

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda																
Date:	Thursday 6 October 2016																
Time:	10.00 am																
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU																
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice-Chairmen Carol Bull and Angela Rushen</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Terry Clements</td> <td style="width: 33%;">Ivor Mclatchy</td> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> </tr> <tr> <td>Paula Fox</td> <td>David Roach</td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> </tr> <tr> <td>Ian Houlder</td> <td>Patricia Warby</td> </tr> </table> <p><u>UKIP Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Burns</td> <td style="width: 33%;">Jason Crooks</td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Julia Wakelam</td> <td style="width: 33%;"></td> </tr> </table>			Terry Clements	Ivor Mclatchy	Robert Everitt	Alaric Pugh	Paula Fox	David Roach	Susan Glossop	Peter Stevens	Ian Houlder	Patricia Warby	John Burns	Jason Crooks	Julia Wakelam	
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Substitutes:	<p><u>Conservative Members (6)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Griffiths</td> <td style="width: 33%;">Richard Rout</td> </tr> <tr> <td>Betty McLatchy</td> <td>Peter Thompson</td> </tr> <tr> <td>Sara Mildmay-White</td> <td>Frank Warby</td> </tr> </table> <p><u>UKIP Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Barry Robbins</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Nettleton</td> <td style="width: 33%;"></td> </tr> </table>			John Griffiths	Richard Rout	Betty McLatchy	Peter Thompson	Sara Mildmay-White	Frank Warby	Barry Robbins		David Nettleton					
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<p>SITE VISITS WILL BE HELD ON THURSDAY 29 SEPTEMBER 2016. Transport will depart from West Suffolk House at 9.30am. Sites to be visited as follows:</p> <ol style="list-style-type: none"> 1. TPO Application DC/16/1276/TPO - 71 Raynham Road, Bury St. Edmunds 2. House Holder Application DC/16/0920/HH – Flempton House, Flempton 																	

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Six Members
Committee administrator:	David Long Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk

Agenda

Procedural Matters

Page No

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 8

To confirm the minutes of the meeting held on 1 September 2016 (copy attached).

Part 1 - Public

4. Planning Applications DC/16/1589/VAR, DC/16/1590/VAR and DC/16/1591/VAR **ITEM WITHDRAWN**

9 - 28

WITH THE AGREEMENT OF THE CHAIRMAN AND VICE-CHAIRMEN, THIS ITEM HAS BEEN WITHDRAWN FROM CONSIDERATION AT THIS MEETING BY THE OFFICERS TO ENABLE CLARIFICATION TO BE SOUGHT ON CERTAIN MATTERS

(i) DC/16/1589/VAR – Variation of Condition 2 of DC/15/1753/FUL , retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by revised wording in planning statement 21 July 2016, at Building C ;

(ii) DC/16/1590/VAR – Variation of Condition 2 of DC/15/1754/FUL, retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by revised wording in planning statement 21 July 2016, at Building D ; and

(iii) DC/16/1591/VAR – Variation of Condition 2 of DC/15/1759/FUL, retention of change of use of former agricultural storage to use for open storage (Class B8) for caravans and motor homes (10 maximum), horse boxes (5 maximum) and containers (20 maximum) to enable amendment to opening hours at Area H

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

Report **DEV/SE/16/67**

- 5. Planning Application DC/16/1618/FUL** **29 - 42**
1 no. two storey dwelling following demolition of existing garage and boundary fence (Revised scheme of DC/15/1975/FUL) at Rowan House, Albert Street, Bury St. Edmunds for Mr Barney Walker.

Report **DEV/SE/16/68**
- 6. Planning Application DC/16/1261/FUL** **43 - 50**
New access road for farm and domestic use at Green Farm, Brandon Road, Culford for Green Farm Nursery.

Report **DEV/SE/16/69**
- 7. Tree Preservation Order Application DC/16/1276/TPO** **51 - 58**
Tree Preservation Order 218 (1972) 45 – 1 no. sycamore (1 on plan within area G5 on order) fell at 71 Raynham Road, Bury St. Edmunds for Mr Palmer.

Report **DEV/SE/16/70**
- 8. House Holder Application DC/16/0920/HH** **59 - 68**
(i) 3 no. bay cart lodge with attached garage and store; and (ii) first floor play room over cart lodge, as amended by drawing no. 666 005 Rev. D received on 8 August 2016 reducing scale and revising design and location, at Flempton House, Bury Road, Flempton for Mr Andrew Speed

Report **DEV/SE/16/71**
- 9. Revocation of Hazardous Substances Consent No. SE/01/2826/H** **69 - 78**
Continued storage of natural gas at Bury St. Edmunds Holder Station, Tayfen Road, Bury St. Edmunds.

Report **DEV/SE/16/72**
- 10. Planning Application DC/16/1180/FUL** **79 - 90**
Construction of agricultural storage barn, as clarified by information received 13 September 2016, at East Town Park, Coupal's Road, Haverhill for St. Edmundsbury Borough Council.

Report **DEV/SE/16/73**

**11. Trees in a Conservation Area Notification
DC/16/1756/TCA**

91 - 98

(i) 1 no. willow (T1 on plan) fell ; (ii) 1 no. cherry (T2 on plan) overall crown reduction of 25%; (iii) 1 no. cherry (T3 on plan) overall crown reduction of 30%; and (iv) 1 no. cherry (T4 on plan) overall crown reduction of 25% at Sea Pictures Gallery, Well House, Well Lane, Clare for Mr & Mrs Pugh.

Report **DEV/SE/16/74**

Part 2 – Exempt

NONE

Agenda Notes - Version for Publication

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA 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
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
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 must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

Decision Making Protocol - Version for Publication

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

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

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



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 1 September 2016** at **10.00 am** at the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds**

Present: **Councillors**

Chairman Jim Thorndyke

Vice-Chairmen Carol Bull and Angela Rushen

John Burns
Terry Clements
Jason Crooks
Paula Fox
Susan Glossop
Ian Houlder

Ivor Mclatchy
Alaric Pugh
David Roach
Peter Stevens
Julia Wakelam
Patricia Warby

By Invitation:

David Nettleton (for item 253)

246. **Apologies for Absence**

An apology for absence was received from Councillor Robert Everitt.

247. **Substitutes**

No substitutions were declared.

248. **Minutes**

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

249. **Planning Applications**

RESOLVED – That :

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to Suffolk County Council, decisions regarding applications

for planning permission, listed building consent, conservation area consent and approval to carry out works to trees covered by a preservation order be made as listed below;

- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/16/61 to DEV/SE/16/65) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (3) refusal reasons be based on the grounds outlined in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

(The item relating to Report DEV/SE/16/66 was withdrawn from the agenda)

250. **Planning Application DC/16/0103/FUL**

Change of use from antiques centre (A1) to 9 no. self-contained flats (C3) at Clare Antiques, Malting Lane, Clare for Mr Christopher Marchant.

(Councillor Alaric Pugh advised that he had been involved in negotiations between the applicant and the Trustees of Clare Castle Country Park over the possible use of some car parking spaces within the country park in connection with the proposal. After speaking as Ward Member during the public speaking session and to avoid any perception of bias or predetermination he therefore withdrew from the meeting for the remainder of the discussion of the item. Councillor Carol Bull arrived at the meeting immediately prior to the Officer's presentation of the report on this item)

The Committee had visited the application site on 28 July 2016 but the item had been withdrawn from the agenda for the meeting on 4 August 2016 to enable matters relating to car parking and refuse bin storage to be clarified.

Officers reported that further correspondence had been circulated directly to all Members of the Committee by Clare Town Council.

In relation to the proposed Condition 3, Officers advised that the reference to 'House of construction' should read 'Hours of construction'.

The following persons spoke on the application :

- (a) Objector - Geoffrey Bray, Chairman, Clare Castle Country Park Trust
- (b) Town Council - Cllr. Paul Bishop, Chairman
- (c) Ward Member - Cllr. Alaric Pugh
- (d) Applicant - Christopher Marchant.

In response to Members' questions Officers advised as follows:

(i) the shop area of the building would remain although with a slightly reduced frontage. The proportion of the shop use to be retained was small (less than 10%) in relation to the overall building which had three storeys;

(ii) it was proposed that cycle storage on racks would be provided off the lobby area within the building. Officers advised that the exact arrangements for cycle storage could be made the subject of a condition requiring detailed proposals to be submitted for prior approval;

(iii) a bin storage area would also be provided within the building and the Council's Waste Collection Officers were satisfied with the arrangement being proposed;

(iv) in view of concerns expressed by some Members about a single access serving 6 of the flats and as a consequence whether there would be a satisfactory means of fire escape Officers advised that this matter had been discussed with the Council's Building Control Officers who would deal with this aspect of the proposal. They had advised that no external fire exit staircase would be necessary; and

(v) whether, if permission was granted, the residents involved would be permitted to use the car parking spaces at the nearby country park for a fee was entirely a matter to be agreed by the parties concerned. A Member expressed the view that the issue of car parking might be self-regulatory since prospective owners of the flats would have knowledge in advance of the purchase that there was no allocated car parking space available within the application site and this facility would be something they would have to forego.

The Committee noted that Suffolk County Council, Highways had objected to the proposal on the grounds that there was no long term solution for residents' off-street parking. Officers advised, however, that this was insufficient reason for a refusal of the application in these particular circumstances and, furthermore, it was unlikely to be sustained on appeal.

The Committee acknowledged the local concern being expressed about the loss of retail space inherent in the proposal but was cognisant that there was a need for affordable homes for first time buyers in the town.

Decision

Permission be granted.

251. **Outline Planning Application DC/16/0473/OUT**

Residential development of up to 30 dwellings, associated garages, ancillary development, public open space and landscaping at development land, Brickfields Drive, Haverhill for the Trustees of The Vestey 1993 Settlement.

Consideration of this application had been deferred at the meeting on 4 August 2016 as the Committee was minded to refuse it because of the detrimental effect the proposal would have on road safety during the construction period. It was suggested at that time that alternative access solutions might be available for construction traffic. In accordance with the Decision Making Protocol, a Risk Assessment Report (DEV/SE/16/62) had been produced to enable further consideration to be given to the proposal by the Committee. This contained: (i) further information from the applicants in relation to the concerns previously raised; (ii) an assessment of the risks involved in refusing the application; and (iii) potential reasons for refusal if the Committee was still minded to take this decision. The report referred to a supporting statement provided by the applicants subsequent to the last meeting which outlined difficulties involved with three alternative access routes to the application site and which concluded by stating that the proposed access under consideration was their preferred option. In relation to Paragraph 6 and the first-mentioned clause of the proposed Construction Management Plan Officers advised that the stipulated days this restriction would apply to should be 'Monday to Friday' and not 'Monday and Friday' as stated. Officers also reported that three further letters of objection had been received since this matter was last considered. These raised concerns about the proposed vehicular access and expressed doubts that the proposed Construction Management Plan would overcome the road safety issues.

The following person spoke on the application:

(a) Applicants - Jonathan Friel, agent

During the public speaking session the applicants' agent reiterated a request that the proposed Condition 3 be deleted if permission was granted. This condition required that development on the application site be not commenced until work on constructing the Northern Relief Road had begun. The applicants were contending that this condition would sterilise the site for a period of 5 years which was the latest date for construction work on the Relief Road to be commenced. They felt that a start date which coincided with work beginning on the residential development for the North West Haverhill Strategic Site to be more reasonable and acceptable.

In discussing the application Members sought clarification as to the dates by which works on the Relief Road were to be commenced and completed. Officers advised that the Section 106 Agreement relating to the NW Haverhill Development Site required the road to be completed within 5 years of this development commencing (estimated to be in March 2018) or when the first 500 houses were finished. A Member questioned whether the proposal could be regarded as sustainable development in view of the lack of public transport and other services in this part of the town. Officers responded by advising they were satisfied that once the proposals for the adjoining NW Haverhill Development Site and the Relief Road had been implemented the proposed development of the application site could be regarded as sustainable since it would be well connected to the town.

The Committee was adamant that the proposed Condition 3 should remain if permission was granted. Members were of the view that for the proper planning of future development of this part of the town it was essential that

the Relief Road should be in place before any development of the application site was completed. It was noted that the current use of the land was agricultural and by the staged approach that would be necessary by virtue of Condition 3 this use would remain viable during the interim. Officers commented that there was a reasonable expectation that the Relief Road would be provided extraneously to the development of the application site.

Reference was made to an anomaly between the proposals for a Construction Management Plan contained in Paragraph 6 of the report and the proposed Conditions contained at the end of Working Paper 1. The Management Plan referred to restricting deliveries to Monday to Friday each week whereas the proposed Condition 5 whilst regulating work on those days also included Saturdays. Officers suggested that if permission was to be granted then Condition 5 be deleted and Condition 6 be amended to also require a detailed plan relating to construction management and associated matters to be submitted for prior approval.

Members remained concerned about the effect of increased traffic would have on local residents not only during the construction period but also subsequently when the dwellings were occupied. The view was expressed that the proposed Traffic Regulation Order should not operate to the detriment of the existing local residents in view of the current car parking difficulties and it was essential that there should be effective communication about the provisions of the order with residents. It was also suggested that Haverhill Town Council be encouraged to facilitate use of the public open space off Hales Barn Road to provide an off-street parking place.

Decision

Permission be granted subject to the deletion of Conditions 5 and 6 and replacement of these by an all embracing condition which will require a Construction and Site Management and Delivery Plan, which excludes deliveries on Saturdays, to be submitted for prior approval.

(At this point the meeting was adjourned to allow Members a short comfort break. Councillor Angela Rushen left the meeting and did not return)

252. **Non-material Amendment NMA(B) 12 0461 to SE/12/0461/FULCA**

Amendment to landscaping around the lagoon areas and site frontage at Land East of The Granary, Clare for Charles Church Anglia.

This application sought amendment to an already approved application, SE/12/0461/FULCA, for the erection of 60 dwellings and the construction of new vehicular access. The original plans envisaged the erection of a post and chain link fence around the lagoons at the front of the site. Because of Health & Safety legislation considerations an amendment was now being proposed whereby black metal railings would be used. Whilst in the normal way consultation on non-material amendments was not required this had been undertaken and an objection had been received from Clare Town Council.

The following person spoke on the application:

(a) Objector - Julia Yeung

The Committee noted that during the public speaking session the objector had raised safety concerns as the proposed railings would be horizontal. She had referred to the ease with which children could climb over or through this type of railing and gain access to the water area beyond. She had expressed surprise that the Royal Society for the Prevention of Accidents (ROSPA) had endorsed the use of such railings and asked whether a Risk Assessment had been carried out by the applicants. Some Members shared these concerns and questioned whether vertical or some other arrangement of dual fencing could be utilised. It was also acknowledged that the objection received from the Town Council related to the detrimental effect the use of prominent railings would have on the setting of the residential development which was well designed and laid out. Officers advised that the form of this fencing had been the subject of long discussion with the applicants and they were requesting that the current proposal be determined. It was difficult to achieve a solution which would satisfy safety considerations and be ROSPA approved and yet would also be acceptable in aesthetic terms by not affecting the setting of the development adversely.

Decision

Approval be granted

253. Tree Preservation Order Application DC/16/1397/TPO

Tree Preservation Order 151 (1971) 6 – 1 no. sycamore (T1 on plan within A1 of order) fell at Victoria House, 112 Springfield Road, Bury St. Edmunds for Victoria House Management Co. Ltd.

The Committee had visited the application site on 25 August 2016.

The following persons spoke on the application :

- (a) Supporter - Margaret Ellis
- (b) One of the Ward Members - Cllr. David Nettleton

In discussion the application the Committee noted the recommendation of the Arboricultural Officer that consent be refused but it was sympathetic to the views of the supporter who lived in the adjoining property of 22 Chancery Mews who wished to see the tree felled. During the public speaking session the supporter had explained the adverse effects the tree was having on her residential amenity. Her concerns were endorsed by Councillor David Nettleton who suggested that if felling of the tree was to be allowed a condition could be imposed that a replacement tree of a suitable size and species be planted.

Decision

Consent be granted subject to the following conditions :

1. Two year time limit for the works to be carried out; and

2. A replacement tree of a suitable size and species to be planted.

254. **Planning Application DC/16/1116/FUL**

Two storey front extension at Gatehouse, Dettingen Way, Bury St. Edmunds for Gatehouse – Caring in East Anglia.

(Councillor Julia Wakelam declared a pecuniary interest in this item as she was acting as the agent for the applicant organisation and also was its Chairperson. After speaking on behalf of the applicants during the public speaking session she withdrew from the meeting for the remainder of the discussion of the proposal)

This application was before the Committee as the agent for the applicants was an elected member of the Borough Council.

The following person spoke on the application :

(a) Applicants - Julia Wakelam, agent

Decision

Permission be granted.

255. **Planning Application DC/16/1180/FUL**

Construction of storage barn at East Town Park, Coupal's Road, Haverhill for St. Edmundsbury Borough Council.

At the request of Officers this item was withdrawn from the agenda with the intention of it being considered at the next meeting.

The meeting concluded at 12.27pm

Signed by:

Chairman

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St Edmundsbury
BOROUGH COUNCIL

WITH THE AGREEMENT OF THE CHAIRMAN AND VICE-CHAIRMEN, THIS ITEM HAS BEEN WITHDRAWN FROM CONSIDERATION AT THIS MEETING BY THE OFFICERS TO ENABLE CLARIFICATION TO BE SOUGHT ON CERTAIN MATTERS

Development Control Committee 6 October 2016

**Planning Applications: DC/16/1589/VAR,
DC/16/1590/VAR and DC/16/ 1591/VAR
Larks Pool Farm, Mill Road, Fornham St Genevieve**

Date: 22 July 2016 **Expiry Date:** 16 September 2016
Registered:

Case Officer: Ed Fosker **Recommendations:** Approve

Parish: Fornham St **Ward:** Fornham
Martin Cum St
Genevieve

Proposal:

DC/16/1589/VAR - Planning Application - Variation of Condition 2 of DC/15/1753/FUL , Retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by revised wording in planning statement 21 July 2016;

DC/16/1590/VAR – Planning Application - Variation of Condition 2 of DC/15/1754/FUL , Retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by revised wording in planning statement 21 July 2016; and

DC/16/1591/VAR - Planning Application - Variation of condition 2 of DC/15/1759/FUL, Retention of change of use of former agricultural land to use for open storage (Class B8) for caravans

and motorhomes, (10 max), horseboxes (5 max) and containers (20 max), to enable amendment to opening hours

Site: Larks Pool Farm, Mill Road, Fornham St Genevieve, IP28 6LP

Applicant: C J Volkert Ltd

Synopsis:

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

Recommendation:

It is recommended that planning permission be granted for the above applications, subject to conditions.

