greater level of supervision would be achieved by a dwelling on-site and as such, no objections are raised in this regard.

- 29. Whilst a section 106 agreement has been requested by the Parish Council and neighbouring occupants to ensure the site is not sub-divided this is not considered appropriate. The application concerns the erection of buildings rather than a change of use and as such, tying the use of the whole site to these buildings is outside of the scope of the application. On this basis, it does not meet the tests required for S106 legal agreements. Furthermore, the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. In this case, the scheme is not considered unacceptable in this regard.
- 30.Issues raised regarding covenants are not material planning considerations. Additionally, enforcement enquiries within the site are being dealt with independently to this application and do not impact on its determination.

Conclusion:

31.In conclusion, the principle and detail of new stud buildings within the rural area is considered acceptable given their scale, form and sunken position. The accompanying documents show that the surrounding landscape will not be adversely affected by the proposal and on this basis, the development is considered to comply with development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Approved** with the following conditions:

- 1. Development to commence within 3 years
- 2. Prior to commencement of development hereby approved details of the proposed landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall be drawn to a scale of not less than 1:200 and include planting plans; schedules of plants noting species, plant sizes and proposed numbers/ densities as well as tree protection measures. 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.
- 3. No external lighting shall be provided on the application site unless details thereof have first been submitted to and approved in writing by the Local Planning Authority.

- 4. Use of the development hereby approved shall not commence until a waste strategy for the site has been submitted to and approved in writing by the Local Authority. The strategy should include details of the removal of waste from the site including storage, frequency and removal methods.
- 5. Use of the development hereby approved shall not commence until the area within the site shown on plan no. 1507-PA1/E for the purposes of parking and manoeuvring of vehicles has been provided and thereafter that area shall be retained and used for no other purpose.
- 6. The development shall be carried out in accordance with plans.

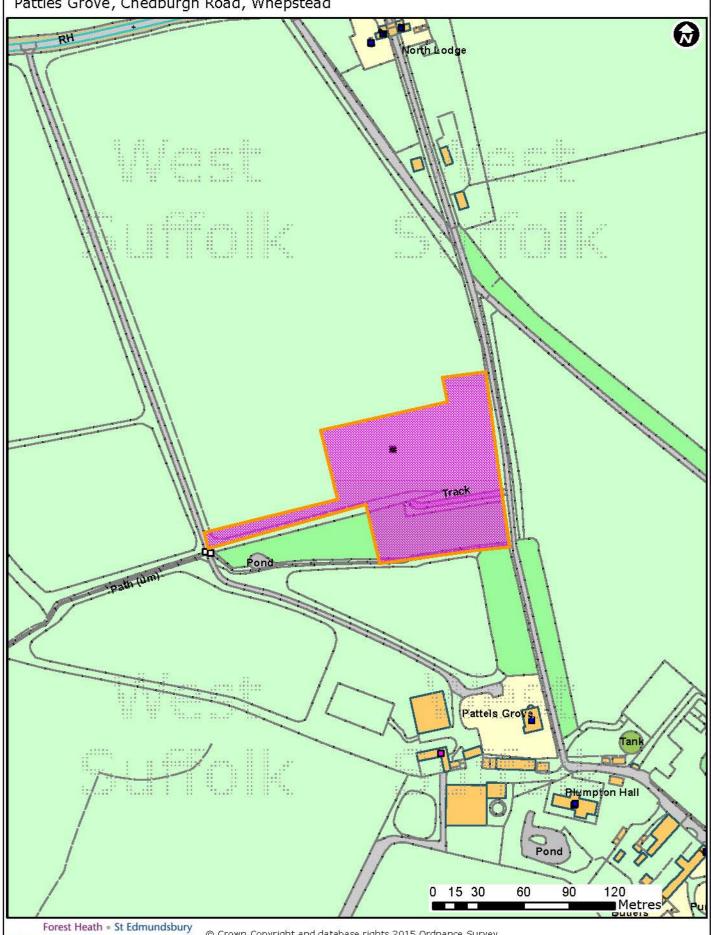
Documents:

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

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NUVPBEPDKI6 00

DC/15/1915/FUL

Pattles Grove, Chedburgh Road, Whepstead

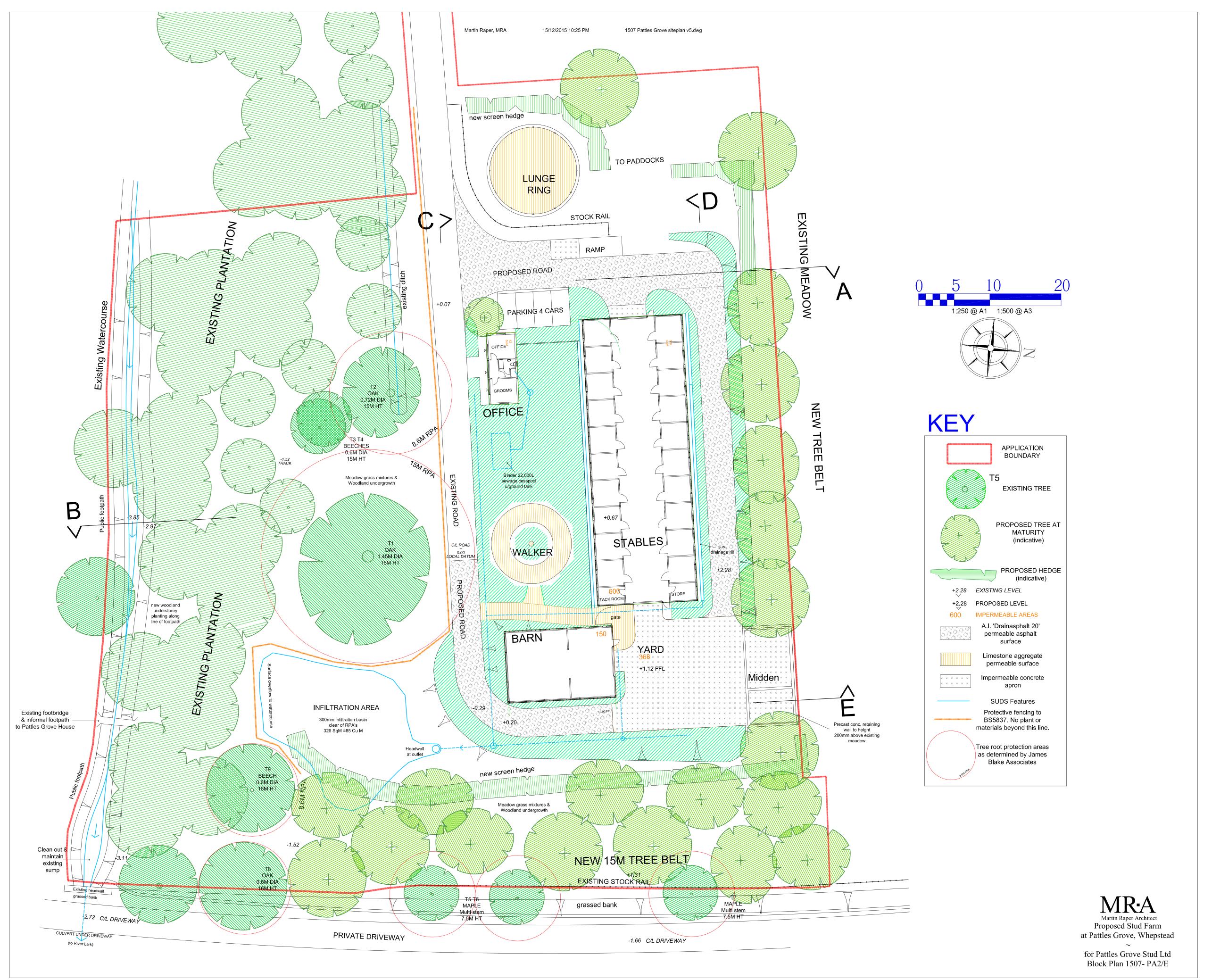


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Agenda Item 7 **DEV/SE/16/026**



Development Control Committee 7 April 2016

Planning Applications DC/16/0207/FUL and DC/16/0208/FUL Pattles Grove, Chedburgh Road, Whepstead

Date 17 February **Expiry Date:** 18 May 2016

Registered: 2015

Case Charlotte **Recommendation:** Approve

Officer: Waugh

Parish: Whepstead Ward: Chedburgh

Proposal: DC/16/0207/FUL - Planning Application – Retention of (i) Menage

(ii) 2 no. field shelters (iii) 2 no. cart lodges (iv) Barn, rebuilt to

include office, studio and home gym

DC/16/0208/FUL – Planning Application – (1) Erection of (i) metal framed horse walker (ii) single storey side extension to existing

barn (2) Retention of metal framed lunge ring

Site: Pattles Grove, Chedburgh Road, Whepstead, Suffolk

Applicant: Mr Gaywood

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: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

These applications are referred to Committee at the request of the ward member and to allow overall consideration of the site at the same time, following discussion of the previous agenda item.

Proposal:

- 1. Application DC/16/0207 seeks consent to retain facilities already built within the site. This includes:
- a) A ménage measuring 42 x 22 metres contained by a 1.4 metre high timber post and rail fence
- b) 2 no. field shelters measuring 5 \times 4 metres with a ridge height of 3.7 metres. The shelters are located one in the north eastern corner and one in the south western corner of the site and are constructed of timber cladding above a red brick plinth with a terracotta pantile roof.
- c) 2 no. cart lodges measuring 10.7×5.9 metres with a ridge height of 5.2 metres. The cart lodges are located on the southern boundary of the site and both constructed of timber cladding above a red brick plinth with a terracotta pantile roof.
- d) Ancillary building, constructed on the same footprint of a previously existing barn with red brick and a terracotta pantile roof. This building contains a home office, gym/fitness studio, bedroom and kitchenette.
- 2. Application DC/16/0208/FUL seeks consent for:
- a) The erection of a metal framed horse walker with a diameter of 11.8 metres and a total height of 4 metres to be located on the southern boundary of the site behind the ménage.
- b) The erection of an extension to an existing barn measuring 6.5×18 metres with a lean to roof.
- c) The retention of an existing metal framed lunge ring with a diameter of 11.6 metres and an overall height of 3 metres located next to the ménage.

