

# Development Control Committee



**Forest Heath**  
District Council

<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Wednesday 7 October 2015</b>												
<b>Time:</b>	<b>6.00 pm</b>												
<b>Venue:</b>	<b>Council Chamber District Offices</b> College Heath Road Mildenhall												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Rona Burt</p> <p style="text-align: center;"><b>Vice Chairman</b> Chris Barker</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bimson</td> <td style="width: 33%;">Brian Harvey</td> </tr> <tr> <td>David Bowman</td> <td>James Lay</td> </tr> <tr> <td>Ruth Bowman</td> <td>Carol Lynch</td> </tr> <tr> <td>Louis Busuttil</td> <td>Louise Marston</td> </tr> <tr> <td>Stephen Edwards</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">Simon Cole</td> </tr> </table> <p><u>UKIP Member (1)</u> Peter Ridgwell</p>	David Bimson	Brian Harvey	David Bowman	James Lay	Ruth Bowman	Carol Lynch	Louis Busuttil	Louise Marston	Stephen Edwards		Andrew Appleby	Simon Cole
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<p><b>SITE VISITS WILL BE HELD ON MONDAY 5 OCTOBER 2015 AT THE FOLLOWING TIMES:</b></p> <ol style="list-style-type: none"> <li>1. <b>Planning Application DC/15/1030/FUL - New Bungalow, West Suffolk Golf Centre, New Road, Beck Row</b> Proposed dwelling to replace temporary mobile home <b>Site visit to be held at 9.30am</b></li> <li>2. <b>Planning Application DC/14/1206/FUL - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row</b> Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 9 July 2015 which proposes 49 affordable housing units) <b>Site visit to be held at 9.45am</b></li> </ol> <p style="text-align: right;"><b>Cont. overleaf</b></p>													

**3. Planning Application DC/14/2218/FUL- B2/B8 Warehousing and Distribution Centre, Units 9 - 11, St Leger Drive, Newmarket**  
Construction of a B2/B8, warehouse and distribution centre  
**Site visit to be held at 10.30am**

<b>Substitutes:</b>	Named substitutes are not appointed
<b>Interests – Declaration and Restriction on Participation:</b>	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.
<b>Quorum:</b>	Five Members
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Committee Administrator & FHDC Scrutiny Support <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>

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## DEVELOPMENT CONTROL COMMITTEE AGENDA NOTES

### Notes

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

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

### Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
  - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
  - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
  - The following Planning Local Plan Documents

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

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
  - Master Plans, Development Briefs
  - Site specific issues such as availability of infrastructure, density, car parking
  - Environmental; effects such as effect on light, noise overlooking, effect on street scene
  - The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
  - Previous planning decisions, including appeal decisions
  - Desire to retain and promote certain uses e.g. stables in Newmarket.
3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
    - Moral and religious issues
    - Competition (unless in relation to adverse effects on a town centre as a whole)
    - Breach of private covenants or other private property / access rights

- Devaluation of property
  - Protection of a private view
  - Council interests such as land ownership or contractual issues
  - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

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

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

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

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

### **Public Speaking**

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

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## **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.

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# Agenda

## Procedural Matters

### Part 1 – Public

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 6**

To confirm the minutes of the meeting held on 2 September 2015 (copy attached).
- 4. Planning Application DC/14/1206/FUL - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row** **7 - 52**

Report No: **DEV/FH/15/036**

Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 9 July 2015 which proposes 49 affordable housing units)
- 5. Planning Application DC/15/1030/FUL - New Bungalow, West Suffolk Golf Centre, New Road, Beck Row** **53 - 62**

Report No: **DEV/FH/15/037**

Proposed dwelling to replace temporary mobile home
- 6. Planning Application DC/14/2218/FUL- B2/B8 Warehousing and Distribution Centre, Units 9 - 11, St Leger Drive, Newmarket** **63 - 90**

Report No: **DEV/FH/15/038**

Construction of a B2/B8, warehouse and distribution centre
- 7. Planning Application DC/15/1450/RM - Land North of Mildenhall Road, West Row** **91 - 104**

Report No: **DEV/FH/15/039**

Reserved Matters Application - Submission of details under outline planning permission DC/14/0632/OUT - appearance, layout and scale for 24 No. two-storey dwellings and 2 No. bungalows

- 8. Planning Application DC/15/1610/TPO (Tree Preservation Order) - Playground, Woodcock Rise, Brandon** **105 - 114**  
Report No: **DEV/FH/15/040**
- TPO/1999/01 - Tree Preservation Order - Oak-1318 on plan - Crown reduction by 1 metre and removal of lower branches over driveway to 5.4 metres where suitable to stop potential damage to building & vehicles. Raising of crown over play equipment to 3 metres. Oak -1319 on plan - Crown reduction by 1 metre and reduction in length by 2 metres of overextended branches over play equipment. Oak - 1323 on plan - Raise or prune back to give clearance over driveway of 4m Group of 40 Beech trees - 2095 on plan- Crown raise to 3m, reduction in height by 2m and 1m reduction in lateral growth, Fell 1 no. Beech tree in group, Beech Coppice in group - pruning to improve stability
- 9. Planning Application DC/15/1635/TPO (Tree Preservation Order) - Amenity Land to the Rear of 1 to 41 Norfolk Avenue, Newmarket** **115 - 122**  
Report No: **DEV/FH/15/041**
- TPO/1956/012 - Tree Preservation Order - works to 38 No. trees in areas A1, A2 and A3
- 10. Tree Preservation Order TPO 2, 2015 - Land off Bury Road and Gazeley Road, Kentford** **123 - 136**  
Report No: **DEV/FH/15/042**
- 11. Quarterly Monitoring Report of Development Management Services** **137 - 146**  
Report No: **DEV/FH/15/043**

# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on  
**Wednesday 2 September 2015** at **6.00 pm** at the **Council Chamber,**  
**District Offices,** College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

**Chairman** Rona Burt

**Vice Chairman** Chris Barker

David Bimson	Brian Harvey
David Bowman	James Lay
Ruth Bowman	Carol Lynch
Louis Busuttill	Peter Ridgwell
Simon Cole	David Palmer
Stephen Edwards	Peter Ridgwell

## 75. **Chairman's Announcement**

Prior to the consideration of the items on the agenda, the Chairman informed all members of the public in attendance that they were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

## 76. **Apologies for Absence**

Apologies for absence were received from Councillor Andrew Appleby.

Councillor Louise Marston was also unable to attend the meeting.

## 77. **Substitutes**

Councillor David Palmer attended the meeting as substitute for Councillor Andrew Appleby.

## 78. **Minutes**

The minutes of the meeting held on 5 August 2015 were unanimously accepted as an accurate record and were signed by the Chairman.

79. **Planning Application DC/14/1711/FUL - Small Fen Farm, Small Fen Lane, Brandon (Report No DEV/FH/15/033)**

Planning Application – temporary occupation of building as dwelling for a period of up to five years.

This application was referred to the Development Control Committee due to the significance of the matter and due to the very extensive and detailed enforcement related matters in connection with the application.

The Principal Planning Officer reminded Members that this item had been included on the agenda for the Development Control Committee on 5 August 2015 but had been withdrawn by Officers in order to clarify the policy assessment in greater detail and to properly explore some alleged factual inaccuracies. The report before Members had therefore been updated and, where necessary, corrected.

The Officer opened his presentation by setting out the lengthy history of a longstanding planning enforcement investigation into the site. He drew attention to the appeal decision which had been attached as a Working Paper for the Committee's reference.

Members were advised that since publication of the agenda one further letter of representation had been received from an individual who had previously responded, however, this letter contained no new points beyond which had been already raised.

The Officer made reference to both the 'emerging' planning policy position in relation to Brandon as well as the unique personal circumstances of the applicant. On balance Officers were recommending that the application be refused as set out in Paragraph 91 of Report No DEV/FH/15/033.

A number of Members voiced sympathy with regard to the personal circumstances of the applicant and asked if it would be possible for the application to be refused but to permit a moratorium on direct action; in order to allow opportunity for natural justice to take place (i.e. time in which for an appeal to be lodged) and/or changes or developments in respect of the personal circumstances.

The Service Manager (Planning – Development) confirmed that this was possible because under the law the Council had a discretion as to when to take direct action pursuant to an Enforcement Notice. It was suggested, however, that the recommendation be made on the basis that an update report would be provided to the Committee on the expiry of the moratorium.

It was, therefore, proposed by Councillor David Bowman that the application be refused as per the Officer recommendation but that the applicant be granted a 12 month moratorium on direct action and that following this period a further report be presented to the Development Control Committee. This was duly seconded by Councillor Carol Lynch and with the vote being unanimous, it was resolved that:

Planning permission be **REFUSED** for the following reason:



1. The dwelling proposed for retention remains an isolated dwelling contrary to the provisions of paragraph 55 of the NPPF and those of Policies DM5 and DM27 of the Joint Development Management Policies 2015. It is also the case that the building to be retained is significantly larger, higher and bulkier than the one it replaced and remains visible over a wide public area. In line with the conclusions of the previous appeal Inspector it is thus an obtrusive and uncharacteristic form of development in this setting contrary to the requirements of the NPPF in relation to good design and those of Policy DM2.

Very significant constraints exist in relation to the potential allocation of any sites within and around Brandon. There is presently no indication of when, or even if, these matters will or can be resolved. It is not therefore considered that any material weight can presently be attached to the emerging planning Policy position. In light of this fact, in light of the harm identified, and in light of the generous timeframe for review in relation to this matter that has already now been offered, firstly by the Planning Inspectorate in their appeal decision letter and secondly by the Local Planning Authority in the consideration of this application, it is not considered reasonable to allow a temporary approval for the further retention of this unauthorised dwelling.

In balancing and concluding on this matter it is recognised that weight can be attached to the personal circumstances of the applicant, and to the medical evidence confidentially submitted. The weight to be attached to this however is not considered sufficient to meet the high test set out in paragraph 015 of the NPPG. The weight that must be attached to this personal circumstance is also further limited by the circumstances surrounding the sale of Mrs. Ellen Usher's own property. In this context it is not considered therefore that the personal circumstances presented in the case are sufficient to outweigh the obvious and continuing harm presented by this unauthorised dwelling.

**But that direction action to secure compliance with this outstanding breach of planning control be subject to a 12 month moratorium** in order to allow opportunity for the possible appeal to be lodged if the applicant is minded and/or for any developments in the personal circumstances of the applicant to be considered. An update report would be provided to the Development Control Committee on expiry of the moratorium.

Speaker: Mr Richard High (agent) spoke in support of the application.

80. **Planning Application DC/15/0922/OUT - Land adjacent 1 St John's Street, Beck Row (Report No DEV/FH/15/034)**

Outline Planning Application (Means of Access to be considered) – Residential development of up to 60 dwellings with new vehicular access from St. John's Street.

This application was referred to the Development Control Committee at the request of Councillor David Bowman given the local community interest.

A Member site visit had been held prior to the meeting. The Parish Council supported the scheme, however objections had been received from third parties. The application was recommended for approval as set out in Paragraph 204 of Report No DEV/FH/15/034.

The Principal Planning Officer – Major Projects advised that the scheme had already been amended by the applicant in order to alleviate some concerns raised by residents of neighbouring properties with regard to the position of dwellings along the site boundary. However, she asked Members to note that the indicative layout included within the agenda papers was purely for illustration purposes at this outline stage of the application.

In view of the number of major planning applications for residential development in Beck Row during the last 18 months the Officer made specific reference to the cumulative impact of development on the village. Councillor Simon Cole raised specific concerns with regard to the impact of development on primary education provision. The Officer advised that Suffolk County Council had provided details on the long-term expansion plans for Beck Row Primary School and she read this out to the meeting.

Lastly the Committee was advised that, in view of the recent planning applications already approved for Beck Row, the village had now reached its maximum number of S106 contributions towards the library service. Accordingly, any future contributions would have to be allocated to specific library 'projects', however, as the County Council had advised that there were no such projects available at this time the Planning Authority would not be in a position to pursue this particular contribution from the developer.

Councillor David Bowman raised specific concerns with regard to the footpath proposed as part of the development that ran along the boundary of the site with neighbouring Beverley Close. The footpath was currently in two parts and he asked if it would be possible to condition this part of the application to ensure that it was joined into one coherent footpath along the boundary and that some form of barrier was put in to prevent vehicles from driving across it to access the development.

The Officer confirmed that this could indeed be conditioned to ensure the footpath was constructed in this way. Following which, Councillor Bowman then proposed that the application be approved as per the Officer recommendation and with the additional condition regarding the footpath. This was duly seconded by Councillor David Bimson and with the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):
  - Policy compliant level and tenure split of affordable housing.
  - Education contribution.
  - Pre-school contribution.

- Provision of on-site and off site open space.
- Transport contribution.

In the event that there are any substantive changes to the S106 package, then this would go back to Members for consideration.

In the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out above, for reasons considered unreasonable by the Head of Planning and Growth, planning permission be refused for the following reasons (as may be appropriate):

1. Unsustainable form of development not mitigating its impact on education provision, open space sport and recreation, transport (contrary to the Framework and Core Strategy Policy CS13).
2. Non compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

2. And the following conditions/informatives:

1. Time.
2. Compliance with approved plans.
3. Archaeology – investigation and post investigation assessment.
4. Contamination – further investigative work if found.
5. Foul water disposal details.
6. Surface water drainage details: SuDs management plan.
7. Construction method statement.
8. Working hours.
9. Ground levels details.
10. Details of boundary treatment.
11. Samples of materials.
12. Detailed scheme of hard and soft landscaping.
13. Tree protection.
14. Details of tree works for retained trees.
15. Detailed Arboricultural Method Statement and Tree Protection Plan.
16. Open space management plan.
17. Details of lighting.
18. Recommendations of Ecological Appraisal to be implemented.
19. Recommendations of Botanical Survey to be implemented.
20. In situ retention of plant species.
21. Recommendations of Reptile Survey to be implemented.
22. Development in accordance with agreed design code/development brief.
23. Provision of fire hydrants.
24. Waste minimisation and recycling strategy.
25. Highways – including provision of Sustainable Travel Information Packs.
26. Extension/completion of footway along Beverley Close boundary with barriers constructed to prevent vehicle access across.

Informative : connectivity with Lamble Close

Speaker: Ms Julie Sheldrick (agent) spoke in support of the application.

81. **Planning Application DC/15/1515/TPO (Tree Preservation Order) - Rear of 33 Lamble Close, Beck Row (Report No DEV/FH/15/035)**

TPO 048(1963)1 Tree Preservation Order: 1 no. Oak – Crown lift by 4m and remove ivy (197 on Order).

This application had been referred to the Development Control Committee due to Forest Heath District Council being the applicant. No representations had been received and Officers were recommending that the application be approved as set out in Paragraph 17 of Report No DEV/FH/15/035.

Councillor David Bowman spoke in support of the works and moved that the application be approved as per the Officer recommendation. This was seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that:

The works proposed to the protected tree be **APPROVED** subject to the following conditions:

1. The works which are the subject of this consent shall be carried out within two years.
2. The authorised works shall be carried out to the latest arboricultural standards and in line with the Pro Natura 'Ancient Pollard Management Plan' (2011).

The meeting concluded at 6.56pm

**Signed by:**

**Chairman**

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/036**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/14/1206/FUL - LAND ADJACENT SMOKE  
HOUSE INN, SKELTONS DROVE, BECK ROW**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Philippa Kelly  
Telephone: 01284 757382

# Committee Report

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<b>Date Registered:</b>	1 July 2014	<b>Expiry Date:</b>	31 October 2015 (with agreed extension)
<b>Case Officer:</b>	Philippa Kelly	<b>Recommendation:</b>	APPROVE planning permission, subject to S106 agreement and planning conditions
<b>Parish:</b>	Beck Row	<b>Ward:</b>	Eriswell and the Rows
<b>Proposal:</b>	Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units).		
<b>Site:</b>	Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row		
<b>Applicant:</b>	Persimmon Homes, Anglia		

**BACKGROUND:**

**This application is referred to the Development Control Committee because it is for 'major development' and objections have been received from Beck Row Parish Council.**

**The application is recommended for conditional approval following completion of a Section 106 agreement.**

**APPLICATION PROPOSAL:**

1. Full planning permission is sought for the residential development of 166 dwellings, and associated work including highway improvements and landscaping.
2. Construction has already commenced on twenty four of the residential units, in accordance with an extant permission (planning reference F/2203/0177/OUT and 2007/0492/RMA). The Council is satisfied that a lawful start has been made on these dwellings, in accordance with the extant permission. The current

application seeks part retrospective planning permission for the 24 units, to ensure that they are captured by the current planning policy context.

3. The application site comprises two separate parcels of land situated on either side of Skelton's Drove, a single track minor road which runs north-east from the A1101 and bends west. Skelton's Drove is in separate ownership and is not included in the red line boundary of the application site.
4. Access to the development west of Skelton's Drove would be gained from the existing Sycamore Drive estate to the north—west. The site to the east of Skelton's Drove will be accessed by an existing roundabout on the A1101/The Street. The access road passes through the bottom of the site to join Holmsey Green Road. No access is proposed to Skelton's Drove from the application site.
5. The application proposes a mix of 2, 3 and 4 bedroom houses, comprising a mixture of detached, semi detached and terraced properties arranged around cul-de-sacs, private driveways and squares. The development includes a variety of two and two and a half storey dwellings and associated single storey garages.
6. Based on a total number of 166 dwellings and a total site area of approximately 5 hectares, the density of the proposed development will be approximately 32 dwellings per hectare.
7. The scheme as originally submitted in July 2014 was accompanied by a Viability Appraisal which provided the applicant's justification for why the scheme would not be viable with affordable housing.
8. The viability of the scheme was independently reviewed on behalf of the Council. In July 2015 the applicant confirmed amendments to incorporate the on site provision of the full amount of affordable housing required under Policy CS9.
9. The amended scheme proposes a total of 49 affordable units (approximately 29% of the total number of dwellings). These are to be provided across the site as a mix of 1, 2, 3 and 4 bedroom dwellings. The remainder of the units are a mix of 2, 3 and 4 bedroom private market dwellings.
10. A summary of the accommodation schedule is set out as below:

**TABLE 1: Accommodation Schedule**

	<b>1 BED</b>	<b>2 BED</b>	<b>3 BED</b>	<b>4 BED</b>	<b>TOTAL</b>
<b>MARKET HOUSING</b>	0	46	43	28	117
<b>AFFORDABLE HOUSING</b>	10	26	9	4	49
<b>TOTAL</b>	10	72	52	32	<b>166</b>

11. The proposed palette of external building materials comprises the following:

- Walls – red, mixed red and buff brick, stone and magnolia
- Roofs – terracotta, red and dark grey pantiles.

12. Public open space (a total of 7097 square metres) is proposed in three locations within the site. This includes an area of open space which will link to an existing area adjacent to and outside of the application site. In addition, a five metre structural landscaping strip is proposed along the boundary of the site with Skelton's Drove, and along the northern boundary of the eastern land parcel, where it abuts open fields.

### **APPLICATION SUPPORTING MATERIAL:**

13. The application is supported by the following documents:

- i. Application forms and drawings.
- ii. Planning Statement.
- iii. Design and Access Statement.
- iv. Transport Statement.
- v. Residential Travel Plan.
- vi. Sustainability Statement.
- vii. Flood Risk and Foul and Storm Water Drainage Assessment.
- viii. Economic Viability Assessment (*this is a confidential document and is not publically available*).
- ix. Ecological Survey.
- x. Tree Survey Schedule.
- xi. Tree Constraints Plan.
- xii. Site Investigation.

### **SITE DETAILS:**

14. The application site is located in the village of Beck Row, in part within the defined settlement boundary. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. It has a population of 3897 (including Holywell Row and Kenny Hill (2011 Parish Profile)).

15. The site is situated centrally within Beck Row, to the north of The Street (A1101). It occupies an area of approximately 5 hectares which is divided into two distinct land parcels which are separated by Skelton's Drove. Skelton's Drove is a private road which was owned by Defence Estates until recently. It is understood that it was sold during the summer of 2015.

16. Skelton's Drove demarks the northern and eastern boundaries of the western land parcel, and part of the western boundary of the eastern land parcel.

17. Land to the immediate north of the application site comprises arable farmland and land which was until recently in the ownership of the RAF. Existing residential development is situated adjacent the site. This includes properties to the north—west which are occupied by USAF personnel.



- 18.To the south-west of the site is new residential development on the site of the former Smoke House hotel complex. Rear gardens of existing dwellings which front The Street/Locks Lane back onto the southern boundary of the site.
- 19.Existing residential development is also located adjacent the eastern boundary of the site, which comprises predominately single storey properties. The opposite side of Holmsey Green consists of one and two storey cottages and some local retail/commercial uses.
- 20.The site is relatively flat with only a gentle rise from west to east. It consists of semi-improved pasture which has been grazed by horses. Within the north-western land parcel are a number of soil mounds which are being stored from the adjacent site.
- 21.Along the site margins are large areas of bramble and occasional short lengths of hedgerow. A row of mature lime trees is found along the southern boundary to the rear of the Smoke House Inn. Two mature firs are also present within this row.
- 22.Occasional matures trees can be found along the eastern boundary of the eastern land parcel. Around the site boundaries are long stretches of raised, mostly rough grass-covered bunds and associated dry ditches which appear to have been constructed a number of years ago to prevent vehicular access. There is an area of old concrete hard standing within the eastern land parcel.
- 23.The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 ('little or no risk of flooding').
- 24.The application site is identified as BR/03 in the Council's Site Allocations Local Plan Further Issues and Options Consultation Document (August 2015).
- 25.The site has also been included in the Council's Assessment of a five year supply of housing land, which was published in February 2015, and which confirms that there is a 5.1 year supply of housing land in the District. This document identifies the site as available, suitable, achievable and capable of being delivered within a five year timeframe.

#### **AMENDMENTS:**

- 26.During the course of the application, the scheme was amended a number of times.

#### **February 2015 amendments:**

- Public open space reconfiguration, including removal of area of open space on northern boundary of south-east land parcel.
- Strengthening of landscaping buffer strip around the site.
- Submission of revised Residential Travel Plan.

#### July 2015 amendments:

27. On 09 July 2015 the applicant confirmed that a commercial decision to move forward had been made, and amendments to incorporate affordable housing were submitted.
28. Whilst the scheme remains for 166 dwellings, 49 of these are now identified for affordable housing. The changes relate to minor amendments to the site layout plan and certain house types.
29. The July 2015 amendments also address other issues raised during the course of the application:
- Changes to house types, road layout and plot positioning, to reflect the provision of 49 affordable units within the scheme.
  - Revisions to car and cycle parking and internal garage dimensions.
  - Addressing comments made by Suffolk Police Architectural Liaison Officer.
30. An updated Design and Access Statement and Planning Statement were also submitted.

#### Amendments September 2015

31. Amendments received in September 2015 relate to the following:
- Changes to the affordable housing mix, to reflect consultation comments made by the Council's Strategy and Enabling Officer.
  - Changes to individual dwelling types to reflect third party concerns regarding impact on existing dwellings.
  - Changes to the red line site plan to reflect third party concerns regarding land ownership.
32. Appropriate re-consultation was undertaken in respect of the amendments.

#### **PLANNING HISTORY:**

##### Extant Planning Permission

33. The application site has a lengthy and complex planning history. Most recently, planning permission for the development of the site for 150 dwellings was granted under the following applications:

**F/2007/0492/RMA** - Reserved matters for 150 dwellings for occupation by USAF personnel (resubmission) (Granted 2008)

**F/2003/1077/OUT** - Outline planning permission for residential development of the site (Granted 2005).

34. These planning permissions restrict the occupation of the dwellings to United States Air Force (USAF) personnel only. Development has commenced, and 24 dwellings adjacent the junction of The Street and Holmsey Green are at various stages of construction.
35. The Council is satisfied that the 24 units which are currently under construction are being built in accordance with F/2007/0492/RMA and F/2003/1077/OUT. Under the provision of these planning permissions, these dwellings can only be occupied by members of the USAF
36. Under the current application, the 24 units would be unchanged from those approved under the 2007 and 2003 application. The only difference in respect of these dwelling units is that the granting of planning permission for this scheme would remove the occupancy restriction.

#### Other Planning History

F/2007/0014/RMA – reserved matters for 150 dwellings for occupation by USAF personnel (withdrawn)

F/2002/524/OUT – residential development and means of access for occupation by USAF personnel (Refused).

F/98/568/OUT – Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

F/93/260/OUT – Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

F/91/611/OUT – Residential development and means of access for occupation by USAF personnel. (Refused. Appeal dismissed).

#### **CONSULTATIONS:**

37. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received in relation to the scheme as originally submitted and as amended.

#### Scheme submitted with the planning application (July 2014)

38. **West Suffolk Planning Policy – No objection. Comments.** It has been demonstrated that there are clear societal benefits likely to accrue from this proposal. Should you consider that the cumulative impact of this and another recent permissions would be of such significant detriment that it justifies refusal, you should take this course of action. The contention would be that the development does not provide for infrastructure, sufficient to bring it in line with the objectives of sustainable development and that, as a consequence, the future decisions on the scale and location of new development, within this settlement would 'better' be achieved via the plan making process.
39. **West Suffolk Strategic Housing – Objection. Comments.** The Strategic Housing Team does not support the planning application DC/14/1206FUL for Skelton Drove, Beck Row as it is contrary to our Core Strategy Policy CS9. This

development would be subject to 30% affordable housing provision and although a historic application back in 2004 was subject to exceptional planning consent being granted for USAF personnel only this does not apply to this application and should be subject to our current planning policies.

Having regard to the viability appraisal submitted with this application the Strategic Housing Team cannot conclude how using figures from recent developments in Cambridge and Bury St Edmunds bears any relation to the locality of Beck Row, Suffolk as the figures especially for Cambridge are distorted by high land values.