CONTACT CASE OFFICER: Ed Fosker
Email: Edward.fosker@westsuffolk.gov.uk
Telephone: 01638 719431

Background:

These applications are presented to the Development Control Committee as they relate to locally contentious proposals that were originally considered by the Committee on 3 March and 4 May 2016. In view of this scenario and noting the Parish Council objection to all three applications, the proposals, therefore, have not been presented to the Delegation Panel and they are submitted directly to the Development Control Committee for consideration.

The applications are all recommended for APPROVAL.

Proposal:

1. Planning permission is sought to vary the hours of opening / operation associated with each of the three proposals. DC/16/1589/VAR relates to building C, DC/16/1590/VAR to building D and DC/16/1591/VAR relates to the open storage at Area H. Buildings C and D are the small scale 'lock up' type storage within the former piggery buildings in the centre of the site.
2. In relation to DC/16/1589/VAR, DC/16/1590/VAR and DC/16/1591/VAR these seek to vary Condition 2 of DC/15/1753/FUL, DC/15/1754/FUL and DC/15/1759/FUL respectively. Condition 2 of these permissions are identical and presently read as follows –

'There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times -

*07.00 - 18.00; Monday - Friday
08.00 - 13.00; Saturdays*

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times nor at any time on Sundays, Bank or Public Holidays'.

3. The proposals seek to vary these conditions with the following wording -

'There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times -

*07.00 - 21.00; Monday – Friday
08.00 - 18.00; Saturdays, Sundays and Bank and Public Holidays*

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times.'

Site Details:

4. The site known as Larks Pool Farm is located in Fornham St Genevieve (Countryside) on the northern side of Mill Road and comprises a series of commercial buildings and open storage uses located on a former pig farm. The applicant operates a haulage firm from the site, with a number of lock up garages, offices and workshops within converted former livestock sheds. An area of woodland protected by a Tree Preservation Order exists to the east along Mill Road, with a large pond within the woodland.
5. Larks Pool Farm house is located to the western side of the site and is occupied by the applicant family. Beyond this, and closest to the application site is Oak Lodge, which is the nearest third party owned property being approximately 100 metres as the crow flies to the nearest on-site building. The dwelling known as 'Kingsbury Hill Wood' is located on the southern side of Mill Road approximately 100 metres away to the east. 'The Lighthouse' is located approximately 140 metres to the north of the site and located on West Stow Road.

Planning History:

6. The site has some formal planning application history including the six planning applications approved at the Development Control Committee meeting on 4 May 2016.
7. The site also has an extensive enforcement history including investigations into the haulage business which concluded in 2001 when it was considered that the said business was lawful because of the length of time that had passed. There are also ongoing enforcement investigations into the present unauthorised uses which has led to the submission of these applications.

Consultations:

8. Highway Authority: All three applications - Do not wish to restrict the granting of planning permission.
9. Public Health and Housing: All three applications – no objection.

Representations:

10. Fornham St Martin Cum St Genevieve Parish Council: All three applications – *'The Parish Council has made its feelings and opinions very clear over a long period regarding the Larkspool development and we were encouraged by the Development Committee's original decision to apply sensible conditions regarding operational hours.'*

The Parish Council would therefore be disappointed if the decision of the Development Committee regarding operational hours was revoked to the detriment of local residential amenity at this time.

The Parish Council therefore Objects to applications DC/161589, DC/161590 and DC/16/1591 for variance to operational hours.'

11. **Representations:** One letter of objection has been received to all three applications. This raises the following comments –
- Two of the applications are contradictory in relation to weekend/public holiday access.
 - Whilst I have no problem with applying the "reason" to the original conditions I do have concerns about overturning the DCC decisions and relaxing operating hours.
 - Some "private" users could be considered infrequent and low key but surely they could arrange their affairs to access over weekdays/Saturdays during conditional hours.
 - Historical evidence shows that several commercial users of the garage units and shipping containers storage and parking will make full use of any access outside of normal hours.
 - Rentals will inevitably yo-yo between private/commercial use in the future - impossible to control without a firm stance on hours.
 - Difficult to devise a variation which gives leeway for considerate occasional private access but prevents inconsiderate commercial high impact evening/night/weekend/holiday nuisance.

Policy: The following policies of the Forest Heath and St Edmundsbury Joint Development Management Document February 2015, the St Edmundsbury Core Strategy December 2010 and the National Planning Policy Framework 2012 have been taken into account in the consideration of this application:

12. St Edmundsbury Core Strategy December 2010

- Policy CS3 – Sustainable development

13. Forest Heath and St Edmundsbury Joint Development Management Document February 2015

- DM1 Presumption in favour of sustainable development
- DM2 Creating Places – Development Principles and Local Distinctiveness

Other Planning Policy:

14. National Planning Policy Framework (2012)

Officer Comment:

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

- Then conditions for which these amendments are sought were imposed in the interests of residential amenity so this is the sole matter for

consideration.

Residential Amenity

16. The relevant Condition 2 on all three applications was imposed in the interests of amenity so this is the principal matter for consideration. It is noted that Public Health and Housing have no objection to the additional three hours that are sought on Monday to Friday, or in relation to the additional five hours that are sought until 18:00 on Saturday, Sunday or Bank Holidays.
17. The applicant suggests that the storage units now granted consent are low-key and their use infrequent. What is significant, in the opinion of the applicant, is that those who use the storage are able to do so at a time which gives them greater flexibility but which is not unreasonable in terms of any impact upon amenity. The applicant argues that storage users typically work conventional hours elsewhere and will often have a need to access their stored items outside the hours specified in the condition. Consequently, the applicant considers that Condition 2 as approved is unduly prohibitive and unnecessarily restrictive.
18. The proposals seek to allow access to the storage units until 21:00 during the week, instead of the 18:00 cut off hour in the consented scheme. No change is sought to the a.m. hours. On weekends and Bank Holidays the consented scheme allows access until 13:00 whereas these proposals seek access until 18:00.
19. Buildings C and D are small scale single storey 'lock up' style units. They are of a scale typical for domestic use that might typically be served by a domestic vehicle and trailer or a van. They are located within the centre of the site approximately 120 metres from Oak Lodge, which is the nearest off-site dwelling. Area H is located to the north of the site, screened by fencing to the north, and accessed through the site from the south. The nearest dwelling to the north is Little Farm which is approximately 150 metres away. Area H is used for the storage / parking of larger vehicles which might generate more noise than perhaps a domestic vehicle would, but the hours sought are considered to be within the bounds of reasonableness.
20. Within the context of this site therefore, noting the wider extent of uses, noting the separation distances to off-site dwellings, and noting the generally low key nature of these storage uses, it is not considered that the extension of the hours would give rise to amenity impacts that would otherwise be prejudicial to residential amenity. Whilst there may be impacts arising throughout a greater period of the day they are considered to be modest and in accord with the provisions of DM2 which seeks to protect residential amenity.
21. Comments made in relation to this proposal are summarised above. These comments are noted and respected but, given the modest scale of the units and open storage, and the fact that the hours sought remain wholly within the bounds of reasonableness, it is not considered that any amenity

impacts are sufficient to justify the withholding of planning permission. The Parish Council has expressed disappointment if the hours of use were relaxed to the detriment of the amenities of nearby dwellings. For the reasons expressed in this report, Officers do not consider that such would be likely.

22.No further objections or concerns have been raised with regard to loss of residential amenity. Furthermore, no adverse comments have been received from Environmental Services in relation to the consideration of these applications.

Other Issues

23.There are no other changes to the applications, which remain as before. It is not considered that the revised hours give rise to the need to reconsider in detail matters of highways impact, drainage or biodiversity.

24. These applications seek to vary conditions and, in planning law, are therefore separate approvals in themselves. As well as amending Condition 2 as so requested it will be necessary to include the original conditions as before, amended as necessary to reflect updated timescales.

Conclusion

25.The applications are therefore considered to comply with policies contained within the Forest Heath and St Edmundsbury Joint Development Management Document February 2015, the St Edmundsbury Core Strategy December 2010 and the National Planning Policy Framework 2012.

Recommendations:

In respect of applications DC/16/1589/VAR, DC/16/1590/VAR and DC/16/1591/VAR it is **RECOMMENDED** that planning permissions be **granted** to vary Condition 2 as set out above.

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=OAO7YPPDII100>

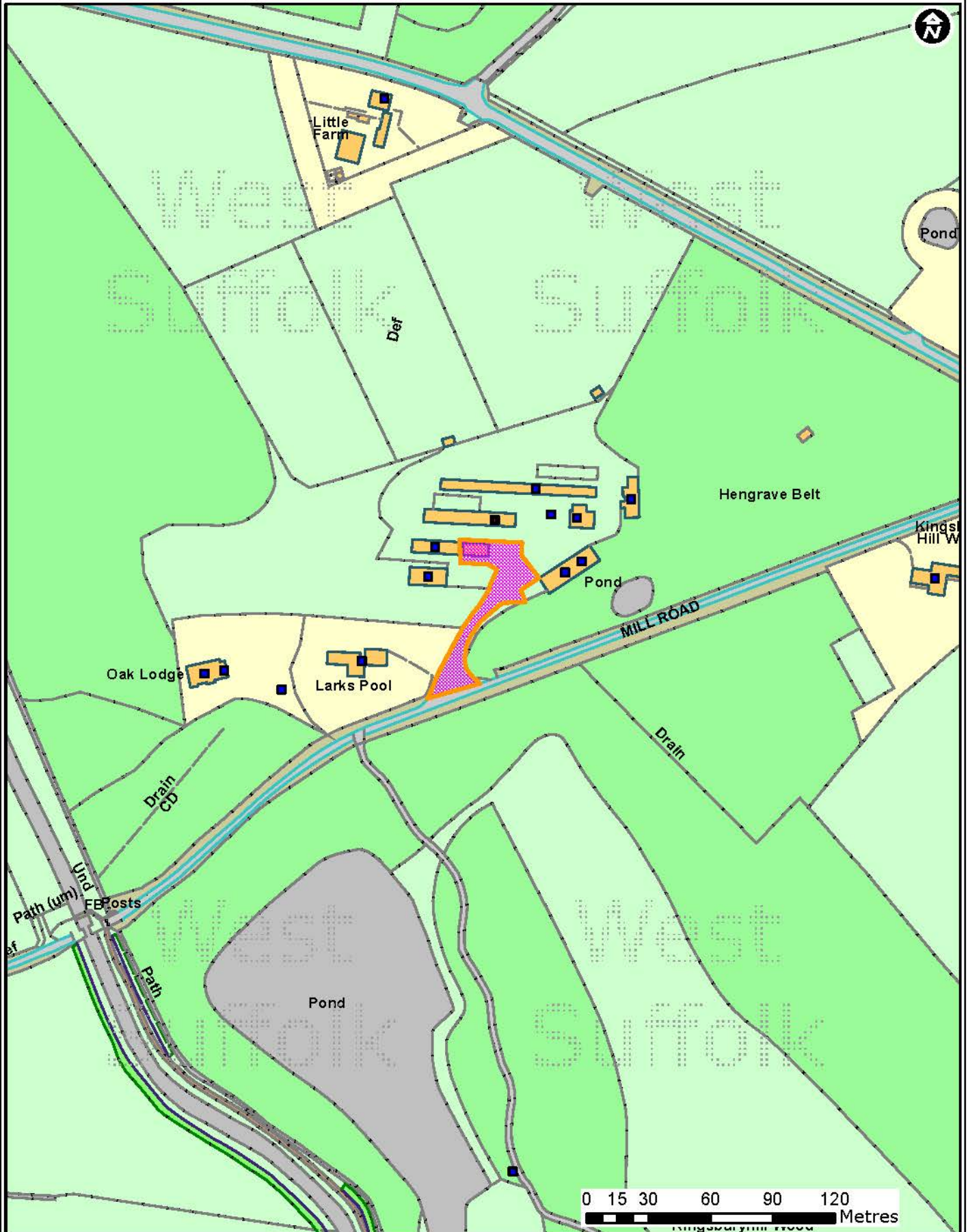
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<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OAO7YYPDII500>

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

DC/15/1753/FUL



Larkspool Farm, Mill Road, Fornham St. Genevieve



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Red line area: 1,365.33m²

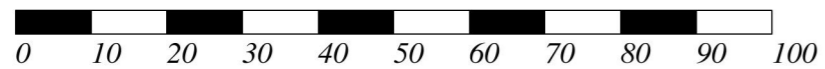
	Site boundary
	Other land owned

Artisan Ref A 3581 (c)
 Building 'C'
 Retention of building and associated
 access for B8 general storage
 Larkspool Farm, Hengrave
 January 2015

SITE PLAN



Scale Bar - Metres



LARKSPOOL FARM, MILL ROAD, HENGRAVE, IP28 6LP
C J Volkert Haulage Ltd.
 Scale 1:1000, A3
3495-12

Revisions:

Patrick Allen Ltd.
 2 Grange Business Centre
 Tommy Flowers Drive
 Grange Farm, Kesgrave
 Ipswich, Suffolk, IP5 2BY

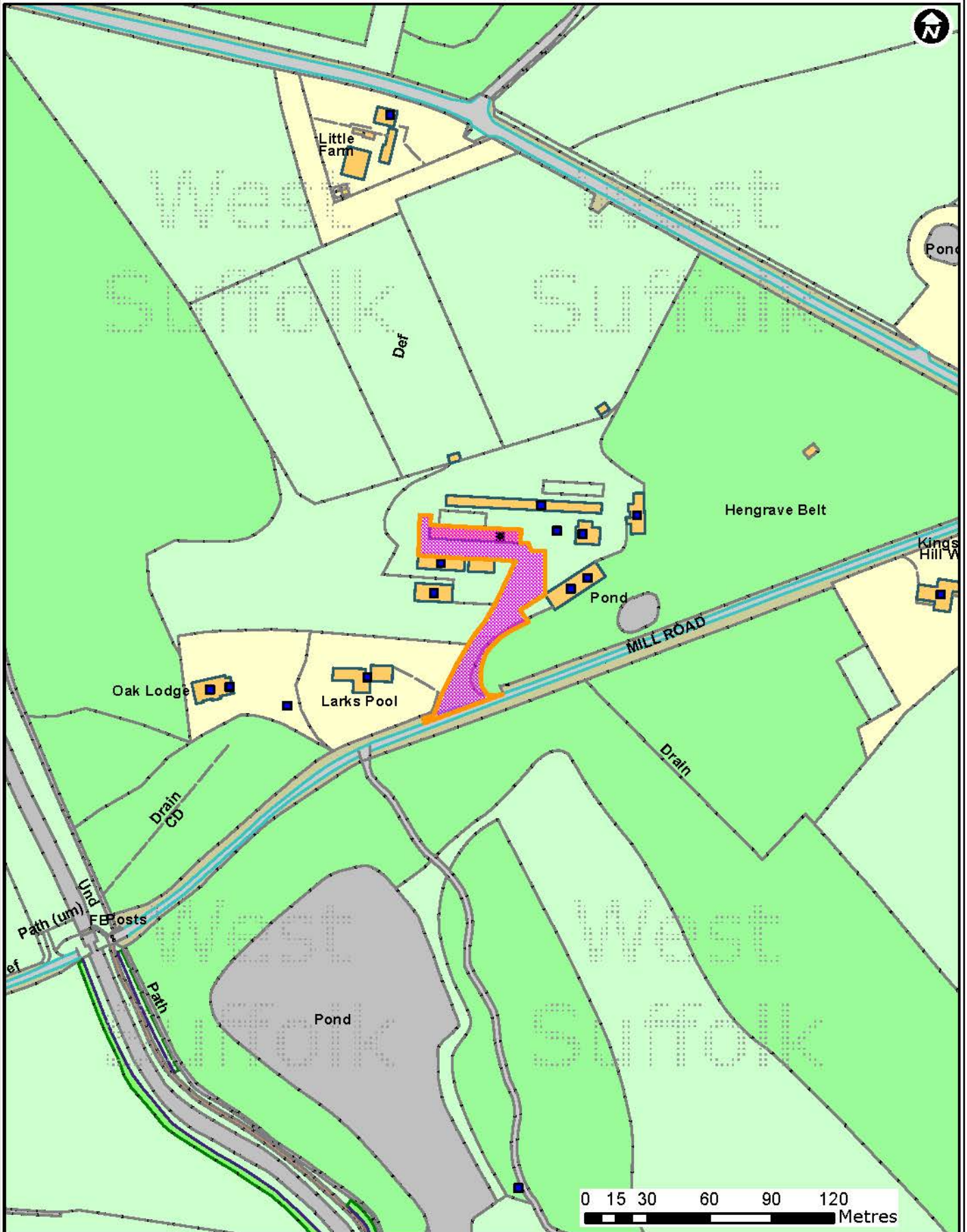
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DC/15/1754/FUL



Larkspool Farm, Mill Road, Fornham St. Genevieve



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Red line area: 2,002.38m²

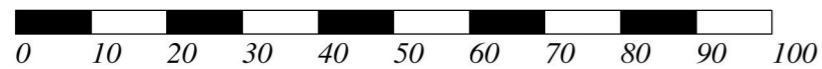
	Site boundary
	Other land owned

Artisan Ref A 3581 (d)
 Building 'D'
 Retention of building and associated
 access for B8 general storage
 Larkspool Farm, Hengrave
 January 2015

SITE PLAN



Scale Bar - Metres



LARKSPOOL FARM, MILL ROAD, HENGRAVE, IP28 6LP
C J Volkert Haulage Ltd.
 Scale 1:1000, A3
3495-13

Revisions:

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 2 Grange Business Centre
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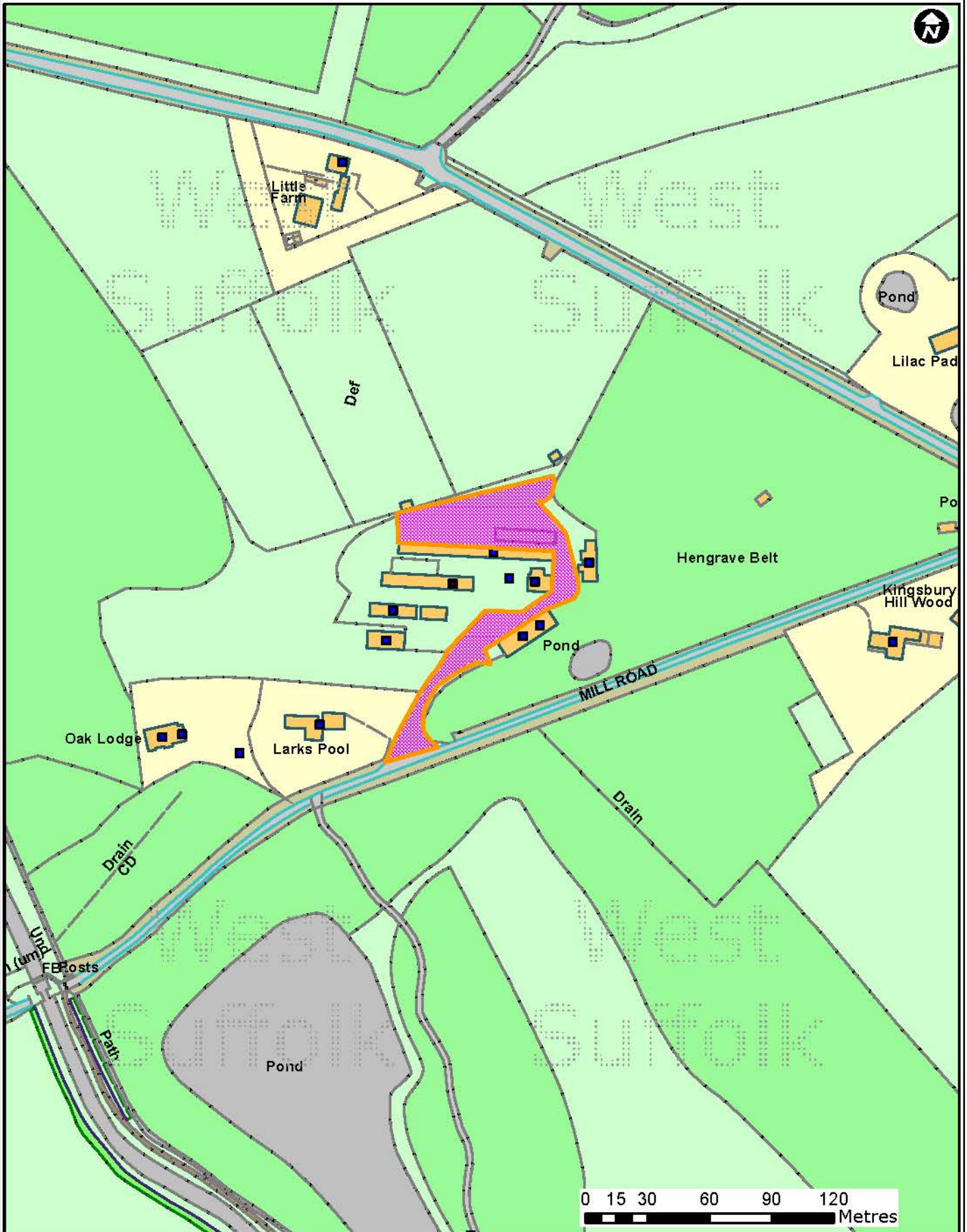
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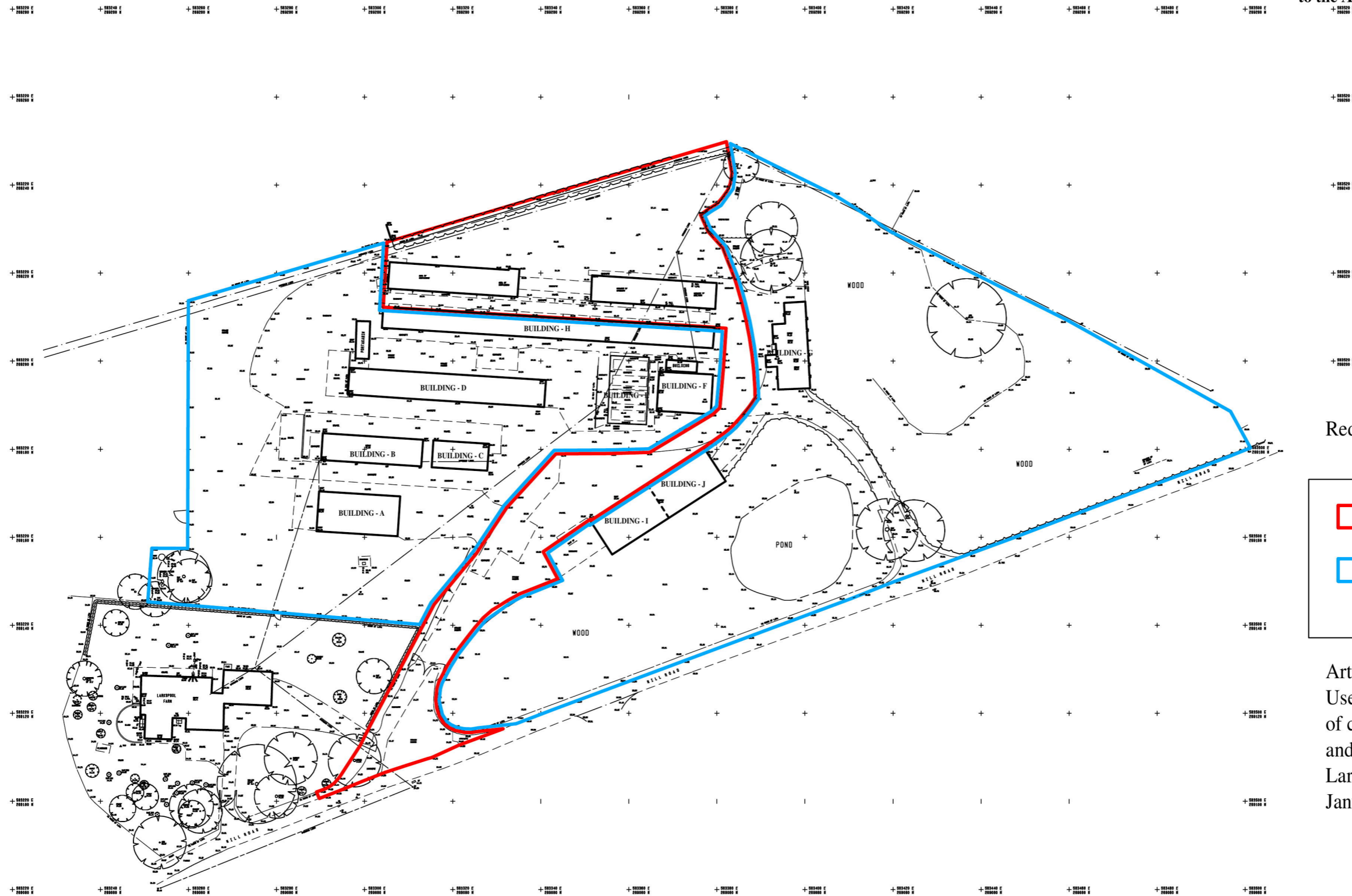
DC/15/1759/FUL

Larkspool Farm, Mill Road, Fornham St. Genevieve





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Do not scale from this drawing . Use only figured dimensions. Any discrepancies should be referred to the Architect immediately.



Red line area: 3,753.55m²

	Site boundary
	Other land owned

Artisan Ref A 3581 (h)
 Use of land for B8 storage
 of containers (20), caravans (10)
 and horse boxes (5)
 Larkspool Farm, Hengrave
 January 2015

SITE PLAN



Scale Bar - Metres



LARKSPOOL FARM, MILL ROAD, HENGRAVE, IP28 6LP
C J Volkert Haulage Ltd.
 Scale 1:1000, A3
3495-17

Revisions:

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

6 October 2016

Planning Application DC/16/1618/FUL

Rowan House, Albert Street, Bury St Edmunds

Date: 9 August, 2016 **Expiry Date:** 4 October, 2016
Registered: (extension of time agreed until 7 October)

Case Officer: Jonny Rankin **Recommendation:** Refuse

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

Proposal: Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence (Revised scheme of DC/15/1975/FUL)

Site: Rowan House, Albert Street, Bury St Edmunds

Applicant: Mr Barney Walker

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

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

CONTACT CASE OFFICER:
Email: jonny.rankin@westsuffolk.gov.uk
Telephone: 01284 757621

Background:

This application is referred to the Committee because the Officers' recommendation of refusal conflicts with the no objection received from the Town Council. In other circumstances this matter would have gone before the Delegation Panel but given the history of this site Officers have brought this directly to the Development Control Committee for consideration.

Proposal:

1. Planning permission is sought for 1 no. two storey dwelling following demolition of an existing garage and boundary fence. The proposal is a revised scheme of DC/15/1975/FUL which also sought permission for a single dwelling. That permission provided for a dwelling of more modern appearance with a single off-road car parking space. This present proposal does not provide for any off-road car parking.
2. The detached dwelling is proposed within the rear garden area of No. 63 Victoria Street following the demolition of an existing single garage. The proposed dwelling would be two storey in scale, with a further two storey element extending to the rear. The dwelling is of a traditional design and would be finished in buff brick, buff coloured stone and with a slate roof.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application Form
 - Location Plan
 - Proposed Elevations
 - Existing and Proposed Block Plan
 - Biodiversity Checklist
 - Land Contamination Questionnaire.
 - Parking Survey

Site Details:

4. The site is situated to the rear of 63 Victoria Street, within the Housing Settlement Boundary and Victoria Street Conservation Area; there is currently garage in situ. An extant consent exists for the location allowing for 1 no. two storey dwelling following demolition of existing garage and boundary fence (DC/15/1975/FUL). This consent has not been implemented.

Planning History:

Reference	Proposal	Status	Decision Date
DC/13/0855/FUL	Planning Application - Erection of two storey dwelling following demolition of existing garage and boundary fence. As amended by drawings received on 5th February 2014 and 28th February 2014.	Application Refused and dismissed at appeal	28.04.2014
DC/15/1975/FUL	Planning Application - 1 no. two storey dwelling following demolition of existing garage and boundary fence.	Application Granted	04.02.2016
DCON(A)/15/1975	Application to Discharge Condition 7 of DC/15/1975/FUL	Application Granted	25.08.2016

Consultations:

5. Public Health and Housing: no objection subject to conditions.
6. Environmental Agency: we have no comments to make on the revised scheme.
7. Environmental Health: Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.
8. Conservation Officer: The amended proposal details a traditional approach to mirror that adopted along Albert Street in recent years and involves the removal of off-street parking enabling the provision of a traditional boundary wall and railings enforcing a strong sense of enclosure characterised elsewhere within the conservation area. I therefore have no objections to the revised proposal subject to conditions.
9. Highway Authority: *Notice is hereby given that the County Council as Highways Authority recommends that permission be refused for the following reasons: Inadequate Parking Provision. The application seeks to provide a 3-bedroom dwelling on the site of the former garage at 63 Albert Street, now known as Rowan House, Albert Street. The demolition of this garage will remove one parking space. The Suffolk Guidance for Parking – 2015 (SGP) requires the following:*

- For a three bedroom dwelling, 2 spaces per dwelling are to be provided within the curtilage; and
- A minimum of 2 secure covered cycle spaces.

10. From the submitted plans no on-site parking has been provided. Whilst the SGP allows for a reduction in standards in some circumstances, subject to certain conditions, for a 3-bedroom dwelling 2 parking spaces must be provided. Paragraph 32 of the National Planning Policy Framework (NPPF) requires decisions to take account of "safe and suitable access to the site can be achieved by all". Albert Street is subject to a resident's parking scheme which is heavily used with parking at peak periods extremely difficult. H markings and double yellow lines highlight the issue of on street parking at this location and how Albert Street cannot support any additional on-street parking.

11. Despite the double yellow line waiting restrictions, the use of H markings and the presence of the residents parking scheme, this proposal would very likely result in obstructive and dangerous parking on Albert Street and the surrounding streets. Paragraph 32 of the NPPD seeks to ensure that all developments should have safe and suitable access for all people. Access to appropriate parking facilities is an important part of that aim. In this case that aim would not be fulfilled and consequently the development would not be sustainable and result in an unacceptable risk to road safety.

12. In mitigation, if a plan is supplied which demonstrates sufficient parking as set out within the SGP then SCC Highways can reconsider this application.

Representations:

13. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues.

14. Ward Member: Cllr Nettleton - Supports the application and contests the Highways Authority reasons for refusal. Has provided a Zone H parking space survey dated 4 September 2016 (plus previous surveys of 3 January and 24 January 2016).

15. Neighbours: letters of representation were received from 6 no. neighbouring properties objecting upon the following grounds:

- Lack of parking provision.
- Removal of trees.
- Highway safety.
- Hours of construction works.

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

16. Joint Development Management Policies Document:
- DM1 - Presumption in favour of sustainable development
 - DM2 – Creating Places
 - DM17 – Conservation Areas
 - DM22 – Residential Design
 - DM46 – Parking Standards
17. St Edmundsbury Core Strategy December 2010
- Policy CS2 - Sustainable Development
 - Policy CS3 - Design and Local Distinctiveness
 - Policy CS4 - Settlement Hierarchy and Identity
 - Policy CS7 - Sustainable Transport
18. Bury Vision 2031
- BV1 – Presumption in favour of sustainable development
 - BV2 – Housing development within Bury St Edmunds

Other Planning Policy:

19. National Planning Policy Framework (2012)
- Core Principles
 - Section 6 – Delivering a Wide Choice of high quality homes
 - Section 7 – Requiring Good Design
 - Section 12 – Conserving and Enhancing the Historic environment

Officer Comment:

20. The issues to be considered in the determination of the application are:
- Principle of Development
 - Design & Impact on the Conservation Area
 - Highways Safety
 - Neighbour amenity
 - Biodiversity

Principle of development

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

22. Further detailed matters relating to design, impact on the conservation

area, highway safety, neighbour amenity and biodiversity will be assessed in more detail below.

Design and impact on the Conservation Area

23. Policy CS3 of the Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. The NPPF similarly attaches significant importance to the design of the built environment, stating that decisions should ensure that developments will add to the overall quality of the area, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping (para.58). Local Plan Policy DM17 seeks to ensure that new development within conservation areas has regard to the special character or appearance of their setting and the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para.132).

24. As per the Conservation Officer comments the proposal is considered to; *'mirror that adopted along Albert Street in recent years and involves the removal of off street parking enabling the provision of a traditional boundary wall and railings enforcing a strong sense of enclosure characterised elsewhere within the conservation area'*. Therefore the scheme is considered acceptable in Conservation terms. This acceptable impact is considered to be a factor which weighs in favour of the proposal therefore.

25. Highway safety

26. A two storey dwelling on the site was previously refused and thereafter dismissed at appeal on the basis of car parking concerns. The important point to highlight is that this was also for a 3 bed dwelling and as with the current proposal made no on site provision for parking. The principal reason for refusal was on highway safety grounds due to the lack of on site parking provision. This was upheld by the Planning Inspector at appeal.

27. As per the Inspector's decision Appeal Ref APP/E3525/A/14/2220489:

In conclusion, I have found that the development would generate a requirement for a maximum of 1 off-street car parking space, in accordance with the Suffolk Advisory Parking Standards (2002). However, the main parties agree that the proposed 3 bedroom dwelling would generate a demand for two cars. While holders of parking permits for Zone H could park anywhere within the zone, due to the existing deficit of on-street parking spaces in Albert Street, for the above reasons I conclude that a family dwelling would be likely to result in an increased demand for on-street parking which in these circumstances is likely to lead to illegal parking, which in turn would be hazardous to other road users and pedestrians'.

28. Whilst the County Parking Standards referenced have been superseded

(by The Suffolk Guidance for Parking – 2015 (SGP)), this recent appeal decision still stands and forms an essential material consideration. In any event, the present parking standards are more stringent than they were at the time of the previous appeal decision so the conclusions of the Inspector remain valid.

29. A further proposal DC/15/1975/FUL addressed this point and accordingly gained planning permission by including for off-street parking. This permission, for a single dwelling, remains extant and could be built.
30. In considering the current proposal, the lack of car parking is therefore a material consideration. Local Plan Policy DM46 states that within development proposals provision for the parking of vehicles will be required in accordance with the local authorities adopted standards. The Suffolk Guidance for Parking requires a minimum of two car parking spaces for a three bedroom dwelling in the main urban areas and locations where access to public transport is good. The standards, noting that they are 'guidance' rather than 'policy' also make it clear that reductions in these standards are possible, for example in 'main urban areas' where greater use of public transport can be expected. In all cases, the LPA would also seek to rely on a formal consultation with the County Highway Authority in judging whether or not a deviation from the parking standards was or was not appropriate.
31. Albert Street has restricted parking with double-yellow lines along the majority of its east side. There are marked parking bays on both sides of the road which are subject to a Zone H residents permit parking scheme operating from 9am to 5pm on Mondays to Saturdays. All residents are eligible to apply for 2 parking permits. There are also 'H' bar markings at various locations along the street to prevent parking in front of driveways and garages. Albert Street provides a through route between Kings Road and Risbygate Street and is therefore busy at times.
32. Paragraph 39 of the NPPF states that in setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles. Whilst it is accepted that some journeys from the site could be taken by public transport, walking or cycling, it is considered unrealistic to think that the owner of a two bedroom dwelling will not own a vehicle or need a private car to undertake some journeys. The provision of an additional dwelling in this location without on-site parking is not acceptable, as such and as evidenced by appeal decision APP/E3525/A/14/2220489 and by the latest comment from SCC as Highway Authority, upon which great weight must be placed.
33. The Highways Authority objection to the scheme must be respected, and this must be taken as weighing significantly against the scheme in the balance of considerations.

Neighbour amenity

34. Having regard to this relationship and the orientation of the dwellings, the proposal is not considered to significantly reduce sunlight to this neighbouring property or to have an overbearing impact. There are no side facing windows which would overlook the rear gardens of neighbouring properties. The proposal is not therefore considered to cause harm in this respect on amenity grounds.

Biodiversity

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

Conclusion:

36. The scheme would preserve and enhance the character and appearance of the Conservation Area by replacing an existing garage of no architectural or historic merit with a dwelling of a traditional design considered appropriate to the locality, and by the use of appropriate boundary treatments and suitable enclosure. The development would also deliver residential development within a sustainable location close to local facilities and amenities, and these factors both clearly weigh in favour of the development.
37. However, in omitting the off-street parking the scheme fails to provide for onsite parking in accordance with the Council's adopted parking standards. This is a significant matter, which is considered to outweigh and benefit arising from this scheme.
38. The detail of the development is therefore considered to be unacceptable and fails to comply with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

- 1. Paragraph 32 of the National Planning Policy Framework (NPPF) requires decisions to take account of "safe and suitable access to the site can be achieved by all". Albert Street is subject to a resident's parking scheme which is heavily used with parking at peak periods extremely difficult. H markings and double yellow lines highlight the issue of on street parking at this location and how Albert Street cannot support any additional on-street parking. Despite the double yellow line waiting restrictions, the use of H markings and the presence of the residents parking scheme, this**

proposal would very likely result in obstructive and dangerous parking on Albert Street and the surrounding streets. Paragraph 32 of the NPPF seeks to ensure that all developments should have safe and suitable access for all people. Access to appropriate parking facilities is an important part of that aim. In this case that aim would not be fulfilled and consequently the development would not be sustainable and result in an unacceptable risk to road safety.