Application Supporting Material:

- 1. Information submitted with the application as follows:
 - Site layout
 - Proposed/Existing plans and elevations
 - Planning Statement

Site Details:

2. The site is located within the settlement of Whepstead (albeit outside the designated settlement boundary). The site itself is accessed from Chedburgh Road and includes Pattles Grove House with surrounding land and equine facilities as described in the proposal. The site is bounded by a small plantation and stream to the north with fencing and hedging on

other boundaries.

Planning History:

3. Various extensions have been approved on the host dwelling in addition to the following applications which are considered relevant to the current application:

SE/09/0957 - Planning Application - (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe without complying with conditions 4,6,7,8 and 9 of SE/04/3745/P - Approved and implemented

SE/04/3745 - Planning Application - (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe – Approved

Furthermore, and on the adjacent parcel of land:

DC/15/1915/FUL - Proposed Stables, Barn, Office, Yard, Horse Walker and Lunge Ring (iii) Associated Landscaping and access road as amended by plans and details received 16.12.15 – Still under consideration

Consultations (both applications):

- 4. <u>Highway Authority:</u> No objection. The Highway Authority does not wish to restrict the grant of permission. The site is set well back from the highway and is served by an existing access which meets SCC Highway standards.
- 5. Public Health and Housing: No objection.
- 6. Natural England: No comments to make.
- 7. Environment Agency: No objections.
- 8. Forestry Commission: No comments to make.
- 9. SCC Flood and Water Engineer: No comments to make.

Representations (both applications):

- 10. Whepstead Parish Council: No comments received yet, will be reported as a late paper or verbally to the committee.
- 11. 1 Letter of objection has been received from an adjacent resident raising the following summarised comments:
- Field shelters were completed in 2015 not 2013 as stated on form
- No existing use as stud farm
- There are trees within the site, 2 of which have recently been felled
- A bedroom is shown on the plans as well as bathroom and kitchen does

- this not constitute a dwelling?
- The application states there are no employees how is this the case if the site is a stud?
- There is a footpath running through the site and so there are public views
- Field shelters are not inconspicuous as stated and easterly one is in direct site of listed building – Haygreen Farm. It should be relocated so hidden by hedging
- Existing lighting is highly intrusive
- Condition is needed to ensure lighting is not allowed throughout the hours of darkness and directed inwards
- Is it necessary to have 2 lunge rings in such close proximity to one another?

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:

- 12. Joint Development Management Policies Document:
 - DM1 Presumption in favour of Sustainable Development
 - DM2 Creating Places
 - DM5 Development in the Countryside
 - DM13 Landscape Features
 - DM32 Business and Domestic Equine Related activities in the Countryside
- 13.St Edmundsbury Core Strategy December 2010
 - CS3 Local Design and Distinctiveness
 - CS13 Rural Areas
- 14.Rural Vision 2031
 - RV1 Presumption in favour of Sustainable Development

Other Planning Policy:

15. National Planning Policy Framework (2012) core principles and paragraphs 28 (Supporting a prosperous rural economy), 56 – 68 (Requiring good design)

Officer Comment:

- 16. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Visual Amenity
 - Other Issues
- 17. Whilst generally both adopted and national policies seek to restrict new development in the countryside, Policy DM32 offers support to proposals for domestic and commercial equestrian development. This support is offered subject to a number of criteria including size, scale, design and positioning of buildings as well as them having a satisfactory impact on landscape, parking, residential amenity.

- 18.In this case, it has been established that the entire site has planning permission to be used for stud purposes. On this basis, consideration is not given to the principle of development, which is established, but to the buildings/structures themselves and their scale, appearance and impact on residential amenity and the landscape.
- 19. Considering firstly the structures already in place; the field shelters and cart lodges are constructed of timber boarding above a brick plinth with pantiled roofs. The cart lodges are used to accommodate both the applicant's private vehicles and those associated with the stud farm. They are well designed, of an appropriate domestic scale and utilise good quality traditional materials suitable for their rural location. The office building replaced a barn that was previously removed and sits on the same footprint between the two cart lodges, using red brick and pantiles.
- 20. The single storey nature and appearance of the building appears subservient to the main house, as is its use. The building accommodates an office and kitchenette used by the applicant and employees, a family gym/studio space and a bedroom. The use is ancillary to the main dwelling on site (Pattles Grove) and is not being occupied independently. A condition will be imposed to ensure this situation remains. Notwithstanding the use of this condition, conversion of this building to an independent dwelling would require planning permission in any event.
- 21.Both the cart lodges and the office building are located on the southern boundary of the site forming a cluster of buildings with an existing barn. The buildings are not visible from the public highway and are seen only from a mobile home on the neighbouring land and its associated yard, as well as a public footpath which traverses the site. In these views the buildings are modest in scale and appearance and do not provide any overlooking.
- 22. Whilst concerns are raised regarding the position of the south western field shelter, the building is more than 250 metres from Haygreen Farm, modest in scale and nature and not considered to have any adverse impact on the occupants or the setting of the listed building.
- 23. The lunge ring is metal framed and located on the same southern boundary, adjacent to the ménage. Both structures, due to their nature and design have a low impact on the landscape appearance. Similarly, the horse walker is proposed within this cluster where views of it and disturbance will be minimal. Additionally, the barn extension will provide a minimal area of additional space and will be constructed of matching materials.
- 24. Complaints regarding existing lighting on the site have been investigated and are considered to be subtle and otherwise domestic in nature. However, it is acknowledged that lighting does have the ability to be intrusive and on that basis a condition is proposed to ensure that details of any further lighting proposed is submitted for approval prior to installation.

25.Overall, the site is well kept and benefits from existing landscaping as well as access and parking areas. Given that the entire site has consent for stud use, consideration of the detail of the application has taken place. The buildings and structures are positioned together as encouraged by policy DM32 and for this reason, as well as their location on the southernmost boundary their visual impact is considered acceptable. The NPPF provides support to rural enterprise and as such, the proposals are considered to accord with both local and national policy.

Conclusion:

26.In conclusion, the principle and detail of the proposals are considered acceptable given their scale, form and position. On this basis, the development is considered to comply with development plan policies and the National Planning Policy Framework.

Recommendation:

DC/16/0207/FUL: It is **RECOMMENDED** that planning permission be **Approved** with the following conditions:

 The annexe accommodation hereby permitted shall be occupied only in conjunction with and for purposes ancillary to the residential use of the existing dwelling known as Pattles Grove House and together they shall form a single dwelling house.

DC/16/0208/FUL: It is **RECOMMENDED** that planning permission be **Approved** with the following conditions:

- 1. Development to commence within 3 years
- 2. No additional external lighting shall be provided on the application site unless details thereof have first been submitted to and approved in writing by the Local Planning Authority.
- 3. Development to be in accordance with approved plans.

Documents:

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

DC/16/0207/FUL -

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

<u>applications/applicationDetails.do?activeTab=documents&keyVal=O1VMQYPDMT</u> 700

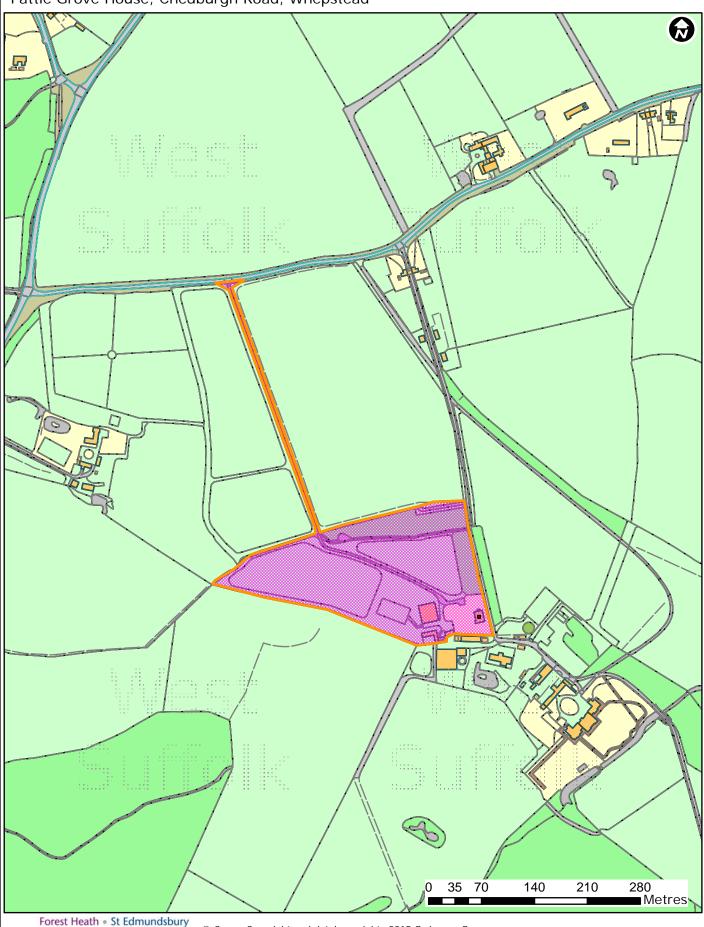
DC/16/0208/FUL -

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

<u>applications/applicationDetails.do?activeTab=documents&keyVal=O1VMR4PDMT</u> 900