40. **West Suffolk Public Health and Housing – No objection.** Recommends conditions relation to Construction Method Statement, construction hours, waste disposal and demolition.
41. **West Suffolk Environmental Health- No objection. Comments.** Recommends conditions/informatives relating to contamination construction method statement and acoustic installation (unreasonable)
42. **West Suffolk Ecology, Tree and Landscape Officer - Detailed comments provided.** There are a number of constraints to the site that have been identified that need particular consideration. The biodiversity survey includes a population of reptiles which it proposes to be translocated to a receptor site. Details of receptor site, identified measures to secure the site for reptiles in the future and monitoring must be submitted prior to the decision being made.
43. **Suffolk County Council Highways – Comments.** Before full consideration of this application can be given, require minor amendments with regard to parking, permeability, and service strips. Requests S106 contributions for an RTPI screen which would go next to the shelter on the main road as services are not expected to be diverted.
44. **Suffolk County Council Travel Planner –Comments.** Requests an interim Travel Plan to be submitted
45. **Suffolk County Council Planning Obligations –No objection. Detailed comments.**
46. **Suffolk County Council Minerals and Waste – No objection. Comments.** Requests clarification regarding sustainable use of minerals, raising floor and road levels and soil handling procedures.
47. **Suffolk County Council Public Rights of Way – No objection. Comments.**
48. **Suffolk County Council Archaeological Services – No objection. Comments.** The development area has been fully evaluated, and the area of significant archaeological deposits has also been excavated. A commitment on completing the analysis and reporting on the excavation has also been made by the developer. I am therefore happy that there is no need for an archaeological condition on this application.
49. **Suffolk County Council, Flood and Water Manager – No response received.**

50. **Suffolk County Council, Fire and Rescue – No objection. Comments.** Comment made on 26 June 2006 under F/2007/0492/RM may remain in place for DC/14/1206/FUL.
51. **Anglian Water- No objection. Comments**
52. **Environment Agency – No objection. Comments.** Considers that planning permission could be granted to the proposed development if conditions are included relating to surface water drainage scheme, remediation strategy and contamination.
53. **Suffolk Wildlife Trust – No objection. Comments.** We have read the ecological survey report and note the findings of the consultant. A reptile survey at the site identified an 'exceptional' population of the common lizard and 'low' population of grass snake. The ecological survey report recommends a methodology for the removal of reptiles from the site and states that a receptor site is required to translocate the animals to. However, no receptor site as yet appears to have been identified. We recommend that, should permission be granted, the provision of a receptor site, along with translocation and long term management and monitoring strategy, is secured and implemented via a planning condition, It is also noted that a number of the timings for site works identified in the ecological report are out of date, it should be ensured that any works are undertaken at the appropriate time of the year to avoid harming reptiles.
54. **Natural England – No objection. Comments.** The proposal is in close proximity to the Wilde Street Meadow Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise that this SSSI does not represent a constraint in determining this application. It is not likely to have a significant effect on the interest features for which the Breckland SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites conservation objectives.
55. **Suffolk Constabulary** – Detailed comments in respect of designing out areas which may become crime generators in the future.
56. **Mildenhall Drainage Board. No objection. Comments.** Recommends a condition relating to surface water disposal.
57. **Lawson Planning Partnership on behalf of NHS England - Comments.** The planning application does not include a Healthcare Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development. An HIA has therefore been prepared by NHSE to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

NHSE raise a holding objection to the proposed development on the grounds that the applicant has not provided that the application fully delivers

sustainable development, as it does not assess the likely healthcare impacts of the development or provide for the necessary mitigation. Requests a developer contribution of £28 600 to address the identified healthcare impacts.

58. **MoD Safeguarding – no response received.**

**Amended Scheme:**

59. **West Suffolk Strategic Housing – Comments.** The Strategic Housing Team is currently unable to support the affordable housing mix proposed for the application DC/14/1206/FUL. There are no one bed dwellings within the mix. We would like to see a proportion of these incorporated into the affordable housing mix. Regarding the 3 bed 4 person dwellings, this size property is impractical when taking into account the current changes to housing benefit and the need to maximise occupancy to meet our household needs. We therefore would require our three bed dwellings to occupy a minimum of 5 persons.

We have had no discussions with the applicant regarding the development prior to seeing the above affordable housing mix and therefore based on robust evidence the strategic housing team would be seeking to secure the following affordable housing mix:

- 10 x 1 bed house (2 person)
- 26 x 2 bed house (4 person)
- 9 x 3 bed house (5 person)
- 4 x 4 bed house (6 person)

60. **West Suffolk Ecology, Tree and Landscape Officer – Detailed comments. No objection.**

61. **Suffolk County Council Highways –Comments. No objection.** Recommends that any permission which the Planning Authority may give should include conditions relating to the following - details of bin storage; estate roads and footpaths; carriageways and footways; deliveries management plan; vehicle manoeuvring and parking' easement across Skelton's Drive.

Requests contributions in respect of a Real Time Passenger Information screen; Travel Plan Evaluation and Support; Travel Plan Implementation Bond/Contribution.

62. **Suffolk County Council Travel Planner – Comments.** The updated copy of the Residential Travel Plan has taken into account my earlier comments. I have had a chance to review this travel plan and I can see that the majority of comments were taken into account and the document is much improved. There are a few minor issues that need further clarification before I can recommend approval.

Requests planning obligations relating to Travel Plan and Travel Plan Bond, including implementation and enforcement.

63. **Suffolk County Council Planning Obligations – Comments.** This re-consultation is as a result of amended plans submitted by the applicant. From my perspective, I have no further comments to make.

## **REPRESENTATIONS:**

### 64. **Beck Row Parish Council –**

#### Scheme submitted with original application (July 2014)

Objects to the proposals on the grounds that it will have a negative impact on the community, for the following reasons:

- The original application (F/2003/1077/OUT) was a departure from the Development Plan and was subject to exceptional planning consent being granted, despite representations that there was no requirement for USAF housing. There remains no requirement at the present time.
- Other developments in the village have provided a full financial contribution with regard to Section 106.
- Developments already approved will bring the Parish to the point that any further large scale development such as proposed will be detrimental to our village as the infrastructure can barely cope at present.
- USAF housing around the Sycamore Drive area is shortly coming to the end of its contract and it is highly likely that these houses will be offered on the open market.
- Where will the residents of the proposed development find employment as there appears to be no opportunities for the numbers envisaged locally.
- There is no affordable housing.
- The effect of open market housing will put further pressure on Beck Row Primary School.

#### Amended scheme (July 2015):

Objects to the application on the following grounds:

- Road layout with heavy agricultural vehicles using the Holmsey Green junction with the A110l and houses being built so closely to the road.
- Volume of houses being built against the very limited number of jobs available, particularly with the proposed closure of RAF Mildenhall.

If this application is approved the Parish Council would like the affordable housing nominations to go to only people connected to the Parish.

If this application is approved will the Parish still receive the promised £120,000 contribution towards a new community facility as agreed in the original legal agreement?

### 65. **Third party representations** have been received from residents of the following properties:

- 66B The Street
- 32 Holmsey Green
- 76 The Street,
- 78 The Street
- Yappies, 6 Holmsey Green

66. The following is a summary of the issues raised:

- Building work has already started
- Impact on residential amenity:  
Loss of privacy  
Overlooking.  
Overbearing relationship with existing properties.  
Existing properties already overlooked by new development – these proposals will exacerbate existing situation.
- Visual Impact
- Design of development: small garden sizes.
- Highway Issues:  
Understood that Holmsey Green would be stopped up. Why is this not happening?  
Highway safety issues along Holmsey Green.
- Drainage Issues: Will the sewer be able to take more housing?
- Need for suitable boundary treatment
- Other issues:  
Site unsightly.  
Need more litter bins and dog waste bins.  
Devaluation of existing properties.  
Council should compensate if development goes ahead.  
Existing properties not shown on site layout plan.  
Right of way over the land has been overlooked.

## **POLICIES:**

### **DEVELOPMENT PLAN**

67. The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved' by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.



- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

68. The following Development Plan policies are applicable to the application proposal:

**Forest Heath Local Plan (1995) Saved Policies**

Inset Map No.6 - Beck Row Development Boundary.

**Forest Heath Core Strategy 2010**

Visions:

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

Spatial Objectives:

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

Policies

- **CS1:** Spatial Strategy
- **CS2:** Natural Environment
- **CS3:** Landscape Character and the Historic Environment
- **CS4:** Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **CS5:** Design Quality and Local Distinctiveness
- **CS6:** Sustainable Economic Development and Tourism
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS10:** Sustainable Rural Communities
- **CS13:** Infrastructure and Developer Contributions

**Joint Development Management Policies Document 2015**

- **DM1** – Presumption in Favour of Sustainable Development.
- **DM2** – Creating Places – Development Principles and Local Distinctiveness.
- **DM3** – Masterplans.
- **DM4** – Development Briefs.
- **DM5** – Development in the Countryside.
- **DM6** – Flooding and Sustainable Drainage.
- **DM7** – Sustainable Design and Construction.
- **DM10** – Impact of Development on Sites of Biodiversity and Geodiversity Interest.
- **DM11** – Protected Species.
- **DM12** – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- **DM13** – Landscape Features.
- **DM14** – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- **DM20** – Archaeology.
- **DM22** – Residential Design.
- **DM41** – Community Facilities and Services.
- **DM42** – Open Space, Sport and Recreation Facilities.
- **DM44** – Rights of Way.
- **DM45** – Transport Assessments and Travel Plans.
- **DM46** – Parking Standards.

### **Other Planning Policy**

#### **Supplementary Planning Documents**

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

#### **Emerging Development Plan Policy**

70. **Single Issues Review and Site Allocations Development Plan Document:** The Core Strategy Single Issue Review (SIR) Local Plan Document reached the Issues and Options stage in July 2012. An 8 week consultation was undertaken. The proposed submission draft document was approved for consultation in early 2014. The consultation was subsequently postponed to enable further SA and SEA work.
71. Members subsequently resolved to prepare the Core Strategy SIR in tandem with the Site Specifics Allocations Document. A joint consultation commenced on 11 August 2015 and will run for 8 weeks. Adoption is anticipated by the end of 2017.
72. For the site document this is the very first stage in the plan process 'Issues and Options' and includes all potential sites - many of which will not be taken forward to the next stage.

73. At the present time, the Single Issue Review and the Site Specific Allocations Document therefore carry limited weight in the decision making process, although the published evidence underlying the SIR still has weight.

### **National Planning Policy and Guidance**

74. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration for planning decisions and is relevant to the consideration of this application.

75. Paragraph 14 of the NPPF identifies the principle objective of the Framework:

*'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 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'.*

76. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 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'*.

77. The relevant parts of the NPPF are discussed below in the officer comment section of this report.

78. The Government published its National Planning Practice Guidance in March 2014 following a comprehensive exercise to view 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. Relevant parts of the NPPF are discussed below in the officer comment section of this report.

79. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the

framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

80. Paragraph 14 of the NPPF states that where the Development Plan is absent, silent or relevant policies are out of date, development proposals should be determined in accordance with the relevant test - that is whether *'any adverse impacts...would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

### **PLANNING EVALUATION**

81. The Planning Statement submitted in support of this planning application makes a case for supporting the principle of the development of the site - given that the site benefits from an existing planning permission for 150 dwellings. The planning history is important, and ultimately determinative, with respect to the principle of residential development.
82. Outline planning permission for the residential development of this site was granted in 2005. Planning permission was granted as a departure from the development plan, on the basis of need by the USAF. A reserved matters application was subsequently approved in 2008.
83. The 2005 planning permission has since been implemented. The Council is satisfied that the scheme has legally commenced. The planning permission for 150 dwellings has therefore been saved and can be lawfully completed. The occupancy restriction means that the dwellings can only be inhabited by USAF personnel.
84. In planning terms, the site is now afforded a 'residential' use, irrespective of the occupancy restriction. The residential development of this site for 166 dwellings, as an alternative to the scheme originally approved in 2008, must therefore be considered acceptable in principle.
85. In assessing the acceptability of the current planning application, the key material considerations relate to the details of the development - in the light of any material changes in circumstances since the application was granted planning permission. The development which has previously been approved acts as a key material consideration in this respect. Members are reminded that the extant planning permission was for 150 restricted occupancy dwellings, for members of the US Air Force only. This application seeks planning permission for 166 market houses, including 49 affordable units.
86. The subsequent section of the report considers the material changes in circumstances and other relevant material planning considerations, (including site specific considerations and Section 106 requirements) before concluding by balancing the benefit of the development proposals against the dis-benefits.

### **Principle of Development**

#### National Policy Context

87. Paragraph 47 of the Frameworks states that to boost significantly the supply of housing, 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 in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

88. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites, sufficient to provide five-years worth of housing against their housing requirements, with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under delivery of new housing) to ensure choice and competition in the market for land.
89. The latest assessment of the District's five year supply of housing land was published in February 2015. This confirms that the Council is able to demonstrate a five-year supply of housing.
90. In terms of housing provision in the District, the saved settlement boundary plans are out of date, pre-dating the NPPF by some time. All of the sites allocated within the 1995 Local Plan have either been built out or are considered undeliverable. On this basis, and in accordance with the advice offered in the NPPF, the saved settlement boundary plans are considered to carry limited weight.
91. In such circumstances, planning applications for new housing development fall to be considered against the provisions of the NPPF and any Development Plan policies which do not relate to the supply of housing. The Framework places a strong presumption in favour of sustainable development, and where Development Plans are out of date, advises in Paragraph 14 that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'*
92. The NPPF does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposals significantly and demonstrably outweigh the benefits, then planning permission should still be refused. The fundamental planning principle is that each case must be considered on its own merits.

#### Development Plan Policy Context

93. Beck Row is designated as a Primary Village within the Forest Heath Core Strategy (Policy CS1). Under this policy, limited housing growth to meet housing needs is generally supported in principle.
94. The development is included in the Council's five year land supply as a site identified in SHLAA that is considered deliverable with the 5 year land supply. The development of the site for 166 residential units is acceptable in principle.
95. The majority of the application site is situated outside of the settlement boundary for Beck Row, on land which was previously greenfield. The 2004 planning permission means that the site is now afforded a 'residential' use: the previous status as a greenfield site has been lost.

96. In addition, the saved settlement boundary plans contained in the 1995 Local Plan are based on housing provision as contained in the 1991 Suffolk Structure Plan, which has since been abolished. On the basis of advice offered in the NPPF, officers consider that the saved settlement boundary plan for Beck Row currently carries limited weight.

Environmental Capacity

97. The Council’s Planning Policy Officer, in consultation correspondence, confirms that the ‘original’ growth strategy in respect of the District’s settlement hierarchy was found to be sound. This would suggest that Beck Row has the environmental capacity to deliver the 166 dwellings proposed by this planning application.
98. In terms of the potential environmental capacity of infrastructure in Beck Row, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment (‘IECA report’) represents the best available evidence.
99. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
100. The IECA report identifies a range of capacity in Beck Row of some 240-420 new dwellings in the plan period to 2031 (although this would be subject to significant infrastructure improvements in line with growth). Moreover, the extant permission for 150 dwellings would not have been included as part of the IECA capacity assessment, being an existing commitment pre-dating the report.
101. The IECA report suggests that there is environmental capacity to facilitate not only the dwellings that are proposed by this planning application, but also other major residential developments in Beck Row that the planning authority has already permitted. In combination, these represent up to 399 additional residential units.

**TABLE 2: Beck Row - Total number of residential units**

<b>PLANNING REFERENCE</b>	<b>SITE LOCATION</b>	<b>PLANNING STATUS</b>	<b>NUMBER OF DWELLINGS</b>
DC/13/0123/OUT	Land at Aspal Lane	Planning permission granted June 2015.	Up to 117 dwellings
DC/14/1745/OUT	Beck Lodge Farm	Resolution to approve subject to S106 (July 2015).	Up to 24 dwellings
DC/15/0922/OUT	Adjacent 1 St	Resolution to	Up to 60 dwellings

	John's Street	approve subject to S106 (Sept 2015).	
DC/13/0144/FUL	Scrap Yard Site, Skelton's Drove	Planning permission granted June 2015.	Up to 32 mobile homes
DC/14/1206/FUL	Land at Skelton's Drove	Current planning application.	166 dwellings
<b>TOTAL NUMBER OF RESIDENTIAL UNITS</b>			<b>399 UNITS</b>

102. Officers acknowledge that the IECA report has been held at planning appeal to contain the most up-to-date information relating to infrastructure and capacity in the District. However, given that the IECA report was written approximately 5 years ago, officers are of the opinion that it can no longer be considered an accurate reflection of infrastructure provision within settlements. In the context of the subject planning application, officers have evaluated the IECA evidence against the advice contained in consultation responses received. This is considered in further detail in the Cumulative Impacts section below.

#### Prematurity

103. Guidance on prematurity is not addressed directly by the Framework. However, more recent advice about the approach the decision maker should take is set out in the National Planning Practice Guide (NPPG) which was published in March 2014. This states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.
104. Given the planning history of this site, approval of this application would not prejudice the proper consideration of site options for development in Beck Row. The development proposal cannot therefore be considered premature in the context of the emerging Single Issue Review and Site Specific Allocations Document.
105. In assessing whether a development proposal is premature, the cumulative impacts in combination with other committed development is also an important consideration. Officers acknowledge that each settlement has its own unique characteristic (for example, infrastructure 'tipping points') that govern its ability to accommodate growth and at what stage.
106. The cumulative scale of development on these sites amounts to 399 dwellings. Officers do not consider the cumulative scale of residential development proposed in Beck Row to be substantial in comparison to the overall quantum of development to be provided across the District, over the Plan period.

107. Given the context of the current guidance as outlined above, officers consider that it would be difficult to justify any decision that approval of this scheme would be premature.
108. On the basis of national guidance on the issue of prematurity, and relevant national policies providing for the delivery of sustainable development without delay, Officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.
109. Notwithstanding that the Council now has a five year land supply in place, officers consider that Paragraph 215 of the NPPF (which states that the weight that can be given to a plan is dependent on the degree of consistency with the Framework) and Paragraph 14 of the NPPF are of relevance, in that:
- The provision of housing as set out in the saved local plan maps contained within the 1995 Forest Heath Local Plan are based on housing provision contained in the since abolished Suffolk Structure Plan. This pre dates the NPPF and is out of date. Little or no weight can therefore be attributed.
  - The Core Strategy is up to date in terms of its settlement strategy which focuses development in the market towns. The quashing of the majority of Policy CS7 and consequential amendments to Policies CS1 and CS13 means that it is silent on housing distribution within the District.
  - The new Local Plan will address these issues. It is currently on consultation at Issues and Options stage. It is therefore absent.
110. Given that the Development Plan is *'absent; silent or relevant policies are out of date'* the Council's approach, based on Paragraph 14 of the NPPF, is therefore to determine whether the development proposal is sustainable development by reference to the relevant test in Paragraph 14 – that is, whether *'any adverse impacts....would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.
111. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development outweigh its dis-benefits, as required by the Framework.
112. A balancing exercise is carried out towards the end of this section of the report as part of concluding comments. An officer evaluation to assist with Members consideration of whether the development proposed by this planning application is 'sustainable development' is set out below on an issue by issue basis.

### **Sustainable Transport/Impact upon the Highway Network**

113. National planning policy in relation to the transport planning of developments is set out in the Framework. Section 4, paragraphs 29 to 41 deal specifically with transport planning and the promotion of sustainable transport.



114. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 of the Framework requires all developments that generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
115. Paragraph 34 of the Framework states 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 recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
116. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, and ensure that access and safety concerns are resolved in all developments.
117. 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 DM26 addresses parking standards.
118. In the specific context of Beck Row, the IECA report recognizes that the local transport network as a potential constraining factor to development.

#### Access Arrangements

119. In terms of the proposed access arrangements, the site to the west of Skelton's Drove will link through to existing residential development. The existing accesses connect to The Street (A1101) to the west of the application site.
120. The application site to the east of Skelton's Drove would be accessed via an existing roundabout onto The Street. Holmsey Green is shown as being diverted through the new development. The new access road will pass through part of the site to join Holmsey Green, with a new revised priority junction proposed.
121. Holmsey Green is subject to a 30mph speed limit, and connects to The Street (A1101) at a junction approximately 55 metres west of the proposed priority junction.
122. Suffolk County Council as highway authority has no objection to the proposed access arrangements. Details of the estate roads and footpaths can be secured by planning condition. In addition, it will be important to ensure that adequate provision is made for refuse bin storage and collection. A condition has been recommended to ensure that this aspect of the layout is acceptable.

### Stopping up of Holmsey Green

123. The outline planning permission granted under planning reference F/2003/1077/OUT also approved the detailed arrangement of a proposed new T Junction off The Street, and the closure of the existing Holmsey Green/The Street junction. The current planning application proposes a revised access configuration. It is no longer the intention to stop up Holmsey Green/The Street.
124. The Parish Council and third party representations raise concern regarding the proposed reconfigured priority arrangement onto Holmsey Green. Concern has also been raised that the Holmsey Green/The Street junction will no longer be stopped up.
125. The current application proposes that access to Holmsey Green from The Street/A1101 will be retained for the businesses and new residential accesses which front the existing section of Holmsey Green. It is no longer the intention that this junction will be stopped up.
126. Further advice on this matter has been sought from Suffolk County Council as Highway Authority. In correspondence received on 08 September 2015, the County Highways Engineer confirmed that (following a road safety audit and significant amount of work by the designer and Development Management Engineer), the final design removed the stopping up of Holmsey Green for the following reasons:
  - Delivery, refuse and other large vehicles would have difficulty turning around in the stopped up road, as it would effectively be a 'dead end' without the benefit of a turning head. This would have been detrimental to highway safety.
  - The proposed development provides an improved link from The Street to Holmsey Green, via the roundabout immediately to the west of the existing junction. The existing route is effectively being 'by passed' with a route more suitable for increased traffic flows.
127. The Highways Engineer envisages that through traffic and those accessing the proposed development will use the new, reconfigured, route - rather than the existing junction and southern end of Holmsey Green. It is the view of the Highway Authority that once residents are familiar with the new route, this will result in a significant reduction in use of the existing junction.
128. Officers appreciate the concerns raised locally regarding the new access arrangements. Suffolk County Council, as Highway Authority, is satisfied that the proposal will not have a significant adverse impact on highway safety. Moreover, detailed highways advice which clarifies why the proposed access arrangements are acceptable in highways terms. On the basis of the advice received, it would be unreasonable to refuse the application on these grounds.

### Car Parking

129. During the course of the application, the site layout was revised to address concerns raised by the Highway Engineer in respect of car parking. The revised scheme provides a total of 356 car parking spaces. An accompanying Parking Schedule confirms that this level of provision is in accordance with the adopted parking standards (the Suffolk Guidance for Parking 2014).
130. Car parking is allocated to each dwelling, and is predominantly on or close to the residential unit to which it relates. A communal car parking area is also provided on the eastern side of the site. Officers appreciate that such a configuration is not always popular, and can lead to demand for on-street parking. Its presence within the scheme cannot justify a refusal of planning permission on these grounds.
131. Parking details can be secured by way of planning condition, in accordance with the consultation advice offered on behalf of the Highway Authority.

#### Trip Generation

132. The Transport Statement which accompanies the planning application sets out the likely traffic volumes generated by the proposed development. This identifies an additional 110 2-way trips in the AM peak hour, and 125 2-way trips in the PM peak hour. Overall, a daily total number of 980 vehicle trips are predicted. In addition, a trip distribution model has been scaled by an appropriate growth factor over five years. This predicts a slight increase in the total number of trips over this period.
133. Suffolk County Council as Highway Authority has raised no objection to the development proposals in terms of the proposed trip generation. On this basis, officers consider that the development could be accommodated on the existing highway network without a significant material increase in traffic on the local road network.

#### Sustainable Transport

134. During the course of the application, a revised Travel Plan was submitted in respect to consultation advice from Suffolk County Council. The detail of this document can be secured as part of the planning obligation process, in accordance with the advice received

#### Connectivity

135. Skelton's Drove is a private roadway with no public rights of access and no pavements. The two parts of the application remain separate, and the application proposes no rights of access across Skelton's Drove. This is consistent with the extant planning permission.
136. Access over Skelton's Drove was resisted by the previous landowner, Defence Estates. Officers are aware that landownership of the Drove has changed in recent months. The applicant has been asked to consider the provision of an easement (or agreed permanent right of access) across the Drove, to enable pedestrian and cycle access between the two halves of the development. Pedestrian and cycle access across the Drove would aid permeability across the site, and improve connectivity with existing shops and services.

137. Whilst the presence of a link across Skelton's Drove is desirable in terms of site permeability, it is not essential. The layout does allow for future access to and across the Drove, should the situation change.

#### Summary

138. The Framework directs that applications should only be refused on transport grounds if the residential cumulative impacts of the development are severe. Officers are satisfied that the proposed development can be accommodated in highways terms, and will bring about local transport improvements which can be secured through the Section 106 process. In movement terms, the application is considered to be acceptable. In reaching this decision, it is material that that the County Highways Engineer has raised no objection to the proposals.

#### **Flood Risk, Drainage and Pollution**

139. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
140. The Framework also offers advice in respect of pollution and land instability, and states that 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.
141. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Schemes (SUDS) into all new development proposals, where technically feasible.
142. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. DM14 addresses proposals for sites which are or are suspected to be *inter alia*, contaminated.

#### Flood Risk/Sustainable Drainage Systems (SuDS)

143. The application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development.
144. The application documentation includes a Flood Risk and Foul and Storm Water Drainage Assessment. The report concludes that the development of the site would not pose an unacceptable flood risk either to occupants of the site or to land off site.

145. The scheme layout does not make any provision for SuDS. The applicant has confirmed that surface water will be attenuated via a series of private and highways soakaways. Such measures may include the installation of drainage crates between open space areas.
146. It will be important to ensure that the detailed landscape design (including tree planting), and useable play space is not compromised by the requirements of surface water drainage infrastructure. Resolution of the management of the soakaways can be addressed by means of a suitably worded condition.

#### Foul Drainage

147. The application site is located in an area which is served by the public foul sewer. Foul drainage from the development is in the catchment of Mildenhall Water Recycling Centre. Anglian Water, in consultation correspondence, has confirmed that there is available capacity to treat the flows from the proposed site.
148. The Flood Risk and Foul and Storm Water Drainage Assessment which accompanies the application advises that there are existing public sewers in The Street, Holmsey Green and in adjacent development in to which connections were designed and approved by Anglian Water for the previous development.
149. The Flood Risk Assessment states advises that it may be necessary to provide a small private pumping facility for a small number of dwellings, although acknowledges that slightly raising floor and road levels in the area will avoid this situation. The final details of the drainage strategy, including finished floor levels, will be secured by planning condition.

#### Contamination

150. A site investigation report was submitted as part of the application proposals. In accordance with the advice offered by the Council's Environment Officer, a condition in respect of the reporting of unexpected contamination can be secured should planning approval be forthcoming.

#### Summary

151. The Environment Agency, Anglian Water Services, Suffolk County Council and the Council's Environmental Health team have not objected to or raised concerns about the application proposals in respect of flood risk, drainage and pollution. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation. On this basis, the proposals are considered acceptable with regard to flood risk, surface water/foul drainage, potable water supply, SuDS and ground contamination.

