

Development Control Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Wednesday 4 May 2016									
Time:	6.00 pm									
Venue:	Council Chamber District Offices College Heath Road Mildenhall									
Full Members:	<p style="text-align: center;">Chairman Rona Burt Vice Chairman Chris Barker</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (11)</u></td> <td style="vertical-align: top;">David Bowman Ruth Bowman Louis Busuttil Stephen Edwards</td> <td style="vertical-align: top;">Brian Harvey Carol Lynch Louise Marston Vacancies x 2</td> </tr> <tr> <td style="vertical-align: top;"><u>West Suffolk Independent Members (2)</u></td> <td style="vertical-align: top;">Andrew Appleby</td> <td style="vertical-align: top;">Simon Cole</td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Member (1)</u></td> <td style="vertical-align: top;">Peter Ridgwell</td> <td></td> </tr> </table>	<u>Conservative Members (11)</u>	David Bowman Ruth Bowman Louis Busuttil Stephen Edwards	Brian Harvey Carol Lynch Louise Marston Vacancies x 2	<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	Simon Cole	<u>UKIP Member (1)</u>	Peter Ridgwell	
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<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	Simon Cole								
<u>UKIP Member (1)</u>	Peter Ridgwell									
<p>A SITE VISIT WILL BE HELD ON TUESDAY 3 MAY 2016 AT THE FOLLOWING TIME:</p> <p>1. Planning Application DC/15/2456/OUT - Stock Corner Farm, Stock Corner, Beck Row Outline Planning Application (Access and Layout to be considered) - 11 no. dwellings (existing buildings to be demolished); alterations to existing vehicular access Site visit to be held at 10.00am</p>										
Substitutes:	Named substitutes are not appointed									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									

Quorum:	Five Members
Committee administrator:	Helen Hardinge Democratic Services Advisor Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

DEVELOPMENT CONTROL COMMITTEE AGENDA NOTES

Notes

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

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

Material Planning Considerations

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

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

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

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

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

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/alterd, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

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

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

Agenda

Procedural Matters

Part 1 - Public

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

To confirm the minutes of the meeting held on 2 March 2016 (copy attached).
- 4. Planning Application DC/16/0242/FUL - Belle Vue, Newmarket Road, Barton Mills** **7 - 16**

Report No: **DEV/FH/16/008**

Single storey extensions to existing barn conversion (as approved under DC/15/1402/PMBPA) as amended by email, design and access statement revision A and drawing nos. TAB189-01 Rev B and 10 Rev A received on 22 March 2016 removing annexe
- 5. Planning Application DC/15/2456/OUT - Stock Corner Farm, Stock Corner, Beck Row** **17 - 40**

Report No: **DEV/FH/16/009**

Outline Planning Application (Access and Layout to be considered) - 11 no. dwellings (existing buildings to be demolished); alterations to existing vehicular access

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Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 2 March 2016 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 Bowman

James Lay

Ruth Bowman

Carol Lynch

Louis Busuttill

Louise Marston

Simon Cole

Peter Ridgwell

Brian Harvey

119. One Minute Silence

Prior to the commencement of the meeting, the Chairman asked all those present to observe a one minute silence in memory of former District Councillor David Bimson who had recently passed away after a short period of ill health and who had sat on the Development Control Committee as the Ward Member for Brandon West.

120. Apologies for Absence

Apologies for absence were received from Councillors Andrew Appleby and Stephen Edwards.

121. Substitutes

There were no substitutes at the meeting.

122. Minutes

The minutes of the meeting held on 3 February 2016 were unanimously accepted as an accurate record and were signed by the Chairman.

123. Planning Application DC/14/2096/FUL - Land North of Station Road, Lakenheath (Report No DEV/FH/16/004)

The Lawyer advised that this item had been withdrawn from the agenda as a result of the Council having received notice earlier that day of a potential challenge of Judicial Review in relation to this application. Accordingly,

Officers now required time in which to consider this matter and potentially seek further legal advice.

124. **Planning Application DC/15/0754/FUL - 146a High Street, Newmarket (Report No DEV/FH/16/005)**

Conversion of former nightclub to residential use (36 dwelling units including 2 affordable units) and 290 square metres of office space, a detached block of 10 affordable housing apartments and ancillary parking (as amended by drawings received 19 October 2015).

This application was referred to the Development Control Committee because it was for a 'major development' and raised issues which were in the public interest.

A number of comments had been received from statutory consultees and third parties. A Member site visit had been held prior to the meeting and Officers were recommending that the application be approved as set out in Paragraph 178 of Report No DEV/FH/16/005.

The Principal Planning Officer – Major Projects advised that since publication of the agenda amended plans had been submitted by the applicant showing an altered layout to the affordable units and the Council's Housing Team had confirmed the acceptability of the amended layout.

The Committee's attention was drawn to the percentage of affordable housing provided by the development, which fell below the Council's desired 30%. The Officer explained that a financial contribution in lieu of the additional affordable units could be secured through the Section 106 agreement.

Secondly, it was also highlighted to Members that given the urban location Suffolk County Council considered the reduced parking provision for the development (1 per dwelling and 5 for the office space) to be acceptable.

The Officer also explained that the former De Niros nightclub building was re-listed as an Asset of Community Value (ACV) in January 2016 (following an initial nomination in September 2015) and a further review was requested by the building owner. The outcome of this review was expected within the next week.

The Committee were advised that further comments had been received from the West Suffolk Tree and Landscape Officer, further to those set out in the report at Paragraph 47. The Tree and Landscape Officer was now satisfied that with conditions (as included at Paragraph 178) the impact on the existing trees within the neighbouring Memorial Gardens could be managed and that any direct damage would not cause unacceptable harm. Hence, they were no longer objecting to the application.

The Planning Officer added that the applicant had offered to provide a tree planting scheme and was currently in discussions with Newmarket Town Council (as owners of the Memorial Gardens) to facilitate this.

Lastly, the Case Officer drew attention to two additional items that needed to be added to the recommendation in Paragraph 178:

1. Section 106 agreement to include a contribution to Newmarket Railway Station (this had been mistakenly omitted); and
2. An additional condition to be included for details of levels.

A number of Members raised concerns with regard to the effects the construction could have on both the trees within the Memorial Gardens and the usage of the neighbouring Grosvenor Yard car park.

The Principal Planning Officer – Major Projects explained that the Highways Engineer considered there to be sufficient space within the site for construction vehicles without compromising the car park. Furthermore, a condition had been included within the recommendation for a Construction Management Plan to be submitted.

In response to a number of comments with regard to the former usage of the building as a nightclub the Service Manager (Planning – Development) reminded the Committee that the application before them was to be considered on its own merits; irrespective of the former use.

It was moved by Councillor Chris Barker, seconded by Councillor Louise Marston and with 8 voting for the motion, 2 against and with 1 abstention it was resolved that:

Planning permission be **GRANTED** subject to:

1. The completion of a Section 106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):
 - Affordable housing – 30% provision (12 units on site provision and off site financial contribution in respect of 1.8 units).
 - Primary school contribution - £48 724.
 - Pre school contribution - £12 181.
 - Open space contribution – to be confirmed.
 - Libraries contribution - £7 776.
 - Highway improvement works contribution - £4 000.
 - Newmarket Railway Station contribution – £500 per dwelling

In the event that there are any substantive changes to the Section 106 package, then this will go back to Members for consideration.

2. And the following conditions:
 1. Time
 2. Compliance with approved plans.
 3. Highways – details of proposed access (including gates).
 4. Highways – details of areas to be provided for storage of refuse/recycling bins.
 5. Highways – set back of gates.
 6. Highways – details of manoeuvring and parking of vehicles.
 7. Highways – details of secure motorcycle and cycle storage.
 8. Surface water management strategy.
 9. Archaeology – investigation and post investigation assessment.