DC/16/0207/FUL

Pattle Grove House, Chedburgh Road, Whepstead



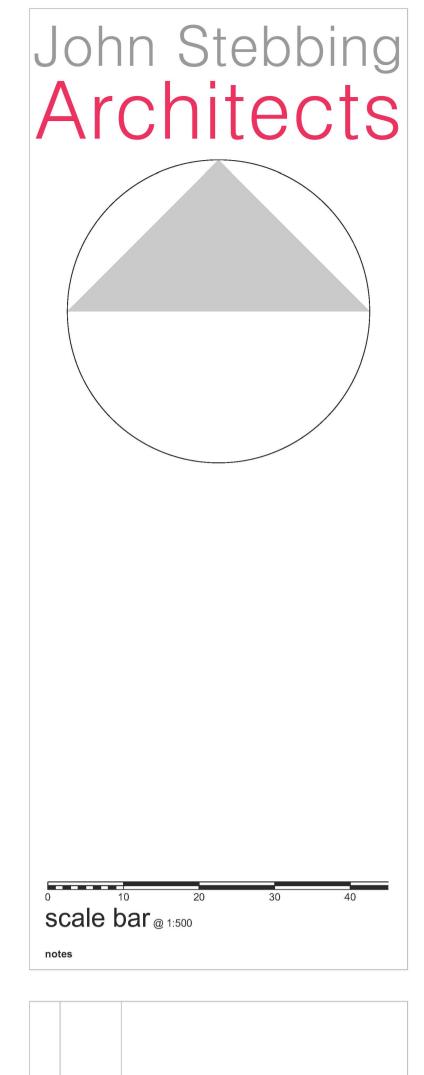
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Scale: 1:5,000 **Date:** 15/03/2016









Pattles Grove House Whepstead IP29 4SU

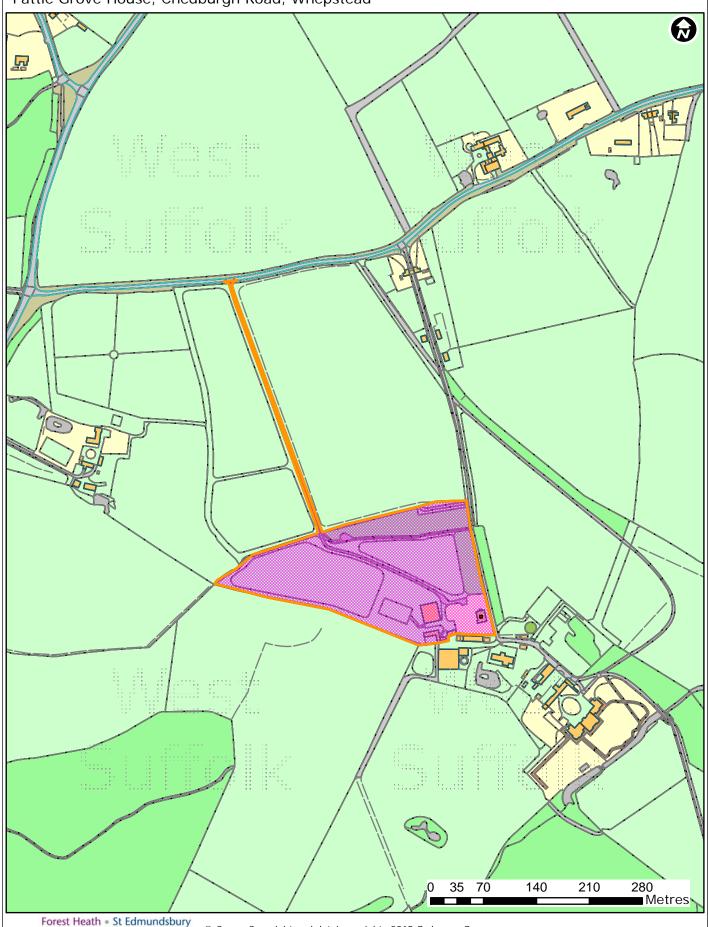
retention of existing site plan
based on information by others

18/01/2016 number/revision drawn drawn trs

John Stebbing Architects

DC/16/0208/FUL

Pattle Grove House, Chedburgh Road, Whepstead

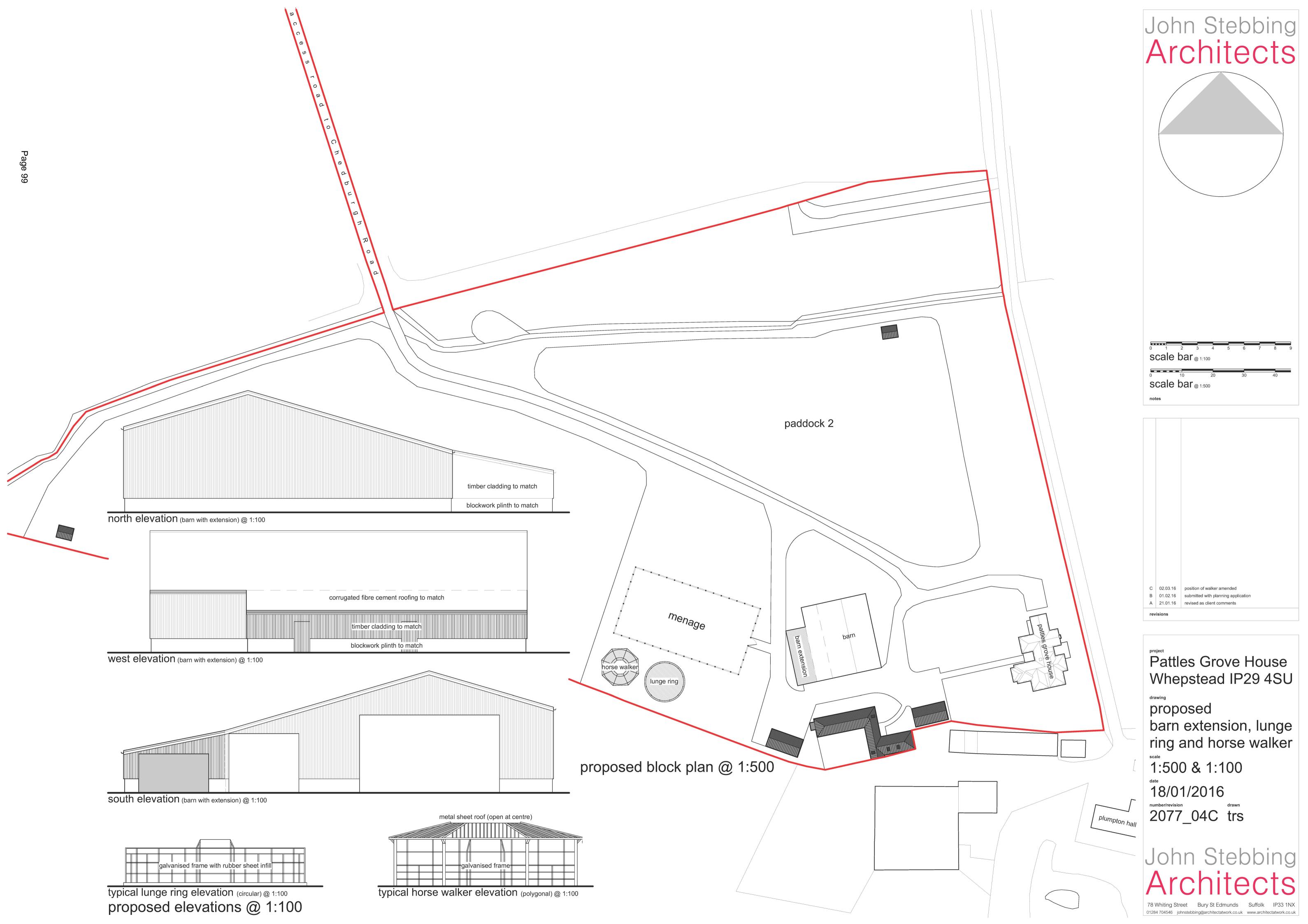


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Scale: 1:5,000 **Date:** 15/03/2016







Development Control Committee 7 April 2016

Planning Application DC/16/0172/FUL 69 Highfield, Clare, Sudbury, Suffolk

Date 27 January **Expiry Date:** 23 March 2016

Registered: 2016

Case Aaron Sands Recommendation: Refuse

Officer:

Parish: Clare Town Ward: Clare

Council

Proposal: Planning Application - construction of 1no. two-storey dwelling

(demolition of existing single storey attached out-house)

Site: 69 Highfield, Clare

Applicant: Mr and Mrs M Wimpress

Agent: Dean Jay Pearce Architectural Design & Planning Ltd

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: aaron.sands@westsuffolk.gov.uk

Telephone: 01284 757355

Background:

This application has been referred to Committee following consideration by the Delegation Panel. This application was originally referred to the Delegation Panel as the position of the Clare Town Council was contrary to the recommendation of the case officer to refuse.

A site inspection is scheduled for 31 March 2016.

Proposal:

1. Planning permission is sought for a two storey dwelling to the end of an existing pair of dwellings. The dwelling is 9 metres in overall depth and 7.5 metres in width. It measures 8.5 metres in height and 5.7 metres at the eaves with a hipped roof form. A single storey element is located to the rear measuring 3.4 metres in overall height and 2.4 metres to the eaves. The development is proposed in facing and roofing materials to match the existing dwellings.

Application Supporting Material:

- 2. Information submitted with the application as follows:
 - Application Form
 - Design and Access Statement
 - Land Contamination Report
 - Land Contamination Questionnaire
 - Flood Map
 - Location Plan
 - Topographical site survey (Drawing no. 16/007/01)
 - Existing Floor plans and Elevations and proposed Site Plan (Drawing no. 16/007/02)
 - Proposed Floor Plans and Elevations (Drawing no. 16/007/03)

Site Details:

3. The site comprises an existing dwelling within the Housing Settlement Boundary at the end of a terrace. The property is a corner plot with expansive garden and is located facing a central green space serving a number of dwellings. There is a rhythm and distinctiveness to the area created by the regular positioning and scaling of dwellings around the central green.