#### **Impact upon Landscape**

152. The Framework confirms the planning system should *inter alia* protect and enhance 'valued landscapes' and promotes development of previously used land, other than continuing the protection of formal Greenbelt designations (of which there are none in the District) 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.

153. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape, and refer to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
154. The application site is undeveloped land which adjoins the existing built up area of Beck Row. The site is visible from a number of public viewpoints along Holmsey Green and Skelton's Drove. The site contains a number of boundary trees.
155. The residential development of this parcel of land is not considered to be out of context, given its relationship with existing residential development. It is acknowledged that the landscape character will change irreversibly in the long term as a result of the development proposals. The extent of the visual impact of the proposed development on the landscape is considered acceptable given the context.

#### Summary

156. Officers have considered the submitted documentation, and visited the application site and surrounding area. Whilst the proposals would irreversibly change the character of the immediate locality, the wider impact of the development proposals upon landscape quality and character are considered to be acceptable.

#### **Impact upon the Natural Environment**

157. 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. The presumption in favour of sustainable development set out at Paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
158. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy Policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan Policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.
159. There are no designated sites on or immediately adjacent to the application site. However the site is situated within close proximity to the Wilde Street Meadow Site of Special Scientific Interest (SSSI).

#### Habitats Regulations Assessment

160. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2010 (as amended). The Ecological Survey which was submitted in support of the planning application advises that given the distance from internationally protected sites, the proposed development would have no direct effect on the interest features of these sites. Natural England, in consultation correspondence, has advised that the proposed development is not likely to have significant effects on the interest features for which Wilde Street Meadow SSSI has been designated.
161. The HRA screening process was undertaken by the Council's Ecology, Tree and Landscape Officer, as part of the consultation response. This confirms that the proposal will not have a likely significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

#### Ecology

162. An Ecological Survey including a Phase 1 Habitat survey of the site and protected species surveys has been submitted in support of the planning application. The Survey identifies that a significant population of common lizards were found, and a low population of grass snakes. Mitigation is proposed to prevent harm during site clearance works, through translocation to a receptor site.
163. Additional information was submitted during the course of the application, in relation to the reptile receptor site. The Council's Ecology, Tree and Landscape Officer has confirmed the acceptability of this information, subject of details of the mitigation being secured by planning condition.
164. The recommendations of the Ecological Survey include ecological enhancements. These can be secured by way of planning condition.

#### Trees

165. The application site contains a number of trees within the site boundaries, none of which are subject to Tree Preservation Orders (TPO's).
166. A Tree Survey Schedule and Tree Constraints Plan were submitted as part of the application documentation. Subject to planning conditions to ensure appropriate tree planting as part of a landscaping scheme, the application raises no arboricultural issues.

#### Summary

167. Subject to the implementation in full of recommended mitigation and enhancement measures (which can be secured through relevant planning conditions), the proposed development is considered to satisfactorily address ecological issues.
168. On the basis of the above evaluation, officers are of the opinion that the development proposals would not have an unacceptable impact on the nature conservation value of the application site.

### **Impact upon the Historic Environment**

169. 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 as 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 interest.
170. The Framework advises that local planning authority's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance. Core Strategy Spatial Objective aims to protect and enhance the Historic Environment. This objective is implemented through Policy CS3.

### **Archaeology**

171. Suffolk County Council has been consulted in respect of the development proposals. The County Archaeological Officer has confirmed that the development area has been fully evaluated, and the area of significant archeological deposit has been excavated. A commitment on completing the analysis and reporting on the excavation has also been made by the development. On this basis, there is no need for an archaeological condition.
172. On this basis of the statutory advice offered, the development proposals accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

### **Summary**

173. Officers have considered the application proposals in the context of the impact on the historic environment. Subject to the recommendation of appropriate archaeological conditions as described above, the proposal would not cause significant harm to the historic environment.

### **Design of the Built Environment**

174. 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.
175. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5



(community safety and crime reduction through design. The Objectives are supported by Policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

176. 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.
177. This planning application is a full application, with all details included for consideration. Consultation advice was received from the Council's Ecology, Tree and Landscape Officer, and the Police Architectural Liaison Officer during the course of the application. This informed revisions to the design and layout of the scheme.

#### Layout and Design

178. The evaluation of the proposal on design matters is very much a matter of judgement and balance. The general design of the scheme, in terms of the road hierarchy, location of open space and density changes (for example along boundaries with existing development and the countryside, and facing the open space) is considered to be well designed, and would provide a positive sense of place for future residents.
179. In terms of the detailed design, the scheme includes a variety of building styles and types, publically accessible open space and adequate private amenity space would all contribute to the quality of the environment.

#### Connectivity

180. An identified inefficiency of the scheme layout is the lack of access across Skelton's Drove. Skelton's Drove is not in the control of the applicant, and was owned by the Ministry of Defence until recently. In terms of good layout planning and encouraging sustainable methods of moving through the site, the lack of access across the Drove is regrettable.
181. The provision of cycle and pedestrian links across Skelton's Drove would connect the two land parcels, and aid permeability through the site. The layout does allow for future access to and across the Drove, should the situation change. In movement terms the application is considered to be acceptable despite this connection.

#### External Materials

182. The proposed materials would be appropriate to the location, and are typical of what would be expected to find on a new residential development. The detail of the proposed dwellings is also influenced by the Suffolk vernacular. The materials palette is considered acceptable, and will help to ensure that a good quality housing area is developed in reality.

### Cycle and bin storage provision

183. All properties have access to private rear amenity spaces such that bins and cycles could be stored away from the public realm. A strategy for bin and cycle storage for the occupiers is sought by the Highways Engineer, and can be secured by planning condition.

### Boundary treatment

184. The site is open to the north and it will be important to ensure that good screening is secured. The detail of this aspect of the scheme can be ensured through planning conditions.

### Design and Crime

185. The Crime and Disorder Act 1988 places a duty on the local authority to do all that it can reasonably do to prevent crime and disorder in its area. Paragraph 58 of the NPPF states that ' Crime Pattern Analysis for the area shows that over the past 3 years there has been significant increases in public order offences, whilst vehicle crime and burglary figures have remained stable.
186. The Architectural Liaison Officer for Suffolk Police provided comments in respect of the design of the original scheme and subsequently met the planning case officer. The layout was reviewed with a view to designing out the areas which may become crime generators in the future. This included consideration of natural surveillance, and reduction of permeability.
187. Revisions to the scheme layout include limiting the number of rear access footpaths to housing (which allow permeability). Natural surveillance has also been increased for car parking areas and areas of open space. Planning conditions can secure the detail of the development, to ensure that vehicular access is prevented onto public space.

### Conclusion

188. Amendments to the scheme during the course of the application have resulted in positive improvements to the design and layout of the development. The relatively hard, urban character of the housing area would be balanced by the provision of on-site public open space and strong boundary treatment. The development scheme would be as connected to adjoining development as it could be. Planning conditions can be secured to ensure specific details of the development would contribute positively to the character of the development.
189. After considering the elements which contribute to the character of the development, it is concluded that the scheme is acceptable in terms of design. Officers consider that the scheme presents a positive opportunity for a high quality living environment with well designed modern homes.

### **Impact Upon Residential Amenity**

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

191. Vision 1 of the Core Strategy seeks to provide a 'higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard *inter alia*, residential amenity from potentially adverse effects of new development.

#### Impact On Residential Amenity

192. The application site is situated immediately adjacent existing residential development. Properties which front The Street, and properties in Shrubhouse Close have rear gardens which abut the common boundaries of the application site.
193. The degree of separation between existing residential properties and the proposed dwellings is considered acceptable. The development is not considered to cause harm to existing residential amenity in terms of potential overlooking, dominance or loss of light such as to warrant its refusal on these grounds. Planning conditions can be secured relation to the hours of construction.
194. Third party representations have raised specific concerns regarding the impact of the development proposals on existing residential amenity. With regard to Nos. 76 and 78 The Street, Locks Lane, officers appreciate that new residential properties will abut the common boundaries of these properties. This relationship is considered acceptable, and not unusual in the context of new development.
195. The third party correspondence received from the occupants of Nos. 76 and 78 draw attention to the recent residential development of the Smoke House Inn site to the west. Whilst officers note the concerns raised, this application proposals are not considered to cause such harm to the existing residential amenity of the occupants of these properties, such as to warrant the refusal on these grounds.
196. Third party representations in respect of impact on residential amenity have also been received from the occupants of Nos 66 B The Street, which is a bungalow. The layout was revised during the course of the development, and the proposed dwellings closest to this property have been re-arranged. Officers are satisfied that whilst houses are proposed, the impacts on this property in terms of overlooking would not be such as to warrant the refusal of the application on these grounds.

#### Summary

197. On the basis of the above evaluation, officers are satisfied that the residential amenity of the occupants of existing dwellings will not be compromised by what is proposed.

#### **Impact upon Local Infrastructure (Utilities)**

198. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should *inter alia* identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning

should 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'.

199. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:

*'The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development'.*

200. Policy CS13 lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time). It concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
201. Matters relating to highways, education, health and open space infrastructure are addressed later in this report when potential planning obligations are discussed. This particular section assesses the impact of the proposals upon utilities infrastructure.

#### Waste Water Treatment

202. The Flood Risk Assessment (FRA) which accompanies the planning application advises that foul flows from the development will be connected to the Anglian Water public sewer network. Anglian Water has confirmed that there is capacity within Mildenhall Water Recycling Centre to cater for flows from the development.

#### Summary

203. On the basis of the available evidence, the development proposal is considered acceptable with regard to impact on infrastructure (utilities).

#### **Sustainable Construction and Operation**

204. 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'.
205. The NPPF confirms planning has a key role in helping shape and secure radical reductions in greenhouse gas emissions whilst supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development. The document expands on this role with the following advice:
206. In determining planning applications, local planning authorities should expect new development to:

- Comply with adopted Local Plan policies on local requirements for de-centralised 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
207. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out the requirement for sustainable construction methods, and a range of expectations of new sites.
208. A Sustainability Statement was submitted with the application. This demonstrates how the development will be designed and constructed in a sustainable manner. This includes the selection of sustainable materials, control of pollution during construction, the management of waste and recycling and the reduction of water usage.
209. Waste arising from the construction process will be managed in accordance with a Site Waste Management Plan. This can be secured by way of planning condition.
210. On the basis of the above evaluation, officers are satisfied that the proposal is generally acceptable in terms of sustainable construction and operation.
211. Waste – The re-use and recycling of materials during construction can be secured by planning condition.
212. Sustainable Drainage Systems (SUDs) –The documentation submitted with the application confirms that SuDS will be used on site. This can be conditioned.

### **Cumulative Impacts**

213. Members will be aware that there have been a number of major planning applications for residential development in Beck Row in the last 18 months (Table 2). Most recently, at the July and September 2015 meeting of Development Control Committee, Members resolved to approve up to 84 units on land at Beck Lodge Farm and adjacent 1 St John's Street (subject to completion of Section 106 agreement). When combined with the 166 units proposed by this application, these schemes will total up to 399 residential units.
214. The evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations. No such assessments have been carried out with regard to the potential cumulative impacts of 'developer led' planning applications.
215. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the current planning application, and the previously approved schemes as identified in Table 2.

### Primary Education

216. Suffolk County Council as the Local Education Authority has forecast that the development proposals will generate 41 primary age children, once all dwellings have been built and occupied. The planning applications which have previously been approved would provide an additional 233 dwellings, which would generate additional children of primary school age.
217. Suffolk County Council has sought a revised capital contribution of approximately £0.5 million for the additional school children forecast to arise from this planning application. This would be spent on enhancing existing local provision.
218. It is understood that the existing catchment primary school (Beck Row Primary School) has reached capacity. By the time the construction of these developments is underway (if all are granted and commence early), this school will have filled its pupil place capacity, and there will be no surplus places available.
219. Suffolk County Council has advised that with latent population growth and housing growth planned at Beck Row, the favoured strategy is the relocation of the community centre. This would then allow extension of Beck Row Primary School. The 'fall-back' education strategy would be to deliver a new 210 place primary school. It is anticipated that the identification of a site location will emerge via the ongoing Single Issue Review process.
220. Officers have asked Suffolk County Council for an update regarding education provision in Beck Row. As at 14 September 2015, it is understood that project plans have been agreed by the school and the community association, for the relocation of the community centre. The County Council is proceeding with detailed plans for the initial phase extension of the primary school, for September 2016. Furthermore, confirmation has been received that developer contributions secured from this planning application will be used to help fund the further expansion of the school.
221. The application proposals would provide funding to mitigate the impacts of the development on primary school provision, in accordance with the consultation advice offered on behalf of Suffolk County Council. Accordingly, the applicants have done all they can do (and that they have been asked to do), to mitigate the impact of their developments upon primary school provision.

### Highways

222. The Local Highway Authority has raised no objection to any of the individual planning applications, subject to the imposition of planning conditions as referred to in the relevant section above.
223. The Parish Council has raised concerns regarding the highway impacts of the development proposals upon Beck Row. The third party concerns raised are not supported by evidence, or a considered analysis of the nature of the possible impacts. In this context, Members are reminded that the Framework advises that new development should only be prevented or refused on transport grounds, if the residual cumulative impacts of development are severe.

224. Officers are satisfied that the application proposals would mitigate the impacts of the development on the highways network, by way of both planning conditions and developer contributions, which can be secured through the Section 106 process. Accordingly, the applications will mitigate the impact of the development upon the highways network.

#### Healthcare

225. NHS healthcare services in the Beck Row area is organised by the West Suffolk Clinical Commissioning Group (CCG). The IECA report identified that Beck Row could support a 2 GP surgery.
226. In terms of existing GP facilities in the Beck Row area, it is understood that Beck Row is currently served by two GP practices in Mildenhall. Furthermore, Market Cross Surgery has capacity to serve the increased population arising from the development scheme. This would imply that there is capacity in existing GP provision to accommodate not only the residents arising from the proposed development, but the cumulative number of residents arising from other residential development schemes in Beck Row.

#### Open Space

227. All of the development schemes incorporate provision for open space – both in terms of on-site provision, and contributions in respect of off-site provision (secured through the Section 106 process). In this regard, the proposals are considered in accordance with Council's Supplementary Planning Document in respect of Open Space.

#### Landscape

228. Given the locations of the three housing development schemes around Beck Row, no cumulative landscape impacts are anticipated.

#### Utilities

229. Anglian Water Services did not object raise objection to the development proposals, and has confirmed that there is adequate capacity within the system to accommodate the increased flows arising from the development proposal. Officers are satisfied that the development proposals would not have adverse cumulative impacts upon the sewerage systems serving Beck Row.
230. There is no evidence to suggest that there would be significant cumulative impacts upon water and energy (electricity) supplies to the village, given the respective capacities identified in the IECA report.

#### Summary

231. On the basis of the above evaluation, officers are satisfied that the cumulative infrastructure impacts of the proposed residential development (in terms of utilities, landscape, open space, healthcare, transport and education) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused on these grounds.

## **Section 106 Planning Obligation Issues**

232. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
233. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

### **Affordable Housing**

234. Policy CS9 of the Forest Heath Core Strategy requires a target of 30% affordable dwellings of schemes of 10 or more dwellings or sites of more than 0.33 hectares.
235. The amended scheme proposes 49 of the dwellings as 'affordable', which represents **30%** of the total number of units for the site. The Council's Housing Officer, in consultation advice, has confirmed general support for the scheme and the provision of affordable housing on the site.
236. In terms of the details of the affordable units, the following mix has been agreed:
- One bed house (2 person) – x 10
  - Two bed house (4 person) - x 26
  - Three bed house (5 person) – x 9
  - Four bed house (6 person) – x 4
237. The Council's Strategy and Enabling Officer has advised that the development proposals cannot be supported, given that some of the affordable dwelling types proposed do not meet the relevant minimum floorspace standards set by the Homes and Community Agency. It is understood that their small size would not be acceptable by a number of Registered Providers who actively operate in the District.
238. Officers are of the opinion that, for the affordable housing provision to be supported there must be a reasonable chance that transfer to a RP can actually occur. At the time of writing this report, the applicant was re-considering the floorspace requirements in respect of the two bedroom units. A verbal update will be given at the committee meeting.
239. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including tenure



mix and their transfer to a registered provider can be secured through the S106 planning obligation.

240. Third party comments have raised the issue of the future occupants of the affordable housing units. The Council's local letting policy sets out the procedure for such 'lets', which priorities local residents.

#### Education

241. Education provision in Suffolk is currently in the process of a major restructuring: middle schools are being phased out and their functions are transferring to primary and secondary schools. The local catchment schools are Beck Row Primary School and Mildenhall College Academy. There are currently forecast to be surplus places available at the catchment secondary school serving the proposed development, and no secondary school contributions are sought.
242. It is understood that Beck Row Primary School will not have any surplus places available for children arising from the development scheme. Suffolk County Council is therefore seeking full capital contributions for the additional primary school children forecast to arise to spend on enhancing local provision.
243. In terms of pre-school provision, it is understood that there are two early education providers in Beck Row (Beck Row Pre School and Busy Bees Montessori), offering 270 places. With the level of housing growth coming forward in Beck Row, a developer contribution is sought to mitigate local impacts. Suffolk County Council has confirmed that contributions sought will be invested at a local level to enhance service provision.

#### Libraries

244. Beck Row is not currently served by a library. Suffolk County Council has identified a need to enhance service provision at the local library, and has requested a capital contribution.
245. A pooling restriction on S106 came into play in April 2015. This restricts the number of times that contributions can be sought for infrastructure projects. Officers are advised that library contributions for Beck Row have already been received the maximum number of times (5). This means that a bespoke project has to be found to spend subsequent contributions upon.
246. SCC has advised that at the time of writing this committee report, there is no bespoke library project. On this basis, it would not be CIL compliant to seek to secure a contribution in respect of libraries. This request has therefore been removed from the draft S106 agreement.

#### Healthcare

247. A consultation response has been received from Lawson Planning Partnership on behalf of NHS England. This advises that Market Cross Surgery, Mildenhall has existing capacity to accommodate growth. A contribution of £28 600 is sought in respect of the capital required to create additional floorspace at the White House Surgery. The applicant has confirmed the acceptability of this request.

### Transport

248. The Highways Engineer, in consultation advice dated 08 September 2015, makes a number of requests which can be secured through the Section 106 agreement:
- Real Time Passenger Information Screen at the nearest bus stop on The Street.
  - Travel Plan – including evaluation and support co-ordination
  - Travel Plan Implementation Bond/Contribution
249. The applicant has confirmed the acceptability of entering into a S106 agreement to secure these contributions.

### Public Open Space

250. Development plan policies are supported by 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.
251. The scheme layout makes provision for public open space, including structural landscaping along the northern boundary of the site where it abuts Skelton's Drove and the countryside beyond. In accordance with the Council's Supplementary Planning Document, on site and off site provision of open space can be secured by way of S106 agreement.
252. Beck Row Parish Council has questioned whether a contribution will be sought in respect of a new community facility. Officers note that the previous planning application agreed to a contribution of £127 500 in lieu of a shortfall of on site Public Open Space, to be used towards a new community facility.
253. Since the time of the previous planning application, the Council has adopted the SPD for Open Space and Social Infrastructure. The current planning application satisfies the requirements of this SPD. No mechanism exists under the SPD to secure provisions for community facilities, and it would not be CIL compliant to request such a contribution.

### Summary

254. The provisions as described above ensure that the effects of the development proposal on local infrastructure within Beck Row, in terms of affordable housing, education, healthcare, public open space and transport, would be acceptable.
255. 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. Officers are satisfied that the proposed planning obligations meet the three tests of planning obligations set out in the Framework, and are therefore entirely justified.
256. The requests for developer contributions as described above will ensure improvements to existing infrastructure within Beck Row and the local area, to accommodate the growth of the village and meet the needs of the community,

in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified. The planning agent has confirmed the 'in principle' acceptability of entering into a S106 planning obligation to secure these benefits. This is currently in draft form.

### **Other Issues**

257. Third party representations query whether a need exists for these properties, now that they are no longer required for USAF occupation. It is not for the planning officers to question the need for the housing. It is for the developer to decide in the normal course of market analysis whether there is a market for these dwellings.

### **Land Ownership**

258. The occupants of No. 66B The Street have raised concern about land ownership. The applicant has advised that that the application does not involve third party land, and the local planning authority is satisfied that the correct certification has been provided. The developer has been made aware of the third party concerns, and the scheme has been amended to remove the land which is in dispute.

### **CONCLUSIONS AND PLANNING BALANCE**

259. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. Against this background, national planning policy advice states that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which this proposal is considered to represent.
260. The planning application proposal is considered an acceptable alternative development to the scheme which was previously granted planning permission and which was subsequently implemented.
261. The development proposals would have no significant interests upon interests of acknowledged importance. Beck Row has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development has a number of positive attributes which lend support to the scheme.
262. In terms of the economic role of sustainable development, the development would generate direct and indirect economic benefits. New housing provides a range of economic benefits, and has significant and positive effects on economic output – for example in terms of capital investment, construction work and occupational expenditure.

263. With regard to the social role of sustainability, the development would provide a level of much needed market and affordable housing to meeting the needs of present and future generations.
264. In the context of the environmental role of sustainable development, the landscape would be irreversibly changed as a result of the development proposals – although this would have only limited impact on the immediate environment. Good design would assist in the mitigation of this impact. Furthermore, the site does not benefit from any specific ecological, landscape or heritage designation. On this basis, the effect on the character of the settlement is considered acceptable.
265. There are not considered to be any planning matters that would significantly and demonstrably outweigh the benefits of the scheme. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, and point towards the grant of planning permission.
266. Having regard to the Framework and all other material planning considerations, with the S106 package as set out below (which is necessary for the development to be acceptable in planning terms), the proposal is considered to comply with the NPPF and Development Plan policy. The recommendation is one of approval.

### **RECOMMENDATION**

267. That, subject to the resolution of the size of the affordable housing units to be provided, planning permission is **GRANTED** subject to:

(1) **The completion of a S106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):**

- Policy compliant level and tenure split of affordable housing.
- Education contribution.
- Pre-school contribution.
- Provision of on-site and off site open space.
- Transport contribution.
- Healthcare contribution.

(2) **And the following conditions/informatives:**

1. Time (3 years for commencement).
2. Compliance with approved plans.
3. Highways – Storage of refuse and recycling bins.
4. Highways – Details of carriageways and footways.
5. Highways – Deliveries Management Plan.
6. Highways – Parking.
7. Contamination – further investigative work if found.
8. Foul water disposal details.

9. Surface water drainage details: SuDs management plan.
10. Construction method statement.
11. Working hours.
12. Ground levels details.
13. Details of boundary treatment.
14. Samples of materials.
15. Detailed scheme of hard and soft landscaping.
16. Tree protection.
17. Details of tree works for retained trees.
18. Detailed Arboricultural Method Statement and Tree Protection Plan.
19. Open space management plan.
20. Details of play equipment.
21. Details of lighting.
22. Recommendations of Ecological Appraisal to be implemented.
23. Provision of fire hydrants.
24. Waste minimisation and recycling strategy.

In the event that there are any substantive changes to the S106 package, then this will go back to Members for consideration.