10. Contamination – further investigative work if found.
11. Construction management plan.
12. Details of boundary treatment.
13. Samples of materials.
14. Scheme of hard and soft landscaping, including tree planting.
15. Tree protection.
16. Details of works to trees.
17. Detailed arboricultural method statement and tree protection plan.
18. Tree planting scheme.
19. Waste minimisation and recycling strategy.
20. Details of site levels.

Speaker: Mr Don Proctor (agent) spoke in support of the application.

**125. Planning Application DC/15/2109/FUL - Bay Farm, Worlington
(Report No DEV/FH/16/006)**

Installation of on farm Anaerobic Digestion plant to produce biogas and digesters, silage clamps, lagoons, pipeline to gas grid, landscaping and associate infrastructure.

This application was referred to the Development Control Committee because it was for a 'major development' and raised issues which were in the public interest.

A number of comments had been received from statutory consultees and third parties, including Worlington Parish Council and neighbouring Parish Councils. A Member site visit had been held prior to the meeting and Officers were recommending that the application be approved as set out in Paragraph 97 of Report No DEV/FH/16/006.

The Principal Planning Officer advised that since publication of the agenda amended plans had been submitted by the applicant which removed the standalone gas compound from the application as this would now be located within the main Anaerobic Digestion (AD) plant.

As part of her presentation the Officer outlined a number of additional comments that had been received from the following parties:

- West Suffolk Tree and Landscape Officer;
- Environment Agency;
- Worlington Parish Council;
- Red Lodge Parish Council;
- Herringswell Parish Council;
- Royal Worlington Golf Club; and
- Historic England.

The Committee's attention was drawn to the comments made by Historic England with reference to the Scheduled Monument of the Bowl Barrow on Chalk Hill which formed part of the application site. The Officer advised that

the applicant had provided a landscape plan to reduce the impact on the Scheduled Monument and this was deemed acceptable.

Members were informed that the application was for a development that would generate renewable energy and, as such, this was given significant weight in line with both local and national policy.

Lastly, the Officer drew attention to the following amendments/additions to the list of conditions set out in Paragraph 97:

1. Condition No 7 to be amended to read "HGV **movements**" as opposed to deliveries;
2. Condition No 16 (contamination remediation strategy) to be removed; and
3. Additional conditions to be included in respect of:
 - I. Details of lagoon covers;
 - II. Protective fencing for trees;
 - III. Fixing of bat boxes (as recommended by the Environmental Report); and
 - IV. Recommendations of the Badger Survey to be carried out.

In light of the traffic concerns raised by the Parish Councils Councillor David Bowman asked if it would be possible to amend Condition No 4 to state that no development would commence until the Traffic Management Plan was approved.

The Case Officer consulted her file of correspondence and confirmed that she did have in writing confirmation from the applicant that they would be happy for this to be conditioned in this way.

Accordingly, it was moved by Councillor David Bowman, seconded by Councillor Ruth Bowman and with the vote being unanimous, it was resolved that:

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

1. Time
2. Compliance with approved plans.
3. Highways – surfacing of access
4. Highways – Traffic Management Plan; with no development to commence until this is approved
5. Highways – Construction Delivery Plan
6. Highways – Geographical extent of feedstock sources plan
7. Highways – no AD HGV movements to use farm track between Bay Farm and Golf Links Road
8. Feedstock type
9. Hours of construction
10. Control of waste material arising from site preparation and construction
11. Details of security or flood lights
12. Sound proofing
13. Recommendations of Ecology report to be carried out
14. Archaeology - report of investigations
15. Landscaping Implementation
16. Environment Agency – surface water disposal scheme
17. Environment Agency – pollution control

18. Environment Agency – piling, bore holes and foundations
19. Precise details of materials
20. Details of lagoon covers
21. Protective fencing for trees
22. Fixing of bat boxes (as recommended by the Environmental Report); and
23. Recommendations of the Badger Survey to be carried out.

Speakers: Mr Clive Macleod (resident) spoke against the application.
Councillor Rupert Osborn (Worlington Parish Council) spoke against the application.
Mr Charlie Fillingham (applicant) spoke in favour of the application.

126. **Farewell to Principal Planning Officer**

Before closing the meeting, the Chairman thanked the Principal Planning Officer for all her hard work during her time with the Planning Department and wished her well in her new role in Legal Services which she was due to commence later that month.

The meeting concluded at 7.49 pm

Signed by:

Chairman

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 MAY 2016

DEV/FH/16/008

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/0242/FUL - BELLE VUE, NEWMARKET ROAD,
BARTON MILLS**

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

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

Committee Report

Date 22 February **Expiry Date:** 18 April 2016
Registered: 2016 (EOT 5 May 2016)

Case Officer: Kerri Cooper **Recommendation:** Approve

Parish: Barton Mills **Ward:** Manor

Proposal: Planning Application DC/16/0242/FUL - Single storey extensions to existing barn conversion (as approved under DC/15/1402/PMBPA) as amended by email, design and access statement revision A and drawing nos. TAB189-01 Rev B and 10 Rev A received on 22nd March 2016 removing annexe

Site: Belle Vue, Newmarket Road, Barton Mills

Applicant: Mr Jonathan Waters

Background:

This application is referred to the Development Control Committee as the applicant is related to an elected Member.

Proposal:

1. Planning permission is sought for the construction of 2no. single storey extensions to an existing barn conversion (as approved under DC/15/1402/PMBPA). The proposed side extension to create an office measures 2.9m in width and 6.4m in depth. The proposed infill rear extension to create living space measures 4.1m in width and 3.8m in depth.
2. The application has been amended since submission to remove the proposed annexe following concerns raised by the Local Planning Authority and further information being required.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Drawing nos. TAB189-02, 03, 04, 05, 06 and 07 Rev A received 22nd February 2016.
 - Drawing nos. TAB189-01 Rev B and 10 Rev A received 22nd March 2016.
 - Design and Access Statement received 22nd March 2016.

Site Details:

4. The application site comprises a timber weatherboarding and flint agricultural building situated within the countryside of Barton Mills. The building is set within a substantial size curtilage and is accessed via Church Lane. Residential properties are located to the West and South of the application site.

Planning History:

5. DC/15/2404/PMBPA - Prior Approval Application DC/15/1402/PMBPA under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015- (i) Change of use of agricultural building to dwellinghouse (Class C3) to create 1 no. dwelling (ii) associated operational development – Approved.

Consultations:

6. Highway Authority: On the initial consultation, no objection subject to conditions. Further consultation was not required to this consultee.
7. Public Health and Housing: On the initial consultation, no objection subject to conditions. Further consultation was not required to this consultee.

Representations:

8. Parish Council: On the initial consultation, the Parish Council supported the proposed development.
9. A further consultation response has not been received at the time of writing the report. A verbal update will be given at the Development Control Committee on Wednesday 4th May 2016.
10. Neighbours: No representations received at the time of writing the report. A verbal update will be given at the Development Control Committee on Wednesday 4th May 2016 if any representations are received.

Policy: 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:

11. Joint Development Management Policies Document:
 - Policy DM1 (Presumption in Favour of Sustainable Development)
 - Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
 - Policy DM5 (Development in the Countryside)
 - Policy DM22 (Residential Design)
 - Policy DM24 (Alterations and Extensions to Dwellings)
12. Forest Heath Core Strategy 2010:
 - Policy CS5 (Design Quality and Local Distinctiveness)

Other Planning Policy:

13. National Planning Policy Framework (2012)

Officer Comment:

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

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

15. Policy CS5 states that the proposals should recognise and address key features of the area and/or building. They should also incorporate designs of a scale, height and materials compatible with the locality and respect local distinctiveness.