Planning History:

4. None Relevant

Consultations:

- 5. <u>Highway Authority:</u> No objection subject to conditions
- 6. Environment Officer: No objection subject to informatives
- 7. Public Health and Housing: No objection subject to conditions
- 8. Rights of Way: No objection
- 9. Clare Society: Support in principle

Representations:

- 10.Clare Town Council: Support
- 11. One other representation received incorporating the following points:
 - a. Adverse impact on parking arrangements

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:

- 12. Joint Development Management Policies Document:
 - Policy DM1 (Presumption in Favour of Sustainable Development)
 - Policy DM2 (Creating Places Development Principles and Local Distinctiveness)
 - Policy DM22 (Residential Design)
- 13.St Edmundsbury Core Strategy December 2010
 - Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

14. National Planning Policy Framework (2012)

Officer Comment:

- 15. The issues to be considered in the determination of the application are:
 - Principle of Development (including impacts on character and urban form)
 - Design and Form
 - Impact on Neighbour Amenity
 - Precedent

Principle of Development (including impacts on character and urban form)

16. The application site forms part of a development of dwellings characterised by pairs of dwellings joined in terraces of four by single storey garages and facing onto a central green space. The urban form and pattern of development is a distinct feature of the area that contributes to

the character and attractiveness of this group of properties. Policy DM2 of the Joint Development Management Policies requires that development not affect adversely the urban form, including significant street patterns, individual or groups of buildings and open spaces.

- 17. While the proposal is located in a sustainable area, and is therefore supported in principle noting its position within the settlement boundary of Clare, the development would significantly alter the form of this terrace and fails to respect and reflect the particular character of the locality. Policy CS3 of the Core Strategy and paragraph 60 of the NPPF seek to reinforce local distinctiveness, ensuring that features that contribute to an area are not eroded, and it is considered that this is not represented by the proposed scheme.
- 18. While it is noted that the development would make a contribution to the housing stock within a sustainable area the NPPF makes it clear that good design is indivisible from good planning. While there are obvious benefits to the scheme proposed it is not considered that any of these would outweigh the adverse impacts upon the character of the area. The development is not for an affordable dwelling, is not of an outstanding or innovative design and the proposal would only make a modest contribution to housing supply.

Design and Form

19. The dwelling is proposed in a similar form to the existing dwellings in the area, with similar arrangements in fenestration, roof form and material. The appearance of the dwelling per se, and in terms of its scale in relation to other properties, is not considered to be inappropriate. However, as set out above, it is the wider impact upon the character and appearance of the area resulting from the erosion of the regular and consistent spacing of dwellings that this proposal would materially, and adversely, erode which is what weighs against this proposal.

Impact on Neighbour Amenity

- 20. The property adjoins the applicant's property 69 Highfield, dividing the existing residential garden. While there would be a level of overlooking caused by the development it is not considered that this would be materially harmful given this arrangement and context and also given the degree of overlooking that might reasonably be expected within an urban area.
- 21. The development is located away from the boundary shared with the neighbouring dwelling at 68 Highfield. Additionally, this property features a sizeable amenity space, and while some modest overbearing impact may be caused to the parking area to the front of the property this would not be a material impact and would be mitigated by the substantial remaining amenity space.

Precedent

22. While each application is discussed in its own merits there are a number of similar properties in the area. The proposal would set an uncomfortable principle for development that could further erode the regular and spacious character of the area, particularly in cases of corner properties, where such dwellings could form an awkward angled terracing effect. Regardless, this proposal is considered on its own merits, on balance, as being unacceptable.

Conclusion:

23.In conclusion, the proposal is considered to represent an in principle objection based on the harm identified to the urban form and character of the developed area. This conclusion is balanced against the obvious benefit of providing a dwelling in an otherwise suitable location, with no significant adverse effects. Members are advised therefore that this remains a fine balance, but one which Officers consider falls in favour of refusal.

Recommendation:

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

1. The proposed dwelling would be an inappropriate deviation from the prevailing pattern of development in the area, and from the rhythm of built form, which are both strongly characterised by the terraced dwellings divided into groups of two attached via link garages surrounding a central green space, and with a simple regularity to their spacing that contributes to the character of the area. The proposal, which will extend one pair of dwellings uncharacteristically, whilst also eroding the space within the corner, to the detriment of the character and appearance of the area, therefore fails to recognise the key features of the area in contradiction to policy DM2 of the Joint Development Management Policies (JDM) and policy CS3 of the Core Strategy. As a result the proposal would be contrary to these policies and also to policy DM22 of the JDM, as well as paragraph 60 of the NPPF, which seeks to reinforce local distinctiveness.

Documents:

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

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=O1M3FBPD05L0 0

Case Officer: Aaron Sands Date: 3 March 2016



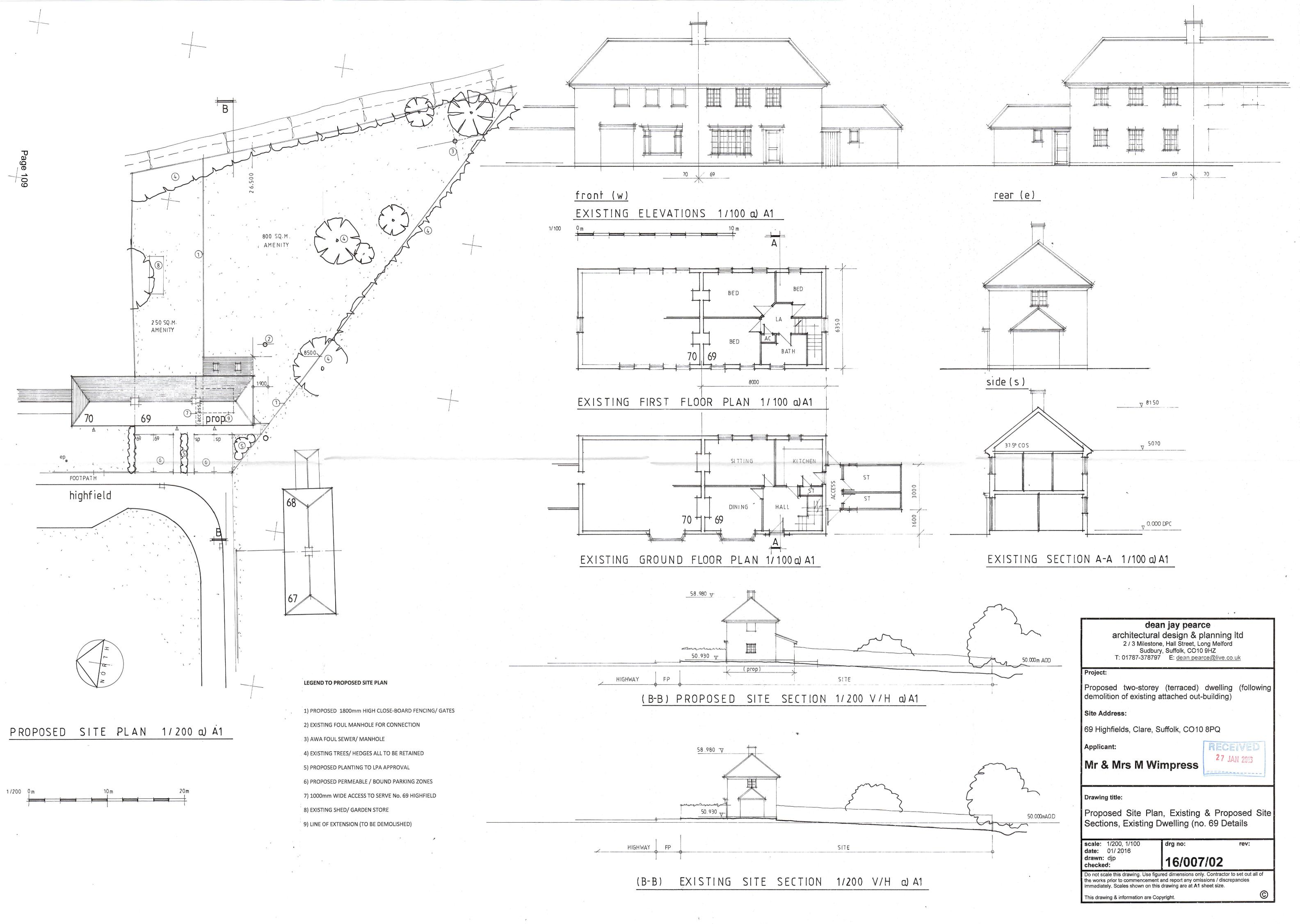
DC/16/0172/FUL 69 Highfield, Clare **Swimming Pod** School Cottages Hill Terrace CAVENDISH ROAD +54.6m El Sub Sta **# 6** Highfield Dismantled Railway The Mill House Sluice FB Weir 42.1m FB 60 0 15 30 90 120 Metres

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Scale: 1:2,500 **Date:** 15/03/2016





Th



Development Control Committee 7 April 2016

Householder Planning Application DC/15/2590/HH 4 Drury Cottages, Bury Road, Brockley, Bury St Edmunds

Date 23 December **Expiry Date:** 17February 2016 – EOT

Registered: 2015 6 April 2016

Case Kerri Cooper Recommendation: Refuse

Officer:

Parish: Brockley Ward: Cavendish

Proposal: Householder Planning Application - First floor side and rear

extension together with single storey front extension

(resubmission of DC/15/2017/HH)

Site: 4 Drury Cottages, Bury Road, Brockley, Bury St Edmunds, IP29

4AJ

Applicant: Mr Lee

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 was initially referred to Delegation Panel as Officers are recommending refusal and the Parish Council support the proposed development. In addition, the application has been called in by the Local Ward Member, Councillor Stevens.

It was decided at Delegation Panel, at the request of the Local Ward Member, Councillor Stevens that the application be seen before the Development Control Committee.