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=OAXBQPPDIL600>

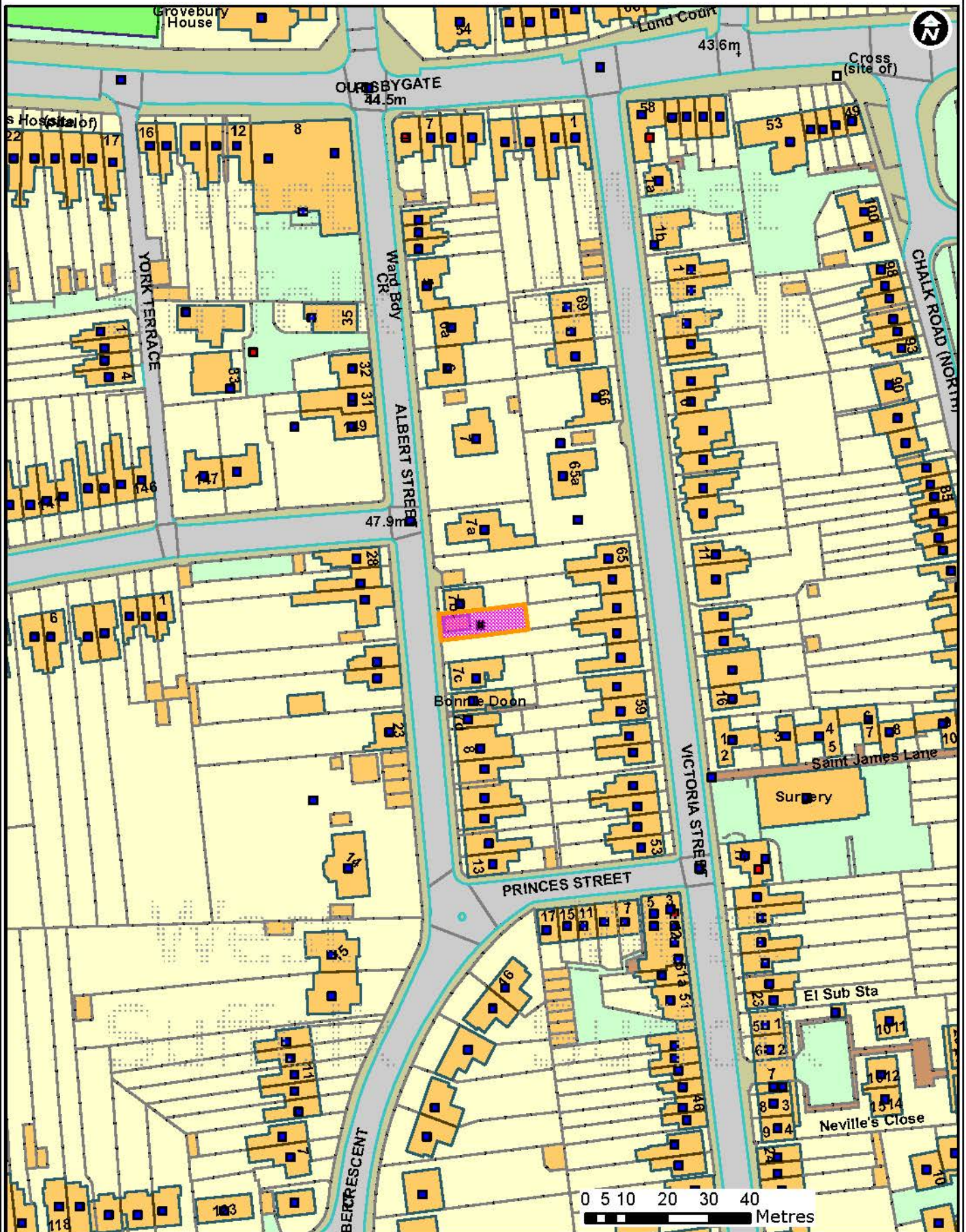
Case Officer: Jonny Rankin

Date: 19 September, 2016

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DC/16/1618/FUL - Rowan House, Albert Street, Bury St Edmunds

Not Set



Forest Heath • St Edmundsbury

West Suffolk
working together

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Date: 21/09/2016

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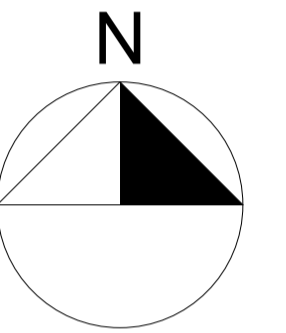
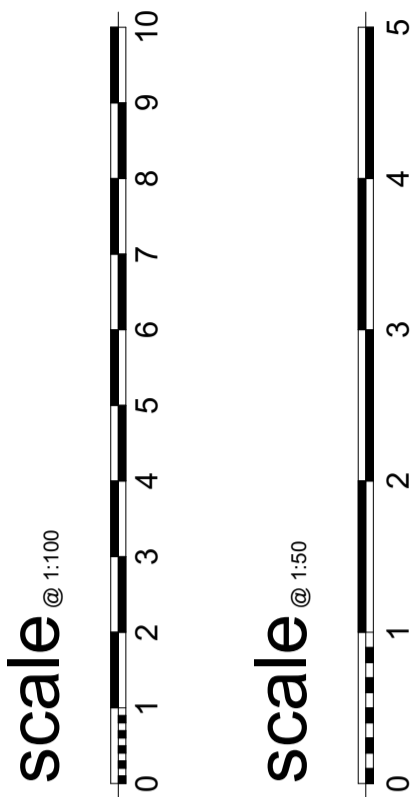
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rear (east) elevation @ 1:50

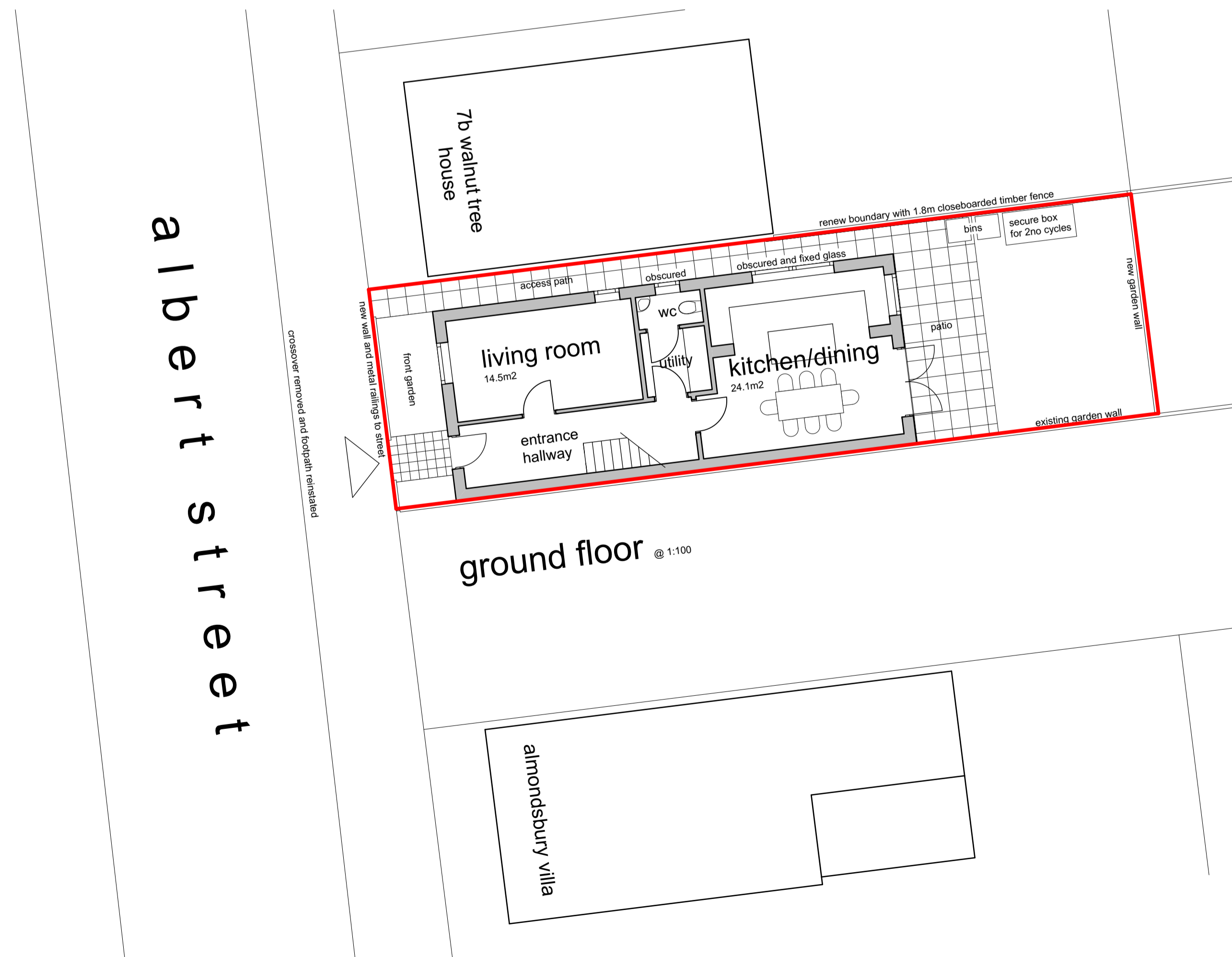
proposed materials palette:

- walls = buff coloured facing brick
- roof = slate tiles
- windows/doors = timber
- lintels and cills = buff coloured stone
- boundary to street = low brick wall and metal railings

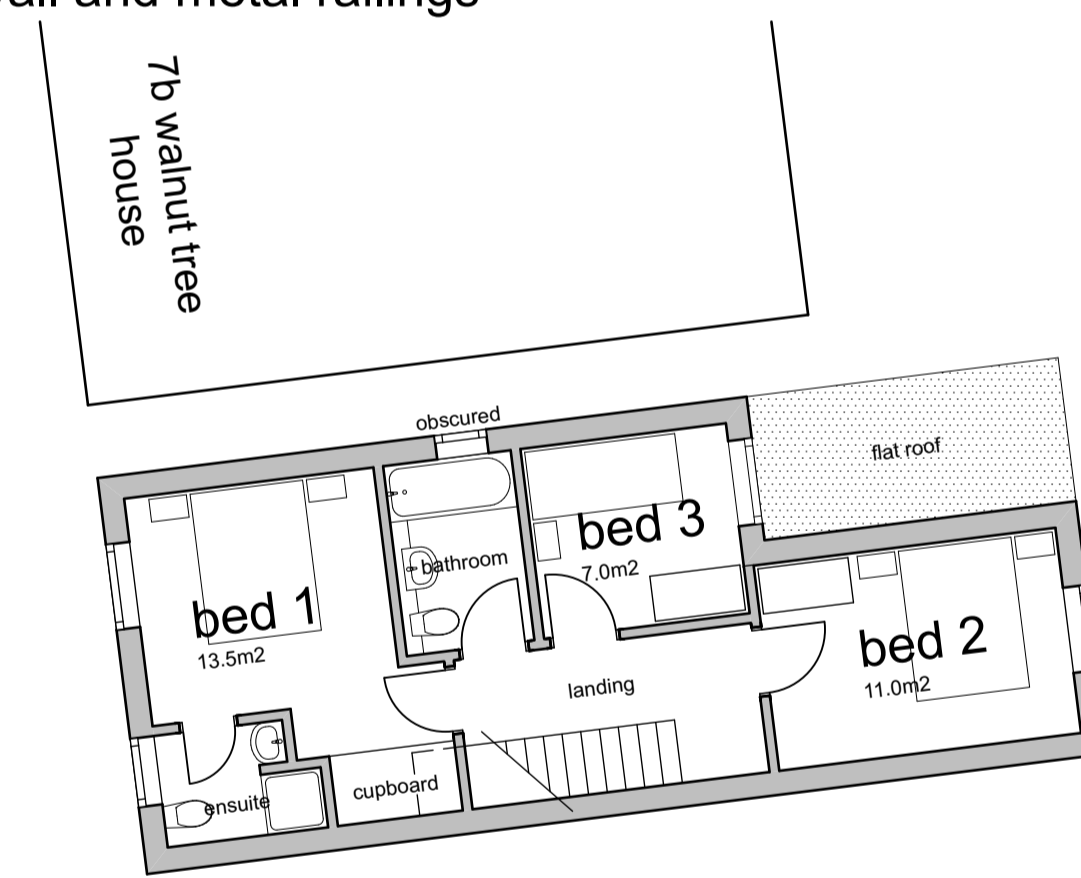


notes

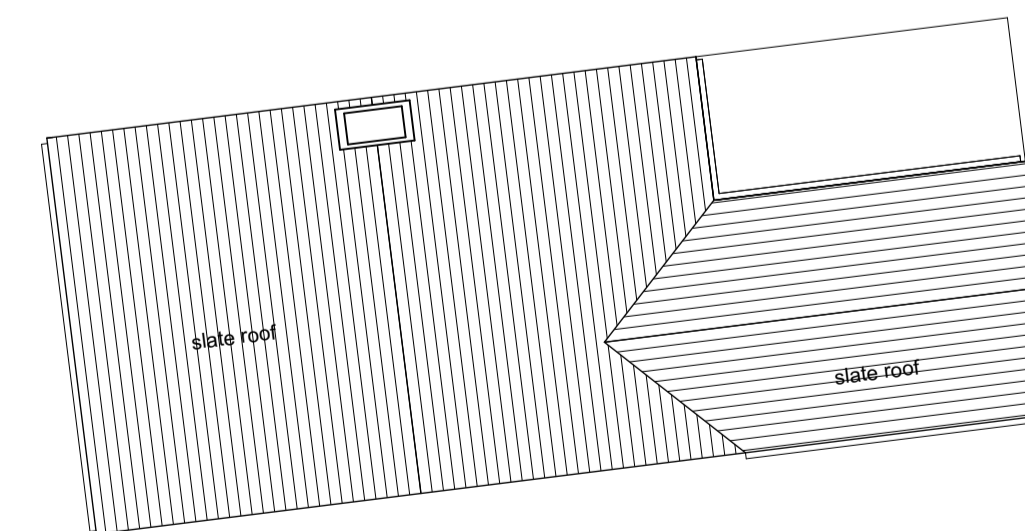
revisions



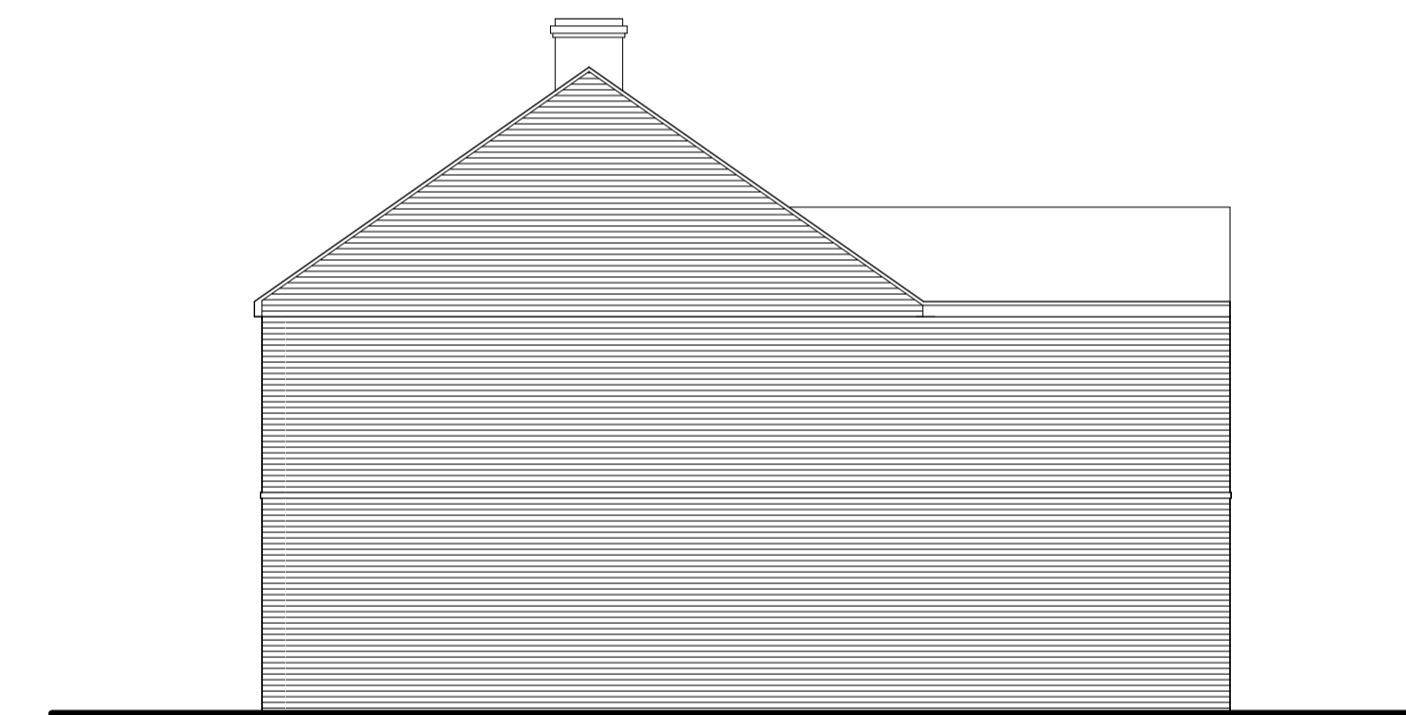
ground floor @ 1:100



first floor @ 1:100



roof @ 1:100



side (south) elevation @ 1:100



side (north) elevation @ 1:100

project
Rowan House
Albert Street IP33 3EA

drawing
proposed dwelling

scale
1:100 & 1:50 on A1

date
11.12.13

number/revision
1964.06
drawn
bw

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

6 October, 2016

Planning Application DC/16/1261/FUL

Green Farm, Brandon Road, Culford

Date 13 July, 2016 **Expiry Date:** 12 October, 2016
Registered:

Case Officer: Jonny Rankin **Recommendation:** Approve

Parish: Culford **Ward:** Risby

Proposal: Planning Application - New access road for farm and domestic use

Site: Green Farm, Brandon Road, Culford, IP28 6UE

Applicant: Green Farm Nursery - Miss Christina Warren

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is referred to the Committee because it is a major development to which the Parish Council objects.

Proposal:

1. Planning permission is sought for new access road for farm and domestic use.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Site Plan
 - Access Layout
 - Planning Statement
 - Flood Map
 - Stone Curlew Flowchart

Site Details:

3. The site is situated within the Countryside and accessed via the B1106, Brandon Road.

Planning History:

4. The site has an extensive planning history relating to its use as a saw mill. Thereafter, there has been a full application and several Prior Approval applications in relation to the Green Farm Organic Nursery, including for the change of use of agricultural buildings to dwellings and other uses under the revised provisions of the General Permitted Development Order (GPDO). At the time of writing these uses have not been implemented.