16. Policy DM5 states that new or extended buildings will be permitted, in accordance with other policies within the Joint Development Management Policies Document 2015 where it is for purposes related to agriculture.

17. Policy DM24 states that alterations and extensions shall respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the plot of the dwellings curtilage.

18. Whilst the current use of the building and site is for agricultural purposes, a Prior Approval Application for residential use was granted in 2015 but is yet to be implemented. The proposed extensions are in association with the conversion.

19. In this case, the barn is positioned within a curtilage which is able to accommodate a degree of expansion without over-development occurring.

20. The proposed extensions are modest in scale and are single storey in nature. They have been designed to incorporate sympathetic materials which match those of the existing building. These features, contribute to the subservient nature of the proposed extensions. Therefore, it is considered that the proposed extensions are of an appropriate design, scale and form as to respect the character of the dwelling and the wider area.

21. Given the nature and scale of the proposed works and the separation between the neighbouring properties, it is considered there will be no adverse impact on neighbouring amenity by virtue of loss of light, overlooking or overshadowing.

22. As the proposed annexe has been removed from the application, it is no longer relevant to impose the conditions recommended by Suffolk County Highways and Public Health and Housing as these were purely in relation to this aspect of the proposed development.

Conclusion:

23. Accordingly, it is considered that the proposal takes account of development plan policies and as such approval is recommended subject to conditions.

Recommendation:

24. It is recommended that planning permission be **APPROVED** subject to the following conditions:

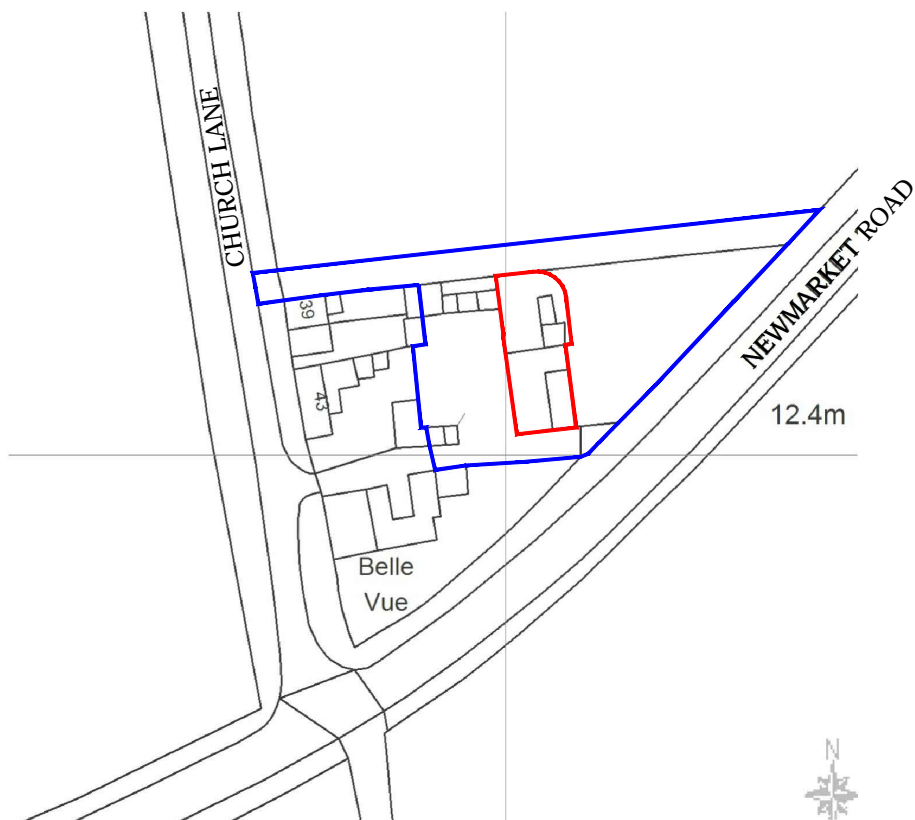
1. 01A – Time limit detailed.
2. 14FP – Development to accord with drawing nos. TAB189-01 Rev B, 02, 03, 04, 05, 06, 07 Rev A and 10 Rev A received 22nd February 2016 and 22nd March 2016.
3. 04R – Materials as detailed on drawing no. TAB189-07 Rev A received 22nd February 2016.

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=O1Z9AZPDMV800>

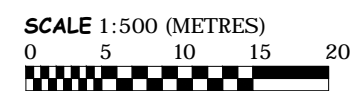
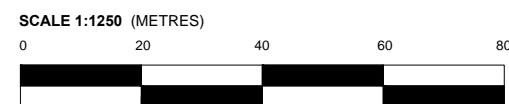
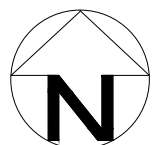
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1:1250 Site Plan



1:500 Site Plan



B	Red line altered	22.3.16
A	1:1250 Site plan added, blue line replaced with red line	22.2.16
Rev	Description	Date
	TAB Architecture tel (01638) 482862 info@tabarchitecture.co.uk	
	Russet Drive, Suffolk, IP28 8GA	
	Rosewood Offices, Cambs, CB7 5QH	
Client	: Mr J. Waters	
Job title	: Bell View Barn, Barton Mills	
Drg	: Site Location Plan	
scale 1:1250 & 1:500 date: Jan 2016		drg. no. TAB189-01B

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CHURCH LANE

NEWMARKET ROAD

Adequate space is afforded for the turning of refuse/emergency vehicles as per Suffolk CC highways Type C turning head arrangement.

3No. Parking spaces within curtilage private driveway will be constructed in permeable block paving

New Polystorm lite (PSM2) creates

Proposed bin store location for Barn

Clear visibility head height will be provided at all times with the hedges being no higher than 0.6m high, to ensure visibility.

New access 4.0m wide with turning Give way lines at access point to county highways approved layout and standards The access road will be constructed in porous asphalt (including turning head)

Install new drop kerbs to County Highways Standards

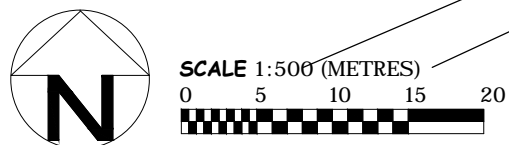
From Church Lane, the site levels drain back towards the site and therefore, there will not be any water draining from the new access road onto the public highway. A along with 25mm bull nosed kerb will be installed at the access to provide a vehicle crossing with upstand, to prevent highway surface water draining onto the access road.

Consultation with Suffolk CC highways will occur to ensure the new arrangement for vehicle access and pedestrian safety is met.

As per conditions set out by FHDC No occupation until vehicle access has been improved in accordance with DMO2; with an entrance width min 3.0mx5.0m with bound material without SW discharge onto highway (proposed 4.0mx5.0m wide, subject to approval, drawings by GHB)

Gates will be set back min 5.0m from edge of carriage way

1:500 Site Plan



A	Residential annex removed from this application	22.3.16
Rev	Description	Date
	TAB Architecture tel (01638) 482862 info@tabarchitecture.co.uk	
	Russet Drive, Suffolk, IP28 8GA	
	Rosewood Offices, Cambs, CB7 5QH	
Client	: Mr J. Waters	
Job title	: Bell View Barn, Barton Mills	
Drg	: Site Location Plan	
scale	: 1:500	date: Jan 2015
@ A3		drg. no. TAB189-10A

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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 MAY 2016

DEV/FH/16/009

Report of the Head of Planning and Growth

PLANNING APPLICATION DC/15/2456/OUT - STOCK CORNER FARM, STOCK CORNER, 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

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Telephone: 01284 757351

Committee Report

Date	20 January	Expiry Date:	20 April 2016
Registered:	2016		Extension of time agreed 13 May 2016
Case	Marianna	Recommendation:	Refuse
Officer:	Christian		
Parish:	Beck Row	Ward:	Eriswell and the Rows

Proposal: Outline Planning Application DC/15/2456/OUT (Access and Layout to be considered) – 11 no. dwellings (existing buildings to be demolished); alterations to existing vehicular access

Site: Stock Corner Farm, Stock Corner, Beck Row

Applicant: Mr Trevor Sore

Background:

This application is presented to the Development Control Committee as the Parish Council is in support of the scheme and the Officer recommendation is one of refusal. The application is a 'major' development and is therefore presented directly before the Committee without prior consideration by the Delegation Panel.