In the event the Applicant declines to enter into a planning obligation to secure the Heads of Terms set out above, for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons (as may be appropriate):

1. Unsustainable form of development not mitigating its impact on education provision, open space sport and recreation, transport (contrary to the Framework and Core Strategy Policy CS13).
2. Non compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

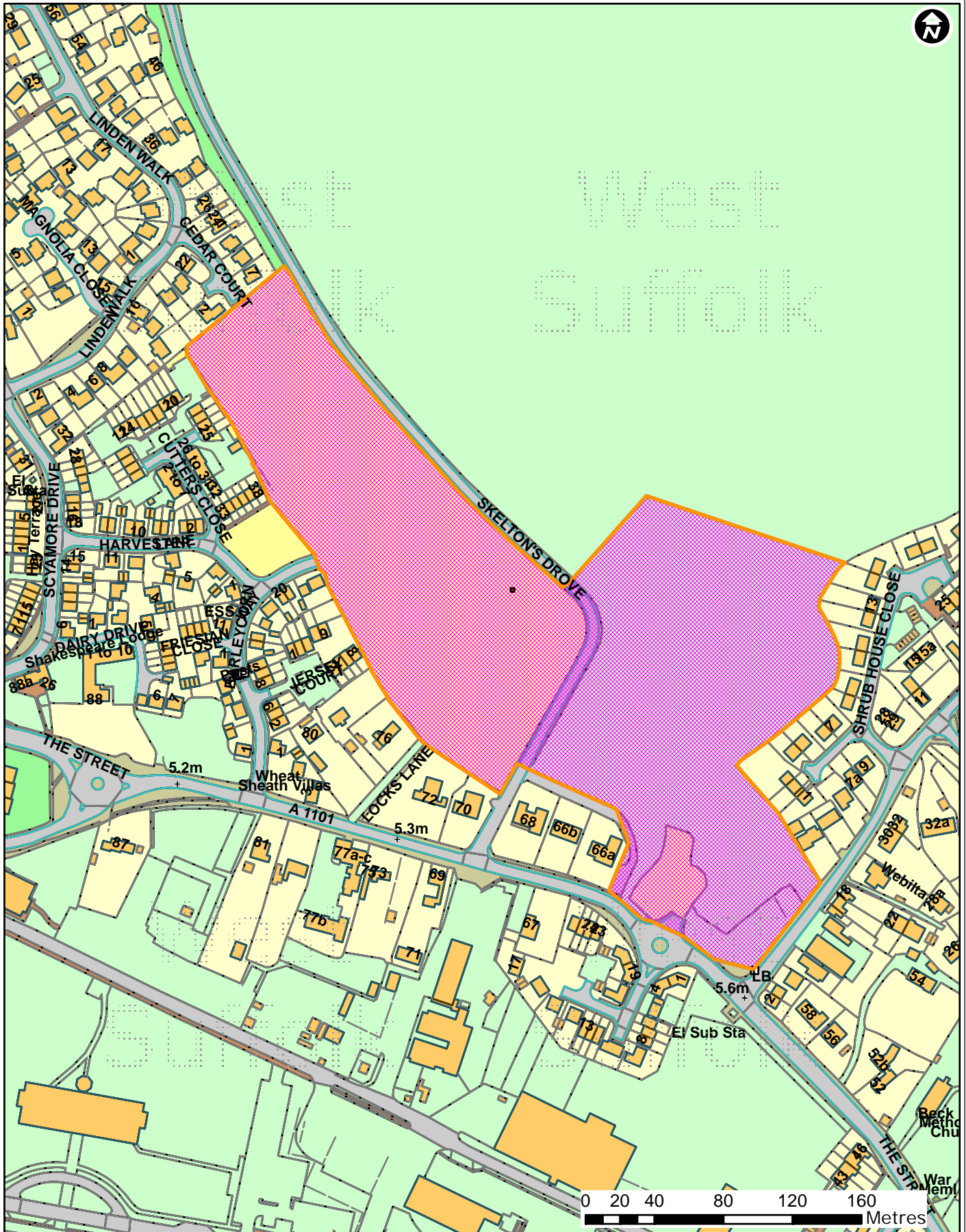
### **Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N80V1FPDKBT00>

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

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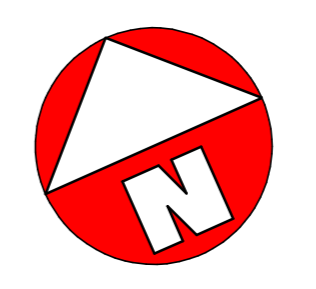
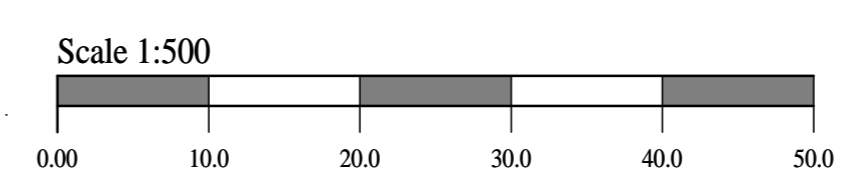
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ACCOMMODATION SCHEDULE				
TYPE	BEDS	HT	CP	No.
PRIVATE HOUSES				
NEW	4	2.5	4	14
TAUN	4	2	4	13
LONG	3	2	2	17
HAT	2	2	2	22
SOU	2	2	1.5 min	12
HAN	3	2	2	8
ALN	2	2	1.5 min	7
TOTAL				93
AFFORDABLE HOUSES				
LEI	4 (6 Person)	2.5	3 min	4
CHE	3 (5 Person)	2	2	9
STOH	2 (4 Person)	2	1.5 min	26
OUL	1 (2 Person)	2	1 min	10
TOTAL				49
TOTAL				142

ACCOMMODATION SCHEDULE for dwellings already approved				
TYPE	BEDS	HT	CP	No.
PRIVATE HOUSES				
T91	3	2	2	3
T86 (84)	3	2	2	10
T95	3	2	2	3
T71	2	2	2	2
T62	2	2	2	3
T116	4	2	2	1
T83	3	2	2	1
T85	3	2	2	1
TOTAL				24

KEY	
	Existing Planting and roof protection areas
	Proposed Planting
	Trees to be felled
	Proposed Shrubs
	Landscaping Shown Indicative Only For Details See Landscaping Plan
External Surface Treatments	
	CORE GRAVEL SYSTEM - SHINGLE DRIVES
	BRINDLE COLOURED BLOCK PAVING - DIFFERING PATTERNS
	BLACK TARMAC ROADS
External Boundary Treatments	
	1.8m High brick wall
	1.8m high close boarded fence
	1.5m high close boarded fence with 300mm trellis to top
	Affordable housing shown thus
	Private Market housing shown thus



NOTE  
Additional side windows to be provided to plots 39, 40, 54, 55, 58 & 59 to overlook parking areas



REVISIONS		
REV	DATE	DESCRIPTION
A	03/06/2014	Plot 141 added
B	13/06/2014	Minor amendments, F.W. pumping station added; EEB Sub station repositioned.
C	16/06/2014	Revisions to House types, F.W. Pumping station removed and plot added.
D	17/06/2014	Revisions to Schedule, Landscape belt thickened.
E	18/06/2014	References of approved dwellings added and minor adjustments to layout.
F	25/06/2014	Bin collection points (BCP) added and minor adjustments to layout.
G	23/07/2014	Road network updated to include roundabout to the south east of site.
H	04/02/2015	Layout revised as SK04
J	18/03/2015	Bin collection point added to plot 3-8.
K	10/04/2015	Boundary added outside plot 17.
L	24/06/2015	Revised to Secured by Design comments
M	2/07/2015	Revised to include Affordable housing
N	9/07/2015	Revised to move buildings away from trees adj plots 7 & 16
P	29/07/2015	Handing confirmed
Q	24/08/2015	Parking adjusted
R	27/08/2015	Landscaping type replaced with Laticem type
S	08/09/2015	New house type added 'Outer' see plots 116-125
T	18/09/2015	Affordable house type S70H added in lieu of Almswick type

CLIENT:  
**PERSIMMON**  
PERSIMMON HOMES  
Persimmon House  
Colville Road Works  
Oulton Broad, Lowestoft, NR33 9QS.  
Telephone: 01502 516784.  
Facsimile: 01502 561656.  
E-mail: gillian.keiley@persimmonhomes.com

PROJECT:  
**RESIDENTIAL DEVELOPMENT.  
LAND OFF SKELTONS DROVE  
BECK ROW,  
SUFFOLK.**

DRAWING TITLE:  
**SITE LAYOUT**

SCALES - 1:500 @ A1 DATE - AUG 2014

**ASD ARCHITECTURE Ltd**  
16A Bridge Street • Halesworth • Suffolk • IP19 8AQ  
Tel: (01986) 872250  
Fax: (01986) 872228  
enquiries@ASD-architecture.co.uk  
www.ASD-architecture.co.uk

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/037**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1030/FUL – NEW BUNGALOW, WEST  
SUFFOLK GOLF CENTRE, NEW ROAD, BECK ROW**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Sarah Drane  
Telephone: 01638 719432

# Committee Report

<b>Date</b>	31.07.2015	<b>Expiry Date:</b>	25.09.2015
<b>Registered:</b>			
<b>Case Officer:</b>	Sarah Drane	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Beck Row	<b>Ward:</b>	Eriswell & The Rows
<b>Proposal:</b>	Planning Application - proposed dwelling to replace temporary mobile home		
<b>Site:</b>	New Bungalow, West Suffolk Golf Centre, New Road, Beck Row		
<b>Applicant:</b>	R D Nixon, T R Nixon & Mrs A Nixon		

## **Background:**

**This application is referred to the Development Control Committee following consideration by the Delegation Panel.**

**The Parish Council raise no objections and the application is recommended for REFUSAL.**

## **Proposal:**

1. Planning permission is sought for a single storey 2 bed bungalow to replace an existing mobile home on the site. Access is shown along an existing track which runs parallel to the A1101, with access onto the main road approx. 135m to the south east of the site. The dwelling is proposed to accommodate the head greenkeeper of the golf course.

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Location plan
  - Proposed plans
  - Land contamination questionnaire
  - Design & Access statement
  - Supporting statement

## **Site Details:**

3. The site is located in the countryside, within a generally flat landscape containing a mix of open fields and intervening vegetation. The site is partly screened by existing trees along the north east and south eastern

boundaries. The proposed site for the bungalow is set back from Mildenhall Drove and the existing mobile home (presently empty and in a poor state of repair) can be seen in glimpsing views from the main road.

### **Planning History:**

4. The golf course has an extensive planning history commencing from F/90/434 which first established consent for a nine hole golf course. Also material are F/2001/058 (and F/2006/0741/VAR which varied condition 8 of F/2001/058) which permitted the siting of a mobile home for staff accommodation until 2011, and F/2005/0671/COU which permitted the extension of the golf course to 18 holes.
5. F/2008/0164/COU - Re-submission of F/2007/0547/COU - Temporary siting of a mobile home. – approved for a temp. period
6. F/2008/0803/FUL - Erection of staff bungalow, as amended by plans received 14th January 2009. – approved (to replace the mobile home granted for a temporary period under F/2006/0741/VAR)
7. F/2011/0423/EOT - Extension of time for application F/2008/0164/COU - Temporary siting of mobile home (Departure from Development Plan) – approved for a temp. period (which expired on 3.11.2014)

### **Consultations:**

8. Highway Authority: No objection subject to a condition

### **Representations:**

9. Parish Council: Support
10. Member Comment: Cllr Bowman requested the application be considered at Committee

**Policy:** The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy have been taken into account in the consideration of this application:

11. Joint Development Management Policies Document 2015:
  - DM1 – Sustainable development
  - DM2 – Creating places
  - DM5 – Development in the Countryside
  - DM22 – Residential Design
  - DM26 – Agricultural & Essential Workers Dwellings
  - DM27 – Housing in the Countryside
12. Forest Heath Core Strategy 2010
  - CS1 – Spatial Strategy
  - CS3 – Landscape character and the historic environment
  - CS5 – Design & Local Distinctiveness

- CS10 – Sustainable Rural Communities

**Other Planning Policy:**

13. National Planning Policy Framework (2012)
- core principles
  - Section 6 – Delivering a wide choice of high quality homes
  - Section 7 – Requiring good design

**Officer Comment:**

14. The issues to be considered in the determination of the application are:
- Principle of Development
  - Essential/Functional Need
  - Siting and Access
  - Design

Principle of Development

15. There is significant planning history on this site which is material to the consideration of this application. Officer's past considerations of the mobile home applications on the site have resulted in recommendations of refusal due to the application of the adopted policy and the nature of the evidence provided. Temporary consents were issued following consideration of the applications by Members at Planning Committee. A permanent single storey bungalow is now proposed to replace the mobile home. The applicant's case continues on the same grounds as previously submitted and relates to the club's requirement for a greenkeeper to be available at the site during unsocial hours.
16. The applicant's supporting material continues to state the case that there is a functional need for additional accommodation, in particular for occupation by a greenkeeper who is expected to operate out of hours. The applicant also contends that there is no suitable accommodation in the vicinity which would cater for this need as local property is too expensive (to buy or rent). It further states that the proposal is 'well screened by existing trees' and that it is in accordance with local and national policy. No adverse comments on the proposal have been received from Suffolk County Highways. Furthermore, no letters of representation have been received as part of the consultation process.
17. The proposal fails to comply with policy DM26 of the newly adopted Joint Development Management policies (JDMP) as this is not an agricultural, forestry or commercial equine related dwelling. The proposal also fails to comply with policy DM27 (JDMP) which allows for an infill dwelling within a closely knit cluster of 10 or more dwellings. The NPPF does however provide for exceptions to be made under special circumstances for a rural workers dwelling. The NPPF also requires the essential need to be demonstrated in these cases. At the time the last application for the mobile home on the site was considered, the criteria set out under Annex A to PPS7 was used. Whilst this policy has been superseded by the NPPF, the criteria remains as useful guide in assessing rural dwellings which

relate to rurally based enterprises, which the golf course is considered to be.

#### Essential/Functional Need

18. One of the key considerations is whether or not it is an *essential* requirement of the enterprise for workers to be readily available at most times. The applicants are proposing that the home be occupied by a greenkeeper. At the time the mobile home was considered, in order to robustly test the essential need, officers sought a second opinion on this particular point from Acorus, a specialist countryside planning consultancy. At the time Acorus identified issues within the site which gave rise to a need including irrigation, security, greenkeeping etc. The conclusion however was that none of these on their own gave rise to a demonstrable need, however, it was concluded that "*there are other aspects of the course operation which when added to the green keeping aspect may increase the need.*" It is accepted therefore that the course, perhaps as a result of the expansion from 12 to 18 holes, does generate a functional need for an additional full time worker, as a result of the combination of requirements relating to security, irrigation, and green keeping etc. Regardless, it must be made clear that an identification of the need for an additional full time worker does not, in itself, justify a further permanent residential dwelling on site.
19. It then follows that it must be demonstrated that any identified functional need (if such is shown to exist) could not be fulfilled by another existing dwelling on the unit or in the area. The applicant has claimed, anecdotally, that there is no suitable accommodation in the area that would fulfil the functional need due to the excessive house prices and rental rates locally. In particular, the site presently benefits from two units of accommodation including a former farm house (Crow Ground Hall - owned and occupied by Mr & Mrs Nixon) and a 3 bed bungalow occupied by Mr. and Mrs. Nixon's son, who is a further full time employee. Acorus, in their report concluded that the existing two dwellings on site were sufficient to cater for any additional identified need at that stage. Accordingly, it is considered that existing dwellings on site are entirely suitable and capable to fulfil the need identified and there is insufficient justification to allow a further permanent dwelling on the site.

#### Siting and Access

20. In this instance there are no highways implications of the proposal. The Highways Authority have raised no objection subject to a condition to secure the onsite parking and turning. In relation to siting, the proposed dwelling is remote from existing buildings and dwellings which, notwithstanding the surrounding vegetation, is considered to be detrimental to the open and rural characteristics and visual amenities of the area. The proposals in this respect are considered contrary to policy DM2 of the Development Management Policies Document 2015 and policy CS3 of the Forest Heath Core Strategy 2010.

## Design

21. The dwelling proposed is a modest 2 bed bungalow with a footprint of approx. 100 sq m. and overall height of 5.3m to the ridge. It is a simple design proposed to be rendered under a red concrete tile roof. If there were sufficient justification, there would be no reason to refuse permission on the details provided and a condition could secure appropriate materials.

## Other matters

22. In relation to the adopted Open Space, Sport and Recreation SPD, the Leisure/Parks team have been consulted and confirm no obligation is required for a play and open space contribution as there is no current identified need within Beck Row that can be justified.

## **Conclusion:**

23. As a point of detail as well as in principle, the proposal is considered unacceptable and it is recommended that planning permission be refused. The proposal fails to comply with adopted Local Plan policies and national planning policy guidance.

## **Recommendation:**

24. It is recommended that planning permission be **REFUSED** for the following reasons:
1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that any functional need at this site could not be catered for by either of the existing dwellings already on the site, or by any other existing dwellings in the vicinity. Accordingly the proposal is unacceptable as a matter of principle and is contrary to the requirements of policies DM5, DM26 and DM27 of the Joint Development Management Policies Document 2015 and policy CS10 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.
  2. The siting of a dwelling in this rural area remote from either existing properties or buildings is considered to be prejudicial to the open and rural visual amenities of the area. Accordingly, the proposal fails to meet the requirements of policy DM2 of the Joint Development Management Policies Document 2015 and policy CS3 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.

## **Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NONEPHPD02M00>





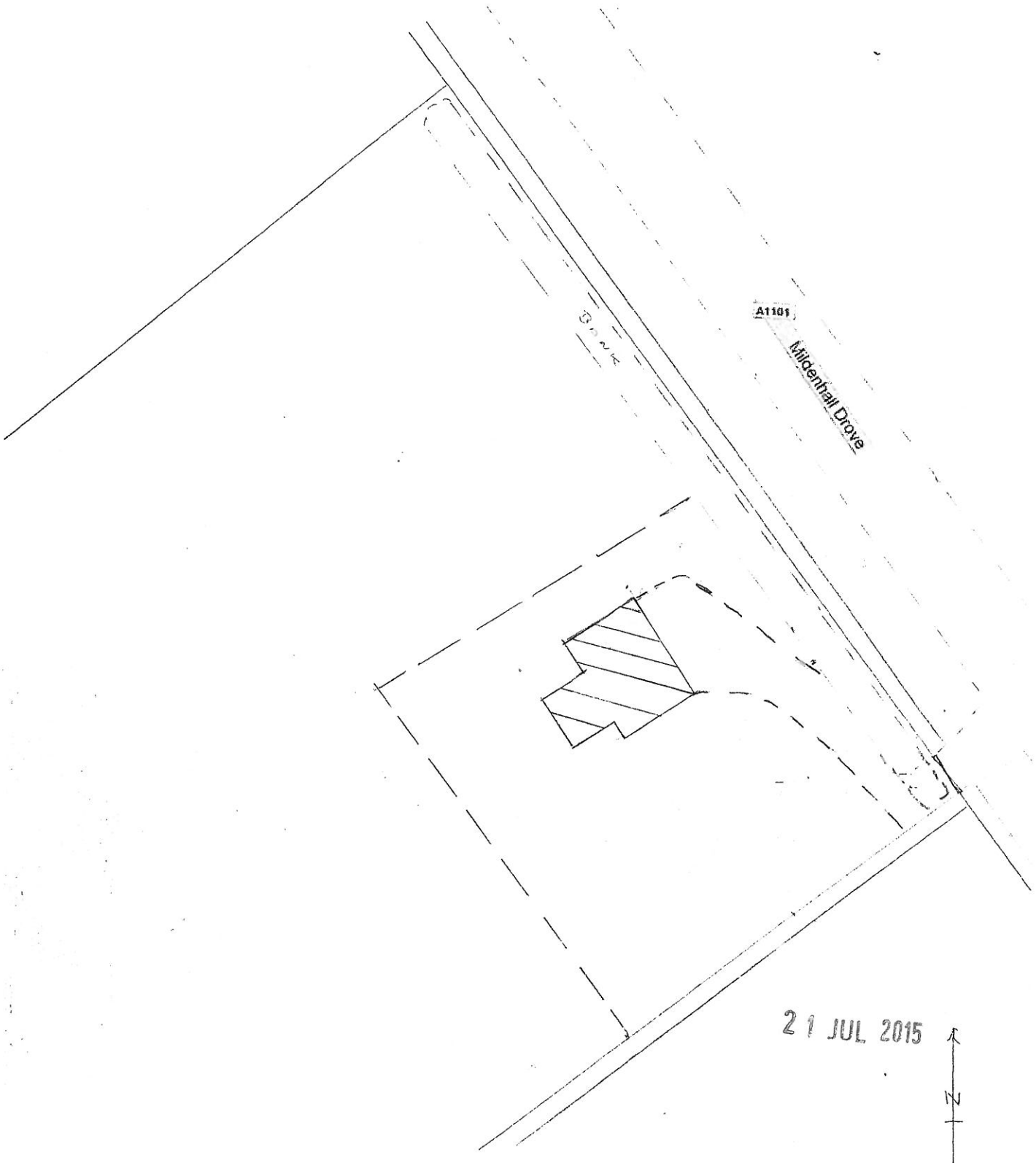
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R.E.O.MACKAY F.R.I.C.S. F.C.I.Arb.

Chartered Surveyor  
Land Agent

Nunton Cottage  
Nunton  
SALISBURY  
Wiltshire SP5 4HW  
Tel. & Fax:  
01722 329276



**SITE OF BUNGALOW**  
Page 61  
WEST SUFFOLK GOLF CENTRE

Scale 1/500  
Enlarged from 1/2500

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/038**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/14/2218/FUL- B2/B8 WAREHOUSING AND  
DISTRIBUTION CENTRE, UNIT 9 – 11, St LEGER DRIVE, NEWMARKET**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Christine Flittner  
Telephone: 01638 719397

# Committee Report

<b>Date</b>	10 December	<b>Expiry Date:</b>	11 March 2015
<b>Registered:</b>	2014		EOT granted
<b>Case Officer:</b>	Christine Flittner	<b>Recommendation:</b>	Grant Planning Permission, subject to conditions
<b>Parish:</b>	Newmarket	<b>Ward:</b>	Severals
<b>Proposal:</b>	Planning Application DC/14/2218/FUL – Construction of a B2/B8 , warehouse and distribution centre		
<b>Site:</b>	Plots 9 – 11, St Leger Drive, Newmarket, CB8 7DT		
<b>Applicant:</b>	CI Industries Ltd.		

## Background:

**This application is referred to the Development Control Committee because it is for 'major development' and objections have been received from Newmarket Town Council and neighbours.**

**The application is recommended for APPROVAL.**

### Proposal:

1. Planning permission is sought for the erection of an industrial building to accommodate B2 – General Industry and B8 – Storage and Distribution uses on St Leger Drive in Newmarket. The proposal also includes associated office floor space, car parking, service yard and landscaping.
2. The application has been amended since submission. This is to reflect the fact that at the time the planning application was submitted the applicant did not have an end user in mind for the development. Officers have been informed that an end user has recently been found, although the full details cannot be provided at present. As a result the number of loading bays has been reduced; car parking amended; office floor space has been increased and the building has been slightly reduced in height by approx. 0.5m.
3. The site has an overall area of 1.33 ha; the building has a gross external area of 6,720 sq. m and a gross internal area of 6,475 sq. m. Office space accounts for 1,525 sq. m. and is provided over two floors at the eastern end of the building.

4. The footprint of the building measures approx. 123 x 46m and is comparable in size to the Taylor Woodrow building which occupies plots 2-4 St Leger Drive. The overall height of the building measures approx. 13.5m at the highest point with an eaves height of 11m and is marginally lower than the Taylor Woodrow building.
5. A total of 131 car parking spaces are to be provided which consist of 124 standard and 7 disabled spaces. There is a motorcycle bay and 12 bicycle spaces indicated on the submitted plans. These spaces are chiefly provided at the eastern end of the site, however some are located within the service yard to the western end of the site which also accommodates 2 docked spaces for HGV's.
6. The proposals would be served by two vehicular access points off St Leger Drive. One would serve the car parking area at the eastern end of the site and another at the western end of the site would serve the service yard and remaining car parking.
7. The palette of external building materials has been selected. These are as follows;
  - Walls – Horizontal Cladding in Mountain Blue and Vertical Cladding in Silver
  - Roof – Plastisol cladding in Goosewing Grey.
  - Fascia Detailing – Merlin Grey
  - Doors – Merlin Grey steel and powder coated aluminium
  - Sectional Doors - Silver
  - Windows – Aluminium top hung double glazed units - Merlin Grey

**Application Supporting Material:**

8. The following documents comprise the planning application (including amendments/additional information received after the application was registered):
  - Form and drawings including layout, elevations and landscaping
  - Design and Access Statement
  - Flood Risk Assessment
  - Waste Management Plan
  - Transport Statement
  - Transport Technical Note
  - Ground Investigation Report
  - Interim/Green Travel Plans
  - Noise Impact Assessment
  - Tree Survey, Arboricultural Impact Assessment and Method Statement

### **Site Details:**

9. The site lies within the built up area of Newmarket towards the northern boundary of the town. The surrounding land is mainly mixed industrial and commercial to the south, east and west of the site with residential development to the north.
10. The site is currently vacant. It has previously been used to deposit excavation spoil from previous developments in the vicinity and has re-vegetated with native plant life.
11. The northern boundary of the site lies parallel to Studlands Park Avenue which is a residential road with no through access and no access to the site. The boundary of the site with the road is predominantly lined with established indigenous poplar trees, some of which are in decline, the occasional ash and hawthorn which forms an informal shrubby hedge. The boundary planting whilst established is sporadic in nature with gaps.
12. To the west of the site, is plot 8, St Leger Drive which is an industrial unit with planning permission for B1, B2 and B8 use. It has recently been completed and occupied. To the east lies Studlands Retail Park. The rear of these units and adjacent service yards face onto the proposed site. The boundary is designated by a concrete post and chain link fence.
13. The southern edge of the site forms the boundary with St Leger Drive. It currently has large bunds at the edge to prevent vehicular access onto the site. The Smiths News and Taylor Woodrow buildings occupy the plots on the opposite side of the road.
14. The topography of the site forms a slight slope rising up from the southern boundary to the northern boundary and also rising from the eastern boundary to the western boundary, however there are heaps of spoil and bunds over the site at present which the applicant/agent states will be removed/reused as part of the proposal. The proposal involves the lowering of the site levels in order to reduce the overall height of the building when viewed from Studlands Park Avenue.
15. The site is located approximately 3.0 miles north from Newmarket Railway Station and 2.0 miles from Newmarket town centre. There are bus stops for local bus routes within walking distance to the site (Fordham Road and Studlands Park Avenue) and it lies in close proximity to route 51 of the national cycle network and other minor local cycle routes.
16. The Fordham Road/A14 junction lies in close proximity to the site to the north beyond the Studlands Park residential area.
17. The site is annotated as 'Employment Land' on the Inset Map for Newmarket attached to the 1995 Local Plan.



## Planning History:

18. F/97/050 – Construction of road serving site for industrial development – Approved
19. F/92/457 – Use as a general retail market on two days per week – Refused
20. F/83/523 – Outline application for 6000 sqm DIY centre, garden centre, parking for 800cars and conversion of existing industrial buildings to industrial nursery units - Refused

## Consultations: (summarised)

### ***i) Scheme submitted with the planning application (December 2014).***

21. Anglian Water: **no objection** to the application providing conditions are attached regarding the submission of foul and surface water drainage schemes for approval .
22. Environment Agency: **objection** on the grounds of insufficient information in the submitted FRA and insufficient information submitted to demonstrate the risk of pollution to controlled waters has been dealt with.
23. Suffolk County Council Archaeology: **no objections** subject to a recording condition and comments as follows -

*This large proposal is located in an area which is topographically favourable for early settlement. Adjacent evaluations detected scatters of prehistoric, Roman and medieval material (NKT 027). As a result there is high potential for encountering evidence of early occupation at this location. The proposed works would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.*

In accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

24. Suffolk County Council - Highway Authority: **objection** on grounds of lack of parking and a Transport Assessment not submitted.
25. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests access to buildings for fire fighting and firefighters to meet the Building Regulation requirements. It is confirmed that no additional water supply for fire fighting purposes is required in respect of this planning application and advisory comments provided for

the benefit of the applicant/developer (access for fire engines and use of sprinkler systems in new development).

26. Suffolk County Council – Highways (Travel Planning): **objections** on the grounds that there is no concrete information on the end user and estimated staff numbers with appropriate measures and targets. As a result it does not demonstrate a full commitment to reducing the traffic impact of the development.
27. FHDC – Environmental Health: **no objections** relating to impact on air quality, as the development is unlikely to create enough vehicle activity to have an adverse impact.
28. FHDC – Public Health and Housing: **objections** and comments as follows - The close proximity of residential properties to the site is a significant cause for concern and it is my opinion the proposal if fully permitted as applied for i.e. 24/7 operation and unlimited traffic movements, would cause unreasonable disturbance to neighbouring residents and cause a detrimental impact on the amenity of the area.
29. FHDC – Ecology, Tree and Landscape Officer : comments as follows - most significant issues are the width of the screen; whether it is sufficient; the establishment of the tree screen in the short term and the lack of planting elsewhere on the site. The details of the planting to the northern boundary are acceptable, but the proposed building is likely to be overbearing on the properties to the north particularly in the short term when the existing trees are removed to make way for new planting, but also in the long term.

***ii) Amended drawings/details received between February and August 2015***

30. Anglian Water : no additional comments submitted.
31. Environment Agency: **no objections** and comments as follows –  

*We have reviewed the submitted report entitled 'Surface Water Drainage Design' dated May 2015 and are satisfied that an acceptable surface water drainage scheme can be provided on site. However, further details of the proposed drainage scheme should be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on site or elsewhere and no risk of pollution to controlled waters. As such, we consider that the proposed development will only be acceptable if a planning condition is imposed requiring detailed drainage details.*
32. Suffolk County Council (Highways): **no objections** subject to conditions requiring the provision of areas shown on the submitted plans for refuse and recycling bins and parking, loading and turning areas to be provided prior to the development being brought into use and thereafter retained.