Consultations:

5. Highway Authority: Notice is hereby given that the County Council as Highway Authority recommends that any permission which the Planning Authority may give should include conditions.
6. County Flood and Water Management: SCC Floods have no comments to make on this application as it is not a major application and we are happy for the development to follow latest Building Regulations. *(Officer Note – this is technically a 'major' based on the size of the red line, but is not 'major' for the purposes of Flood and Water Management).*

Representations:

7. Parish Council: objects to this application on the grounds that there is already access to the premises and yet another access point on the very

busy B1106 would be creating yet another potential accident point.

Policy:

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

8. Joint Development Management Policies Document:
 - Policy DM1: Presumption in favour of Sustainable Development
 - Policy DM2: Creating Places – Development Principles and Local Distinctiveness
9. St Edmundsbury Core Strategy December 2010
 - Policy CS3 (Landscape Character and the Historic Environment)

Other Planning Policy:

10. National Planning Policy Framework (2012) Core Principles and paragraphs 56 – 68.

Officer Comment:

11. The issues to be considered in the determination of the application are:
 - Principle of Development and visual impact
 - Impact upon Highways

Principle of Development and visual impact

12. Policy DM2 requires all development to produce designs, in accordance with standards, that maintain or enhance the safety of the highways network. Paragraph 32 of the National Planning Policy Framework requires decisions to take account of 'safe and suitable access to the site can be achieved for all'.

13. Given the proximity of the existing access, there would be no adverse impact arising from the proposed new vehicular access from Brandon Road upon the character and appearance of the road and neither would any use arising from the provision be prejudicial to reasonable residential amenities. Any modest loss of tree cover in this context would not be considered so prejudicial to the visual amenity of the area so as to render the scheme unacceptable.

Impact on Highway Safety

14. Whilst Brandon Road (B1106) is a busy road, the proposed access is proximate to a right hand bend which slows traffic as does the pre-existing (and previously shared) access to the side.
15. County Highways has no objection to the proposal on highway safety grounds, subject to conditions. Overall the proposed new access does not make the existing situation materially worse in highway safety terms and

therefore is considered acceptable and in compliance with the policies set out above.

Conclusion:

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

Recommendation:

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

1. 01A Time Limit Detailed
2. 14FP Approved Plans
3. – County Highways
4. – County Highways
5. – County Highways
6. – County Highways

Documents:

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

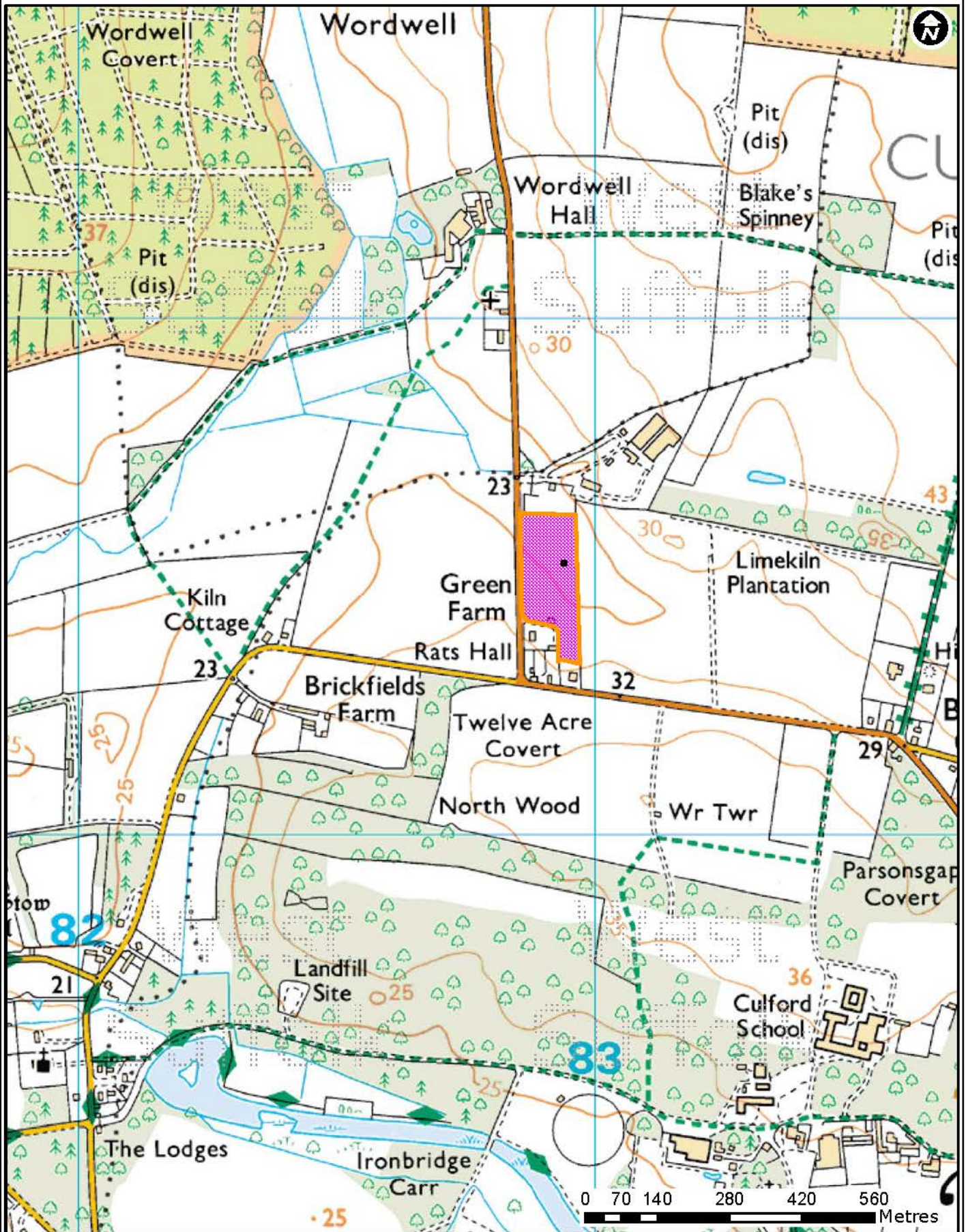
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O8RJXZPD05L00>

Case Officer: Jonny Rankin

Date: 20 September, 2016

DC/16/11261/FUL

Green Farm, Brandon Road, Culford



Forest Heath • St Edmundsbury

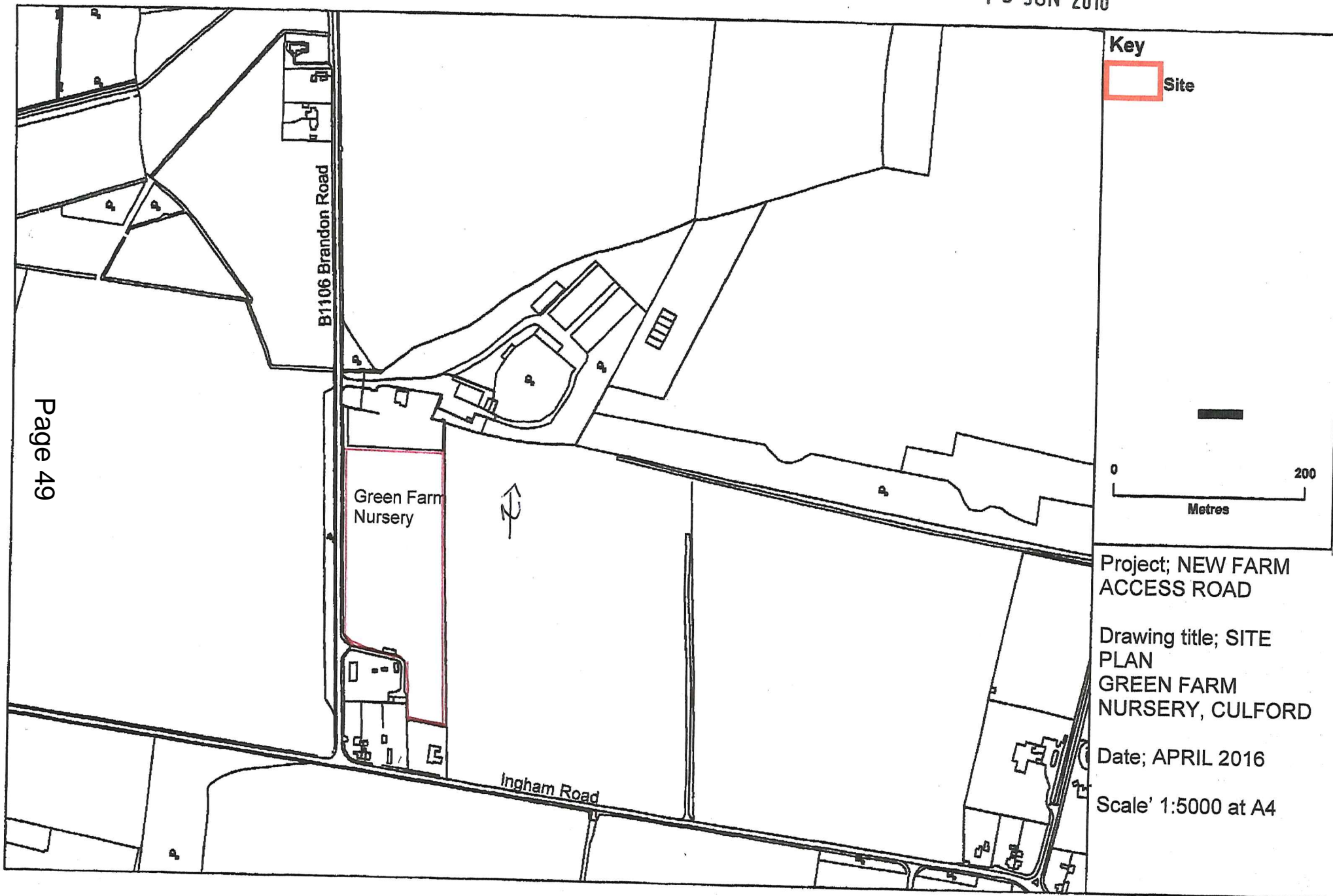
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Date: 18/09/2016

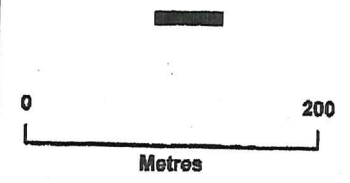
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13 JUN 2016



Key

 Site



Project; NEW FARM ACCESS ROAD

Drawing title; SITE PLAN GREEN FARM NURSERY, CULFORD

Date; APRIL 2016

Scale' 1:5000 at A4

Page 49

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

6 October, 2016

Tree Preservation Order Application

DC/16/1276/TPO

71 Raynham Road, Bury St Edmunds

Date: 16 June, 2016 **Expiry Date:** 11 August 2016
Registered:

Case Officer: Jonny Rankin **Recommendation:** Refuse Consent

Parish: BSE **Ward:** Risbygate

Proposal: TPO 218 (1972) 45 - Tree Preservation Order - 1no. Sycamore (1 on plan, within area G5 on order) fell

Site: 71 Raynham Road, Bury St Edmunds, IP32 6ED

Applicant: Mr Palmer

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER: Email: jonny.rankin@westsuffolk.gov.uk
Telephone: 01284 757621

Background:

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

A site visit will take place on Thursday 29 September, 2016.

Proposal:

1. Consent is sought for the felling of 1no. Sycamore (1 on plan, within area G5 on order).

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Tree Location Plan

Site Details:

3. The site is located to the rear of no. 71 Raynham Road, situated within the Housing Settlement Boundary. The tree under consideration is within area G5 of TPO 218 (1972) 45.

Planning History:

4. None.

Consultations:

5. Arboricultural Officer: This is a semi-mature specimen. While located in a back garden, its size and location makes it prominent in this urban landscape. It is visible from surrounding streets, private property and an adjacent school. As such it has a medium to high amenity value.
6. The reasons stated for the work are that the tree is too large for the location and shades the garden and property. While the tree is significant in size (being of a medium size for the species), and in relation to the size of the garden, shading is not severe. There is a good distance between the tree and property, and given the height of the lowest crown branches and the trees' aspect, good levels of both direct and diffuse light reach the garden. Due to the aspect, shading is also restricted to the tracking of the sun from east to west, and as such shading is not significant to outweigh the amenity value of the tree.
7. As discussed with the applicant, the tree has a co-dominant twin main stem with a tight main union and some included bark. However, at this time this is not a significant defect and the tree is viable to retain in the medium term. In any event the condition of the tree was not cited as a

reason for the work in this application.

8. The tree could tolerate a minor crown raise which may allow some extra light into the garden, and removal of one crossing branch but this amendment has not been sought by the applicant.
9. Suggested amendments to the proposal to make it acceptable: Crown raise to 7 metres above ground level. Remove highest crossing branch to north (there is one fused branch in the lower crown, but this appears to be fused and relatively stable, but a second smaller crossing branch is located at approximately 8 or 9 metres above ground level).

Representations:

10. Town Council: no objection based on information received.

Officer Comment:

11. The applicant was not amenable to the Arboricultural Officer suggested proposal amendments, as such the agent confirmed via email on 10 August 2016 that they wish for the application to go before Delegation Panel for determination as it is.

Conclusion:

12. In conclusion, the detail received in support of the works is considered to be unacceptable and cannot be supported.

Recommendation:

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

1. **The sycamore is a semi-mature specimen of medium to high amenity value, which is prominent in the urban landscape and visible from surrounding streets, private property and adjacent school. While the tree is significant in size (being of a medium size for the species), in relation to the size of the garden, shading is not severe. There is a good distance between the tree and property, and given the height of the lowest crown branches and the trees aspect, good levels of both direct and diffuse light reach the garden. Due to the aspect, shading is also restricted to the tracking of the sun from east to west, and as such any shading is not considered significant enough to outweigh the amenity value of the tree.**

Documents:

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

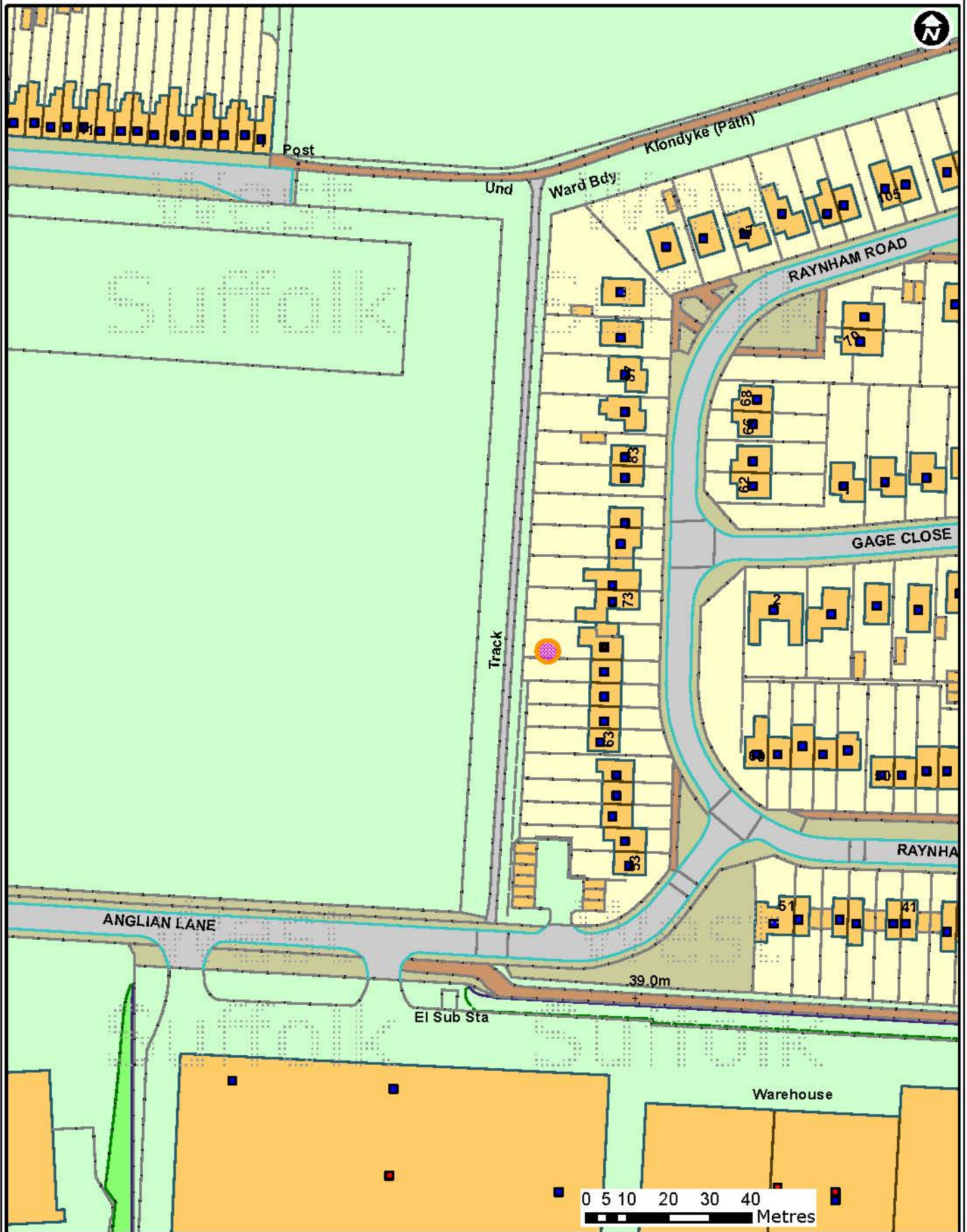
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O8TK0CPDHP000>

Case Officer: Jonny Rankin

Date: 19 September, 2016

DC/16/1276/TPO

71 Raynham Road, Bury St Edmunds



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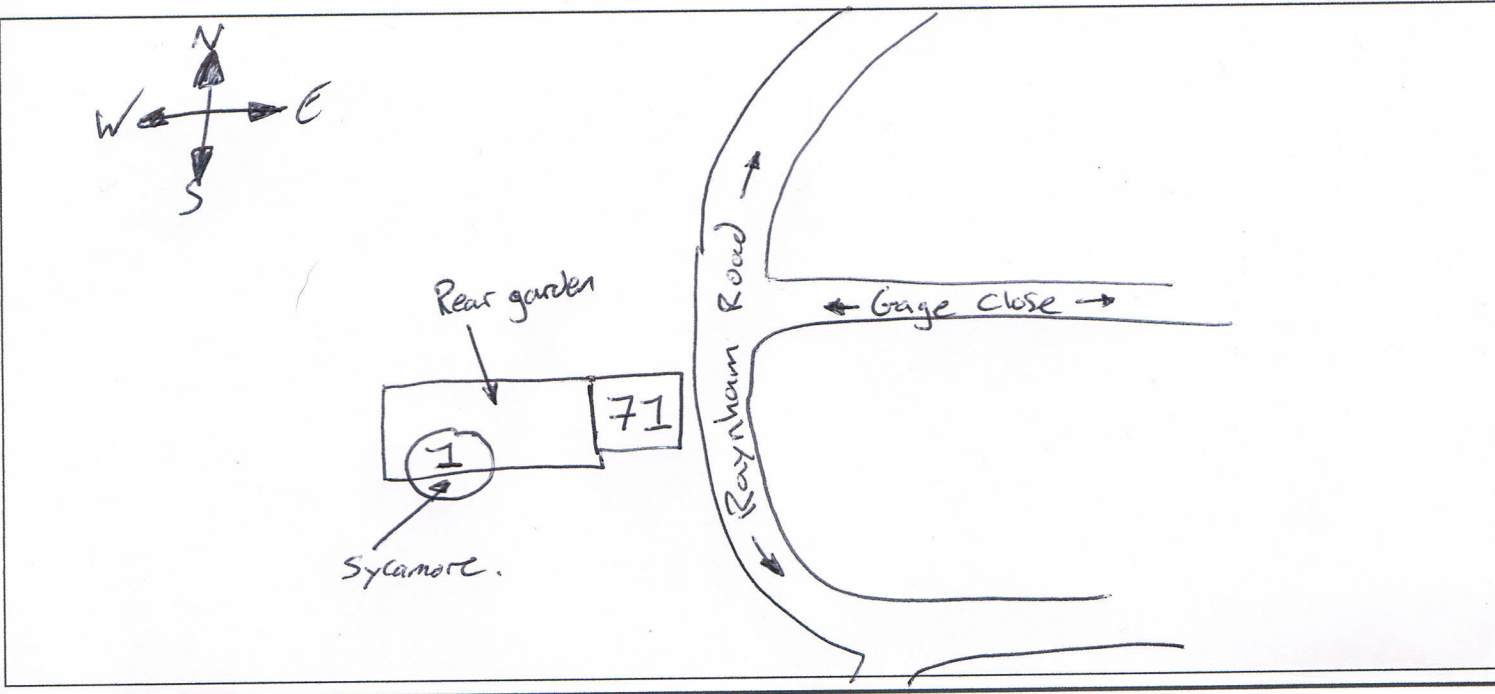
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Date: 18/09/2016

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7. Identification Of Tree(s) And Description Of Works continued ...