A Committee site visit will be undertaken on Tuesday 3 May 2016.

Proposal:

1. Outline planning permission is sought for the erection of 11 no. dwellings. The means of access to and the layout of the development are included for consideration at this time. Matters of scale, appearance and landscaping are reserved at this stage and do not therefore form part of the application.
2. It is proposed to utilise an existing vehicular access to serve the development. The entrance would be widened to 6m and a new access road provided which would also serve the existing bungalow at Stock Corner Farm. The layout plan submitted shows the access road connecting at its northern end with an approved development of 5 no. dwellings on the adjacent site (The Chestnuts, ref. DC/14/2293/FUL). It is also proposed to provide a 1.2m wide footpath and 1.8m wide footpath and cycleway along the western boundary of the site.

3. The layout plan submitted shows 11 no. detached dwellings (with Plots 8 and 9 being 'linked detached'), the majority of which are arranged in two rows either side of the new access road. 2 no. dwellings would be sited to the southwest of the existing bungalow. Plots 3, 10 and 11 are proposed to be affordable housing. There are several outbuildings on the site including two large single storey barns at its southern end which are proposed to be demolished.
4. Whilst scale and appearance are reserved matters, elevational drawings of the proposed dwellings have been provided for indicative purposes. These show a mix of 2, 3 and 4 bed two-storey houses and one bungalow (Plot 10). The dwellings would be finished in either brown facing brickwork or render with either pantiles or slates to the roofs.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Application Form
 - Environment Agency flood map
 - Imagery Exploitation Report
 - National Local Requirements document
 - Design and Access Statement
 - Refurbishment & Demolition Asbestos Survey Report
 - Extended Phase I Ecology Survey
 - Permeability testing report
 - Plans

Site Details:

6. The site lies outside of the defined housing settlement boundary for Beck Row and forms part of Stock Corner Farm. At the southern end of the site are two large brick built barns and areas of hardstanding, adjacent to which is a conifer hedge which divides the site. To the north of the hedge the site is predominantly laid to grass with several timber outbuildings. The applicant's dwelling Stock Corner Farm Bungalow is sited in the north east corner and is separated from the application site by a low post and wire fence. To the south of the site are residential properties in Louis Drive and Falcon Way, to the east is agricultural land within the applicant's ownership and to the north is a residential property known as The Chestnuts. To the west of the site on the opposite side of the A1101 are paddocks which are also understood to be used on occasions for the holding of car boot sales.

Planning History:

7. N/70/1357/M Erection of agricultural dwelling. Granted 11.08.1970.

Consultations:

8. Parish Council:

- Support (without comments).

9. Planning Policy:

- Council has demonstrated an up-to-date five year supply of housing land.
- Application site lies outside the settlement boundary and within the countryside.
- 558 dwellings have been committed or completed in Beck Row since the start of the plan period since 2011, exceeding the upper capacity limits in the 2009 IECA study.
- Policy DM27 permits new dwellings in the countryside where the proposal is for 1 or 2 dwellings in a closely knit cluster adjacent to or fronting an existing highway. Proposal does not accord with this policy as it is seeking a much higher number of units.
- Principle of development on this site would be contrary to policies CS10 and DM5.
- Emerging Site Allocations Local Plan Preferred Options, taking into account all available evidence at this time, is not proposing to allocate the application site or extend the settlement boundary in this location.
- Will be for the case officer to balance these planning issues, particularly the number of recent commitments and completions in the village and the exceedance of the IECA capacity range and the potential harm this may cause, with the requirement of the NPPF to deliver sustainable development.

10. Ecology Tree & Landscape Officer:

- Proposals do not include precise location of existing trees on site including line of pine trees which are a landscape feature characteristic of the area. Given the layout of the site is being considered this information is required to assess whether existing trees can be retained as is suggested.
- Would not be appropriate to retain conifers in this location.
- Has not been demonstrated that existing frontage hedge can be retained.
- Proposals do not include any amenity green space or SUDs.
- Advisory comments provided regarding financial contribution to local projects in the area.
- Ecological report has been submitted but sections have been omitted. Report found evidence of bats in loft of existing bungalow and in both agricultural buildings. Study recommends bat activity surveys be conducted between April and September 2016 to inform any mitigation. As this has not been undertaken and submitted planning permission should be refused.

Officer Note – the concerns raised regarding the roadside hedge and proposed footpath have been discussed with the Ecology Tree & Landscape Officer and it is considered that this aspect could be dealt with by condition were the development otherwise acceptable.

11. Natural England:

- No comments.
- Lack of comments from Natural England does not imply that there are no impacts on the natural environment, only that the application is not likely to result in significant impacts on statutory designated nature conservation sites/landscapes. Advise LPAs to obtain specialist ecological or other environmental advice.

12. County Highway Authority:

- Should adjacent development DC/14/2293/FUL not be implemented entire extent of new footway would need to be provided by this scheme in order to make the development acceptable.
- Query whether sufficient parking for 4 bedroom dwellings and visitor spaces.
- Conditions recommended regarding layout, gradient and surfacing of access, bin storage, surface water drainage, manoeuvring and parking areas including secure cycle storage, visibility splays and provision of new footway.
- A request has been made for Section 106 contributions for bus stop improvements.

13. Environmental Health:

- Conditions recommended to secure appropriate investigation and remediation in respect of land contamination.

14. Public Health and Housing:

- Site is close to Mildenhall Stadium and the RAF base. Recommend a noise assessment is carried out.
- Conditions recommended regarding acoustic insulation, hours of construction, disposal of waste and external lighting.

Officer Note – Public Health and Housing has subsequently advised that a noise assessment is not required. The suggested conditions remain applicable.

15. County Archaeological Service:

- Conditions recommended to secure appropriate investigation.

16. Environment Agency:

- Site is located above a Principal Aquifer and within Source Protection Zone 2 however we do not consider the proposal to be high risk.
- Refer to standing advice regarding contamination.

17. Anglian Water:

- Sewerage system at present has available capacity for the development.
- Surface water strategy/flood risk assessment submitted with the application is unacceptable.
- Condition recommended requiring a drainage strategy to be agreed.

18. County Flood and Water Engineer:

Initial comments:

- No drainage strategy has been submitted providing specific details of a surface water drainage system on site.
- Recommend a holding objection until a detailed drainage strategy is submitted together with a ground investigation report outlining soakage rates.

Further comments:

- Surface water strategy relies partially on soakaways and partly on a piped outfall into the ditch south of the site. Private areas drain to individual plot soakways and access road drains through a piped system to an existing ditch via a petrol interceptor.
- No details are provided on flow rates or justification for this strategy in relation to how it compares with existing site runoff.
- Recommend a holding objection in relation to the proposed strategy until further details provided.

19. Suffolk County Council:

- Comments provided regarding infrastructure requirements to be secured via a Section 106 agreement, comprising:
 - Funding for three primary school places £36,543.
 - Contribution of £4,000 for the provision of raised kerbs at bus stops.
 - Contribution of £2,376 towards library services.
 - Contribution of £561 towards waste disposal facilities.
- Advise consideration is also given to play space provision, equipping development with superfast broadband and building homes to 'Lifetime Homes' standard.