33. Suffolk County Council (Suffolk Fire and Rescue Service): no further comments submitted.
34. Suffolk County Council (Highways – Travel Planning): **maintains objection** as above at para 26. The applicant/agent has responded and suggested that as the end user of the building has not been fully identified at this stage it is impossible to provide the details required and would be able to provide further details via a condition should approval be forthcoming.
35. FHDC – Environmental Health (Air Quality): no further comments submitted.
36. FHDC – Public Health and Housing: **no objections** as a result of reviewing the revised acoustic report, however the close proximity of residential properties does remain a concern and disturbance associated with the development of the site should be mitigated with suitable controls as suggested below;
- Control of site preparation and construction works
  - No generators in external areas outside certain hours
  - 3 days notice required for concrete pours outside specified working hours
  - Control of waste materials from site preparation
  - Submission of scheme for mitigation of dust nuisance
  - Submission of details of security and floodlights
  - Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing
  - External doors to be kept closed at all times except for access and egress
  - Acoustic screen to be provided as per the submitted plan
  - No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
  - Submission of details of operational hours of deliveries and on site working
  - Submission of method statement for the operation of the service yard including the use of roll cages
  - Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday
  - Submission of details of the measures to control light intrusion from external lighting
37. FHDC – Ecology, Tree & Landscape Officer: comments remain as above at para. 29 with added concerns regarding the office windows which have been added to the north elevation at the eastern end of the building and how these may conflict and threaten the landscaping which will need to be pruned back.
38. FHDC – Economic Development and Growth: **support** - the overall views of the Economic Development and Growth team are that the changes made in the revised plan are welcome and we would support this

application for the following reasons – significant amount of parking so attractive to employers; it is an employment site and the other main option for the developer might have been to consider a cluster of smaller / starter units, however unlikely to gain as much employment from this site; a single B1/B2 user might offer not only higher levels of employment on this site but also more consistent levels of employment over a period of time; dependent on the specifics of the tenant/occupier, it is probable that the skill levels of such use and therefore the likely wage levels would also be higher, making a stronger contribution to the local economy; a number of small/starter units are being developed elsewhere in the town at Sam Alper Court so if this site had been developed in a similar way then they would possibly be competing with each other and might lead to an oversupply in this sector of the market, whereas, to the best of my knowledge, there are no other sites of a similar size immediately available in Newmarket where large units such as this are being proposed; If this plan were approved it would therefore offer the opportunity to bring another large or medium sized business into the town adding to the local business community and improving employment in the town.

**Representations:  
(summarised)**

***i) Scheme submitted with the planning application.***

39. Newmarket Town Council : object to the proposal as the site is so close to residential properties, it is not suitable to have a development that would be in use for 24 hours a day and the scale of the development is disproportionate in the proximity of residential properties.

40. Neighbours:

10 letters/emails were received in response to the original plans from local residents at the following addresses raising objections to the proposed development;

- 56, 59, 60, 76, 77, 79, 80 and 81 Vincent Close
- 394 Aureole Walk
- 38 Studlands Park Avenue

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

- Not enough screening – a 30ft verge must be retained
- Noise and disturbance to residences from the 24 hour operation and fans and boilers especially during the night
- Overshadowing of properties due to scale of building
- Overshadowing of south facing gardens
- Loss of light to properties due to height of building
- More traffic congestion likely on roundabout as already congested
- Unacceptable increase in HGVs
- Working hours should be restricted
- Roads are not large enough to deal with a distribution centre
- Cars will be forced to park on Studlands Park Avenue and it is already a problem

- Noise from the loading and unloading activities will be unacceptable in the residential area
- Air pollution is likely as a result of the development
- Fire Hydrants should be installed – at least two should be required
- No safe crossing point at the roundabout for pedestrians
- The tree screen along the boundary has been removed by the developer
- The two doors facing Studlands Park Avenue should be removed
- Light pollution will result from the development
- The proposed planting will not grow due to the lack of natural light
- Homes will be devalued (officer note – this point is not a material consideration that can be taken into account in the determination of the application)

***iii) Amended drawings/details received between February and August 2015***

42. Newmarket Town Council: **Objects** to the amended proposals on the following grounds;

- The height and size of the proposed unit being an over-development and not suitable for the industrial estate which was designed for low level units for light industry at Studlands Park.
- The height of the unit would cause a deprivation of light on residential properties in close proximity to the development.
- The noise of traffic accessing the site 24/7 would have an adverse affect on residents.
- The increased traffic would cause access problems to the estate including access to residential homes via the roundabout at the entrance to the estate.
- Environmental concerns regarding the removal of mature trees used to screen the industrial estate from the view of residents.

43. Neighbours:

57 letters/emails were received in response to the amended proposals from local residents. Of the original 10 objectors listed above 5 reiterated their original concerns in relation to the amended proposals and there were a further 52 responses. In some cases two or more letters were received from the same property and whilst the issues raised individually have been summarised the objections have been attributed to the address and counted as one objection from the property as per normal practice. One letter received did not have a full address, but was from the Studlands Park Area. It did not raise any additional concerns to those set out below.

The additional representations were sent from the following addresses raising further objections to the proposed development as amended;

Letters from the Studlands Park area

- 5,40,43,46,51,55,57,64,65,66,68,70,71,72,74,75,78,83,84,85,86  
Vincent Close

- 4,5,8,10,15,22,24,26,28 Persimmon Walk
- 30,32,34,36,40 Studlands Park Avenue
- 503,525,541 Aureole Walk
- 112, 122 Parkers Walk
- 271 Hethersett Close
- 131, 189 Tulyar Walk
- 11 Hanover Close
- 11 Brickfields Avenue

Letters from other parts of Newmarket

- 41 St Johns Avenue
- 88 Weston Way
- 57 Beaverbrook Road
- 53 Stanley Road
- 1 Durham Way
- 16 Cardigan Street (Basement Flat)

The issues and objections raised are summarised as follows:

- The amendments do not go far enough to overcome concerns already raised
- Not opposed to a unit on the site, but this one is too big
- Height and size of the building is excessive
- Will lead to loss of tree lined boundary between the housing and the industrial estate
- Residents will live in the shadow of a big ugly building and views will be blocked
- 24/7 operation should not be allowed
- Deliveries and collections should be banned between 7pm and 7am
- Levels of noise and disturbance will be detrimental to residential amenity of neighbouring properties
- There should be daytime operation only and no Sunday working
- Few other premises on the estate work at night and at weekends when noise levels are low and although noise is heard it is of a low level
- Will lead to a decline in the residential estate if allowed
- The residential estate is likely to become isolated from the rest of the residential areas of Newmarket
- The Burger King roundabout will not cope with the traffic
- Traffic will be forced through the town centre to avoid the junction of A14 and Fordham Road
- 150 car parking spaces will lead to 900 car movements per day
- Increase in traffic will impact on whole estate as noise from the A14 is considerable at night
- Pollution levels are likely to increase from queues at the roundabout
- Light pollution will result from the development
- Flooding is likely to increase on Studlands Park Avenue and Burger King Roundabout as a result of the development
- What measures are in place to ensure Studlands Park Avenue does not become an overflow carpark as a result of the development

- Double yellow lines do not extend far enough along Studlands Park Avenue
- Problems have existed with lorries parking on Studlands Park Avenue in the past
- There are no late buses for workers
- Site should be used for light industrial purposes as per the original planning application
- The sound proof fence is not adequate and noise will be funnelled through the space between plots 9 and 8 creating more noise for the residents of Plot 8
- Noise from the A14 has increased since the erection of plot 8 as it is reflected off the building
- Developer has scant regard for the occupiers and has not complied with landscaping conditions for plot 8
- The refuse bins are too close to homes and could result in vermin and noise
- Windows will overlook homes
- Plans do not show water tank for sprinkler system, cooler unit, generator and smoking shelter

**Policy:**

44. The following policies of the Joint Development Management Policies Document and the Forest Heath 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 DM6 – Flooding and Sustainable Drainage.
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM20 – Archaeology.
- Policy DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

**Forest Heath Core Strategy December (2010).**

45. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1, CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form where necessary.

## **Spatial Objectives**

- Spatial Objective ECO 1 – Attract high quality economic development
- Spatial Objective ECO 2 – Diversify Forest Heath’s economy to create a strong competitive area
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

## **Policies**

- Policy CS1 – Spatial Strategy.
- Policy CS5 – Design Quality and Local Distinctiveness.
- Policy CS6 – Sustainable Economic and Tourism Development.
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport.

## **Other Planning Policy:**

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

47. 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.”

48. 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".

49. The relevant policies of the Framework are discussed below in the Officer Comment section of this report.
50. The Government published National Planning Practice Guidance (NPPG) in March 2014 following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

### **Emerging Development Plan Policy:**

51. **Single Issue Review and Site Allocations Development Plan Document:** The Core Strategy Single Issue Review (SIR) Local Plan Document reached the issues and options stage in July 2012. An 8 week consultation was undertaken. The proposed submission draft document was approved for consultation in early 2014. The consultation was subsequently postponed to enable further environmental appraisal work.
52. Members subsequently resolved to prepare the Core Strategy SIR in tandem with the Site Specifics Allocations Document. A joint consultation commenced on 11<sup>th</sup> August 2015 and will run for 8 weeks. Adoption is anticipated by the end of 2017.
53. For the site allocations document this is the first stage in the plan process – Issues and Options – and includes all potential sites; many of which will not be taken forward to the next stage.
54. At the present time, the Single Issue Review and the Site Specific Allocations Document carry little weight in the decision making process.

### **Officer Comment:**

#### **Principle of the Development**

55. Core Strategy Spatial Objectives ECO 1 and ECO 2 seek to attract high quality economic development to the district and diversify Forest Heath's economy to create a strong competitive area.
56. These objectives accord with the Government's commitment to ensure that the planning system does what it can to support sustainable economic growth as set out in the Framework. Section 1 of the Framework (Building a strong, competitive economy) states that "*planning should operate to encourage and not act as an impediment to sustainable growth, therefore significant weight should be placed on the need to support economic growth through the planning system*"
57. Policy CS1 confirms Newmarket is identified as a market town serving the retail and leisure needs of the local catchment area and recognising that housing and employment growth will occur.

58. Core Strategy policy CS6 states that employment development should predominantly be focused within existing settlements on allocated sites. It goes on to state that land allocated for employment and existing employment sites will only be considered for alternative uses in exceptional circumstances where it is demonstrated they are no longer viable for employment use and specific community and environmental benefits can be achieved.
59. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the Framework. Policy DM30 builds upon the strategic requirements of Core Strategy Policy CS6 to protect employment land in employment use and sets out detailed criteria for how non-employment development proposals of employment sites will be considered.
60. The site is currently vacant, however lies within an area identified for employment use and is formally allocated as such by the 1995 Local Plan. In these circumstances, Core Strategy Policy CS6 and DM30 of the Joint Development Management Policies Document, which seek to protect and safeguard employment land for employment use are relevant in the consideration of the application.
61. Evidence has been provided by objectors to the application that outline planning permission was granted in June 1955 for light industrial expansion and allied residential development in the Brickfields area of Newmarket. The written particulars identify a site of 2.842 acres, but no address or map to identify the particular site is provided. The objector's argument is that the site should only be considered suitable for light industrial use (B1) on the basis of this information.
62. In terms of more up to date planning policy, however, the application site lies within an area which was identified as employment land in the Forest Heath Local Plan. Policy 5.1 of the document refers to general employment use and identifies that industrial and commercial activity which provides an acceptable level of employment being likely to obtain planning permission. The 1995 local plan specifically refers to the "more intensive use of the CI Caravan site" and goes on to state that it is zoned in Policy 5.1 for general employment use. As a result it would appear that the general industrial designation was firmly established by 1995, therefore the argument that the site should only be used for light industrial use cannot be given significant weight when considering this application. The Forest Heath Local Plan was adopted in 1995 after full public consultation and a Local Plan Inquiry. Whilst policy 5.1 of the Local Plan is no longer used, it is referenced to show the policy context which was applied and informed the permissions for development around the application site.
63. The comments of the Economic Development and Growth Team are summarised at para. 38 and these express support for the proposal on the basis that if approved it would offer the opportunity to bring another large or medium sized business into the town adding to the local business community and improving employment in the town.

64. The site lies within the settlement boundary of Newmarket, within an area which already contains a mix of industrial and commercial uses and there is considerable policy support for the proposal. As a result the development is acceptable in principle.

### **Design Considerations**

65. 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.
66. Design aspirations are also included in Spatial Objective ENV4 (high standard of design) of the Core Strategy which is supported by policy CS5 which requires high quality designs which reinforce local distinctiveness. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
67. 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.
68. The planning application is a full application with all details included for consideration this this stage.
69. The application site lies towards the northern edge of Newmarket where the town is bordered by the A14. There is a mix of uses, including residential, commercial and industrial in the vicinity of the site. The site has a visual relationship to both the residential development which lies beyond the northern boundary of the site and the commercial and industrial development which surround the remaining site boundaries. The building proposed reflects the scale and detailing of the surrounding industrial development and as a result is a very large building within reasonably close proximity to small scale residential development.
70. The size of the application site is 1.33ha and the building has a gross floor area of 6,720 square metres. The building measures approx. 123m long and 45m wide with a ridge height of 13.5m and an eaves height of 11m. This is of similar scale to the Taylor Woodrow building which lies opposite the site on St Leger Drive, but is considerably larger than the existing Smiths News building (also opposite), and Plot 8 to the west of the site. The residential development which lies approx. 30m to the north of the building on the opposite side of Studlands Park Avenue is of a much smaller scale and consists of modest bungalows and two storey properties where the maximum overall height is likely to be approx. 7/8metres with the bungalows being considerably lower.

71. At the present time planting exists on the northern boundary of the site which has declined over the years and does not provide an effective screen in itself; however it forms a partial screen to the residential land to the north and as such is of high public amenity value. The majority of the site has been subject to the dumping of soil from other developments in the vicinity and has revegetated to a limited extent. In order to mitigate the impact of the development on nearby residential properties a landscaping scheme has been submitted which consists of a mixed area of planting along the entire northern boundary. The landscaping strip measures approximately 12m in width at its widest point at the western boundary of the site and reduces to approx. 8m at the mid point of the site and 6m at the eastern boundary. There are other minimal areas of planting proposed along the boundary with St Leger Drive.
72. The Council's Tree, Landscape and Ecology Officer comments that the most significant issues identified are: the width of the screen and whether this is sufficient to mitigate the impact of the building on the properties to the north; and also establishing the tree screen in the short term.
73. The comments indicate that whilst the details of planting on the northern boundary are acceptable with a mix of mostly native species including evergreen, which will be introduced at different sizes to make an instant impact and to provide a sustainable screen in the long term, concern is expressed about the lack of appropriate planting elsewhere within the site which within the present scheme is not commensurate with this size of building. Further concern is expressed that the proposed building is likely to be overbearing on the properties to the north particularly in the short term when the existing trees are removed to make way for the new planting, but also in the long term if the planting fails to become established.
74. Due to the desire to provide sufficient landscaping on the northern boundary of the site this had resulted in the proposed building being sited on the boundary with St Leger Drive. Whilst this is not an ideal situation given the scale of the building, it is considered, on balance, an acceptable compromise to ensure the maximum amount of landscaping can be provided between the site and the properties to the north.
75. The proposed materials (ref para. 7 above) would be appropriate for the location as they match those on the adjacent plot (8) to the west. They are typical of what could be expected on a new industrial development, therefore the materials palette is considered acceptable.
76. The relatively large scale and massing of the building and the hard surfaced car park and service areas are not at odds with the existing industrial and commercial development around the site.
77. The relationship of the development to the nearby residential properties is a matter which requires very careful consideration as it is acknowledged that the scale of proposal is large and the site is clearly pressured in terms of the quantity of development the applicant seeks to accommodate. As a

consequence a significant amount of boundary planting has been included along the northern boundary to mitigate the impact of the building on the dwellings which lie on Studlands Park Avenue/Vincent Close. The successful implementation and maintenance of the planting scheme is a key factor in whether the application can be considered acceptable and this is discussed further in the report.

78. Having considered the elements which would contribute to the character of the development itself, it is concluded that the scheme pushes the boundaries in terms of its scale and relationship with the adjoining dwellings, however it has been demonstrated that regard has been paid to mitigating this impact through lowering the site level, the provision of a deep landscaping strip and an acoustic fence to the service and car parking area. The proposals have been improved from their inception and the design and layout of the amended scheme is, on balance, considered acceptable by officers.

### **Transport and Highway Safety**

79. 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.
80. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state 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 transport modes can be maximised.
81. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policy CS12 which confirms the District Council will work with partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, where necessary, and ensure that access and safety concerns are resolved in all developments.
82. 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.
83. An Interim Travel plan has been submitted as part of the application which is considered to be lacking in detail, however the applicant is willing to accept a condition to produce an updated Travel Plan once an end user has been identified. This is an approach which has been used on schemes elsewhere and as such is considered an acceptable.

84. The applicant submitted a Transport Statement at the request of the Highway Authority following their initial comments and it was followed up with further work relating to capacity at the Oaks Drive/Studlands Park Avenue/A412 roundabout. The key conclusions drawn by the documents are that the proposed development site is located within an area that is both accessible and sustainable in accordance with national and local planning policy and guidance. The roundabout is currently running well within its capacity, and will continue to do so with network growth to 2020 and the trip generation of the site and the Hatchfield Farm development accounted for.
85. Those making representations, as detailed in paras. 41-43, raised significant concerns regarding likely traffic congestion in the area as a result of the development and the problems that exist in the area already regarding parking along Studlands Park Avenue. As the applicant has done the necessary work requested by the Highway Authority, as detailed above, it is considered that the objections on grounds of likely increased congestion from the development due to no capacity existing within the road network cannot be substantiated. If problems exist at the present time regarding vehicles parking on Studlands Park Avenue this is matter than cannot be addressed through this planning application and should be taken up with the relevant section of the Highway Authority.
86. Access and parking arrangements for the proposed development are considered, by the Highway Authority, to be safe, suitable and in accordance with adopted standards. As a result it is concluded that the development would not lead to significant highway safety issues or hazards on approaches to the site, from the Fordham Road or within the locality. 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. It can therefore be concluded that there should be no highways or transport reasons why the development proposals should not be approved.

**Residential amenity:**

87. 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. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
88. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
89. The proposal is for a speculative facility to be used for B2 (General Industrial) and B8 (Warehouse and Distribution) facilities. The applicant has indicated that since the submission of the application an end user has been identified, but at the moment is unwilling to reveal any specific

details apart from the fact that 150 jobs are likely to be created on the site and the facility is likely to consist of a greater element of B2 use and a lesser amount of B8 use. This has facilitated the proposed amendments to the scheme which were submitted in late July and throughout August.

90. Given that much of the operating procedure and pattern of working is unknown, it is considered that there is potential for the nearby occupiers of homes in the Studlands Park area to be adversely affected by noise from the operation of the site. Whilst the properties are separated from the site by the proposed landscaping belt and Studlands Park Avenue, which is a distance of over 20 metres, some of the properties which front Vincent Close have very small rear gardens which back onto Studlands Park Avenue.
91. The residents have voiced strong objections regarding the impact this proposal could have on their residential amenity (as set out above). They consider that a facility of the size proposed coupled with the request for uncontrolled working hours and deliveries/loading/unloading to take place between the hours of 7am and 11pm to be excessive and detrimental to the quality of residential amenity they currently enjoy. Similar concerns have been raised concerning the impact of the lighting of the building and the positioning of the skips within the service yard close to the site boundary.
92. The Council's Public Health and Housing Officer originally raised concerns regarding the lack of detail within the submitted noise report, but as a result of receiving more detailed information has withdrawn the initial concerns with respect to noise disturbance and has requested conditions are imposed upon any planning permission granted to provide a number of protective measures as follows;
  - Control of site preparation and construction works
  - No generators in external areas outside certain hours
  - 3 days notice required for concrete pours outside specified working hours
  - Control of waste materials from site preparation
  - Submission of scheme for mitigation of dust nuisance
  - Submission of details of security and floodlights
  - Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing to be complied with
  - External doors to be kept closed at all times except for access and egress
  - Acoustic screen and other boundary treatments to be provided as per the submitted plan
  - No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
  - Submission of details of operational hours of deliveries and on site working
  - Submission of method statement for the operation of the service yard including the use of roll cages
  - Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday

- Submission of details of the measures to control light intrusion from external lighting
93. These measures are considered reasonable and could be translated into enforceable conditions which would serve to safeguard the potential residents of the scheme from significantly adverse noise and lighting impacts.
94. There is no doubt that occupants of some existing dwellings will be affected by the proposed development. In particular there are some existing dwellings which back onto the application site at the western end of the site and others which front the site towards the centre/eastern end where there is significant concern about potential dominance of the building and loss of outlook to the existing dwellings.
95. The degree of separation between the existing dwellings and the fenced site amounts to in excess of 20 metres to the property boundaries. The proposed landscaping belt (outside the site fencing) varies in width from approx. 7/8 metres where properties front the site (in front of the proposed building) to 11/12 metres where the single storey properties back on to the site where the service yard is located.
96. The details of the planting scheme in itself are considered acceptable with a mix of mostly native species including evergreen, which will be introduced at different sizes to make an instant impact and to provide a sustainable screen in the long term. The level of mitigation provided to negate the dominance of the building will not be significant in the early stages of the development according to the comments provided on the landscaping proposals by the Tree, Landscape and Ecology officer and if the planting is not established and maintained the dominance of the building will remain significant.
97. The landscaping details provided demonstrate that within a ten year period the planting scheme proposed will provide good mature screening. The building will not be completely obscured due to its height, however the type of planting that formerly existed on the site boundary will be re-established. A condition could be imposed on any consent to require implementation of the landscaping and it would also be appropriate to seek details of a long term maintenance plan to ensure the success of the planting can be secured.
98. Of concern to the residents is the issue that the approved landscaping scheme to the adjacent Plot 8 has not been appropriately carried out. They state that any confidence they had has been lost due to the poor management of the matter. Whilst this is also of concern to officers it is a matter which has been raised with the developer and is currently under review. Essentially the establishment and maintenance of the landscaping to Plot 8 is a potential enforcement issue and not part of the consideration of this application, however the details of the scheme are relevant and require consideration.



99. The landscaping scheme for Plot 8, which lies to the west of the site, was approved at appeal by a Planning Inspector in 2011 and the main issues identified were: whether the proposals would safeguard the character of the area and assist in assimilating the approved development into the surroundings and second, whether they would safeguard the reasonable residential amenities of local residents in terms of outlook. The width of the tree screen to plot 8 is documented as being 4.5/5.5m in depth with potential for planting to reach heights of 11 metres.
100. On the first point the Inspector concluded that the proposals would safeguard the character of the area and assist in assimilating the approved development into the surroundings. On the second point, whilst the Inspector acknowledged that the that the industrial building would have a considerable impact on the outlook from the houses on Vincent Close it was concluded within the decision letter that the landscaping proposals would safeguard the residential amenities of local residents in terms of outlook. Overall the Inspector noted that the landscaping proposal represented a balanced and well considered response to the difficulties and limitations of the site.
101. It is noted that the dimensions of plot 8 are considerably less (approx. 3 metres lower in height at eaves height) than the proposal for plots 9 – 11, however this must be balanced with the fact that the proposal under consideration offers double the width of landscaping for the majority of the length of the site. The appeal decision should be borne in mind when balancing the issues of benefits of the scheme versus the harm.
102. Air pollution is an area of concern that has been cited by the objectors as potentially impacting on residential amenity. The comment of the Environmental Health officer on this matter is that it is unlikely that the development will create enough vehicle activity to have an adverse impact upon the local air quality.
103. The amended scheme introduces office windows to the northern elevation of the building at its eastern end. Whilst the outlook from these windows will be partially obscured by the proposed planting in the long term it is considered reasonable, due to allow time for the planting to become established, that any permission contains a condition to ensure the windows are obscure glazed and fixed shut.
104. Having assessed the material submitted as part of the application, the consultation responses received and the detailed representations made by local residents and the Town Council, the conclusion reached in terms of whether the harm caused to residents outweighs the benefits of the scheme is finely balanced.
105. The test to be applied is whether the harm caused by the development is of a level that it cannot be mitigated to a reasonable level through the measures supplied within the details of the application and via suggested conditions.

106. Given that it has been demonstrated that the impacts of the scheme can be mitigated by the imposition of conditions as requested by the consultees and the landscaping proposed is likely to be effective in visually breaking up the form of the structure and considerably reducing its visual impact; the proposals are considered, on balance, acceptable with respect to their potential impact upon existing residents.

**Other matters:**

***Archaeology***

107. The Archaeological Service at Suffolk County Council has been consulted on the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertaken prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works are carried out and recorded. Officers are satisfied that, subject to the archaeological conditions, the development proposals would have no significant impacts upon heritage assets.

***Waste water treatment***

108. The foul drainage from this development is in the catchment of Newmarket Water Recycling Centre and it is confirmed by Anglian Water that there is available capacity to cater for the development. There is no objection to the development subject to conditions being imposed on any consent requiring details of a foul water strategy and a surface water management strategy.

***Flood Risk, Drainage and Pollution***

109. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
110. 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.
111. 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.
112. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3). A flood risk assessment has been

submitted with the planning application. After their initial objection, following the submission of further information, the Environment Agency is satisfied that an acceptable surface water drainage scheme can be provided on site. However, further details of the proposed drainage scheme should be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on site or elsewhere and no risk of pollution to controlled waters. This can be required via a condition.

- 113. The planning application is accompanied by a Ground Investigation Report.
- 114. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. The imposition of reasonable informatives upon any potential planning permission to secure appropriate further investigation of contamination and subsequent mitigation are recommended.
- 115. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

**Conclusions:**

- 116. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. Against this background, national planning policy advice states that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which this proposal is considered to represent.
- 117. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, therefore having regard to the Framework and all other material planning considerations, the proposal is considered to comply with the NPPF and Development Plan policy and the recommendation is one of approval.