Proposal:

- 1. Planning permission is sought for the erection of first floor side and rear extension to create bathroom, en-suite and master bedroom and enlarge existing bedroom. In addition, planning permission is sought for the erection of a single storey front extension to create porch/hall.
- 2. The proposed first floor side extension measures 2.4metres in width and 8.7metres in depth. The proposed first floor rear extension measures 6.7metres in width, 3.65metres in depth and 7.2metres in height to the ridge. The proposed single storey front extension measures 2metres in width, 1.7metres in depth and 3.4metres in height to the ridge.
- 3. This application is a resubmission of application DC/15/2017/HH. This proposal has been amended since the previous submission to reduce the ridge height by 0.2metres, which in turn has led to a shallower roof pitch.

Application Supporting Material:

- 4. Information submitted with the application as follows:
 - Drawing nos. 15/122-01 and 02 Rev A received 23rd December 2015.

Site Details:

5. The application site comprises a two storey, semi detached dwelling situated within countryside near Brockley. The host dwelling is set back from the main road in a substantial sized plot. No. 4 benefits from being extended at single storey level to the side and rear.

Planning History:

- 6. DC/13/0579/HPA Householder Prior Approval Single storey rear extension which extends beyond the rear wall of the original house by 3.6 metres with a maximum height of 4 metres & a height of 2.5 metres to the eaves. Approved 28th November 2011.
- 7. DC/15/2017/HH Householder Planning Application First floor side and rear extension together with single storey front extension Refused 2^{nd} December 2015.

Consultations:

8. <u>N/A</u>

Representations:

- 9. Parish Council: Support this application.
- 10. Neighbours: No neighbour representations have been received.

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

- 11. Joint Development Management Policies Document:
 - Policy DM1 (Presumption in Favour of Sustainable Development)
 - Policy DM2 (Creating Places)
 - Policy DM24 (Alterations and Extensions to Dwellings)
- 12.St Edmundsbury Core Strategy December 2010:
 - Policy CS3 (Design and Local Distinctiveness as supported by SPD Development Design and Impact)
- 13. Rural Vision 2031:
 - Policy RV1 (Presumption in Favour of Sustainable Development)

Other Planning Policy:

14. National Planning Policy Framework (2012)

Officer Comment:

- 15. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Design and Form
 - Impact on Neighbouring Amenity
- 16.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 dwellings' curtilage.
- 17.In addition, extensions in the countryside will be required to demonstrate that they are subordinate in scale and proportions to the original dwelling. Furthermore, they should incorporate designs of a scale, massing, height and materials compatible with the locality and should not adversely affect residential amenity of neighbouring dwellings.
- 18.In this case, the dwelling is positioned within a curtilage which is able to accommodate a degree of expansion without over-development occurring.

- 19. The proposed front extension is of modest scale and single storey nature. The proposed first floor side and rear extension is to be located above the existing single storey side extension and existing single storey rear extension. They have been designed as such to include a matching eaves height to the host dwelling, with the ridge height sitting below the existing so as to appear subservient. The proposed first floor side extension has been set back from the front elevation. There will be minimal impact to the existing street scene, given the property's set back nature and the varied design and forms of the surrounding properties. Both extensions incorporate materials as to match the host dwelling. Therefore, it is considered that the proposed extensions of an appropriate design, scale and form as to respect the character of the dwelling and the wider area.
- 20. 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. A window is incorporated at first floor level to the side elevation facing no. 5; if the proposal was to be considered acceptable this could be conditioned as obscure glazed. The attached neighbouring property, no. 3 is of the same, design form and scale as no. 4. The existing boundary treatment comprises a two metre close boarded fence. The existing single storey rear extension runs along the boundary of no. 4 and no. 3. and measures 2.5 metres in height to the eaves and 3.8 metres in height to the ridge. This was dealt with as a Prior Approval Application. The proposed first floor rear extension will result in an increase in 1.2metres in height to the eaves line and 3.3 metres in height to the ridge. There are no windows proposed at first floor level to the side elevation facing no. 3. The case officer had advised the agent in the previous application to amend the scheme to set the first floor rear extension in from the boundary between no. 3 and no. 4 by a minimum of 1.8 metres, however the applicant wished for the application to be determined without amendment.
- 21. Whilst the current application has been amended, the reduction in overall height by 0.2 metres does not materially alter the originally submitted scheme and the likely detrimental impacts arising. In order to fully assess the impact of the proposal the 45 degree test was applied to the plans and the proposal failed to comply. On this basis, having regard to this relationship it is considered that the extension would significantly reduce daylight to both the bedroom window and lounge of No. 3, and would furthermore appear as a dominant and overbearing structure to the detriment of residential amenity.

Conclusion:

22. Therefore, the proposed development is contrary to 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 **Refused** for the following reason:

1. 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 adversely affect residential amenity. The proposed first floor rear extension is considered to harm the amenities of the neighbouring dwelling, No. 3 Drury Cottages, having regard to its proximity to this property together with its overall depth and height. The proposal would reduce daylight to the windows on the rear elevation of No. 3 and would appear as a dominant feature, having an overbearing impact on and reducing the enjoyment of this adjacent property. The proposal is therefore considered contrary to Policy DM24 of Joint Development Management Policies Document and Policy CS3 of the St Edmundsbury Core Strategy (2010) and it's supporting Supplementary Planning Document Development Design & Impact (2011) in terms of safeguarding residential amenity.

Documents:

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

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NZT9G5PD00S 00

Case Officer: Kerri Cooper Date: 15 March 2016

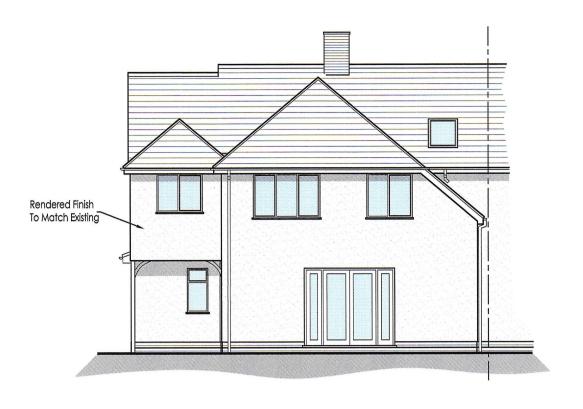


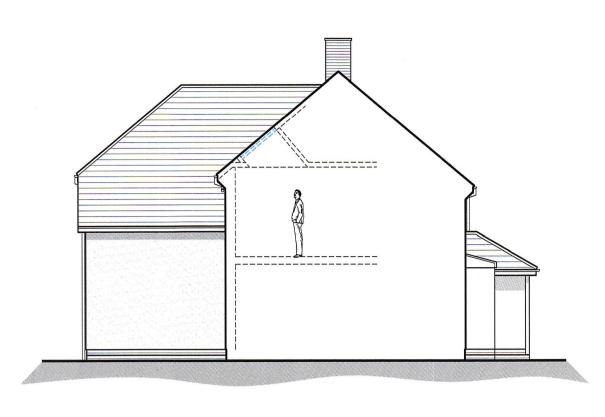
DC/15/2590/HH 4 Drury Cottages, Bury Road, Brockley The Old School House BURY ROAD 100.5m Thorncroft **Pond** Mile Farm ld Forge WOODCROFTS reenview Old Shop House 0 5 10 20 30 40 Metres Forest Heath • St Edmundsbury © Crown Copyright and database rights 2015 Ordnance Survey 100019675/100023282. You are not permitted to copy, sub-license, distribute or sell and the data to third parties in any form. Use of this data is subject to terms and conditions. Scale: 1:1,250 West Suffolk Date: 15/03/2016 See www.westsuffolk.gov.uk/disclaimer.cfm. working together