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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/71

Development Control Committee 6 October 2016

Planning Application DC/16/0920/FUL Flempton House, Bury Road, Flempton

Date: 15 June 2016 **Expiry Date:** 10 August 2016
Registered:

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

Parish: Flempton- cum- Hengrave **Ward:** Risby

Proposal: Householder Planning Application - (i) 3 no. bay cart lodge with attached garage and store ; and (ii) first floor playroom over cart lodge, as amended by drawing no. 666 005 Rev D received on 8 August 2016 reducing scale, revising design and location

Site: Flempton House, Bury Road, Flempton, IP28 6EG

Applicant: Mr Andrew Speed

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Email: kerri.cooper@westsuffolk.gov.uk

Telephone: 01284 757341

Background:

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

The application was considered by the Committee on 4 August 2016 when it was resolved to delegate approval to the Head of Planning and Growth, subject to the receipt of an amended plan, a 7 day neighbour consultation and to no objections being received. Since that time further objections have been received and it has been decided to refer this matter back to the Committee.

A site visit will be undertaken on 29 September 2016.

Proposal:

1. Planning permission is sought for construction of a three bay cart lodge, with garage and store at ground floor level and playroom at first floor level.
2. The proposed outbuilding measures 18metres in length, 6.7metres in depth and 6.6metres in height to the ridge.
3. The application has been amended since submission to reposition the proposed outbuilding, reduce the scale and revise the roof design following concerns in respect of the overall scale, its visual impact, and the impact on the setting of the Listed Building.
4. Following the original amendment and a late neighbour representation being received prior to August Committee, the applicant relocated the outbuilding 1.5metres away from the boundary. A further consultation was undertaken on these amendments.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Drawing no. 666 005 Rev D received 8th August 2016.

Site Details:

6. The application site comprises a Grade II Listed dwelling situated within the Conservation Area and Countryside in Flempton. The host dwelling is set back from the main road in a generous size plot. Access to the property can be gained from the front and rear of the site.

Planning History:

7. DC/15/0912/TCA - Trees in a Conservation Area Notification - (i) 3no. Goat willow (T1,T2,T6 on plan) - fell (ii) Birch (T3 on plan) - remove side stem to stabilise and balance the canopy (iii) 2no.Thuja (T4, T5 on plan) - fell (other trees on plan are for reference only) – No Objection

8. DC/14/2272/FUL - Planning Application - Change of Use from Offices B1 to part Offices B1 with new access and part Residential C3 (Resubmission of SE/13/0887/FUL) as amended by revised plans 14 January 2015 and vehicular access plan received 16 February 2015. – Approved
9. DC/14/2273/LB - Application for Listed Building Consent - Internal and external alterations to restore building to residential use from office use with removal of later extension to east corner of building – Approved

Consultations:

10. Highway Authority: No objection, subject to condition.
11. Conservation Officer: *The revised plans address the original concerns and therefore I have no objection.*
12. SCC Countryside Access Team: No comments received.
13. Rights of Way: No objection.

Representations:

14. Parish Council: Support
15. Neighbours: The following comments were received from the owner of Orchard Cottage prior to the application being amended:
 - *We live at Orchard Cottage Flempton, the proposed building application would close to our north east boundary.*
 - *The original site of the building was further away from our boundary and now it has moved closer which will mean it has a larger impact. Could it be moved back to its original position?*
 - *The windows on the north east elevation will overlook our property, can the window be of opaque glass?*
16. The following comments were received from Orchard Cottage during consultation on the amended plans:
 - *In principle we have no objection to a 3 bay cart lodge with garage and store being built on the approximate site as detailed in the proposed plan. However, the roof height is vastly excessive; and the roof design, in terms of pitch, features and design is neither consistent with Flempton House nor any of the other out buildings/cart lodges within the Flempton Barns development.*
 - *As the plan stands the proposed building would have a domineering impact in the local area.*
 - *We would like you to consider this being made into a single story building.*
 - *There is substantial land at Flempton House, so there is really no need to erect a building in the proposed sight*
 - *Currently the residents park just outside their side entrance , so*

why not erect a garage right there outside the door for their convenience?

17. The following comments were received from Candlemas Barn during consultation on the amended plans:

- *This building seems very large both footprint & particularly height.*
- *It is not in keeping with other cart lodges/garages in the Flempton Hall Barns development ie it's bigger and higher & looks more like a small dwelling also other cart lodges do not have windows back & front.*
- *Importantly when Orchard Cottage was given planning to increase the height of its cart lodge planning was not given for any windows to overlook other properties. I would not wish to see any windows overlooking Candlemas, Cornwallis, Orchard or any other property in the development as this might well set a precedent*

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

18. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places)
- Policy DM15 (Listed Buildings)
- Policy DM17 (Conservation Areas)
- Policy DM24 (Alterations and Extensions to Dwellings, Including Self Contained Annexes)
- Policy DM46 (Parking Standards)

19. St Edmundsbury Core Strategy December 2010:

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

20. Rural Vision 2031:

- Policy RV1 (Presumption in Favour of Sustainable Development)

Other Planning Policy:

21. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Listed Building and Conservation Area
- Impact on Neighbouring Amenity

23. The policies listed above state that planning permission for alterations or extensions to existing dwellings within the countryside will be permitted provided that the proposals respect the character and design of existing

dwellings, and will not result in over-development of the dwelling curtilage. As well as being subordinate in scale and proportions to the original dwelling.

24. Extensions and alterations in the countryside will be required to demonstrate that they are subordinate in scale and proportion to the main dwelling and would not be capable of becoming a separate dwelling. Furthermore they should incorporate designs of a scale, massing, height and materials compatible with the locality and should not adversely affect residential amenity of neighbouring dwellings.
25. Whilst the proposed three bay cart lodge with ancillary accommodation above measures 6.6 metres in height to the ridge, it has been designed to be of a 1½ storey nature and sits comfortably within the generous grounds in which Flempton House lies. The outbuilding's position, closely linking it to with the dwelling and set back from the road, will not appear obtrusive having regard to its large open front/side garden.
26. The proposed outbuilding originally incorporated a projecting gable at first floor level, which was considered to appear obtrusive and dominated the Listed Building on entering the site from the rear vehicle access. As a result of the removal of this element, the proposed outbuilding has been redesigned to incorporate a hipped roof, with modest dormer windows to the front roof slope. The materials used to construct the proposed outbuilding are of a sympathetic nature. In addition, the proposed outbuilding is to be used for ancillary purposes in association with the host dwelling.
27. The proposed outbuilding will not be detrimental to the setting of the Listed Building. Therefore, it is considered that the proposed works are of an appropriate design, scale and form as to respect the character of the dwelling and the wider area.
28. The outbuilding is now positioned 1.5 metres away from the boundary between Orchard Cottage and Flempton House. There are 3 no. roof lights in the rear roof slope at high level as to not create overlooking. The 2 no. dormer windows in the front roof slope face the residential amenity of Flempton House. The neighbouring properties, Orchard Cottage and Candlemas Barn, are set back from the proposed outbuilding, with a boundary wall and landscaping separating the properties. As such, given the nature and scale of the proposed works and relationship between the neighbouring properties, it is considered that there will be no adverse impact on neighbouring amenity by virtue of overlooking, overbearing impact or overshadowing.
29. On site parking remains unaltered as a result of the proposed development.

Conclusion:

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

Recommendation:

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 no. 666 005 Rev D received 8th August 2016.
3. 04R – Materials as detailed on drawing no. 666 005 Rev D received 8th August 2016.

Documents:

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

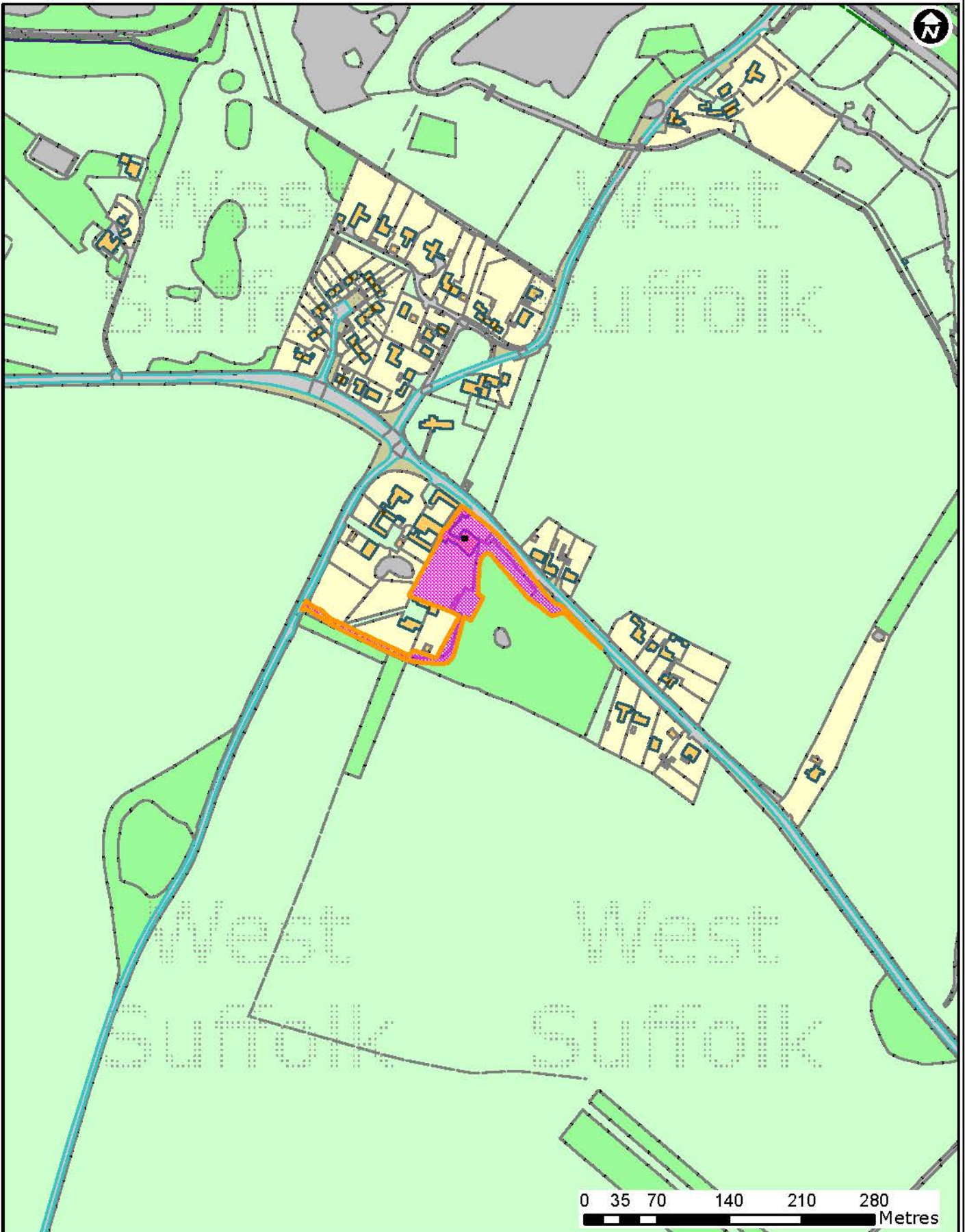
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O6ED35PDGV D00>

Case Officer: Kerri Cooper

Date: 21.09.2016

DC/16/0920/HH

Flempton House, Bury Road, Flempton



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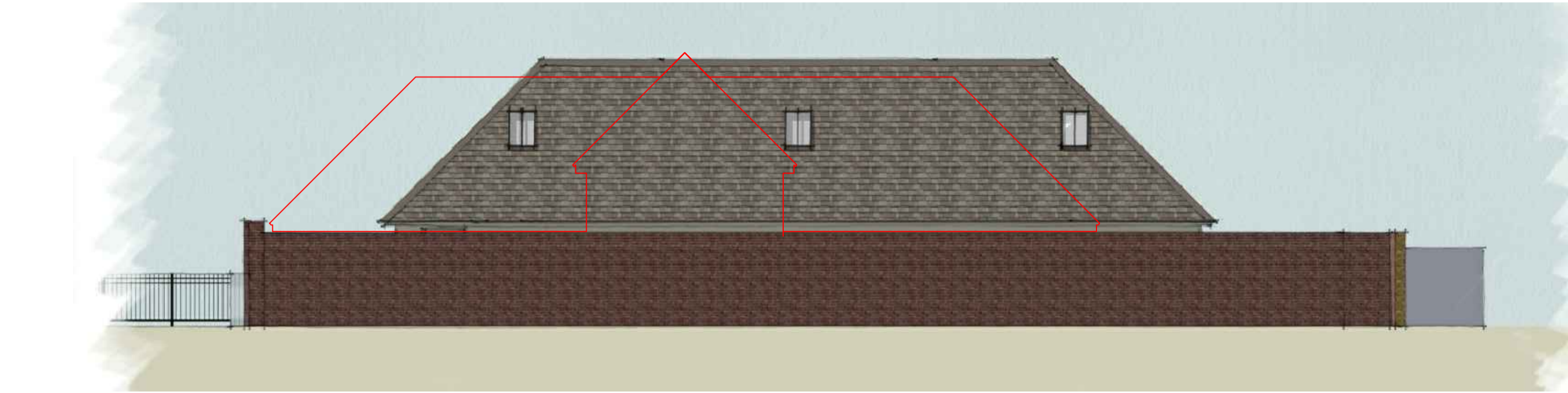
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Red line denotes size and location of original application proposals