**Recommendation:**

- 118. It is recommended that the planning application be **APPROVED** subject to conditions including:
  - 1. Standard time limit
  - 2. Development in accordance with approved plans
  - 3. Archaeological investigations and recording.
  - 4. Surface Water Drainage details to be submitted prior to commencement

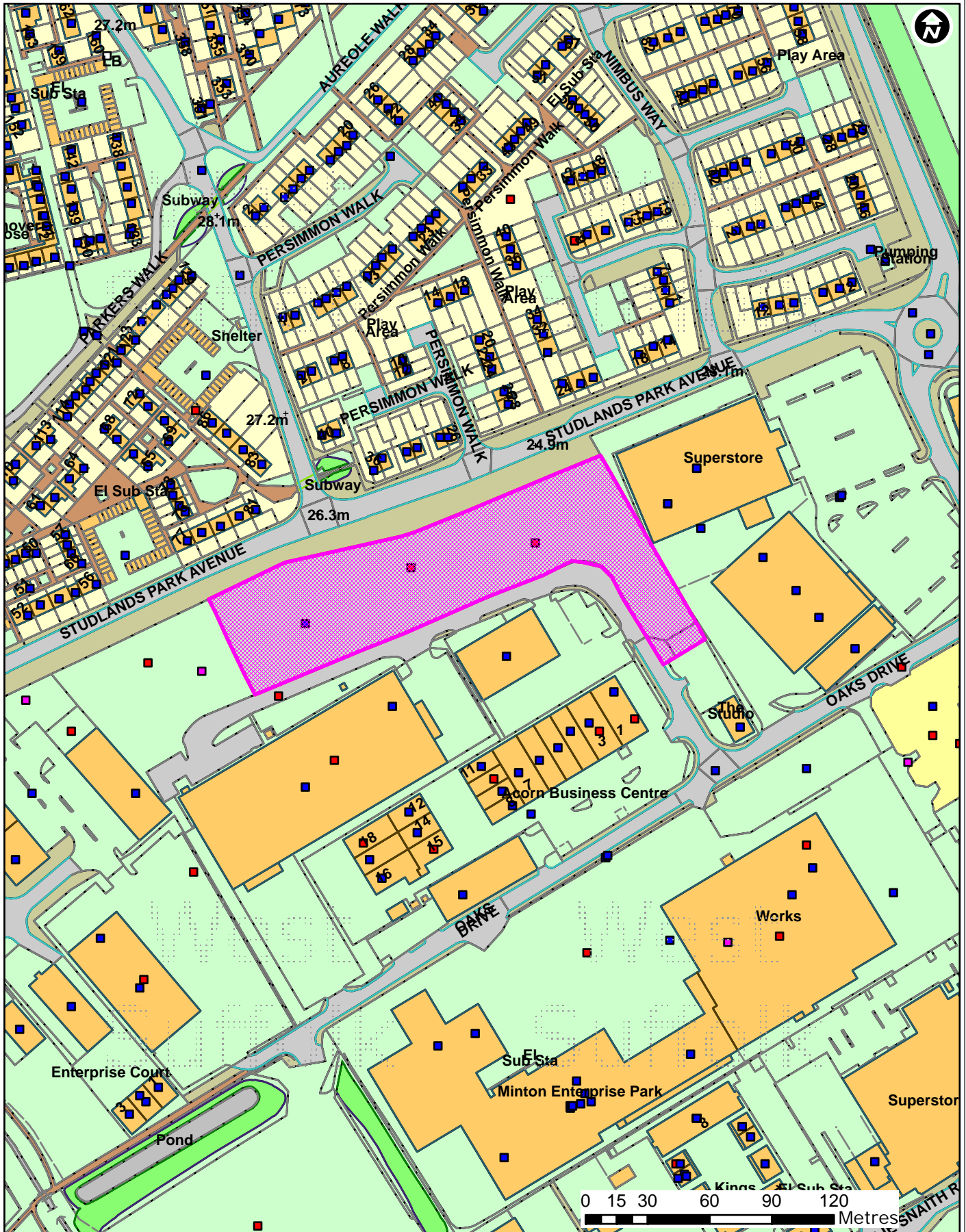
5. Foul Water Strategy to be submitted prior to commencement
6. Highways – refuse and recycling bins provided as per plan
7. Highways – parking, turning areas to be provided as per plan
8. Highways – updated travel plan to be provided
9. Materials as detailed on plan
10. Windows on north elevation to be obscure glazed and non opening
11. Removal of non-domestic permitted development rights
12. Landscaping implementation in the first planting season following the commencement of development
13. Tree Protection measures to be implemented during works
14. Landscaping management and maintenance plan to be submitted
15. Site clearance to take place outside the bird breeding season
16. Control of site preparation and construction works
17. No generators in external areas outside certain hours
18. 3 days notice required for concrete pours outside specified working hours
19. Control of waste materials from site preparation
20. Submission of scheme for mitigation of dust nuisance
21. Submission of details of security and floodlights
22. Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing to be complied with
23. External doors to be kept closed at all times except for access and egress
24. Acoustic screen and other boundary treatments to be provided as per the submitted plan
25. No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
26. Submission of details of operational hours of deliveries and on site working
27. Submission of method statement for the operation of the service yard including the use of roll cages
28. Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday
29. Submission of details of the measures to control light intrusion from external lighting

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

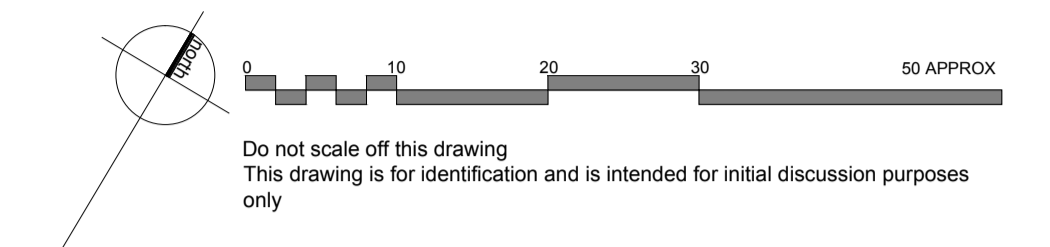


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1. Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding. © This drawing is copyright

# PLANNING



SCHEDULE OF ACCOMMODATION

Total building gross external area (GEA):	6,720m <sup>2</sup>
Total site area:	1.33 Hectares
<b>PLOT 10 - B2/B8 UNIT</b>	
Factory gross internal area (GIA):	4,950m <sup>2</sup> (53,300ft <sup>2</sup> )
2 storey office accommodation GIA:	1,525m <sup>2</sup> (16,410ft <sup>2</sup> )
<b>Car Parking:</b>	
124 standard spaces	
7 disabled spaces	
<b>Motorbike spaces:</b>	
2 spaces	
<b>Bicycle spaces:</b>	
12 spaces	
<b>HGV (16.5m) spaces</b>	
2 docked	
<b>TOTAL BUILDING GIA:</b>	<b>6,475m<sup>2</sup> (69,700ft<sup>2</sup>)</b>

MATERIALS KEY

	Landscaped Areas to be read in conjunction with 'The Landscape Partnership' drawing: B14045_01
	Existing Trees to be retained
	Proposed Building
	Proposed tarmac paving to pedestrian areas
	Proposed Tarmac Car parking areas, with white thermoplastic delineation.
	Proposed brushed concrete finish service yard.
	Proposed shingle path to rear of building.

D	BUILDING MOVED 1 BAY NORTH EAST, RECONFIGURED INTERNAL LAYOUT AND PARKING	ERJ	KM	24.07.2015	
C	HEIGHT OF BUILDING REDUCED	ERJ	KM	16.07.2015	
B	ISSUED FOR PLANNING	ERJ	KM	14.01.2015	
A	ISSUED FOR PLANNING	ERJ	KM	07.11.2014	
Revision	Description	Drawn	Checked	Date	
	Preliminary <input checked="" type="checkbox"/>	Information <input type="checkbox"/>	Tender <input type="checkbox"/>	Construction <input type="checkbox"/>	As Built <input type="checkbox"/>







## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/039**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1450/RM - LAND NORTH OF MILDENHALL  
ROAD, WEST ROW**

**Synopsis:**

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

**Recommendation:**

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

**CONTACT OFFICER**

Case Officer: Charlotte Waugh  
Telephone: 01284 757349

# Committee Report

**Date** 27<sup>th</sup> July 2015 **Expiry Date:** 26<sup>th</sup> October 2015

**Registered:**

**Case** Charlotte **Recommendation:** Approve

**Officer:** Waugh

**Parish:** Mildenhall **Ward:** Eriswell and The Rows

**Proposal:** Reserved Matters Application - Submission of details under outline planning permission DC/14/0632/OUT - appearance, layout and scale for 24 No. two-storey dwellings and 2 No. bungalows

**Site:** Land North of Mildenhall Road, West Row

**Applicant:** Laurence Homes

## Background:

**This application is referred to the Development Control Committee as the Parish Council has objected to the application which conflicts with the Officer recommendation of APPROVAL.**

### Application details:

1. The application follows a previous approval of outline permission in December 2014 and seeks permission for the reserved matters. The proposed development consists of 24 two storey dwellings and 2 bungalows. Of this 7 residential units will be affordable which includes the 2 bungalows and 5 two storey dwellings.
2. The means of access to the site was approved as part of the outline application as was the inclusion of a footpath connecting the site to the centre of West Row. Reserved matters in this case, refer to appearance, layout and scale.

### Site details:

3. The application site is located to the east of West Row within the parish of Mildenhall. The site itself is on the northern side of Mildenhall Road.
4. The site occupies a rectangular parcel of land which measures approximately 0.7 hectares in size. It comprises an open field which is largely flat. Whilst the site is designated as agricultural land, officers understand that in recent times it has not been actively farmed and as such, is now mostly grassed.

5. All four boundaries of the site have hedges on them. The southern boundary is completely lined with a thick mature hedge whereas the northern, eastern and western have small breaks in them where they border residential dwellings. One Leylandii tree has been identified on the north eastern corner of the northern boundary.
6. The opposite side of Mildenhall Road is largely agricultural fields with a variety of hedges and open countryside. Residential properties are focused to the south west of the site towards the corner of Mildenhall Road and Beeches Road.

**Application supporting information:**

7. The application is accompanied by the following documents:
  - Application form
  - Location plan
  - Site layout plan
  - Proposed floorplans and elevations
  - Design and Access Statement

**Planning history:**

8. F/88/812– Two bungalows – Refused and decision upheld at appeal.
9. DC/14/0632/OUT - Outline Application - residential development of up to 26 dwellings with new vehicular access and creation of a new footpath link along Mildenhall Road (Major Development and Departure from the Development Plan) - Approved

**Consultations:**

10. West Suffolk Strategic Housing - No objection. Supports the application.
11. West Suffolk Environmental Health - No objection. A land contamination condition has already been applied to the Outline application.
12. West Suffolk Public Health and Housing – No objection.
13. Suffolk County Council Highways – No objection. Conditions have been applied to the outline application concerning the access, visibility, surface water discharge, estate road and footpath details, garaging and manoeuvring space and HGV movements during construction. In addition a S106 obligation secures a footway to the front of the site which must be delivered prior to first occupation of the development.
14. Suffolk Fire and Rescue Service – No objection. Recommends planning condition relating to the provision of fire hydrants.
15. Mildenhall Internal Drainage Board – No objection. A drainage condition requiring details to be submitted and approved has already been applied to the Outline application.

16. Suffolk County Council Drainage Technician – No objection. A drainage condition requiring details to be submitted and approved has already been applied to the Outline application.

**Representations:**

17. Mildenhall Parish Council – Object to the application and have serious concerns over the following:
- The design of properties overlooking the existing houses opposite, this could be mitigated by some bungalows being introduced into the scheme and by the site layout being modified
  - Access/egress and visibility onto the adjacent road
  - Infra-structure provision in particular street lighting, sewage and service water
  - Provision of car-parking which appears in some case to be limited to one car off-road
18. Representations have been received from the occupants of three adjacent properties, raising the following objections:
- Concerns regarding overlooking
  - Requests 8ft privacy fence on boundary
  - Why are bungalows not provided on eastern and northern boundary
  - Footpath does not extend to access of Southview
  - No street lights up to Beeches Road junction at present
  - Requests building times to be conditioned
  - Concerns over borehole on boundary of site and chance of pollutants entering water supply
  - Too many buildings proposed for the area
  - Grouping of buildings is focused on the west only 5 metres from Cranford whereas the distance from the development to Southview to the east is approx. 25 metres
  - Scheme would be improved by a buffer between Cranford and plot 1

**Policy:**

19. The following policies of the Joint Development Management Policies Document and Forest Heath Core Strategy December 2010 have been taken into account in the consideration of this application:

Joint Development Management Policies Document:

- Policy DM1 Presumption in favour of Sustainable Development
  - Policy DM2 Creating Places
  - Policy DM7 Sustainable Design and Construction
  - Policy DM13 Landscape Features
  - Policy DM22 Residential Design
  - Policy DM46 Parking Standards
20. Forest Heath Core Strategy May 2010
- Policy CS1: Spatial Strategy

- Policy CS2: Natural Environment
- Policy CS3: Landscape Character and the Historic Environment
- Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change
- Policy CS5: Design Quality and Local Distinctiveness
- Policy CS9: Affordable Housing Provision
- Policy CS10: Sustainable Rural Communities

**Other Planning Policy:**

21. National Planning Policy Framework (2012)
  - Core Principles
  - Section 6: Delivering a Wide Choice of High Quality Homes
  - Section 7: Requiring Good Design

**Officer comment:**

22. The issues to be considered in the determination of the application are:
  - Principle of Development
  - Impact on Visual Amenity
  - Impact on Residential Amenity
  - Highway Issues

**Principle of Development**

23. The principle of development of this site has been established by the outline planning application. This allowed residential development up to 26 dwellings and included an indicative layout which is similar to that now submitted.
24. Whilst the site is located within the settlement of Mildenhall it is close to the centre of West Row and relates well to this village. West Row is designated as a Primary Village within the Forest Heath Core Strategy (Policy CS1) and as such, is able to accommodate a degree of growth. An assessment of environmental constraints and capacities took place at the outline stage and this scale of development was considered acceptable. On this basis, whilst concerns have been raised regarding the provision of infrastructure the report does not discuss these issues any further.

**Visual Amenity**

25. The development has been designed to be inward facing allowing a more satisfactory relationship between the dwellings. Whilst rural developments generally have a road frontage, in this case, given the size of the site which includes dwellings in depth and the preference for front to front dwellings as opposed to front to rear dwellings this layout is considered acceptable. Furthermore, the hedgerow which comprises the boundary with Mildenhall Road is a defining feature of the site and its retention is thought to enhance the development as well as providing privacy and sound reduction from the highway.

26. The layout comprises a mixture of detached, semi-detached and terraced properties which are largely two storey in height. The exceptions to this are the inclusion of 2 single storey dwellings in the north west corner and a 1½ storey dwelling in the south west corner which respect the scale of the adjacent single storey dwelling (Cranford). When viewed from the front (albeit this will be largely screened by the boundary hedging) this will appear as a stepped height increase from Cranford to the adjoining pair of dwellings which are 1½ and 2 storey respectively.
27. Dwellings at the entrance of the site have been designed as double aspect, providing a strong built form with active frontages when viewed from both east-west and north-south. Due to the gap in the front hedging in this location, to provide visibility splays, these plots (no.s 3 and 25) will be highly visible. The submitted plan successfully addresses this situation with traditional detailing and a post and rail boundary fence.
28. The mixture of housing in terms of scale and design provides a degree of variety to the overall appearance of the scheme which is proposed to be constructed of red and buff facing bricks, smooth render and orange pantiles and grey slates, all of which will be submitted for the prior approval of the planning authority.
29. The dwellings themselves incorporate traditional features such as dormer windows, projecting gables, porches, brick window detailing and chimneys which provide an attractive appearance. Surrounding development is exclusively residential but consists of an assortment of styles, ages and materials and as such, it is not considered that that proposed would be out of character with the overall settlement.
30. In terms of landscape impact, the site is enclosed by built development and the highway and consequently, the development will not impede open countryside views. In addition, retention of the boundary hedge will mean limited impact on public views, with only glimpses seen a top the hedging and through the access from passing traffic.
31. The proposals are therefore considered to accord with Policies DM2 and DM22 of the Development Management Policies Document, policies CS3 and CS5 of the Core Strategy and the NPPF which seek to encourage high quality design.

### **Residential Amenity**

32. Comments have been received from the occupants of 3 adjoining dwellings raising concerns over loss of residential amenity. The site borders residential dwellings on three of its four sides and therefore, consideration must be given to the impact of this development on their amenity.
33. Cranford abuts the south western corner of the site and is single storey in nature fronting Mildenhall Road with the garden extending to the end of the application site. Plot 1 has been designed as 1½ storey so as not to appear overbearing to its neighbour and any loss of light as a result of this

development will overshadow Cranford's driveway as opposed to the dwelling itself or rear garden. Moreover, plots 5 and 6 are single storey dwellings and therefore, whilst they border the rear garden of Cranford their modest height combined with the separation distance and boundary hedging should ensure limited impact on residential amenity. Whilst concerns regarding over-looking have been raised, no windows are proposed on the side (western) elevation of plot 1 and rear windows on the first floor are limited to high level roof lights, those closest to the boundary serving a dressing room and stairwell. On this basis, although it is acknowledged that the dwelling on plot 1 is within 8 metres of the adjacent dwelling it is not considered to result in a loss of residential amenity to the occupant of Cranford by reason of loss of light or privacy.

34. South View is a two storey dwelling which adjoins the eastern boundary of the site. The dwelling fronts Mildenhall Road and benefits from a large plot which includes paddock to the east and a driveway to the west bordering the site boundary. Whilst landscaping on this boundary is sporadic, that adjacent to the dwelling is established and dense and will provide sufficient privacy to the dwelling itself. The remaining boundary to the north eastern corner is controlled by a condition on the outline application which states that boundary treatments will be agreed prior to commencement and thereby ensures the local authority can retain control of this aspect. The separation distances between dwellings (approximately 22 metres), existing landscaping, layout of the existing dwelling curtilage when combined with the control retained over boundary treatment ensures that no loss of residential amenity should be suffered to the occupants of South View.
35. The curtilage of Lily Pond Cottage extends across the majority of the rear (northern) boundary with the dwelling itself located approximately 45 metres from the north eastern corner of the site. The occupants have concerns regarding overlooking from the two storey dwellings along this rear boundary which all benefit from first floor windows on rear elevations. Due to the position of the existing dwelling within the plot it will not be possible to directly overlook it from the application site. However, views may be available of the rear garden, albeit partially obscured by landscaping on the neighbouring site, where the occupants have control over its growth. This area of land is laid to grass with fruit trees and greenhouses and is clearly part of the occupants residential garden. However, their curtilage is extensive and as such, other parts of the garden will retain their absolute privacy. The proposed dwellings are all positioned forward in their plot ensuring the greatest possible separation distance is achieved which is approximately 10.5 metres from rear elevation to the boundary. On this basis, officers are satisfied that loss of amenity will not be significant.
36. Similarly no. 9, also bounding this northern edge benefits from a substantial plot and whilst the boundary is currently largely open, adequate landscaping and fencing will be agreed to ensure potential impacts are limited. This area of the site will accommodate single storey dwellings and on that basis overshadowing and loss of light will be minimal with no overlooking occurring.

37. Environmental Health has raised no objection to the scheme. Given the relationship of the site with existing properties, the outline application included a condition regarding construction activities, hours of construction, use of generators and dust management.
38. In all cases adjacent occupants are likely to experience a change in some outlooks, however, this is not considered to prejudice their levels of residential amenity. On the basis of the above evaluation, officers are satisfied that the proposed development accords with the principles of policies DM2 and DM22 of the Development Management Policies Document and the NPPF which seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Highway Issues**

39. The proposed access to the site from Mildenhall Road was considered in the outline application and deemed acceptable by the Highways engineer, gaining approval from the Development Control Committee. Precise details of this new access, including visibility splays are controlled by condition which will guarantee accordance with Highway standards. In addition, a footpath is proposed from the site towards the junction with Beeches Road. This element of the scheme is included within a Section 106 agreement which specifies its dimensions and makes certain that it is completed in accordance with Highways approval prior to occupation of the development. Although concerns have been expressed with regard to the access and proposed footpath these matters have already been agreed and as such, are no longer available for discussion or amendment.
40. In term of parking; objections have been received concerning the amount proposed. Suffolk County Council's recently adopted parking standards state the following number of spaces are required:

1 bedroom dwelling – 1 space
2 bedroom dwelling – 1½ spaces (1 allocated and 1 shared)
3 bedroom dwelling – 2 spaces
4+ bedroom dwelling – 3 spaces

41. The proposed scheme exceeds these standards through the use of private driveways and garaging with the addition of 2 visitor spaces.
42. Given that Suffolk County Council as Highway Authority has raised no objection to the development scheme and the parking allocation accords with adopted standards, it would not be reasonable for the local planning authority to raise an objection on highway grounds. Consequently, this aspect of the proposal is considered acceptable, given the details provided and the previously imposed conditions.



## **Conclusion**

43. The development proposal has been considered against the objectives of the Framework and the locally adopted Development Plan. The principle of development in this location has already been established and as such, this application concerns the layout, appearance and scale only. Various conditions, as well as a section 106 agreement were attached to the outline application and consequently they are not repeated on this scheme but provide comfort in so far as concerns such as highway safety and boundary treatments can still be adequately addressed.
44. The scheme details a satisfactory appearance and layout whereby the proposed dwellings have a mutually acceptable relationship with each other and existing properties. Furthermore, retention of the front hedging provides a significant screen to the majority of the development limiting external visual impact. As such, the proposal is considered to represent sustainable development as encouraged in local and national policy and is recommended for approval.

## **RECOMMENDATION:**

45. It is recommended that planning permission be **APPROVED** with the following conditions:
  1. Time limit
  2. Retention of hedge
  3. Hours of work
  4. Fire hydrants to be installed within the site
  5. Development to be carried out in accordance with plans

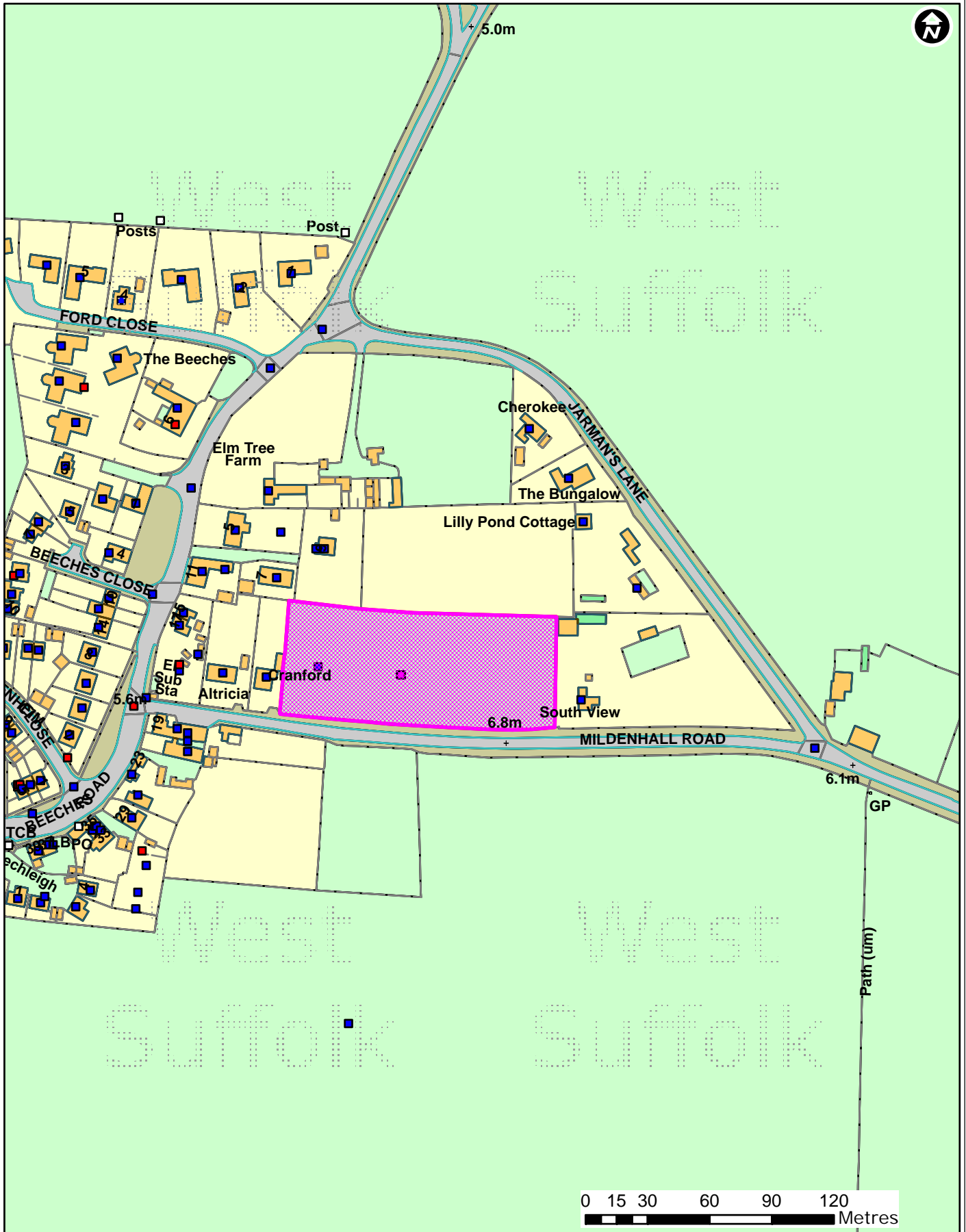
## **Documents:**

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

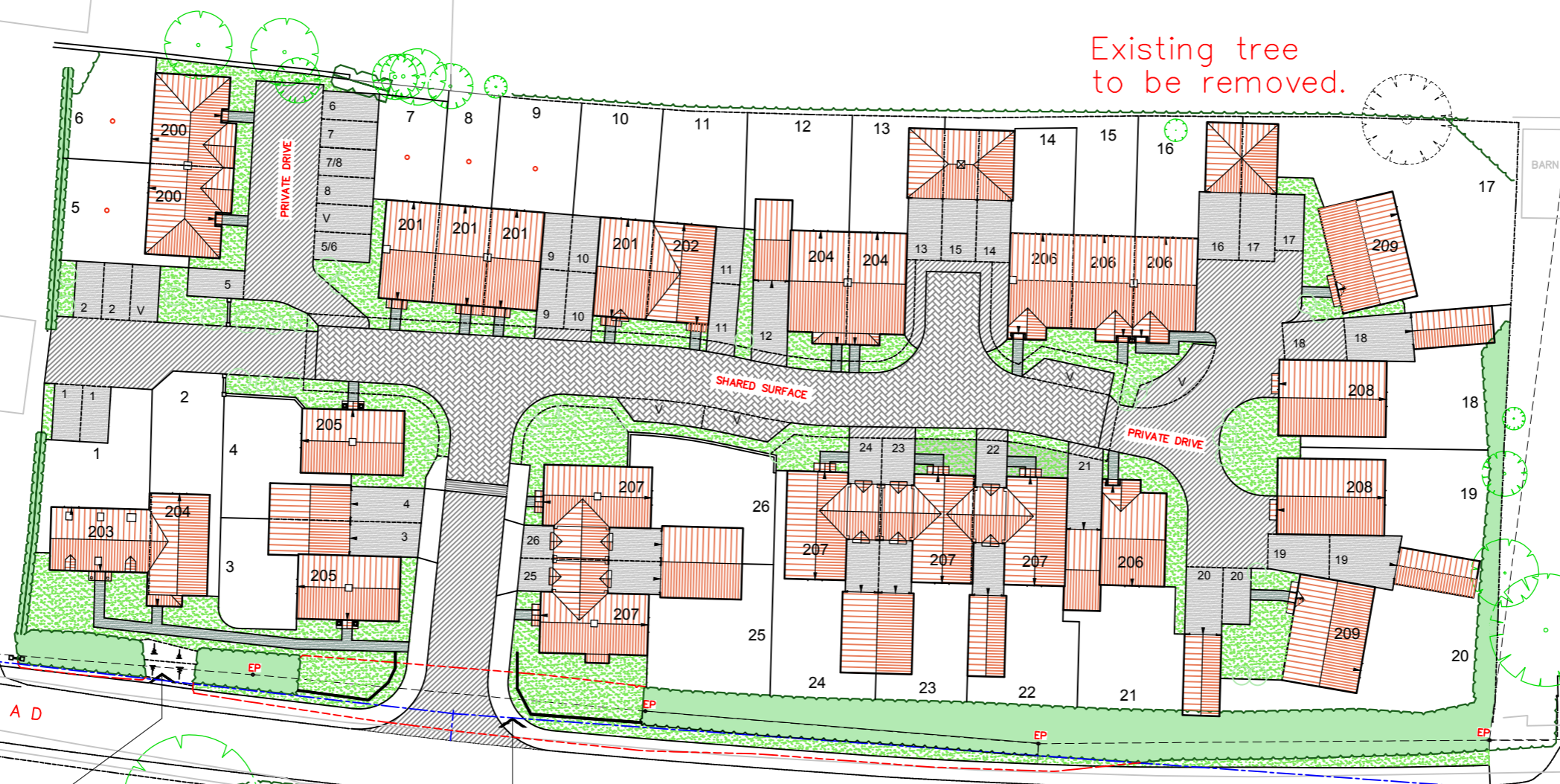
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NRS93RPD03F00>

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Existing tree to be removed.