20. Parks Infrastructure Manager:

- Site layout contains no open space and location has limited access to meaningful open space.
- Open space at Aspal Close provides a range of recreational opportunities but is now starting to show signs of over use.
- Would seek contributions in line with the current adopted SPD with funds being allocated to the village play area at Aspal Close and to improve access to the wider countryside/open spaces.

Officer Note – The Parks Infrastructure Manager has subsequently advised that the following contributions would be appropriate:

- *Additional equipment at the village play area, £25,000*
- *Aspal Close improved education and interpretation, £15,000*
- *Improving access to the wider countryside/open spaces to help reduce the impact on Aspal Close, £30,000*

21. Suffolk Constabulary Architectural Liaison Officer:

- Advisory comments provided regarding Secured by Design aims.

22. Suffolk Fire and Rescue Service:

- Advisory comments provided regarding access for fire appliances and firefighters.
- Nearest fire hydrant is over 180m from the site, recommend

consideration be given to provision of an automatic fire sprinkler system.

23. Strategic Housing:

- Support development in principle to provide 30% affordable housing in line with policy.
- Comments provided regarding appropriate tenure.

Representations:

24. None received.

Policy:

25. The following policies have been taken into account in the consideration of this application:

26. Forest Heath Local Development Framework Core Strategy Development Plan Documents 2001-2026 (with housing projected to 2031) (May 2010):

- Policy CS1 Spatial Strategy
- 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
- Policy CS13 Infrastructure and Development Contributions

27. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places – Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

Other Planning Policy/Guidance:

28. Forest Heath District Council Supplementary Planning Document for Open Space, Sport and Recreation Facilities (October 2011)

29. Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (October 2013)
30. National Planning Policy Framework (2012)
31. National Planning Policy Guidance
32. ODPM Circular 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (August 2005)

Officer Comment:

33. The issues to be considered in the determination of the application are:
 - Legislative context for outline applications
 - Principle of development
 - Design, impact on the surrounding area and residential amenity
 - Biodiversity
 - Landscape impacts
 - Access and highway safety
 - Drainage
 - Affordable housing
 - Infrastructure requirements
 - Other matters

Legislative context for outline applications

34. This application is for outline planning permission. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.
35. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
 - Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the

area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
 - Scale – the height, width and length of each building proposed within the development in relation to its surroundings.
36. An application for outline permission does not need to give details of any reserved matters, albeit information is often provided at the outline stage in 'indicative' fashion to demonstrate that the site is capable of accommodating the level of development proposed.
37. In this case matters of access and layout are included for consideration as part of the application. Matters of appearance, landscaping and scale are reserved matters and are not therefore for consideration at this time.

Principle of development

38. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
39. Whilst Beck Row is identified as a Primary Village in Core Strategy Policy CS1, the site lies outside of the defined settlement boundary for the village and is therefore classed as countryside. Policy CS10 states that in villages and small settlements not identified for a specific level of growth in Policy CS1, residential development will only be permitted where there are suitable sites available inside the limits of a defined settlement boundary, or where the proposal is for affordable housing, a gypsy and traveller site, the replacement of an existing dwelling or the provision of a dwelling required in association with existing rural enterprises.
40. Development Management Policy DM5 states that areas designated as countryside will be protected from unsustainable development. New residential development will only be permitted in the countryside where it is for affordable housing for local needs, a dwelling for a key agricultural, forestry or commercial equine worker, small scale development of 1 or 2 dwellings (in accordance with Policy DM27) or the replacement of an existing dwelling.

41. As the proposal in this case is for 11 no. dwellings, eight of which would be open-market housing, on a site that is outside of the defined settlement boundary for Beck Row and within the countryside for planning purposes, the proposal is contrary to Policies CS10, DM5 and DM27.
42. Planning permission was granted in 2015 for 5 no. dwellings on the adjacent site to the north 'The Chestnuts', ref. DC/14/2293/FUL. This approved (but as yet unbuilt) development is shown on the submitted layout plan for the current proposal for information purposes. The adjacent site is also outside of the defined settlement boundary for Beck Row. It is noted however that this development was approved prior to the formal adoption of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document and prior to the Forest Heath District Council assessment of a five year supply of housing land which was published on 10th February 2016. The policies within the Joint Development Management Policies Document are now afforded more weight in the decision-making process, being adopted policy and forming part of the development plan against which proposals must be assessed. The Council is also now able to demonstrate a five year supply of housing, which it was not at the time that the application at 'The Chestnuts' was approved.
43. The Local Plan Site Allocations Preferred Options sets out the council's preferred development sites across the district up to 2031, including a review of the current housing settlement boundaries, and is in consultation until 8 June 2016. Whilst this document at present has limited weight in the decision-making process, it is noted that the application site is not proposed as a preferred allocation for housing, nor is it proposed to be included in the Beck Row settlement boundary.
44. In addition to the planning policy context above, it is important to note the evidence underlying the emerging Site Allocations Preferred Options. The 2009 Infrastructure and Environmental Capacity Appraisal (IECA) considers the environmental capacity of settlements in the district and infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure. The IECA identifies a capacity range of 240-420 new dwellings in Beck Row in the plan period to 2031. The Planning Policy team advises that since April 2011, a total of 558 dwellings have either been committed or completed within Beck Row, exceeding the upper capacity range identified in the 2009 IECA study. The lack of available infrastructure, assessed robustly and objectively, must be taken as being a factor which weighs heavily against the scheme in the balance of considerations.
45. In conclusion therefore, the Authority has an up to date five year (plus) buffer housing land supply. Para. 49 of the NPPF states that '*Housing applications should be considered in the context of the presumption of sustainable development. Relevant policies do the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*'. This means that primacy should be given to the policies set out above within the

adopted Development Plan. These policies do not offer support for a development of this scale in this location.

46. Therefore, for the reasons outlined above, the principle of development in this case is contrary to policy and support cannot be offered. Furthermore, as will be set out below, and in any event, any '*presumption in favour*' is only offered in relation to 'sustainable' development, not any development per se. Sustainability is a judgement that is only informed by consideration of matters of detail as well as principle, and further assessment of these factors is set out below.

Design, impact on the surrounding area and residential amenity

47. Core Strategy Policy CS5 requires all new development to be designed to a high quality and reinforce local distinctiveness. Design that fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Development Management Policy DM2 states that proposals for all development should create a sense of place and/or local character. In the case of residential schemes, Policy DM22 states that proposals should create a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light and privacy. Policy DM2 states that proposals should not adversely affect residential amenity. The NPPF similarly attaches significant importance to the design of the built environment, stating that decisions should ensure that developments will add to the overall quality of the area, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping (para.58). 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 (para.64).
48. Whilst the plans submitted showing the scale and appearance of the proposed dwellings are indicative only (these being reserved matters), the layout of the site is under consideration at this stage. This includes the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
49. Officers are of the opinion that the proposed layout of this development does not represent good design. Plots 1 and 9 flank the entrance to the site and would be positioned side-on to the main road, presenting their prominent gable ends to the public highway. Plots 10 and 11 would back onto the main road, with their rear elevations facing the highway. Overall it is considered that the layout submitted would result in a development that lacks visual interest and a sense of place when viewed from the A1101. It is also considered that the relationship between proposed plots 6 and 7 represents a contrived design solution with the rear elevation of plot 6 facing the flank of plot 7 at close quarters.
50. Officers also have concerns regarding residential amenity, both in respect of the occupiers of existing neighbouring dwellings and for future

occupiers of the development. The proposed dwellings on the southern side of the site are positioned close to the existing properties in Louis Drive and there is little in the way of boundary screening in this location due to the sparse vegetation. Plots 2 and 3 have limited rear garden areas that are less than 5 metres in depth. Plot 6 is surrounded by the access road on three sides and has a very shallow rear garden area of less than 3 metres with its rear elevation directly opposite, and in close proximity to, the side elevation of Plot 7. Officers consider that the layout proposed would fail to achieve a good standard of amenity for future occupiers of these dwellings.