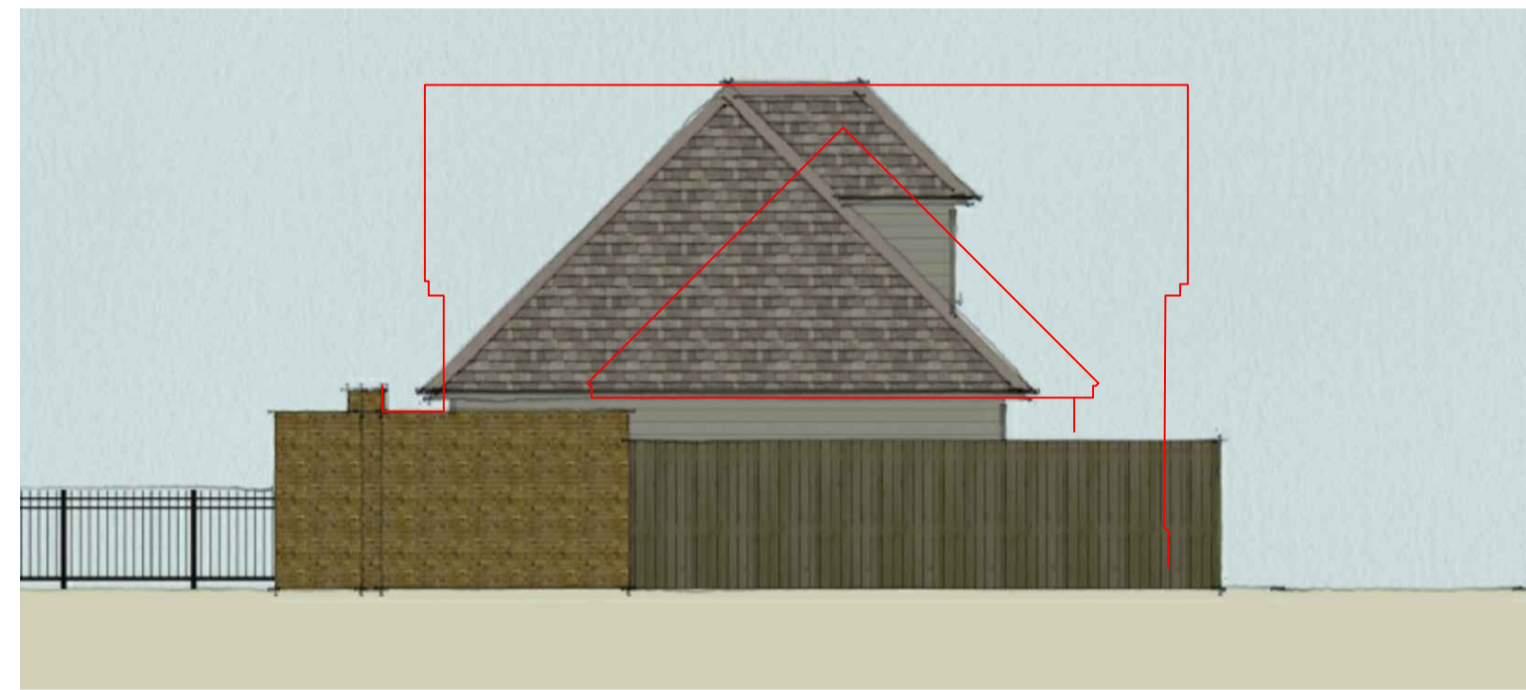
SOUTH EAST elevation
1:100



NORTH WEST elevation
1:100



NORTH EAST elevation
1:100

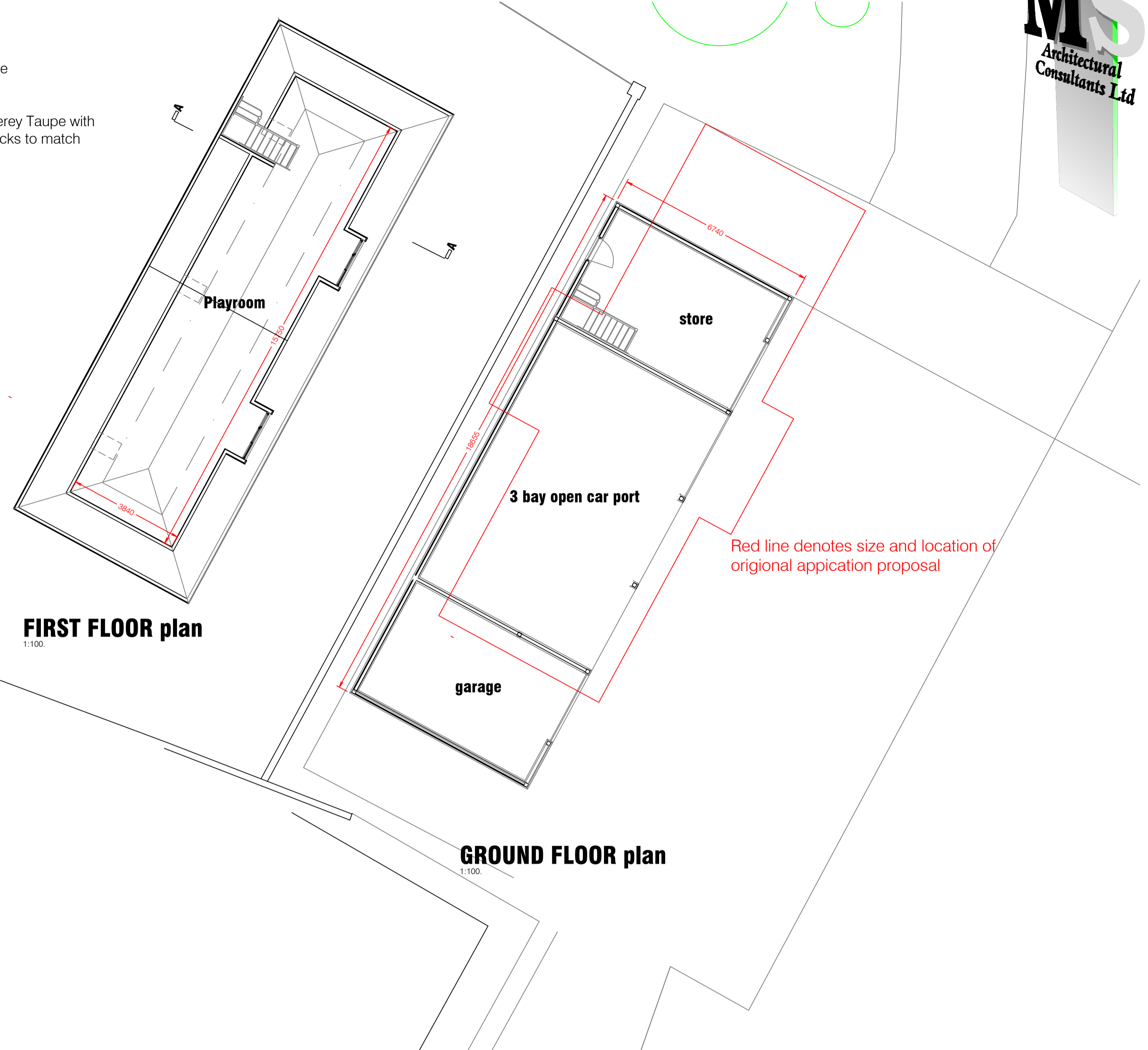


SOUTH WEST elevation
1:100

MATERIALS:

ROOF
Slate to match Flempton House

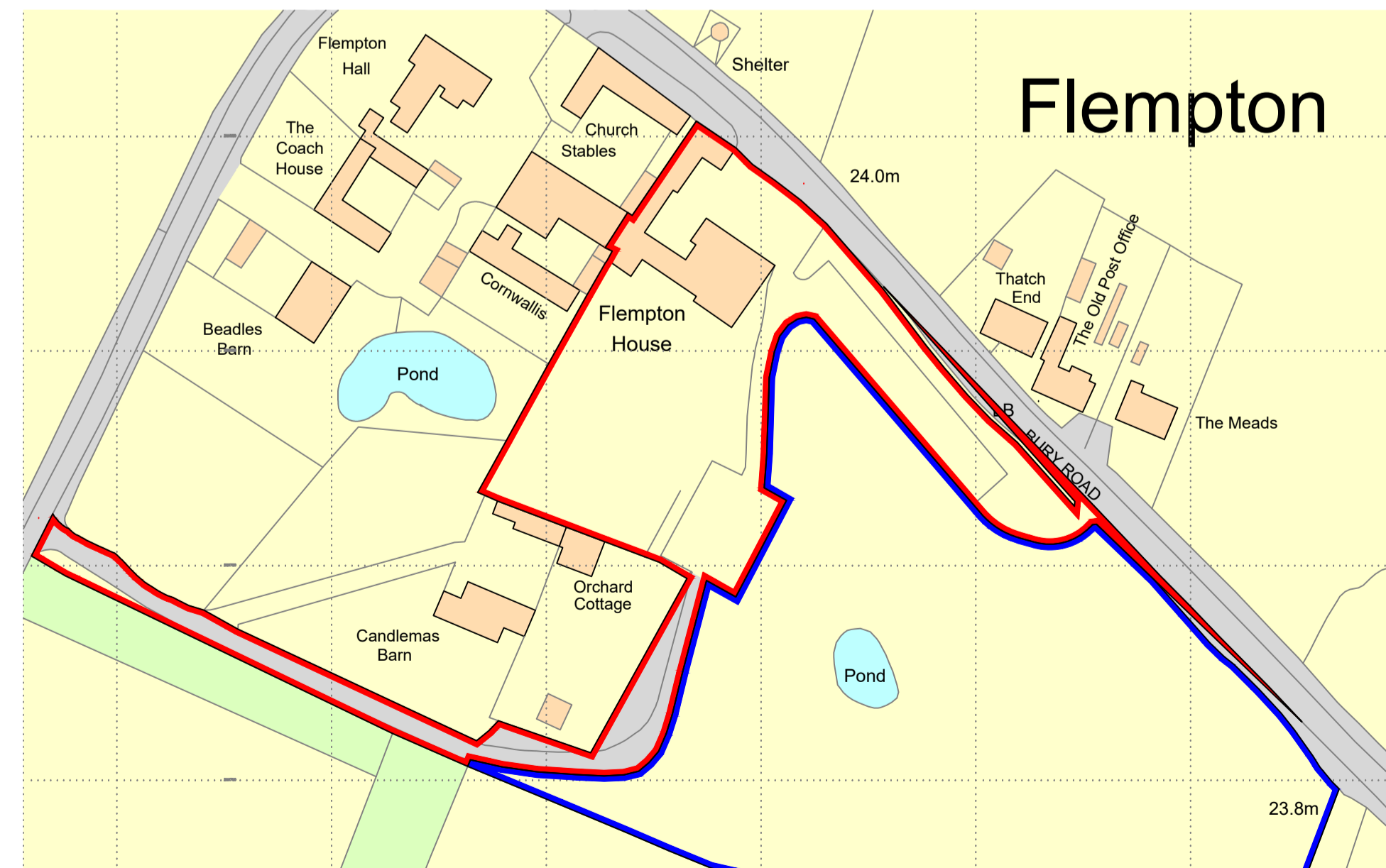
WALLS
HardieLinea Cladding in Monterey Taupe with
Brick Plinth in second hand bricks to match
Flempton House



FIRST FLOOR plan
1:100

GROUND FLOOR plan
1:100

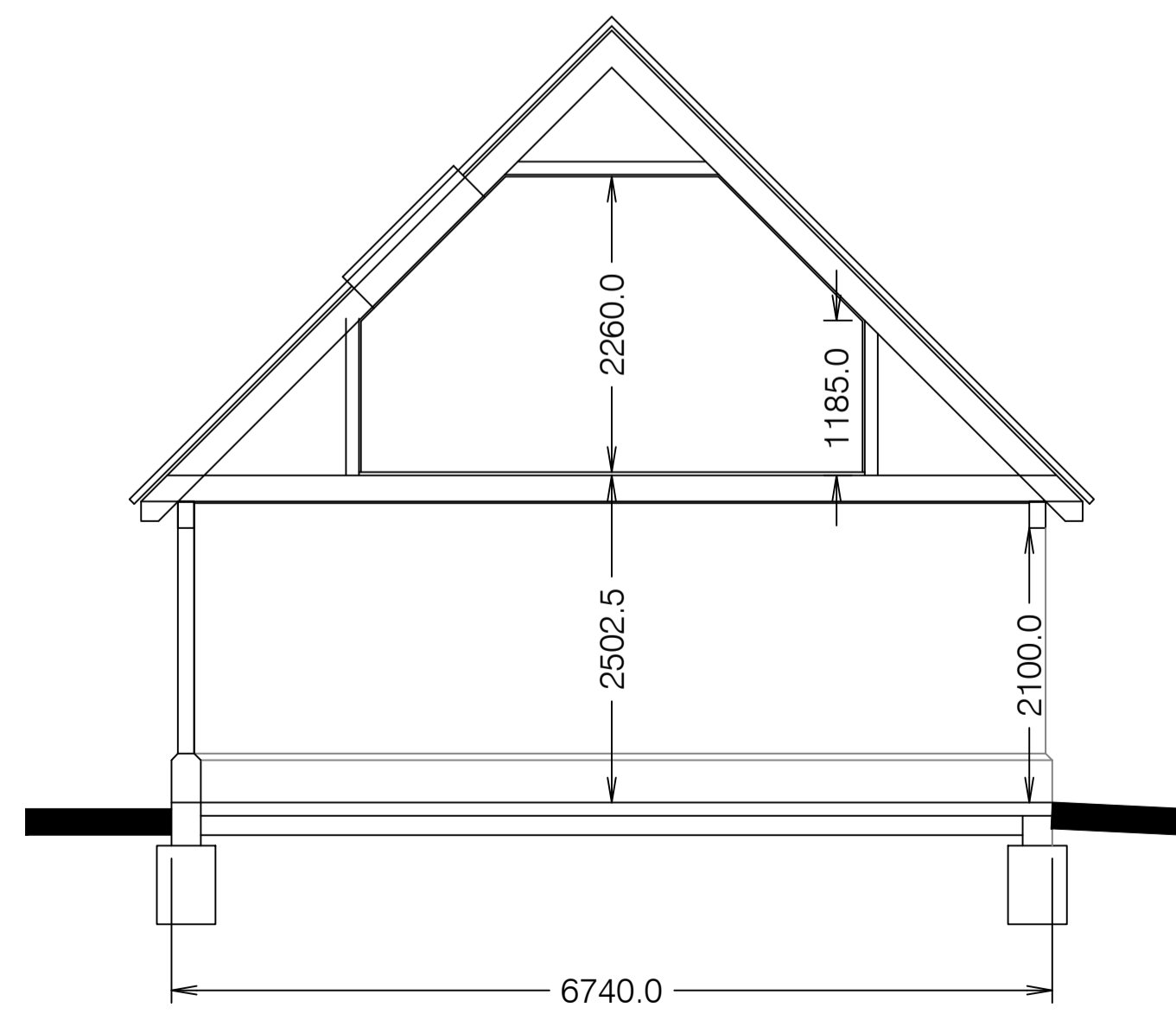
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LOCATION plan
1:1250



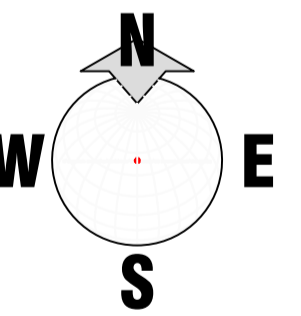
SITE photograph



SECTION A
1:50



SITE plan
1:1250



Revision C - 9/07/2016
Redesign following discussions on site with Local Authority.

Revision B - 14/06/2016
Site plan revised to include complete red line

Revision A - 06/06/2016
First Floor windows and Site Photo added

Cart Lodge at Flempton House
Bury Road, Flempton, Suffolk IP28 6EG
for Mr. & Mrs. Speed

MS² Architectural Consultants Limited

77 Westley Road Bury St Edmunds IP33 3RU Tel: +44 (0) 1284 724044 Email: projects@ms2.co.uk
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1:100 1:1000
April 2016



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 October 2016

Hazardous Substances Consent SE/01/2826/H Bury St Edmunds Holder Station, Tayfen Road, Bury St Edmunds - Revocation

Date Registered:	n/a	Expiry Date:	n/a
Case Officer:	Gareth Durrant	Recommendation:	Revoke Hazardous Substances Consent
Parish:	Bury St Edmunds Town	Ward:	Risbygate
Proposal:	Revocation of Hazardous Substances Consent No. SE/01/2826/H - Continued storage of natural gas.		
Site:	Bury St Edmunds Holder Station, Tayfen Road, Bury St Edmunds		
Applicant:	n/a		

Synopsis:

Proposal to revoke a Hazardous Substances Consent under Section 14 of the Planning (Hazardous Substances) Act 1990.

Recommendation:

It is recommended that the Committee consider the proposal to revoke the hazardous substances consent.

CONTACT CASE OFFICER:

Email: Gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

This matter is referred to the Committee because there are no delegated powers for Officers to revoke Hazardous Substances Consents.

Proposal:

1. The proposal is not a conventional application for planning permission but is seeking Committee resolution to revoke a Hazardous Substances Consent. The consent has become operationally redundant but whilst it remains technically 'live' it is holding up redevelopment of the site to which it relates and other nearby brownfield land. The proposal to revoke the consent has not been received from an external party but is being recommended by the Head of Planning and Growth in order to facilitate an unfettered implementation of development allocated by the Vision 2031 Development Plan document.

Application Supporting Material:

2. Given that no application has been submitted, there is no supporting material to consider.

Site Details:

3. The site fronts on to Tayfen Road in Bury St Edmunds. It once supported a gas holder structure which has recently been demolished to make way for re-development. The gas holder became redundant following the implementation of a gas pressure reduction system. Being part of the circular route around the town centre Tayfen Road carries a lot of traffic on a daily basis. The gas holder structure was (prior to its recent demolition) particularly prominent in the public realm and a landmark feature in this part of the town and represented the industrial heritage of the location.
4. The site is under 0.5 hectare in size. Its boundaries are marked by security fencing, with a mature tree/hedgerow belt situated along the south (Tayfen Road frontage) west and north boundaries.

Relevant Planning History:

5. 2015 – Notification of proposed demolition of the gas holder and anti-freeze building approved (DC/14/1859/DE1).
6. 2000 and 2001– Hazardous Substances Consent granted on three occasions for continued storage of natural gas. (SE/00/2936/H, SE/00/1683/H and SE/01/2826/H).
7. 1992 – Hazardous Substances Consent granted for storage of natural gas

in a water sealed gas holder (E/92/2781/H).

8. 1978 – Planning permission granted for replacement security fencing and gates (E/78/1208/P).
9. 1974 – Planning permission granted for erection of a portakabin (E/74/1724/P). This planning permission was renewed in 1975 (E/75/2162/P).

Consultations:

10. The proposed revocation of a Hazardous Substances Consent would have no impact on any party other than the landowner/operator whom benefits from the consent. No consultations have been carried out.
11. The land owner (National Grid) has been contacted for their views of the proposed revocation of the consent. At the time of writing a response was awaited.

Representations:

12. No external parties have been formally consulted with respect to the proposed revocation.

Policy:

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

14. Joint Development Management Policies Document:

- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.

15. Bury St Edmunds Vision 2031

- BV9 – Tayfen Road – Bury St Edmunds (allocation of land for redevelopment)

16. St Edmundsbury Core Strategy December 2010

- No relevant policies

Other Planning Policy:

17. National Planning Policy Framework (2012) paragraphs 17, 172, 176, 186 and 187.

Officer Comment:

18. Section 1 of The Planning (Hazardous Substances) Act 1990 (PHS Act) confirms the Council is the 'Hazardous Substances Authority' within its administrative boundaries. The Act conveys various powers to the Council in respect of hazardous substances including determining applications for Hazardous Substances Consent.
19. In this case, the Committee is not considering an application but instead is being asked to consider revocation of an existing Hazardous Substances Consent which no longer serves a purpose but, on technical grounds, is holding up development.
20. Section 14 of The PHS Act conveys a general power to revoke or modify Hazardous Substances Consent. It states the Authority may revoke consent if it appears to them, having regard to any material consideration, that it is expedient to revoke it. Section 15 of the Act sets out that the revocation order cannot take effect unless it is confirmed by the Secretary of State. Section 16 sets out situations in which the Hazardous Substances Authority is liable to pay compensation. Section 17 confirms a consent is automatically revoked if there is a change in the person in control of the part of the land to which the consent relates (unless a further application for continuation of the consent has been made).
21. There are no national or local planning policies which pertain to revocation of Hazardous Substances Consents, although the following advice is set out in the National Planning Policy Guidance:
 - *Redundant hazardous substances consents can be a barrier to development. Sometimes a consent is no longer required by an operator. For example, a facility may have shut down or a site redeveloped. However, unless the hazardous substances consent is revoked then consultation zones are still likely to apply. Hazardous substances authorities should be proactive about revoking consents that no are no longer required.*
22. The remainder of this section of the report examines relevant history, the material considerations behind the recommendation to revoke the Hazardous Substances Consent and the potential for compensation.

History

23. The HPS Act was enacted in 1990. At that time the gas holder was already in situ. at the Tayfen Road site and had been so for many years. The holder was in operational use and natural gas was being stored at the time. No planning (or other) consent authorised the structure or its use which, given the longevity of its presence, had become lawfully established. At the time of enactment of the HPS Act in 1990, the Health and Safety Executive confirmed the 'consultation distance' (safeguarding zone) was set at 30 metres from the wall of the holder.