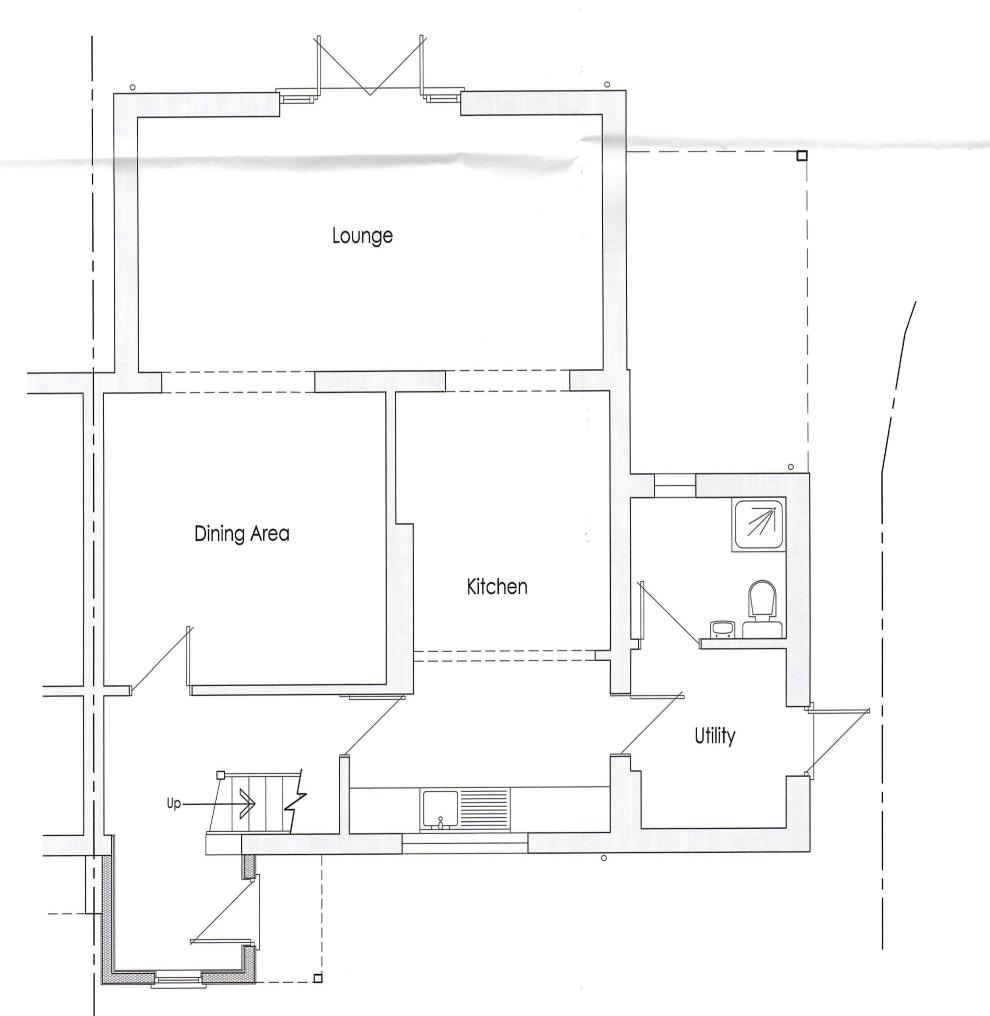




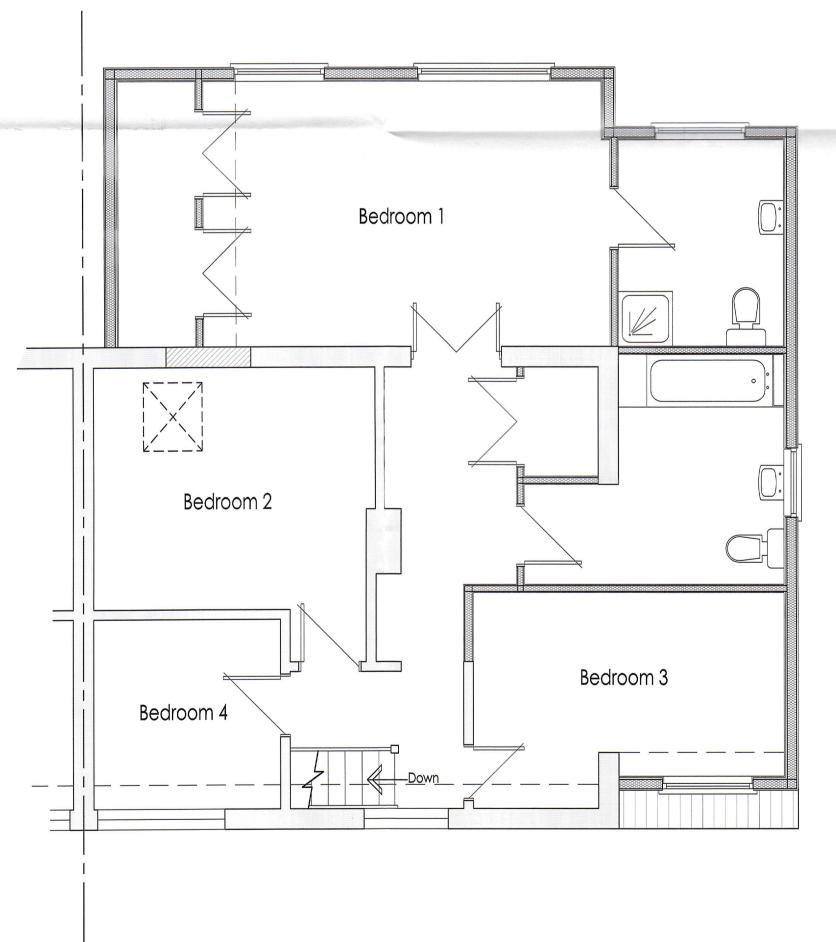


Proposed Side Elevation

Proposed Rear Elevation







Proposed First Floor Plan



Block Plan

Scale 1:500 (m)

5 10 15 20 2



Whymark & Moulton
Chartered Surveyors &
Building Engineers

Building Engineers 20 North Street, Sudbury, Suffolk. CO10 1RB

Tele: 01787 371371 Fax: 01787 319966

PROPOSED EXTENSIONS & ALTERATIONS

4, DRURY COTTAGES, BROCKLEY, SUFFOLK.

1:50 1:100 1:500

Date AUGUST 2015

Drawing No 15/122-02 A

Amendments
21.12.15. A. Eaves height to northeast facing roof of rear extension reduced. ECEIVED

Scanned

2 3 DEC 2015



Development Control Committee 7 April 2016

Householder Planning Application DC/16/0232/HH 20 West Road, Bury St Edmunds, Suffolk

Date 22 February **Expiry Date:** 18 April 2016

Registered: 2016

Case Ed Fosker Recommendation: Approve

Officer:

Parish: Bury St Ward: Minden

Edmunds Town

Council

Proposal: Householder Planning Application - (i) single storey rear

extension (following demolition of the existing conservatory and lean-to) and (ii) demolition of existing garage and installation of

gate.

Site: 20 West Road, Bury St Edmunds, Suffolk, IP33 3EJ

Applicant: Mr Angus Barnard

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: 01638 719431

Background:

This application is referred to Development Control Committee because it is made by the husband of a contracted employee of St Edmundsbury Borough Council.

Proposal:

1. Planning permission is sought for (i) Single storey rear extension (following demolition of the existing conservatory and lean-to) and (ii) Demolition of existing garage and installation of gate. The proposed single storey rear extension extends 4m to the rear of the property with a width of 6.5m and a height of 3.3m.

Application Supporting Material:

- 2. Information submitted with the application as follows:
 - Application form
 - Location plan
 - Existing block plan
 - Proposed elevation and floor plans

Site Details:

3. No. 20 West Road is a two storey detached dwelling situated with the Bury St Edmunds Housing Settlement Boundary and Conservation Area which is subject to Article 4 Direction.

Planning History:

- 4. SE/11/1296: Planning Application (i) Erection of single storey rear extension (following demolition of existing conservatory). Approved: 17.01.2012.
- 5. E/88/4044/P: Widening of existing vehicular access. Approved: 01.12.1988.

Consultations:

- 6. Conservation Officer (advice given verbally by Claire Johnson): No objections.
- 7. Highways Authority: No objection.

Representations:

- 8. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues.
- 9. Neighbours: No comments received.

Policy: The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

- 10. Replacement St Edmundsbury Borough Local Plan 2016:
 - Policy DM2 (Creating Places Development Principles and Local
 - Distinctiveness)
 - Policy DM16 (Local Heritage Assets and Buildings Protected by an Article 4 Direction)
 - Policy DM17 (Conservation Areas)
 - Policy DM24 (Alterations or Extensions to Dwellings, including Self
 - Contained Annexes and Development within the Curtilage)
- 11.St Edmundsbury Core Strategy December 2010
 - Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

12. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68.

Officer Comment:

- 13. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Design and form
 - Impact on the Conservation Area and Article 4 Direction
 - Impact on neighbour amenity

Principle of development

14.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 dwellings' curtilage. Subject to these considerations the principle of an extension is satisfied.

Design and form

- 15.The Policy CS3 of the Core Strategy, as supported by Supplementary Planning Documents Development Design and Impact requires development to recognise and address the key features and local distinctiveness of the area and incorporate designs of a scale, density and massing compatible with the locality.
- 16. The proposed extension to the dwelling is relatively modest in size, and of a simple design which is appropriate in form and considered respectful to the character of the host building. The resulting alterations will ensure that the building and remains of an acceptable scale for the plot as not to form an incongruous addition or constitute over-development.

<u>Impact on the Conservation Area and Article 4 Direction</u>

- 17. Policy DM16 states extension or alteration of buildings protected by Article 4 direction will be permitted where they:
 - a. demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;
 - b. respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building;
 - c. will not entail an unacceptable level of loss, damage or covering of original features; and
 - d. have regard to the setting, plot layout and boundary features.
- 18.Development to the rear of the property and the sympathetic wooden gates will not adversely affect the street scene, appearance of the Conservation Area or the reasoning behind the Article 4 Direction. As such the conservation officer raises no objection to this.
- 19.Policy DM17 states that proposals should preserve and enhance the character or appearance of the conservation area and works should be of an appropriate scale, form, height and massing. Given the modest nature of the rear extension and favourable addition of the side gates it is considered the proposals are compliant with Policy DM17.

Impact on neighbour amenity

- 20. The extension is relatively modest in depth and height; it is not considered an unneighbourly addition and would not adversely impact on residential amenity currently enjoyed by the occupiers of the neighbouring properties.
- 21.By virtue of its location and in particular its modest scale the proposed extension would not be considered a prominent or overbearing addition and would be in accordance with DM24 of the Joint Development Management Document and Policy CS3 of the Core Strategy.

Conclusion:

22.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 **Approved** subject to the following conditions:

- 1. Time limit detailed.
- 2. Development to accord with the plans, including materials detailed on plans.