Biodiversity

51. The NPPF states that when determining planning applications local planning authorities should conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development Management Policy DM11 states that development which would have an adverse impact on protected species will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to reduce disturbance to a minimum and maintain the population identified on site or provide adequate alternative habitats.
52. The application is accompanied by an Extended Phase I Survey in respect of ecology. The survey found bats roosting in the loft of Stock Farm Corner Bungalow immediately adjacent to the site and found evidence of bats in both of the large agricultural buildings on the site which are to be demolished to allow for the proposed development. The survey is clear that all of these buildings must be subject to further surveys during the activity season to determine the number and species of bats and how they are utilising the buildings on this site. The results of these surveys would then inform any necessary mitigation or compensation measures. The survey furthermore states that bat activity surveys will be needed on the mature horse chestnut tree in the northwest corner of the site if this is proposed to be removed. It is unclear from the information provided whether this tree is to be retained (see 'landscape impacts' below).
53. The survey also reports that great crested newts were found in the pond at the adjacent site 'The Chestnuts' in 2014, but states that the scale of the impact of the proposals is negligible in this respect. The ecologist advises that the only potential of an offence being committed is the low probability of risk of injury or death during groundworks, and refers to mitigation requirements. No mitigation measures have however been provided in respect of great crested newts. The Conclusion section of the report also states that further surveys are required in respect of amphibians. This discrepancy has been discussed with the Council's Ecology Tree & Landscape Officer who advises that there is potential for harm to great crested newts in this case and that the information submitted is inconsistent and appears to be incomplete.

54. It is not appropriate to deal with the issues concerning protected species outlined above by condition as suggested by the applicant's agent. Regulation 3(4) of the Habitats Regulations places a duty on local planning authorities, in the exercise of their functions, to have regard to the requirements of the Habitats Directive so far as they might be affected by those functions. ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.
55. The information provided with the application indicates that bats are present on the site, and utilise two of the buildings that are proposed to be demolished to allow residential development of the site. The submitted ecology survey is also unclear as to the potential impact of the development on great crested newts. In the absence of further surveys, the Council cannot conclude that the proposals would have no adverse impact on protected species.

Landscape impacts

56. Core Strategy Policy CS3 states that the quality, character, diversity and local distinctiveness of the District's landscape and historic environment shall be protected, conserved and, where possible, enhanced. Development Management Policy DM13 seeks to ensure that development does not have an unacceptable adverse impact on the landscape, including landscape features.
57. The Ecology, Tree & Landscape Officer has raised concerns about the potential impact of the development on existing trees on the site, in particular regarding a lack of information in this regard. There are a number of trees on the site including a line of pine trees along the northeast boundary. This is a landscape feature characteristic of the area and in particular the Brecks. A horse chestnut tree in the northwest corner of the site is also identified as providing potential habitat for bats in the submitted ecology report.
58. A topographical survey has been provided which shows the locations of existing trees and hedges within the site. The layout plan as proposed does not however include all of this information and appears to be inaccurate in this respect. It is therefore unclear whether important landscape features on the site can be retained as part of the development, as is suggested. Whilst landscaping is a reserved matter, the layout of the development is included for consideration and would therefore be approved as shown should this application be granted. The submitted layout plan indicates that the pine trees along the northeast boundary are to be retained, however, a new driveway and parking area for Stock Corner Farm Bungalow are shown in close proximity to these trees. No

details of the root protection areas of the trees or of the method of construction for the driveway have been provided to demonstrate that the trees would not be harmed by these works. The topographical survey shows the horse chestnut tree referred to above together with an elm tree located in the northwest corner of the site, to the immediate south of a conifer hedge. The layout plan is annotated to state that these trees are to be retained, however, the trees themselves are not shown on the plan and would be within the curtilage of Plot 11 of the development. A sycamore tree on the western boundary of the site is also not shown accurately on the proposed layout plan, when cross-referenced with the topographical survey, and would be affected by the new footpath shown alongside the A1101. The application therefore fails to demonstrate that the development would not have an unacceptable adverse impact on existing landscape features within the site.

Access and highway safety

59. It is proposed to improve the existing vehicular access to the site to serve both the new development and Stock Corner Farm Bungalow. The submitted layout plan shows a new roadway within the site connecting to the adjacent approved (but as yet unbuilt) development of 5 no. dwellings at 'The Chestnuts', and the construction of a new footpath adjacent to the western boundary of the site. No objections have been received from the County Highway Authority regarding these aspects of the proposals. The Highway Authority has queried whether adequate parking is provided for the four-bedroom dwellings indicated and for visitors. Given however that the scale of the dwellings is a reserved matter not for consideration at this stage, the sizes of the individual dwellings that have been provided are indicative and a revised mix of property types could therefore be subsequently submitted if outline permission were granted. The layout plan shows that 11 no. dwellings could be accommodated on the site with two parking spaces and a garage each. Subject to the garages being of sufficient size to accommodate a vehicle, this level of provision would accord with current county guidelines.

Drainage

60. The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere (paragraph 103). Development Management Policy DM6 requires proposals for all new development to submit schemes appropriate to the scale of the proposal, detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. National Planning Policy Guidance (NPPG) states that when considering major development of 10 dwellings or more, sustainable drainage systems should be provided unless demonstrated to be inappropriate.
61. Both Anglian Water and the Suffolk County Council Flood and Water Engineer have raised concerns about the surface water strategy submitted. The site comprises a greenfield site and a suitable scheme for the disposal of surface water is required to prevent increased risk of flooding both on and off the site as a result of an increase in impermeable

areas post-development. The proposed strategy relies partly on soakaways and partly on a piped outfall into the ditch to the south of the site. Private areas are shown to drain to individual plot soakaways and the access road is shown to drain through a piped system to an existing ditch via a petrol interceptor. No details of flow rates or justification for this strategy in relation to how it compares with the existing site runoff have been provided. The County Flood and Water Engineer advises that further information is required comprising:

- Calculations to demonstrate that soakaways will be effective.
- Investigation of groundwater levels.
- Details of the existing surface water drainage regime on site.
- Justification for the proposed unattenuated piped outfall.
- Evidence to demonstrate how outflows will comply with technical standards.
- Evidence that the system can drain by gravity.
- Conveyance paths to allow surface water to gather in safe locations away from properties.

62. In the absence of an acceptable surface water drainage strategy, the application fails to demonstrate that the development would not increase the risk of flooding both within the site and in the wider locality and is therefore contrary to Policy DM6 and the relevant provisions of the NPPF and NPPG.

Affordable housing

63. Core Strategy Policy CS9 requires 30% of the number of new dwellings to be affordable on all schemes of 10 or more dwellings. Where this would result in a requirement that part of a dwelling is affordable (e.g. 30% of 11 no. dwellings = 3.3 units), a financial contribution of equivalent value will be required.

64. The proposed development includes 3 no. affordable homes. The agent states that these may be provided at a discount of a minimum of 20% of the current market value of the land/market rents for first time buyers/occupiers either as self-build plots or new-build properties. The Housing Strategy and Enabling Officer has advised that this would be contrary to the Council's Affordable Housing SPD as self-builds are not considered to be an affordable housing tenure and would not be supported.

65. Whilst the agent indicates that the units could alternatively be provided as affordable rented properties, which would be supported by policy, at the time of writing this report a Section 106 Agreement has not been entered into by the applicant to secure the delivery of affordable housing as part of the development. In the absence of such, the proposals are contrary to Policy CS9.