MILDENHALL ROAD

MILDENHALL ROAD

New Infill hedge planting.

2.4m x 90m vision splays (East and West)

ALTRICIA

CRANFORD

BARN

SOUTHVIEW

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/040**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1610/TPO (TREE PRESERVATION ORDER) –  
PLAYGROUND WOODCOCK RISE, BRANDON**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Jonny Rankin  
Tel. No: 01284 757621

# Committee Report

**Date****Registered:** 05/08/2015**Expiry Date:**

30/09/2015

**Case****Officer:**

Jonny Rankin

**Recommendation:**

Approve with Conditions

**Parish:**Brandon Town  
Council**Ward:**

Brandon East

**Proposal:**

TPO/1999/01 - Tree Preservation Order - Oak-1318 on plan - Crown reduction by 1 metre and removal of lower branches over driveway to 5.4 metres where suitable to stop potential damage to building & vehicles. Raising of crown over play equipment to 3 metres. Oak -1319 on plan - Crown reduction by 1 metre and reduction in length by 2 metres of overextended branches over play equipment. Oak - 1323 on plan - Raise or prune back to give clearance over driveway of 4m Group of 40 Beech trees - 2095 on plan- Crown raise to 3m, reduction in height by 2m and 1m reduction in lateral growth, Fell 1 no. Beech tree in group, Beech Coppice in group - pruning to improve stability.

**Site:**

Playground, Woodcock Rise, Brandon

**Applicant:**

Mr Michael Rutterford, Forest Heath District Council

**Background:**

**This application is referred to the Development Control Committee because it has been submitted by Forest Heath District Council.**

**Proposal:**

1. Permission is sought for works to 3 no. Oak trees involving crown reduction and removal of lower branches to maintain access and use of a driveway and play equipment.
2. Permission is also sought for works to 40 no. Beech trees in order to reduce height and lateral growth to improve stability and form a hedge. One of the group of Beech trees is to be felled.

**Application Supporting Material:**

3. Information submitted with the application as follows:
  - TPO Plan



- Application Form

### **Site Details:**

4. The site is public open space off the Woodcock Rise residential area. The play ground is fenced amenity space including play equipment for young children and there is an area of green space around the playground.
5. The group of 40 Beech trees runs from the eastern extent of the play ground to the south behind the rear gardens of a number of properties in Woodcock Rise. The Beech trees form a deciduous buffer between the residential area and extensive evergreen plantations to the east.

### **Planning History:**

6. None relevant.

### **Consultations:**

7. Ecology and Landscape Officer: The proposals have been submitted by the Councils Arboricultural Officer and relate to the trees on the playground but also to a strip of trees to the east which forms the edge of the adjacent forest plantation. The two elements are dealt with separately below:
8. Within the playground the proposals are to reduce two mature oak trees located to the south of 11 Woodcock Rise. These two trees have a common crown and any work to one tree would impact on the other tree by changing the wind dynamics around the trees. Tree T1318 has a significant cavity in the main stem. The tree is of high amenity value so the retention of the tree is highly desirable particularly given that the loss of this tree could also impact on the adjacent tree. The proposals are therefore aimed at reducing the risks associated with failure of tree T1318 but also ensuring that tree T1319 is also retained in a safe condition. The proposals are considered to be an acceptable response to the condition of tree T1318 given the sensitive location within a playground and adjacent to residential property.
9. The crown raising works amount to routine maintenance to allow clearance beneath the trees for vehicles, where they overhang driveways, and over the play equipment. This work is considered to be acceptable. Crown raising for clearance of the shared driveway to 15-19 Woodcock Rise is also proposed for tree T1323.
10. The line of beech trees which forms the boundary to the forest plantation is a mature beech hedge which has been left unmanaged for a number of years. Many of the trees have more than one stem as a result of its previous management. Concern about the trees is compounded by the presence of barbed wire which has been incorporated into the trees as they have grown, and the presence of a tree disease (ustulina) which has been noted in some adjacent trees. If this feature is left it will eventually begin to fail and this would be a risk to the adjacent properties. The

proposal is to gradually reduce the height and width of the trees such that the semblance of a hedge is restored. This course of action has been designed to maintain the green backdrop to the development but also because in time the adjacent forest plantation will need to be felled. The beech at the southern end is leaning with decay at the base and its retention is not considered desirable. The proposals are considered acceptable.

**Representations:**

11. Town Council: Awaited at time of preparation of the report. To be updated verbally at the meeting.

**Policy:** The following have been taken into account in the consideration of this application:

12. Forest Heath Core Strategy (2010):
- Policy CS3 Landscape Character and the Historic Environment

**Other Planning Policy:**

13. National Planning Policy Framework (2012)

**Officer Comment:**

14. The site in question is enriched by the presence of the mature oak trees and back-drop of beech trees.
15. The proposed works to the oaks are considered to be appropriate and would resolve issues that have been identified concerning the trees overhanging the vehicular access and playground equipment. The works proposed to the Beech trees will reinstate the intended hedge line effect of these trees and also avoid potential safety issues to the nearby properties. The proposals have been considered in detail by the council's Ecology and Landscape officer and are considered acceptable.

**Conclusion:**

16. In conclusion, the principle and detail of the proposed works is considered to be acceptable and in compliance with relevant development plan policies.

**Recommendation:**

17. It is recommended that the works proposed to the protected trees be **APPROVED** subject to the following conditions:
1. The works which are the subject of this consent shall be carried out within two years; and
  2. The authorised works shall be carried out to the latest arboricultural standards.

**Documents:**

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

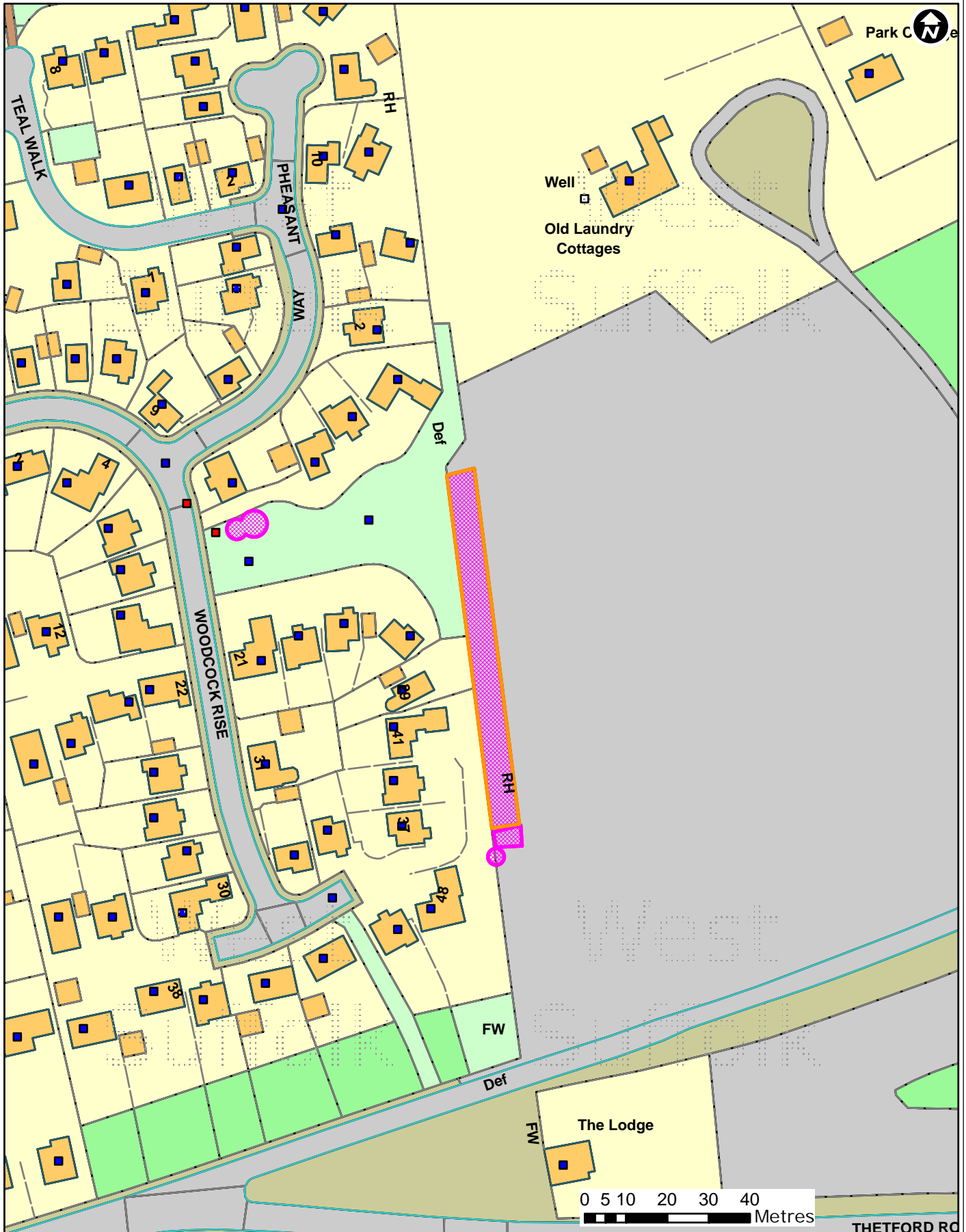
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NSPSCMPD05Z00>

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DC/15/1610/TPO

Play Ground, Woodcock Rise, Brandon



Forest Heath • St Edmundsbury

**West Suffolk**  
working together

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Scale: 1:1,250  
Date: 23/09/2015

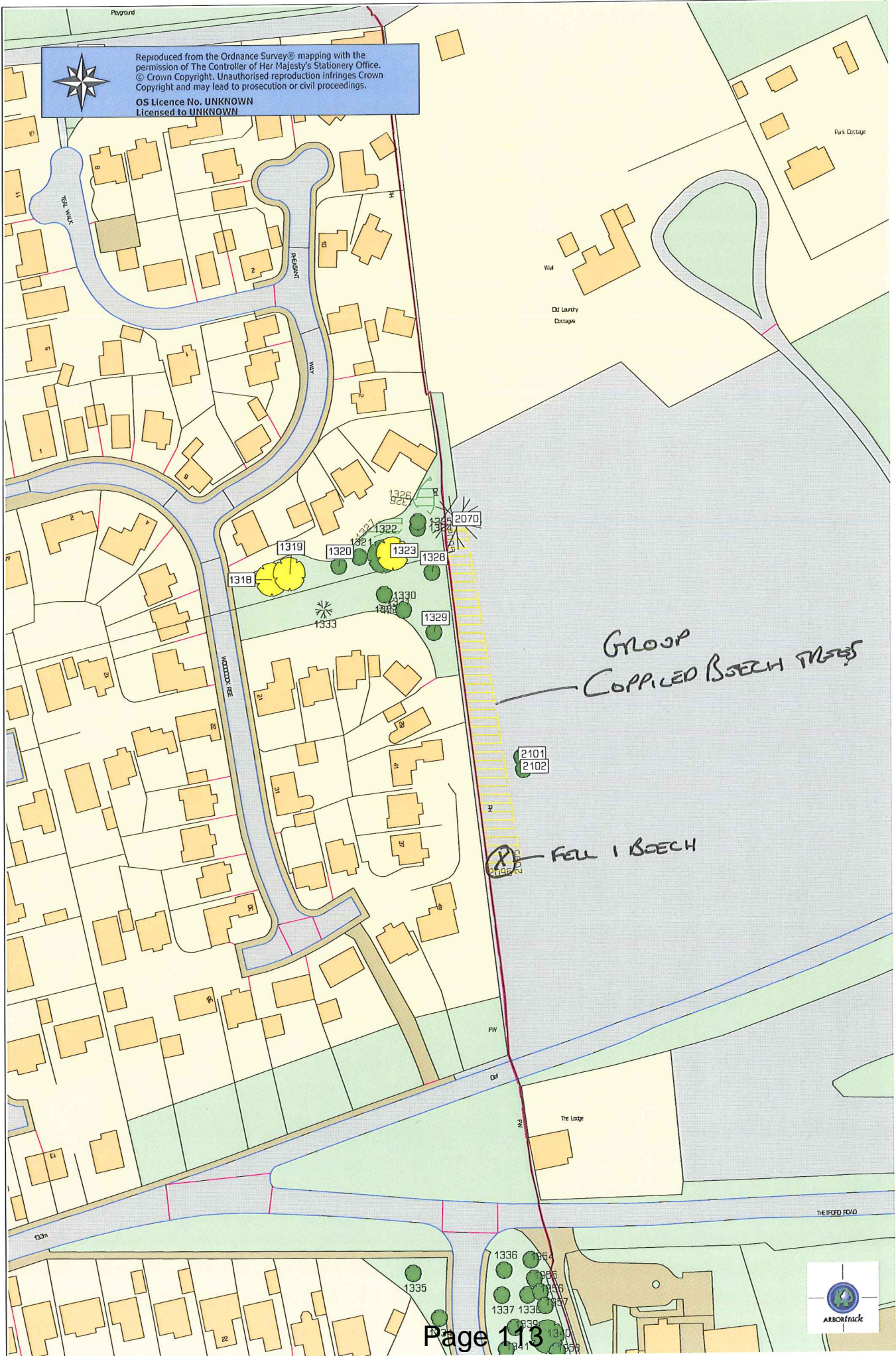
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GROUP  
COPPED BEECH TREES

FELL 1 BEECH



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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/041**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1635/TPO (TREE PRESERVATION ORDER) -  
AMENITY LAND TO THE REAR OF 1 TO 41 NORFOLK AVENUE, NEWMARKET**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Matthew Gee  
Tel. No: 01638 719792

# Committee Report

**Date Registered:** 12/08/2015      **Expiry Date:** 07/10/2015  
**Case Officer:** Matthew Gee      **Recommendation:** Approve with conditions  
**Parish:** Newmarket      **Ward:** St. Mary's  
**Proposal:** TPO/1956/012 - Tree Preservation Order - works to 38 No. trees in areas A1, A2 and A3  
**Site:** Amenity Land to the Rear of 1 to 41 Norfolk Avenue, Newmarket  
**Applicant:** Forest Heath District Council

## **Background:**

**This application is referred to the Development Control Committee because it has been submitted by Forest Heath District Council.**

## **Proposal:**

1. Permission is sought for works to 38 protected trees including felling, crown reductions, crown raising, and branch removal

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Location plan
  - Schedule of works

## **Site Details:**

3. The site lies on land to the rear of the dwellings along Norfolk Avenue, Newmarket. The area consists of a pathway with a number of large mature trees along its bank, with a number of the trees hanging over into neighbouring gardens.

## **Planning History:**

4. A number of applications for tree works have been approved over previous years.

## **Consultations:**

5. Tree officer: No objection subject to conditions

**Representations:**

6. Parish Council: No response received at the time of writing the report – to be updated verbally at the meeting.
7. Letter of support – 9 Norfolk Avenue

**Policy:** The following policies of the Forest Heath Core Strategy (2010) have been taken into account in the consideration of this application:

8. Forest Heath Core Strategy (2010):
  - Policy CS3 Landscape Character and the Historic Environment

**Other Planning Policy:**

9. National Planning Policy Framework (2012)

**Officer Comment:**

10. The application site consists of a tree belt located to the rear of Norfolk Avenue, Derby Way, Rochfort Avenue and Durham Way. The tree belt is relatively narrow but contains a number of mature trees which together form a prominent landscape feature. Over recent years a number of complaints have been received by the council in relation to the impact of these trees on properties in the area in terms of overhanging branches. In addition, a number of the horse chestnut trees have been identified as having the presence of bleeding canker. In response the District Council has proposed a number of works to the trees in order to reduce the nuisance caused by their dominance and to mitigate against the risk of failure.
11. The proposed works include the felling of 12 trees all of which are either of poor form and condition or have the presence of disease. As a result these trees are at risk of failure. The majority of the other works are to raise crowns in order to allow a safe pedestrian passage along the path and to alleviate the dominance of some trees in terms of their impact in overhanging the rear garden of the adjoining properties.
12. The works include the replanting of 4 Yew and Holly trees which is a considerably lower number than those being removed, however it is argued that the replanting of any additional trees would run the risk of failure due to the conditions. It is considered that the area would still benefit from substantial tree cover following the proposed felling and given the issues of nuisance arising from existing heavy tree cover the level of replacement planting is considered acceptable.

**Conclusion:**

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

**Recommendation:**

14. It is recommended that consent for the work is **APPROVED** subject to the following conditions:

1. The works which are the subject of this consent shall be carried out within two years; and
2. The authorised works shall be carried out to the latest arboricultural standards.

**Documents:**

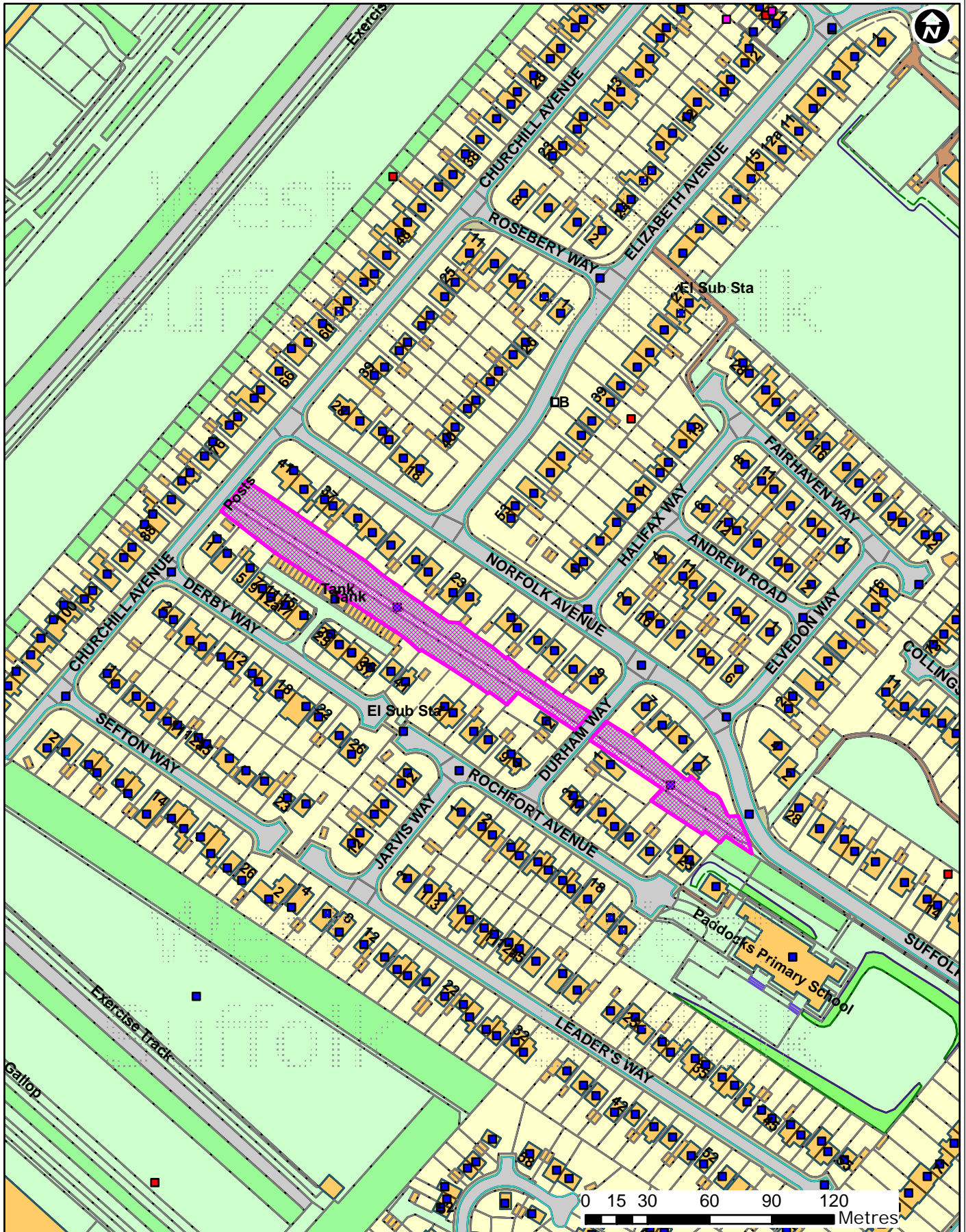
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

DC/15/1635/TPO

Amenity Land to the rear of 1 to 41 Norfolk Avenue, Newmarket



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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/042**

### Report of the Head of Planning and Growth

### **TREE PRESERVATION ORDER TPO 2, 2015 – LAND OFF BURY ROAD AND GAZELEY ROAD, KENTFORD**

#### **Synopsis:**

A provisional tree preservation order (TPO) was made on trees on land off Bury Road and Gazeley Road, Kentford, south of the Cock Inn, on 10 April 2015. The TPO was served to protect the mature trees on this site which can be seen from Bury Road and from Gazeley Road where they contribute to the amenity of the locality and the rural character of the village of Kentford. This TPO is required to prevent the precipitous removal of trees on this potential development site and protect retained trees into the future when, if the site is developed, they will increase in their public amenity value. The statutory consultation period for the TPO expired on 15 May 2015. Two representations have been received. Minor modifications are recommended to the plan and the schedule to resolve the concerns raised.

It is recommended that Members **confirm** the TPO with modifications.

#### **Commentary:**

1. The District Council's standing orders allow for the making of provisional Tree Preservation Orders by your Officers, subject to reporting such action at Planning Committee.
2. A tree preservation order was made on 10 April 2015 to protect trees on land off Bury Road and Gazeley Road, Kentford, south of the Cock Inn.
3. The reason for the tree preservation order was that:

*The mature trees on this site can be seen from Bury Road and from Gazeley Road where they contribute to the amenity of the locality and the rural character of the village of Kentford. This TPO is required to prevent the precipitous removal of trees on this potential development*

*site and protect retained trees into the future when, if the site is developed, they will increase in their public amenity value.*

4. The trees are located to the south of the public house on land which is being considered for development (planning application DC/14/2203/OUT). The concern arose because the initial proposals for development included the removal of many of the trees which if retained would enhance the development and provide an attractive setting for the new dwellings.
5. This tree preservation order (TPO2 2015) supplements an existing order (TPO1 1992) which protects three sycamore trees on this land
6. Three representations have been made in relation to the tree preservation order. Two of these have been made by agents on behalf of the owner of The South Lodge. The main areas of contention are that:
  - the use of a woodland designation (W1) was inappropriate and would restrict the reasonable management of garden land
  - the area designation (A2) is indiscriminate and includes trees that are not worthy of protection and have a low public amenity value.
7. The third representation has been made by the owner of St Davids. The main area of contention is that the protected trees which are located on the boundary of that property are in poor condition and present a threat to people and property at St Davids.
8. Officers have considered the objections to the order carefully along with the information which is available including that which was submitted as part of the current planning application.
9. Of primary concern is the evidence on the condition of the existing trees which have been protected; in particular those trees on the boundary of St Davids. There is sufficient information about those trees proposed for protection to the east and the south of this property which are included on the development site. These trees (T1, G2 and T9) are considered to be suitable for retention. The trees to the west of St Davids do not border this development site but form the boundary between St Davids and the Meddler Stud. It is recommended that these trees are removed from the tree preservation order and their protection is considered separately once an inspection of their condition has been made to inform their suitability for retention. It is recommended that the tree preservation order is modified to reduce the extent of area A1 (see working paper 3).
- 10 The criticism of the use of a 'woodland' tree preservation order (W1) is accepted. These trees are located within the domestic curtilage of The South Lodge which is managed as a garden. The trees could be effectively protected as a group and as such it is recommended that the tree preservation order is modified to rename 'W1' as 'G4' and identify

the trees to be protected in the schedule (working paper 2 and 3). The modification should also exclude garden trees such as T2 which is a young blue atlas cedar and a group of 5 young hazels which are located within the garden lawn. Consultation with the landowner has taken place to try to reach agreement on the trees to be included.