Documents:

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

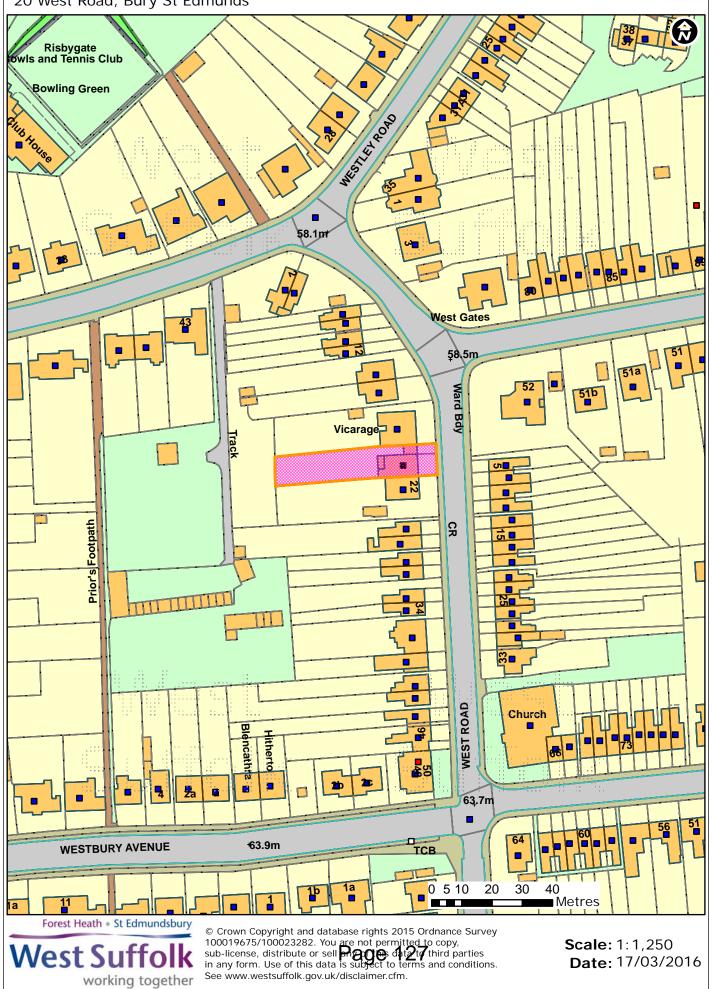
https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=O1Z0YKPDMU T00

Case Officer: Ed Fosker Date: 18 March 2015

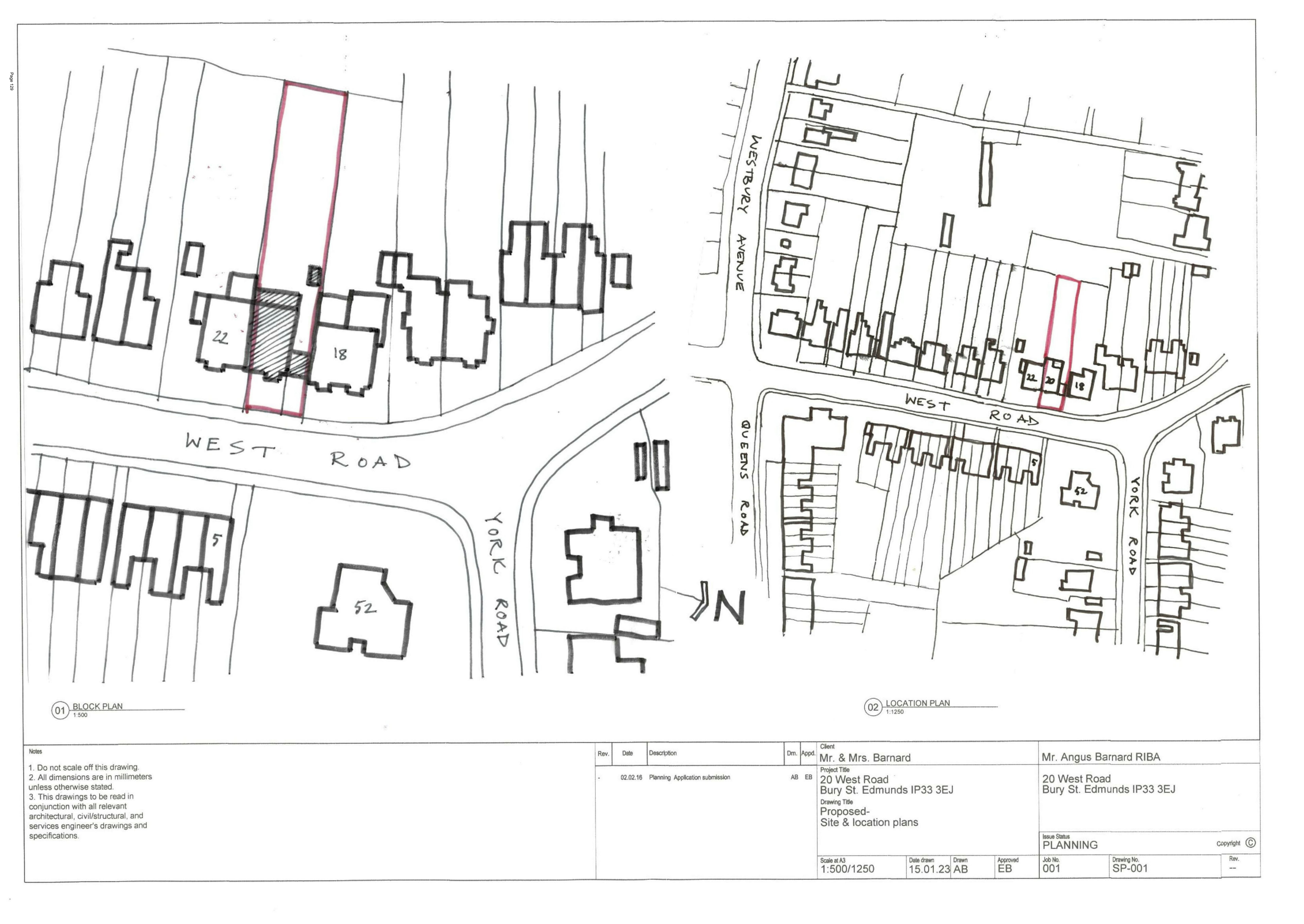


DC/16/0232/HH

20 West Road, Bury St Edmunds







Agenda Item 11 **DEV/SE/16/030**



Development Control Committee 7 April 2016

ITEM WITHDRAWN ON 30 MARCH 2016

Planning Applications: DC/15/1754/FUL, DC/15/1758/FUL, DC/15/1760/FUL, DC/15/1761/FUL, DC/15/1752/FUL, DC/15/1753/FUL, DC/15/1759/FUL

Larks Pool Farm, Mill Road, Fornham St Genevieve, Suffolk

Date 2 September **Expiry Date**: 28 October 2015 (EoT

Registered: 2015 date to be agreed with

agent)

Case Dave Beighton Recommendations: Approve

Officer:

Parish: Fornham St Ward: Fornham

Martin Cum St Genevieve

Proposal: DC/15/1752/FUL - Planning Application - Retention of modification

and Change of use of former agricultural building to part offices

(Class B1(a)) and part storage (Class B8). (Building B).

DC/15/1753/FUL - Planning Application - Retention of modification and change of use of former agricultural building to storage (Class

B8). (Building C).

DC/15/1754/FUL - Planning Application - retention of modification and change of use of former agricultural building to storage use

(Class B8) (Building D).

DC/15/1758/FUL - Planning Application - retention of modification and change of use of former agricultural building to Class B1 (a) offices or B1(b) research or B1 (c) industrial or B8 Storage or Sui

Generis use. (Building F).

DC/15/1759/FUL - Planning Application - Retention of change of use of former agricultural land to use for open storage (Class B8) for caravans and motorhomes, (10 max), horseboxes (5 max) and containers (20 max).

DC/15/1760/FUL - Planning Application - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building I).

DC/15/1761/FUL - Planning Application - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building J).

Site: Larks Pool Farm, Mill Road, Fornham St Genevieve, Suffolk, IP28

6LP

Applicant: C J Volkert Limited

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 planning permission be approved for the above seven applications, subject to conditions.

<u>CONTACT CASE OFFICER:</u> Dave Beighton Email: dave.beighton@westsuffolk.gov.uk

Telephone: 01638 719470

Background:

These applications are presented back to the Development Control Committee following consideration by the Committee in March 2016.

Following the resolution to grant planning permission on all seven applications the matter was subject to our receipt of a 'preapplication protocol' letter from an aggrieved third party who was threatening to judicially review the decisions to approve.

The applications have not therefore been formally determined, and are not hereby presented back before Members today for determination. Rather, the Committee are asked to consider in light of the clarifications set out below whether their decision would remain the same or whether it would be different.

If the Committee remain satisfied that their decision would have been the same then their resolution to that effect will enable the decisions to be issued. If Members consider that the clarification sought below would have altered their decision making on these applications then all seven applications can be referred back to the Committee in due course for redetermination.

Officer Comment:

- 1. It is not proposed to repeat material that was included within the previous month's Officer report. This remains available for inspection and Members are reminded to familiarise themselves with this documentation.
- 2. In considering and responding to the pre-application protocol letter Officers consider that it would be helpful to clarify three points with Members.
- 3. One of these relates to the need, or not, for a 'sustainability appraisal' as set out within Policy DM33. The second relates to Building F and the suigeneris use proposed, and the third relates to the issue of whether or not 'significant' levels of traffic would be generated.
- 4. Members were advised verbally at the previous meeting that a 'sustainability appraisal' was not required. This advice was technically erroneous. While there is no requirement in national policy for sustainability appraisal there is a requirement in Policy DM33 for such a document.
- 5. What is true however is that a document referred to specifically as a 'sustainability appraisal' is not strictly necessary, but that written consideration and appraisal of sustainability issues is necessary. Policy DM33 does not identify that the document has to be in any particular format and in this regard Officers consider that the planning statement submitted with these applications is a sustainability appraisal for these purposes.