Infrastructure requirements

66. Policy CS13 of the Core Strategy states that new development will be required to demonstrate that it will not harm the District's ability to

improve the educational attainment, accessibility to services, jobs, health and community safety and the well-being of Forest Heath communities. Arrangements for the provision or improvement of infrastructure will be secured by planning obligation, or via planning conditions where appropriate.

67. Suffolk County Council has recommended that contributions be sought towards education, transport, libraries and waste to provide the necessary infrastructure requirements associated with the development. The Parks Infrastructure Manager recommends that contributions are sought for improvements to existing facilities at Aspal Close, in the absence of any on-site provision of open space as part of this development and the lack of access to meaningful open space in this location generally. The Ecology Tree & Landscape Officer advises that consideration also be given to local projects within the Breckland SPA in accordance with Policy DM12. At the time of writing this report however a Section 106 Agreement has not been entered into by the applicant to address the infrastructure requirements of the scheme, and the proposals are therefore contrary to Policy CS13.

Other matters

68. The Environment Agency has advised that the proposal is not high risk in terms of contamination and the Council's Environment Officer has recommended conditions to secure appropriate investigation and remediation. It is considered that land contamination could be dealt with by way of these conditions were the development otherwise acceptable.
69. The County Archaeological Service advises that the proposals affect an area of archaeological potential. Appropriate investigation and recording could be secured by condition were the development otherwise acceptable.

Conclusion:

70. The application site lies outside of the defined settlement boundary for Beck Row and is therefore within the countryside where the provision of new housing is strictly controlled. The proposals are contrary to adopted planning policies which direct new open-market housing to sites within the defined limits of existing settlements and the application does not therefore accord with the development plan. The proposed layout of the development is furthermore considered to lack visual interest and a sense of place and would not provide a good standard of amenity for future occupiers. As such the proposal is considered contrary to the principles of good design set out in both national guidance and local planning policies. The application fails to demonstrate that the proposals would not have a harmful impact on protected species, existing landscape features and flooding as a result of surface water impacts. In the absence of a completed Section 106 agreement, the application also fails to secure the appropriate provision of infrastructure and affordable housing as required by policy. For these reasons it is recommended that outline planning permission be refused.

Recommendation:

71. It is recommended that Outline Planning Permission is **REFUSED** for the following reasons:

- 1) The site falls outside of the defined settlement boundary of Beck Row which is defined as a Primary Village under policy CS1 of the Forest Heath Local Development Framework Core Strategy (May 2010). There are exceptions to allow for housing development in the countryside as set out under policies DM5, DM26, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of 1 or 2 dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and as such fails to comply with policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document and the guiding principles of the NPPF. The Authority is presently able to identify a deliverable five year (plus buffer) supply of housing sites and the proposal is therefore considered unacceptable as a matter of principle.
- 2) Policy CS5 of the Forest Heath Core Strategy (May 2010) requires all new development to be designed to a high quality and reinforce local distinctiveness and states that design that fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) states that proposals for all development should create a sense of place and/or local character. Policy DM22 of the same document states that residential development proposals should create a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light and privacy. Policy DM2 similarly states that proposals should not adversely affect residential amenity. The NPPF states that decisions should ensure developments add to the overall quality of the area, respond to local character and are visually attractive (paragraph 58). 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 (paragraph 64).

The proposal in this case is not considered to represent good design and fails to create a coherent and legible place. The layout of the development lacks visual interest and a sense of place, with prominent buildings orientated with their flank or rear elevations facing the A1101 and with plots 6 and 7 having a contrived relationship. In addition, Plots 2, 3 and 6 have limited private garden space, with Plot 6 in particular providing a poor standard of amenity for future occupiers having regard to its relationship to the surrounding access road and proximity to Plot 7, and to off site dwellings on Louis Drive. The proposal is therefore considered contrary to policy CS5 of the Forest Heath Core Strategy (May 2010), policies DM2 and DM22 of the Forest

Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the principles of good design within the NPPF.

- 3) The NPPF states that when determining planning applications local planning authorities should conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused. Policy DM11 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) states that development which would have an adverse impact on protected species will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to reduce disturbance to a minimum and maintain the population identified on site or provide adequate alternative habitats.

The submitted ecology report identifies bats roosting at Stock Farm Corner Bungalow immediately adjacent to the site and evidence of bats in two agricultural buildings on the site that are proposed to be demolished as part of the development under consideration. The report is clear that all of these buildings must be subject to further surveys during the activity season to determine the number and species of bats and how they are utilising the buildings. The results of these surveys must inform any necessary mitigation or compensation measures. Bat activity surveys are also required on a mature horse chestnut tree in the northwest corner of the site if this is proposed to be removed. The ecology report is unclear regarding the impact of the proposals on great crested newts and indicates that further surveys are again required. In the absence of further surveys in respect of bats and great crested newts, the local planning authority cannot be satisfied that the development would not result in harm to protected species. The proposals are therefore contrary to policy DM11 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015).

- 4) Policy CS3 of the Forest Heath Core Strategy (May 2010) states that the quality, character, diversity and local distinctiveness of the District's landscape and historic environment shall be protected, conserved and, where possible, enhanced. Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) seeks to ensure that development does not have an unacceptable adverse impact on the landscape, including landscape features.

There are a number of significant trees on the site, including a line of pine trees which is a landscape feature characteristic of the area and a horse chestnut tree that is identified as providing potential habitat for bats. Whilst a topographical survey has been provided showing the locations of existing trees and hedges within the site, these details are incomplete and inaccurate on the proposed layout plan. As a result it is unclear whether existing important landscape features could be

retained as part of the development with the layout proposed. The application therefore fails to demonstrate that the development will not have an adverse impact on landscape features, contrary to Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and Policy CS3 of the Forest Heath Core Strategy (May 2010).

- 5) The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere (paragraph 103). Policy DM6 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) requires proposals for all new development to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. National Planning Policy Guidance (NPPG) states that when considering major development of 10 dwellings or more, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

The site comprises a greenfield site and a suitable scheme for the disposal of surface water is required to prevent increased risk of flooding both on and off the site as a result of an increase in impermeable areas post-development. The proposed strategy relies partly on soakaways and partly on a piped outfall into the ditch to the south of the site. Private areas are shown to drain to individual plot soakaways and the access road is shown to drain through a piped system to an existing ditch via a petrol interceptor. No details of flow rates or justification for this strategy in relation to how it compares with the existing site runoff have been provided. In the absence of an acceptable surface water drainage strategy, the application fails to demonstrate that the development would not increase the risk of flooding both within the site and in the wider locality and is therefore contrary to Policy DM6 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the relevant provisions of the NPPF and NPPG.