- 11 The trees included in Area 'A2' have also been reviewed in light of the detailed information available and the comment that some trees have been included that are not worthy of protection and have a low public amenity value. This is the group of trees which form the important backdrop to the public house and define the attractive open space which forms an important village amenity. These trees are clearly visible from Bury Road and assessed to be of high amenity value which would increase if the site were to be developed (see working paper 4). However it is agreed that some of the trees on the eastern edge of the site behind the existing bungalows are of a garden scale and value. In light of this it is recommended that the tree preservation order is modified so that area 'A2' is renamed as 'G3' and the extent of it modified to reflect the distribution of importance trees and identify the trees to be protected in the schedule (working paper 2 and 3).
- 12 The tree preservation order has not been made to prevent legitimate development of the site but to protect the site assets and to ensure the trees and woodland are properly considered as a material matter in any proposal for development.

### **Finance/Budget/Resource Implications:**

- 13 Works to or removal of a tree or trees covered by a TPO will require the formal consent of the local planning authority before any work can be carried out. Currently all such applications are submitted to the local planning authority and do not attract a fee. The Council's Planning Services and Arboricultural Officers will deal with subsequent applications arising as a result of the TPO without any additional fee income. There may also be appeals should TPO consent be refused.
- 14 Should an application for works to a preserved tree (or for its removal) be refused, the local planning authority may in certain circumstances, be liable to pay compensation to the affected property owner, should the trees cause damage to a property. Such claims are, however, rare and, in this instance, considered unlikely given the health and location of the woodland.

### **Environmental Impact and Sustainability**

- 15 Removal of any trees, which are considered to be worthy of protection in the public interest, would detract from the visual amenity of the local environment and in particular the residents of Kentford. In this case the

biodiversity of the woodland may also be compromised should tree removal continue particularly if undertaken during the bird breeding season.

### **Policy Compliance/Power**

16 The local planning authority has powers under the Town & Country Planning Act 1990 and the Town & Country Planning (Trees) Regulations to make a TPO if it appears expedient in the interests of amenity to do so.

17 The making of a TPO in this instance, is in line with the powers and policies of the Council.

### **Performance Management Implications**

18 The applications determined under the TPO provisions and any subsequent appeals are not currently the subject of any national or local performance indicators.

### **Legal Implications**

19 This provisional TPO is served on the owner and occupier of the land affected by the TPO, and also on owners and occupiers of adjoining land, who had a period within which to make objections or representations to the Order. The statutory consultation period expired on 15 May 2015.

### **Human Rights Act and Diversity Implications**

20 These matters have been assessed in relation to and are considered to comply with the requirements of the Human Rights Act 1998. In relation to Article 6, interested parties have been advised of the making of this provisional Tree Preservation Order and their views have been considered within this report. Any interference with Rights under Article 8 and Article 1 of the First Protocol are necessary in the public interest.

### **Crosscutting Implications**

21 None

### **Risk Assessment**

22 As set out above, the Council may, in certain circumstances, be required to pay compensation to owners of properties damaged by preserved trees, if the Council has refused consent to carry out works to the affected tree and such works may have prevented the damage. These claims, however, are rare.

## **Council Priorities**

23 The Council is keen to safeguard the built and natural environment.

### **Recommendation:**

**24 It is recommended that the report be noted and Members CONFIRM the Tree Preservation Order with modifications as Members see fit. The recommended modifications are shown on the revised plan and schedule (Working papers 2 and 3) and are as follows:**

- **reduce the extent of area A1**
- **rename 'W1' as 'G4' and identify the trees to be protected**
- **exclude garden trees within the property of 'The South Lodge'.**
- **renamed 'A2' as 'G3', reduce the extent and identify the trees to be protected**

### **Documents Attached:**

Working paper 1 – TPO plan showing location

Working paper 2 – Revised schedule

Working Paper 3 – Revised plan

Working Paper 4 – TEMPO Amenity assessment report

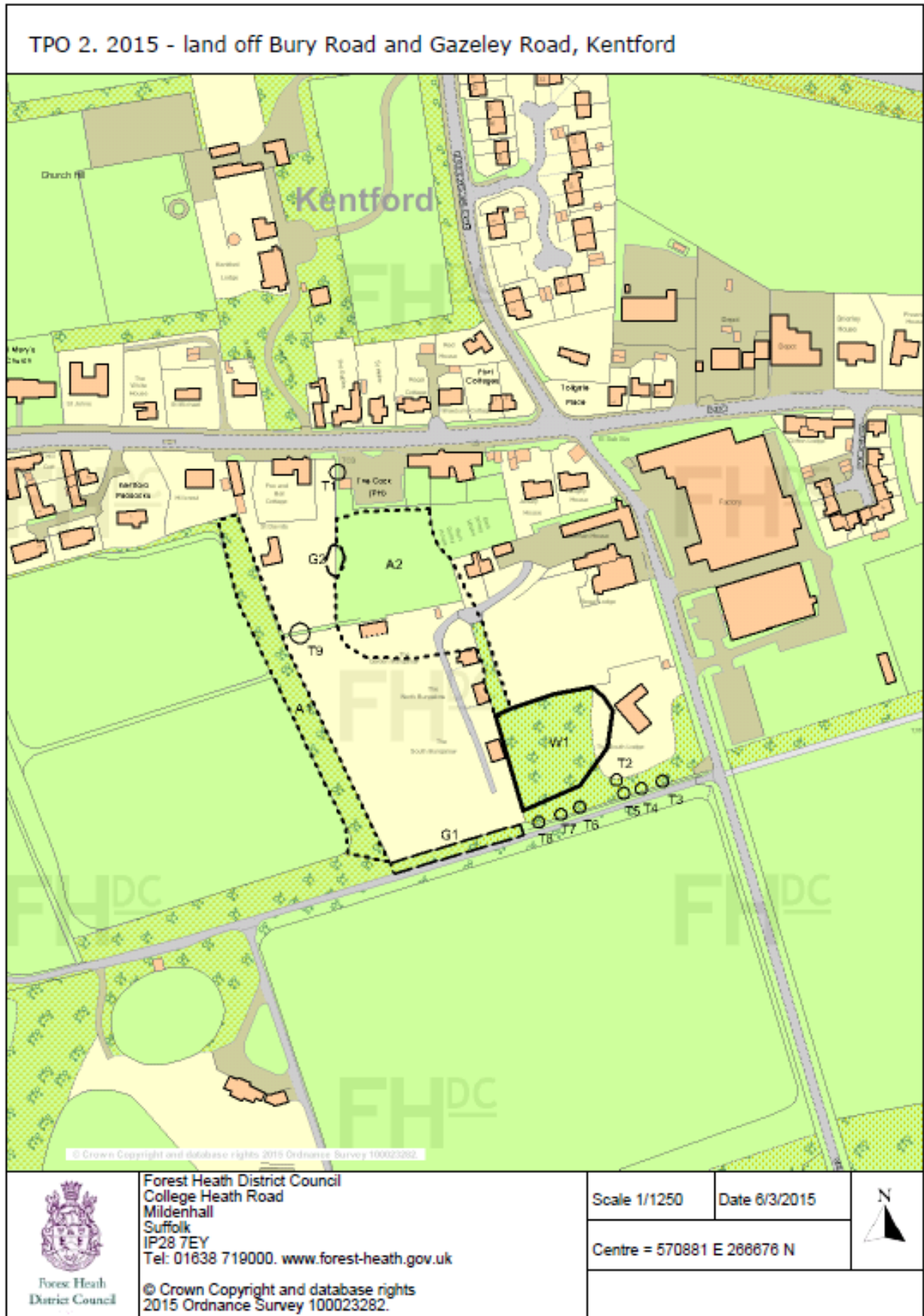
### **CONTACT OFFICER**

Jaki Fisher

01284 757346

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**Working Paper 1** – TPO plan showing location



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**Working paper 2 – Revised schedule**

<b>SCHEDULE</b>		
<b>SPECIFICATION OF TREES</b> <b>Trees specified individually</b> (encircled in black on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	Land off Bury Rd & Gazeley Rd <u>Kentford</u>
<del>T2</del>	<del>Blue atlas cedar</del>	
T3	Sycamore	
T4	Sycamore	
T5	Sycamore	
T6	Sycamore	
T7	Scots pine	
T8	Scots pine	
T9	Sycamore	
<b>Trees specified by reference to an area</b> (within a dotted black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
A1	Mainly sycamore, horse chestnut and elm	Land off Bury Rd & <u>Gazeley Rd</u> <u>Kentford</u>
<b>Group of Trees</b> (within a broken black line on the map)		
<i>Reference on Map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	Group of 9 horse chestnut and 1 hazel tree	Land off Bury Rd & <u>Gazeley Rd</u> <u>Kentford</u>
G2	Group of 2 sycamores	
A2-G3	Group of trees <del>to</del> include sycamore (18), sweet chestnut (2), elm (5), beech (1), <u>Hazel (1)</u> and a small orchard of mainly apple	
<del>W1</del> G4	Group of trees <del>Woodland</del> including beech (5), sycamore, hawthorn, elm, holly, pine (4) and hazel, copper beech, <u>Western red cedar</u> <del>walnut</del> , and 5 fir trees	
<b>Woodlands</b> (within a continuous black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

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# Working Paper 3 – Revised plan



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# Working Paper 4 – TEMPO Amenity assessment report

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

### SURVEY DATA SHEET & DECISION GUIDE

Date: 14 September	Surveyor: J Fisher
--------------------	--------------------

<b>Tree details</b>		
TPO Ref: 2015 2	Tree/Group No:	Species: various
Owner (if known):		
Location: LAND OFF BURY ROAD AND GAZELEY ROAD, KENTFORD		

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO: Refer to Guidance Note for definitions

- |           |                         |
|-----------|-------------------------|
| 5) Good   | Highly suitable         |
| 3) Fair   | Suitable                |
| 1) Poor   | Unlikely to be suitable |
| 0) Unsafe | Unsuitable              |
| 0) Dead   | Unsuitable              |

##### Score & Notes (3)

The trees are in various conditions as assessed in the tree report that accompanies a planning application relating to this site. The vast majority of the trees are BS category B (moderate) or C (low) however those C category trees are retained as they make a contribution to a larger group

##### b) Remaining longevity (in years) & suitability for TPO: Refer to 'Species Guide' section in Guidance Note

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10    | Unsuitable      |

##### Score & Notes (2)

In general the life expectancy of the trees is categorized as BS 2 or 3. This corresponds to a life expectancy of 20+ or 10+ years

##### c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- |  |                         |
|--|-------------------------|
| 5) Very large trees, or large trees that are prominent landscape features  | Highly suitable         |
| 4) Large trees, or medium trees clearly visible to the public              | Suitable                |
| 3) Medium trees, or larger trees with limited view only                    | Just suitable           |
| 2) Small trees, or larger trees visible only with difficulty               | Unlikely to be suitable |
| 1) Young, v. small, or trees not visible to the public, regardless of size | Probably unsuitable     |

**Score & Notes (4) or 3 becoming 4 if the site is developed**

##### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |
|--|
| 5) Principal components of arboricultural features, or veteran trees     |
| 4) Members of groups of trees important for their cohesion               |
| 3) Trees with identifiable historic, commemorative or habitat importance |
| 2) Trees of particularly good form, especially if rare or unusual        |
| 1) Trees with none of the above additional redeeming features            |

##### Score & Notes

The trees make a contribution to the sylvian nature of the village which has many tree belts forming a backdrop to development 4

#### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- |  |
|--|
| 5) Known threat to tree                    |
| 3) Foreseeable threat to tree              |
| 2) Perceived threat to tree                |
| 1) Precautionary only                      |
| 0) Tree known to be an actionable nuisance |

##### Score & Notes 5

There is a known threat as most of the trees were shown to be removed in the first iteration of the layout for the site

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-10  | Does not merit TPO    |
| 11-14 | TPO defensible        |
| 15+   | Definitely merits TPO |

##### Add Scores for Total:

19

##### Decision:

TPO in defensible

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# Development Control Committee



<b>Title of Report:</b>	<b>Quarterly Monitoring Report of Development Management Services</b>	
<b>Report No:</b>	<b>DEV/FH/15/043</b>	
<b>Report to and date/s:</b>	Development Control Committee	7 October 2015
<b>Portfolio holders:</b>	Councillor James Waters Portfolio Holder for Planning and Growth <b>Tel:</b> 07771 621038 <b>Email:</b> <a href="mailto:james.waters@forest-heath.gov.uk">james.waters@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Rachel Almond Service Manager (Planning-Development) <b>Tel:</b> 01638 719455 <b>Email:</b> <a href="mailto:rachel.almond@westsuffolk.gov.uk">rachel.almond@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To update Development Control Committee with regard to performance and key trends relating to Development Management, Planning Enforcement and Appeals on a quarterly basis.	
<b>Recommendation:</b>	<b>It is recommended that Members note the update on performance and key trends.</b>	
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>	• N/A	
<b>Alternative option(s):</b>	• N/A	
<b>Implications:</b>		
Are there any <b>financial</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Update to note only		Update to note only
<b>Ward(s) affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		none	
<b>Documents attached:</b>		Appendix A – Performance against Key Indicators: Quarters 1 & 2 Appendix B – Details of Appeals	



## **1. Key issues and reasons for recommendation(s)**

### **1.1 Introduction**

1.1.1 As part of the Shared Service Procedural Review, agreed by Council in September 2013 and implemented since January 2014, there has been a commitment to provide DC Committee with a Quarterly Monitoring Report. This has been somewhat delayed by service requirements and by the review of the implementation of the Procedures which was carried out and reported to DC Committee earlier this year.

1.1.2 This is the first of these reports and it will provide headline information on the performance of Development Management, Planning Enforcement and Appeals. It will also provide service improvement updates and an analysis of key trends in the service. Please note that whilst the report will provide updates on notable cases in Enforcement and Appeals, any site specific questions relating to ongoing cases should be directed to the relevant case officer or manager outside of the consideration of this performance report.

## **2. Performance Updates:**

### **2.1 Development Management:**

2.1.1 Performance: Development Control Committee is an integral part of the development management process, and plays a key role in determining applications. It is therefore important that the Committee is aware of how the service is performing against the Key Performance Indicators agreed by the Council. This performance is also reported to Performance and Audit Committee.

2.1.2 Appendix A shows performance against key indicators for Quarter 1 (April to June 2015 and for July and August in Quarter 2.

2.1.3 The performance targets for planning applications are based on the statutory expiry date for applications being determined as follows:

- Majors – no less than 60% of applications determined in 13 weeks
- Minors – no less than 65% of applications determined in 8 weeks
- Others – no less than 80% of applications determined in 8 weeks

2.1.4 The figures in Appendix A illustrate that there has been an improvement in overall performance for West Suffolk when comparisons are made between Quarter 1 and the performance in the last month of full figures, August 2015. The table also clearly demonstrates an excellent month for SEBC in August with Majors and Others being 100% within the statutory period and Minors exceeding the performance target. It is also pleasing to note that the total number of applications on hand (live applications still being considered) has dropped from 336 to 299 since June 2015. There has been a concerted effort from officers to work on getting this figure lower by going through the backlog of older applications, particularly where there has been little movement from the applicant/agent over recent months. Finally, it is disappointing to note that the percentage of applications which are able to be registered "clean" (ie. all the information required to validate the application was available at the time the application was first submitted, without technicians seeking further

information from the applicant/agent) is low at 37%. This is one of the issues which will be tackled in forthcoming service improvements.

2.1.5 Capacity: The team currently has two vacancies, one permanent full time planning officer and a temporary post for a planning officer maternity cover. In mid October we will also have a vacancy for a full time senior planning officer. Managers are actively working with Human Resources to fill these vacancies as soon as possible. In the meantime, an agency planner has been retained to fill some of the gap in resources. It is worth noting that since the shared service business plan was agreed in 2012 the total number of applications being processed has risen considerably:

2011/2012 - 2174 total applications

2014/2015 - 2776 total applications

Increase in total applications in 3 years - 28%

2.1.6 Projections for applications received at end of 2015/2016 are slightly higher still than 2014/2015. Some officers are working overtime or additional hours to deal with the planning officer vacancies and ensure applications continue to be determined in a timely and effective manner. Against the backdrop of capacity the performance improvements detailed above are not insignificant.

2.1.7 Service Improvement: The Development Management team has been involved in two recent reviews of the service. A Business Process Re-engineering (BPR) project has taken place from an internal and corporate perspective looking at how the team can work more effectively and efficiently by evaluating the processes of dealing with a planning application and identifying areas for improvement. Alongside this, the service has also been involved in a Resources review through the Planning Advisory Service (PAS) which provides consultancy and peer support, learning events and online resources to help local authorities understand and respond to planning reform. PAS is a Local Government Association programme and is directly funded by the Department for Communities and Local Government. Work is now taking place to finalise these reviews and put in place a service improvement plan (incorporating the recommendations from BPR/PAS and the IDOX computer software project plan), alongside timescales for delivery and a business case for the resources needed to implement the improvements.

## 2.2 **Planning Enforcement:**

2.2.1 Background: A fully staffed planning enforcement team has been in place since April 2015 covering West Suffolk. The team includes 3 officers and 1 administrative support officer. In the three years prior to that the enforcement service had undergone several staffing and resourcing changes, had a considerable backlog of cases and was using a Planning and Law firm to carry out many of its duties. Since April 2015 much work has been undertaken to bring back the majority of cases under the control of the enforcement team and close down old cases.

2.2.2 Caseload and Performance: The following statistics for Forest Heath give an indication of the workflow generated and closed.

Cases outstanding at 31/5/15 - 76

New cases received in the 3 months ending 31/08/15 - 48

Outstanding caseload as at 20/09/15 - 83

2.2.3 Backlog - Members can see from the statistics above that the backlog has increased by 7 in the last 3 months. These figures are very low and manageable- against a significant level of new complaints. An indication of the increasing amount of new complaints is that by the beginning of September, as many new complaints had been received in 2015 as for the whole of 2014. Although it is normal for the volume of new complaints to reduce over the autumn and winter months, this does affect our ability to target older cases. To address this, the team has met in conjunction with Dave Beighton, Principal Planner, and 60 older cases have been selected for attention and priority over the coming weeks.

#### 2.2.4 Case Update - Lakenheath Hall

Following the service of an Enforcement Notice and Breach of Condition Notice various matters are still outstanding at the site, including the condition of the land affecting amenity, and the rebuilding of a boundary wall. This has been complicated due to the fact that ownership of part of the site is in receivership. Dialogue is ongoing with the prospective new controller of the site, and it is hoped that there will be movement in attending to these outstanding planning in the next few weeks.

#### 2.2.5 Case Update - Land at Fiveways

The occupier of the site was unsuccessful in being able to pursue an enforcement notice appeal on the land after the Planning Inspectorate stated he had no interest in it. The notice has come into effect, requiring removal of various items from the land and associated remedial works. A meeting has been arranged for the end of September for representatives from the Highways Agency and Forestry Commission to determine the way forward.

#### 2.2.6 Enforcement Priorities and Work Programme

Local Enforcement Plan - A draft survey for consultation has been completed and is in the process of being checked. The consultation will be undertaken over the autumn period.

Procurement Framework - Criteria for the procurement framework is being put in place, with a further meeting planned with Legal Officers for week commencing 14 September 2015. It is hoped to have the framework in place by the end of the year.

Monthly case list - As previously reported Members will now be receiving a monthly caseload list giving details of enforcement investigations in their areas. Legal advice is being sought regarding matters relating to Data Protection and address information. Positive feedback has been received and this service will be improved over the forthcoming months.

### 2.3 **Appeals:**

2.3.1 Appendix B gives details of the appeals received since 1 January 2015. This table highlights the following:

No. of appeals received since 1 Jan 2015 – 17

No. of appeals determined – 7

No. allowed – 1 (14%)

No dismissed – 6 (86%)

No. of appeal decisions where LPA decision was delegated – 7

Of which, 3 (37.5%) were allowed, 4 (50%) were dismissed and 1 (12.5%) was a split decision.

Of the 17 appeals received in 2015 to date 13 are made under the Written Representations (WR) procedure, 1 by Informal Hearing and 3 by Public Inquiry.

- 2.3.2 It is pleasing to note the high percentage of dismissed appeals and also that there are no committee overturns that have been allowed on appeal (when the officer recommendation is one of Approval but the committee resolved to refuse the application). Although, it worth noting two lodged appeals where the recommendation was one of approval and the Committee resolved to refuse – Lakenheath Hotel to be determined by Written Representations and Meddler Stud due for a Public Inquiry in March 2016.
- 2.3.3 Details of appeals for Members to note will be presented orally at the committee meeting and forthcoming monitoring reports will also make comments on costs applications and awards for or against the Council in order to build on lessons learnt for the future determination of applications.

## 2.4 **Conclusions:**

- 2.4.1 Whilst the service continues to face significant challenges in terms of capacity and service delivery there has been an improvement in performance as outlined above. Service Improvements are now top of the agenda and the team are making effective roads for delivery. There will be more updates on service improvements with these quarterly reports moving forward.

**BALANCED SCORECARD - PLANNING**

	FHDC			SEBC			WS		
	% IN TIME	Total apps	No. in time	% IN TIME	Total apps	No. in time	% IN TIME	Total apps	No. in time
<b>APRIL 2015</b>									
MAJOR APPLICATIONS	0%	0	0	0%	2	0	0%	2	0
MINOR APPLICATIONS	66%	6	4	88%	26	23	84%	32	27
OTHER APPLICATIONS	80%	20	16	83%	72	60	83%	93	77
No of applications on hand at end of month									
Major/Minor/Other		115			248			363	
% of Clean apps					37%				
<b>MAY 2015</b>									
MAJOR APPLICATIONS	100%	2	2	0%	0	0	2%	2	
MINOR APPLICATIONS	75%	8	6	71%	38	27	72%	46	33
OTHER APPLICATIONS	67%	15	10	70%	71	50	70%	86	60
No of applications on hand at end of month									
Major/Minor/Other		125			215			240	
% of Clean apps					41%				
<b>JUNE 2015</b>									
MAJOR APPLICATIONS	0%	2	0	100%	2	2	50%	4	2
MINOR APPLICATIONS	64%	14	9	59%	22	13	61%	36	22
OTHER APPLICATIONS	65%	20	13	86%	63	52	78%	83	65
Total All app. types recd.		73						274	
No of applications on hand at end of month									
Major/Minor/Other		119			218			337	
% of Clean apps					41%				
<b>QUARTER 1 - 2015/16</b>									
MAJOR APPLICATIONS	60%	5	3	40%	5	2	50%	10	5
MINOR APPLICATIONS	69%	32	22	73%	96	70	72%	128	92
OTHER APPLICATIONS	69%	59	41	77%	216	168	76%	275	209

No of applications on hand at end of month

Major/Minor/Other	119			217		336
% of Clean apps				40%		

**JULY 2015**

MAJOR APPLICATIONS	75%	4	3	0%	0	0	75%	4	3
MINOR APPLICATIONS	77%	13	10	50%	28	14	50%	41	24
OTHER APPLICATIONS	73%	26	19	77%	87	67	76%	113	86

No of applications on hand at end of month

Major/Minor/Other	115			211		326
% of Clean apps				21%		

**August 2015**

MAJOR APPLICATIONS	43%	7	3	100%	2	2	55%	9	5
MINOR APPLICATIONS	50%	18	9	74%	27	20	64%	45	29
OTHER APPLICATIONS	80%	20	16	100%	50	50	94%	70	66

No of applications on hand at end of month

Major/Minor/Other	95			204		299
% of Clean apps				34%		

**SEPTEMBER 2015**

MAJOR APPLICATIONS  
MINOR APPLICATIONS  
OTHER APPLICATIONS

No of applications on hand at end of month

Major/Minor/Other  
% of Clean apps

Planning reference number	Site address	Delegated Refusal	Officer Rec to Committee ie Approve / Refuse / Non-determination	Appeal lodge date	Appeal type	Appeal decision date	Appeal Decision
<b>Quarter 4</b>		<b>Jan - March 2015</b>					
DC/14/1182/TPO	85 Woodlands Way, Mildenhall	Del Refusal	n/a	9.12.14	WR	10.3.15	Allowed
DC/14/0863/HH	5 Beeches Road, West Row	Del Refusal	n/a	20.8.14	WR	24.3.15	Dismissed
DC/14/0865/FUL	Land r/o 5 Beeches Road, West Row	Del Refusal	n/a	20.8.14	WR	24.3.15	Dismissed
<b>Quarter 1</b>		<b>Apr-Jun 2015</b>					
DC/14/1004/FUL	42 Mill Road Lakenheath Brandon IP27 9DU	Del refusal	n/a	9.3.15	WR	22.7.15	Dismissed
D/14/1750/OUT	Land Adjacent To Elephanta (Formerly Known As Oak Lodge) Bridge End Road Red Lodge	Del refusal	n/a	12.3.15	WR	27.7.15	Dismissed
<b>Quarter 2</b>		<b>July - Sept 2015</b>					
DC/14/1708/TPO	12 Bury Road, Mildenhall	Delegated Refusal	n/a	22/01/15	WR	19/08/15	Dismissed
DC/14/1431/FUL	Land r/o 66-72 Bury Rd, Brandon	Delegated Refusal	n/a	09/06/15	WR	15/09/15	Dismissed
<b>ONGOING LIVE APPEAL CASELOAD 2015</b>							
DC/13/0408/OUT	Hatchfield Farm, Fordham Rd, Newmarket	Called In	Approve	11/04/14	PI		
AP/14/0040/ENF	The Woodyard, Stores Hill, Dalham	Enforcement Appeal	n/a	14/11/14	PI		
AP/15/0005/ENF EN/14/0148	Brookside Stud Badlingham Freckenham	Enforcement Appeal	n/a	20.03.2015	WR		
DC/14/0263/FUL	Land r/o 12 Turnpike Lane, Red Lodge	Recommended refusal to Committee	n/a	16.06.2015	WR		
DC/14/2222/OUT	Land North Of Parkers Drove Friday Street West Row	Delegated Refusal	n/a	30.06.2015	WR		
DC/14/2236/FUL	Land At The Lakenheath Hotel 124 High Street Lakenheath	Committee refusal against officer recommendation	Approve	14.7.15	WR		
DC/14/1335/FUL	Former Sperrinks Nursery The Street Gazeley	Recommended refusal to Committee	n/a	15.07.2015	IH		
DC/14/2380/FUL	Land To Rear Of 18 Holmsey Green Gardens Beck Row	Delegated Refusal	n/a	20.07.2015	WR		
DC/14/0585/OUT	Meddler Stud, Bury Road, Kentford	Committee refusal against officer recommendation	Approve	13/08/15	PI		
DC/14/2377/FUL	The Willows, 26 Mildenhall Road, Barton Mills	Delegated Refusal	n/a	15/09/15	WR		

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