- 6. In relation to Building F, this is proposed as a sui-generis use. This use does not, therefore, draw specific support from Policy DM33, which relates to employment uses (defined specifically in the Policy). However, Building F draws clear support from Policy DM5, which offers support for proposals for economic growth and expansion of all types of business and enterprise. The effect and outcome is therefore the same, but Officers consider it important that this distinct conclusion is drawn out and set before Members at this stage.
- 7. Finally, Officers consider that it would be helpful to also quantify details of the traffic levels generated by this proposal. Members will recall that this matter formed part of the Officer update at the meeting, with extensive details given verbally. The conclusion of Officers at that stage, supported by Members, and which remains Officers' view now, is that the proposal will not generate 'significant' levels of traffic and that the proposal is therefore complaint with the provisions of Policy DM33. For clarity however, it is considered helpful to set that out before Members.
- 8. The haulage firm that has operated at the site for approximately 25 years generates the bulk of the traffic associated with this site. Enforcement investigations as early as 2001 have confirmed the length of time that this use has occurred. Whilst there is presently no approved lawful Development certificate confirming this, the position is readily accepted, including in some of the third party representations received.
- 9. To support these applications automatic traffic counters have been placed in Mill Road by SCC, and also at the entrance to Larkspool Farm.
- 10.Traffic counts on Mill Road recorded a daily average of 80 vehicles eastbound and an average of 82 vehicles westbound.
- 11. These figures included 4 HGVs eastbound and 5 westbound.
- 12. They included 10 light goods vehicles eastbound and 11 west.
- 13. They included 18 vans eastbound and 19 westbound.
- 14. The average over the five day period of the survey is 9 HGV goods movements out of a total of 162 vehicle movements in any 24 hour period. The vast majority of these movements are in cars, vans and light goods vehicles.
- 15.Traffic counts done at the entrance to Larkspool Farm also show that of the HGV movements recorded in a five day period only five used Mill Road after 18:00 and none after 19:00. In the morning period only two HGV movements were recorded before 07:00 and these were both after 18:00.
- 16. The County Highway Authority have previously scrutinised the submitted transport statement and are satisfied that the highway has sufficient capacity to accommodate these vehicle movements. It must also be noted that much of these, in particular the HGV's, arise from the haulage business that operates from this site and which is NOT the subject of

these applications. It is also the case that the potentially intensive use of the site for pig farming purposes might also reasonably be very intense, without the need for any permission.

- 17.On this basis Officers remain satisfied that the proposal will not create 'significant levels of traffic' and that, therefore, the proposal complies with Policy DM33 of the Joint Development Management Policies DPD 2015.
- 18. The committee are asked to consider in light of these clarifications whether their decisions would remain the same or whether they would be different.

Recommendations:

In respect of applications DC/15/1754/FUL, DC/15/1758/FUL, DC/15/1760/FUL, DC/15/1761/FUL, DC/15/1752/FUL, DC/15/1753/FUL, DC/15/1759/FUL it is **RECOMMENDED** that the Committee resolve that, in light of the above information, their decisions on all seven of these applications would be the same as was reached by the Committee on 3 March 2016.

In the eventuality that their decisions would not have been the same, for these matters to be referred back before the Committee in due course for reconsideration.

Documents:

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

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NU1GF4PDK5S 00

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NU1GEPPDK5 000

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NU1GEXPDK5 Q00

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NU1GFFPDK5 W00

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NU1GFAPDK5U 00

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NU07ZUPDK5F 00 https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU07ZMPDK5D00

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NU07ZCPDK5B 00

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



Development Control Committee 7 April 2016

Tree Preservation Order Application DC/15/2196/TPO 11 Northgate Avenue, Bury St Edmunds, Suffolk

Date 27 October **Expiry Date:**

Registered: 2015

Case Aaron Sands Recommendation: Grant

Officer:

Parish: Bury St Ward: Risbygate

Edmunds Town

Council

Proposal: TPO 218(1972)42 - Tree Preservation Order - 1no. Lime - Fell

Site: 11 Northgate Avenue, Bury St Edmunds

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 Planning Committee due to the interest shown by Councillor Wakelam as a neighbour of the property and as ward member for the area and in the interests of openness and transparency.

Following deferral of the application in January 2016 to seek professional advice regarding the status of the tree an arboricultural report has been received and disseminated at Exempt Appendix 1. A redacted version of this arboricultural report is also available online.

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. DC/14/0496/HH Planning application Erection of single storey rear extension. Granted. 28/05/2014
- 5. SE/13/0046/TPO TPO218(1972)35 Tree Preservation Order Application To pollard three Lime trees in rear garden back to previous reduction points or sound wood. (Within Group G8 on Order). Granted. 12/03/2013
- 6. 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
- 7. 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

8. 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:

9. <u>Arboricultural Officer:</u> 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:

10.Parish Council: No objection

- 11.Councillor 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:

- 12. 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

13. 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 vicinity and it can therefore be considered that the tree has substantial amenity value, worthy of protection by TPO.

Health of the Tree

- 14. The arboricultural officer previously visited the site and 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.
- 15. Confirmation has been received that the tree is suffering from Honey

Fungus, a type of white rot. It is the recommendation of the arboricultural report that the tree is felled as early as possible given the likely advanced decay within the root system and the immediate threat to the adjacent trees which do not currently appear to be infected.

- 16. The specialist arboricultural report has confirmed that the decline of T001 is entirely related to the infection of Honey Fungus which has caused significant basal decay and is likely to have extensively infected the tree's root system. It is highly likely that in infection of the tree has been made possible by root damage during construction or landscaping works and resultant stress. It is most likely that this damage occurred during construction of the main residence in 2008 as paving present during recent extension works would have afforded a degree of root protection.
- 17. Comments previously received from the arboricultural officer have indicated that the tree appears to have suffered damage in the past arising from human causes as described in section 6.0 of the specialist arboricultural report. While the damage of the tree may be an offence it is not considered that this would prejudice the removal of the tree given its failing health and the condition of the tree is such that 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, 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.
- 18. The arboricultural report has confirmed that damages caused to this tree were unlikely to have had any significant effect on the tree and unlikely to have significantly exacerbated the infection of Honey Fungus. The damage is estimated within the last 2-3 years though root damage may have occurred during the course of building the dwelling. That said the damage to the tree is a separate matter of investigation by the enforcement team that does not fetter or otherwise effect the decision to be undertaken in regards to this application.

Replacement of the Tree

- 19. 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.
- 20. 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 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."

21. However, and all that said, the arboricultural report recommends that no replacement is planted following the felling of the lime tree. The provision of a replacement tree at the same location is potentially problematic due to the fungal infection present within the soil environment. Furthermore difficulty in selecting a species of tree that will be sustainable in such close proximity to the residence without frequent pruning works is a factor worth consideration and it would not ordinarily be considered good practice to plant a tree at this location. It is therefore recommended that a replacement tree is not required in this location.

Conclusion:

22.In conclusion, the tree is considered to be of sufficiently poor health such that its retention would be unreasonable in these circumstances where it might lead to safety issues and the spread of disease to other protected trees along this particular line and in the nearby vicinity. A replacement tree is not considered to be viable in this location.

Recommendation:

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

- 1. Standard time limit (2 years)
- 2. Accordance with latest arboricultural standards

Documents:

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

https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=NWZGWDPD05 M00

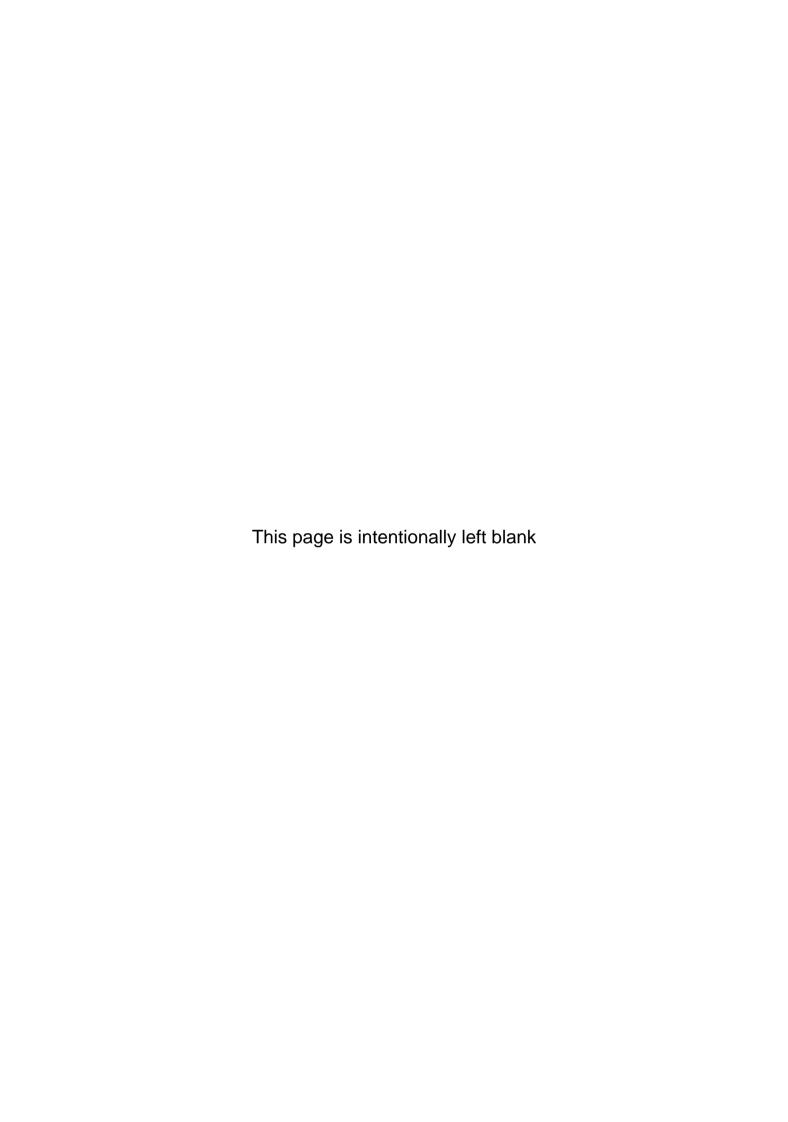
Case Officer: Aaron Sands Date: 14 March 2016



DC/15/2196/TPO 11 Northgate Avenue, Bury St Edmunds KLONDYKE (Track) Hedgerows Char Lodg 30 to 34 PLACE **STEPHENSON** Newman House 5 20 30 10 40 Metres Forest Heath • St Edmundsbury Scale: 1:750 **West Suffolk** Date: 15/03/2016 See www.westsuffolk.gov.uk/disclaimer.cfm. working together







Agenda Item 14

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