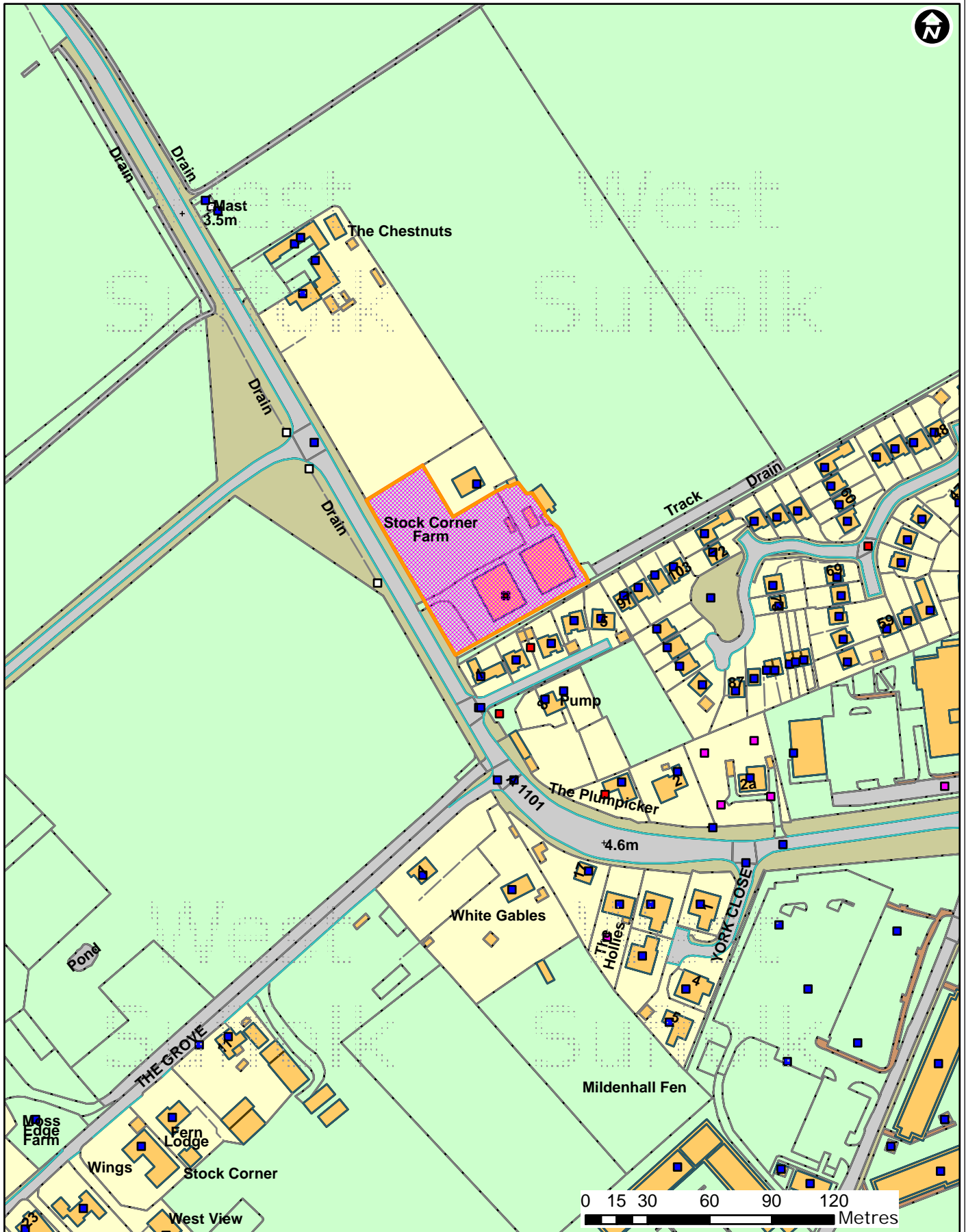
- 6) In the absence of a completed Section 106 agreement, the proposal fails to secure the appropriate provision of affordable housing required by Policy CS9 of the Forest Heath Local Development Framework Core Strategy (May 2010) and the provision or improvement of infrastructure needed as a result of the development as required by Policy CS13 of the Core Strategy. The proposal is therefore contrary to policies CS9 and CS13 and the objectives of the NPPF in respect of delivering sustainable development.

Documents:

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

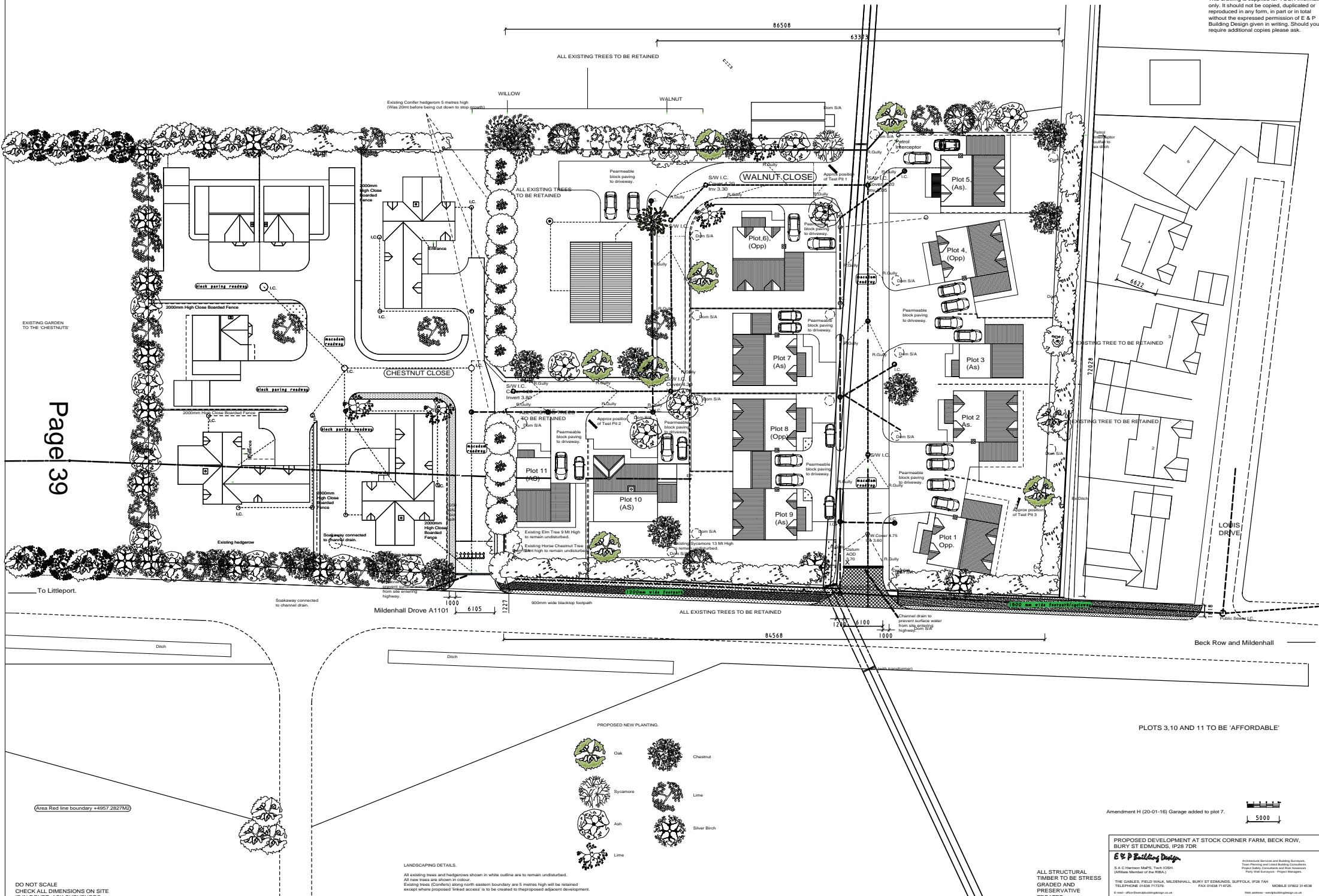
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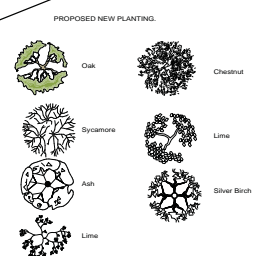
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DO NOT SCALE
 CHECK ALL DIMENSIONS ON SITE
 IF IN DOUBT, ASK SURVEYORS

LANDSCAPING DETAILS.
 All existing trees and hedgerows shown in white outline are to remain undisturbed.
 All new trees are shown in colour.
 Existing trees (Chestnuts) along north eastern boundary are 5 metres high will be retained except where proposed 'linked access' is to be created to the proposed adjacent development.



Amendment H (20-01-16) Garage added to plot 7.

PROPOSED DEVELOPMENT AT STOCK CORNER FARM, BECK ROW, BURY ST EDMUNDS, IP28 7DR

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