24. In 1992, the Council (in its new role as Hazardous Substances Authority) entered the storage of natural gas at the Tayfen Road site onto the register as a deemed consent. This meant the ongoing storage became subject to standard conditions/controls set down by Regulations. The deemed consent included a plan confirming the extent of the land to which it applied.
25. In 2000, the Council received two applications for Hazardous Substances Consent for the continued storage of natural gas at the Tayfen Road site. These applications were required as the operator transferred small peripheral parts of the site to third parties (which meant the 1992 deemed consent would otherwise have lapsed). The fresh consents related to reduced site areas but did not affect the quantities of gas stored. In 2001 a further application Hazardous Substances Consent was submitted for gas storage as the site boundaries changed again. The quantities of gas permitted to be stored again remained unaffected.
26. The Hazardous Substances Consent granted in 2001 (reference SE/01/2826/H) remains extant and is the subject of this report.

Material considerations.

27. Section 14 provides the Council with wide reaching powers with respect to revocation. In this case, the following matters are material to the recommended revocation of the relevant consent at the Tayfen Road site:
- The container for the storage of gas has been demolished and removed from the site. It is no longer physically possible to store natural gas on the site at quantities granted by the consent.
 - Planning permission is likely to be required for the construction of a further gas holding container.
 - The gas holder structure (recently demolished) has been replaced by a pressure reduction system which means there is no longer a need to store gas at the Tayfen Road site; the consent granted in 2001 therefore no longer serves a useful purpose.
 - The fact that the hazardous substances consent (SE/01/2828/H) remains extant means its 'consultation zones', are also extant. This means the Health and Safety Executive automatically recommends refusal to certain developments (including residential development) situated within the 'consultation zones'. Whilst the consent remains extant it remains technically possible for natural gas to be stored at the site again in future without the need for a further grant of hazardous substances consent, hence the Health and Safety Executive is resistant to sensitive development being provided within the relevant 'consultation zones'.
 - The continuing presence of the Hazardous Substances Consent is holding up implementation of policy BV9 of the Bury St Edmunds Vision

2031, which is a masterplanned mixed use redevelopment of adjacent brownfield land, including land within the consultation zones to the former gas holder.

- The recommended revocation of the Hazardous Substances Consent would enable the standardised objections of the Health and Safety Executive to be lifted.

Compensation (risk assessment).

28. Section 16 of the PHS Act sets out requirements for compensation in respect of revocation orders. It states a claim has to be made and compensation could be payable (by the Council) if it is shown that any person has suffered damage in consequence of the revocation order –

(a) by depreciation in of the value of an interest to which he is entitled in the land in on minerals in, on or under it; or

(b) by being disturbed in his enjoyment of the land or of minerals in, on or under it.

29. In this case, the site operator has demolished and removed the infrastructure required to store natural gas at the site and replaced it with a pressure reduction system (which did not require Hazardous Substances Consent). Accordingly, whilst the operators presently benefit from a Hazardous Substances Consent to store natural gas at the site, they are not able to realise it without a storage vessel. It is also understood the present operators of the site intend to dispose of the land for redevelopment in due course and the demolition of the gas holder structure and subsequent remediation of the land are part of that process.

30. Officers are satisfied the proposed revocation of the relevant Hazardous Substances Consent is unlikely to depreciate the value of the site or its resources and would not affect the current owners' enjoyment of the land. Indeed, the recommended revocation of the Hazardous Substances Consent is likely to facilitate and assist the operators' intended future disposal of the site.

Conclusion:

31. It is concluded that the Hazardous Substances Consent relating to the storage of natural gas at the former gas holder site in Tayfen Road is redundant and no longer serves a useful purpose for the current site operator. Indeed, it is apparent the presence of the consent is holding up otherwise acceptable development of other nearby land. It is recommended the Committee resolves to revoke the relevant hazardous substances consent.

Recommendation:

It is **RECOMMENDED** that Hazardous Substances Consent no. SE/01/2826/H be revoked following confirmation from the Secretary of State.

Documents:

Hazardous Substance Consent file reference SE/01/2826/H – Note: This file is not available on the website given its age. The file can be viewed in advance of the meeting by prior arrangement with the Case Officer.

Case Officer: Gareth Durrant

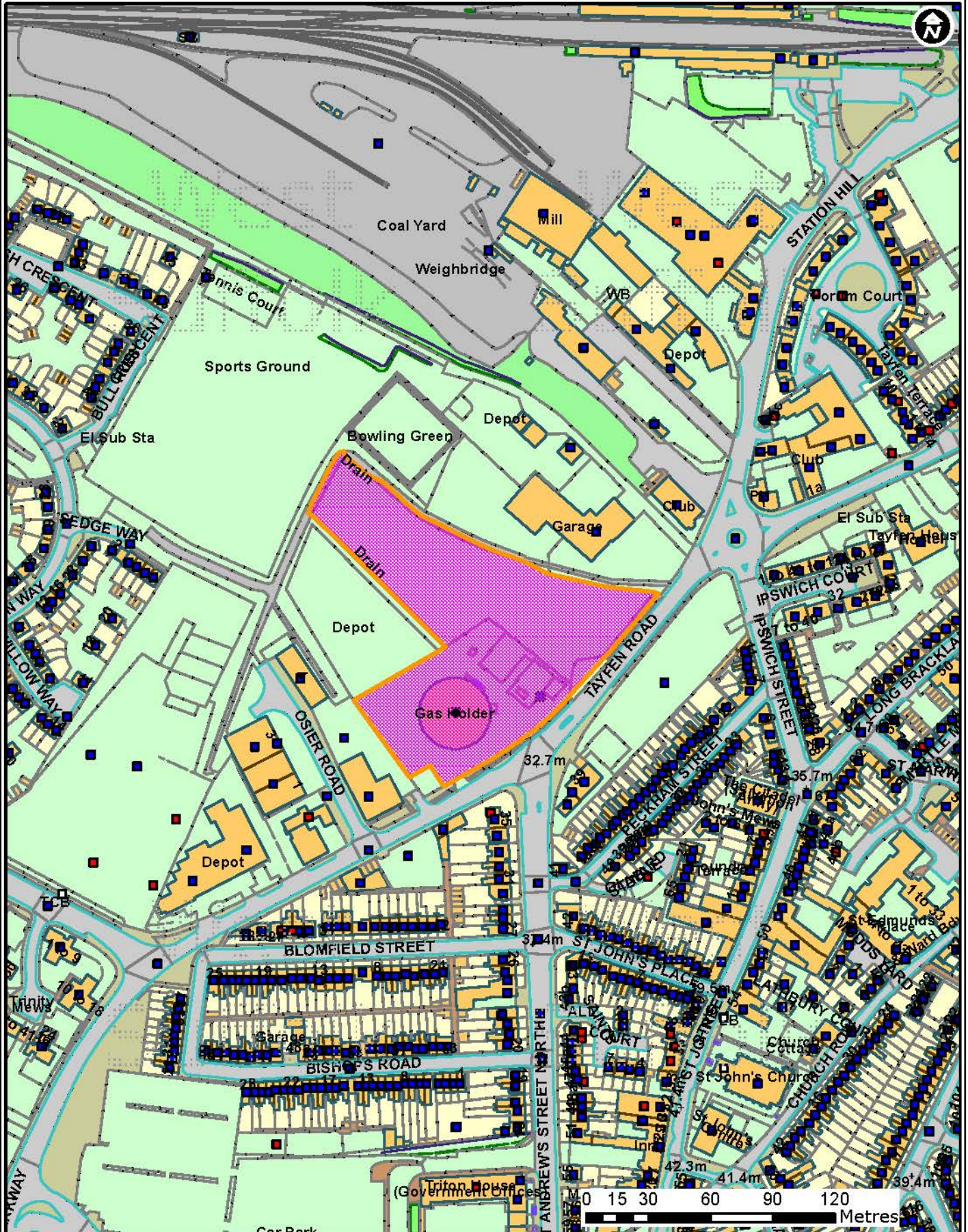
Tel. No. 01284 757345

E-mail: gareth.durrant@westsuffolk.gov.uk

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E/92/2781/H

Bury St Edmunds Holder Station, Tayfen Road



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West Suffolk
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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

6 October 2016

Planning Application DC/16/1180/FUL

East Town Park, Coupal's Road, Haverhill

Date: 19 July 2016 **Expiry Date:** 13 September 2016
Registered:

Case Officer: Aaron Sands **Recommendation:** Grant

Parish: Haverhill **Ward:** Haverhill East

Proposal: Planning Application - Construction of agricultural storage barn

Site: East Town Park, Coupal's Road, Haverhill

Applicant: St. Edmundsbury Borough Council

Synopsis:

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

CONTACT CASE OFFICER:

Email: aaron.sands@westsuffolk.gov.uk

Telephone: 01284 757355

Background:

This application is referred to the Committee because the applicant is the Parks Manager acting on behalf of the Local Authority and the proposal is sited within Council owned land.

Proposal:

1. Planning permission is sought for the erection of a single storey storage barn to provide storage for timber and coppice material generated from the harvesting of existing trees on the site.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application form
 - Ecological Appraisal
 - Arboricultural Impact Assessment
 - Block Plan
 - Proposed Site Plan
 - Proposed Roof Plan
 - Proposed Plans and Elevations

Site Details:

3. The site comprises an existing area of scrubland, located within designated countryside and sited alongside East Town Park. The site is served by an existing access that discharges onto Sturmer Road. The site is owned and maintained by St Edmundsbury Borough Council.

Planning History:

4. None relevant

Consultations:

5. Ecology, Tree and Landscape Officer: The planning application is supported by an ecological survey which concludes that the risk to protected species is low. Recommendations on site clearance have been made and replacement hazel planting within adjacent woodland is required and can be secured by condition. The impact of the proposals on trees will be minimal and acceptable. The proposal will be beneficial to the management of the park. The building appears to be set sufficiently back from the hedge to allow its retention and management which would be beneficial to the amenity of the lane.

Representations:

6. Parish Council: No objection

7. No other representations received

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

8. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainability)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM5 (Development in the Countryside)
- Policy DM10 (Impact of Development on Sites of Biodiversity and Geodiversity Importance)
- Policy DM11 (Protected Species)
- Policy DM12 (Mitigation, Enhancement, Management and Monitoring of Biodiversity)

9. St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

10. National Planning Policy Framework (2012)

11. Haverhill Vision 2031

Officer Comment:

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

- Principle of Development
- Design and Form
- Impacts on Amenity
- Impacts on Trees and Biodiversity

Principle of Development

13. The proposed building is located within an existing area of trees that are regularly coppiced. Though the site is not located within the Housing Settlement Boundary it is located in a reasonable proximity to existing built development, including the substantial industrial estate to the south of the site across Sturmer Road. The proposal provides storage for material generated from within the site, which is itself inherently sustainable. There is therefore a presumption in favour of development within such locations, as indicated in Policy DM1.

14. Policy DM2 requires that all development should recognise the key features of the area, and maintain the character of the area. Development should also be of a design that respects the scale, density and massing of the locality and ensure appropriate measures to mitigate impacts to residential amenity and the amenity of nearby public spaces.

15. The site is of a size that could comfortably accommodate the proposal without appearing as an overdevelopment. Additionally, there is a range of forms and character in the area, with residential properties to the west, the large open space and tree belts to the north and the industrial estate to the south, such that the proposal does not appear incongruous with the character of the area.
16. Policy DM5 seeks to restrict development within the countryside unless it meets the tests set out within the policy for development appropriate within the countryside. Proposals must be related to forestry and will be required to ensure that there is no loss of the best and most versatile agricultural land. Such development will also be required to ensure that there are no significant detrimental impacts to the historic environment, visual character and amenity of the landscape and biodiversity, nor significant impacts to the local highway network.
17. The proposed development is a forestry development, seeking a store to house the produce resulting from the coppiced trees within the site. The site is served by an existing access from Sturmer Road. The existing use of the site is to be continued and would not, therefore, result in the alteration of the agricultural land, other than the erection of the building which would support the business. As noted above, the development is not considered to be out of character with the surroundings and would not present as a significant visually dominant structure in the context of the area.
18. The principle of development is considered to be acceptable, and the determining factors are the design and form, the impacts on amenity and the impacts on trees and biodiversity.

Design and Form

19. Policy CS3 of the Core Strategy expects development to address the locality, landscape and the local context in order to contribute high quality, safe and sustainable environments. Development must also take account of the natural and historic environment and access and transport considerations. Policy DM2 and the NPPF echo these design requirements, seeking to preserve and enhance localities.
20. The proposed building presents as a typical agricultural building, being of standard steel panels along a steel framed building. It is sited to the rear of a dense tree belt along Sturmer Road that would provide substantial screening while in leaf, though it is noted this screening would only be partially effective when the leaves have fallen. That said, the building is of a low scale, at approximately 3.1 metres at the ridge and 2.5 metres at the eaves.
21. The set back from the roadside will further serve to limit view of the proposed building, further mitigating any impacts that might arise to the street scene.

22. It is considered that the proposal is of a design and form to respect the character of the area and is well screened from public view. The development is considered to accord with the provisions of Policies DM2 and CS3 that seek to ensure a good standard of design, as well as the relevant section of the NPPF.

Impact on Amenity

23. The proposed development is largely screened from public areas and views by the existing tree belt. To the west, across the access track, lie a number of residential properties. An existing garage is located between these residential properties and the application site, providing some screening from the garden areas nearby, which compounds upon the low overall height of the outbuildings to substantially limit view from private residential property. The distance from the residential gardens is considered sufficient to limit impacts of noise. It is considered that the proposal would not give rise to an adverse material impact to residential amenity.

Impact on Trees and Biodiversity

24. The trees within the site are subject to a routine Council management plan but are not otherwise formally protected. There are a small number of trees within the site that are proposed for removal in order to accommodate the store. These trees are of low amenity value, being small trees set back from the road, and largely screened from the wider area. Assessments of their potential use by protected species have indicated that they are of low value. An existing hedgerow located along the boundary will provide some low level screening and the building is located at a sufficient distance to allow for maintenance of this hedge. It is considered that the loss of the trees is acceptable, also noting that no protection is currently in place that would prevent their removal.

25. Policies DM10, DM11 and DM12 seek to protect and enhance biodiversity within and around development sites, particularly where there are features of biodiversity that are protected sites, such as the County Wildlife Site and Local Nature Reserve that covers areas to the north of the site. Policy CS2 seeks the protection and enhancement of natural resources, specifically identifying designated sites, wildlife and ecological networks.

26. Protected species have been identified in the surrounding areas, and though none have been noted as specifically using the site, a number of features have presented as potentially appropriate habitat, particularly with regards to reptiles. The ecological report notes the wider ecological status of the park, which appears to have been previously used as a reptile receptor site for other sites within Haverhill, and which is of a reasonable ecological value in any event. The applicant has undertaken to erect a reptile fence around the perimeter of the site, in order to prevent harm to such species during the development process.

27. The ecological report recommends limited works, more by way of avoidance than specific mitigation requirements and, noting that the applicant as the local authority is bound by the Natural Environment and Rural Communities Act (2004) that requires public bodies to have regard to conserving biodiversity. It is considered that the proposal takes suitable account of the biodiversity features of the site, and has implemented appropriate mitigation to prevent harm arising to those species that could potentially utilise the site.

Conclusion:

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

Recommendation:

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

1. 01A – 3 year time limit
2. 14FP – Accordance within approved plans

Documents:

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

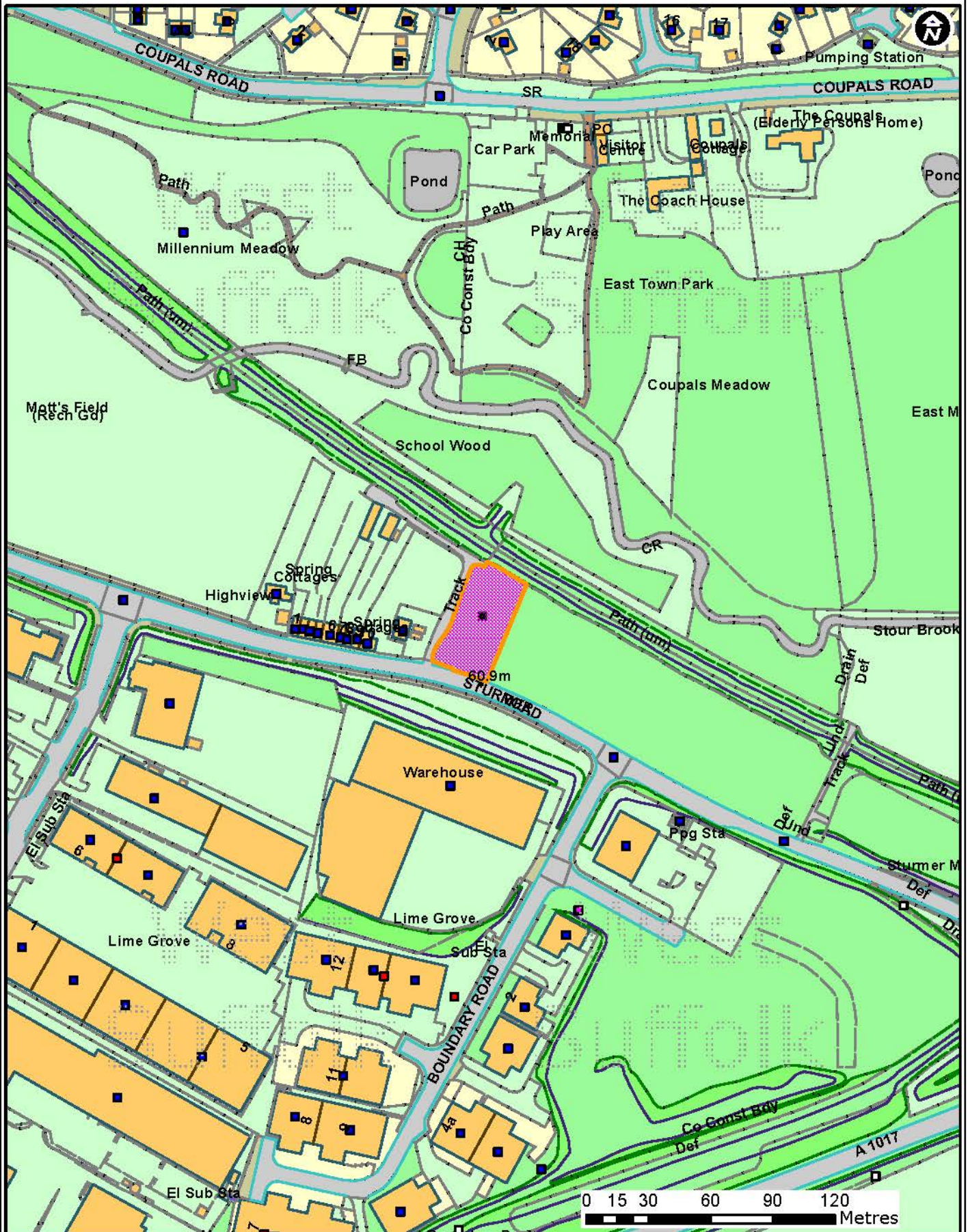
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Case Officer: Aaron Sands

Date: 16 August 2016

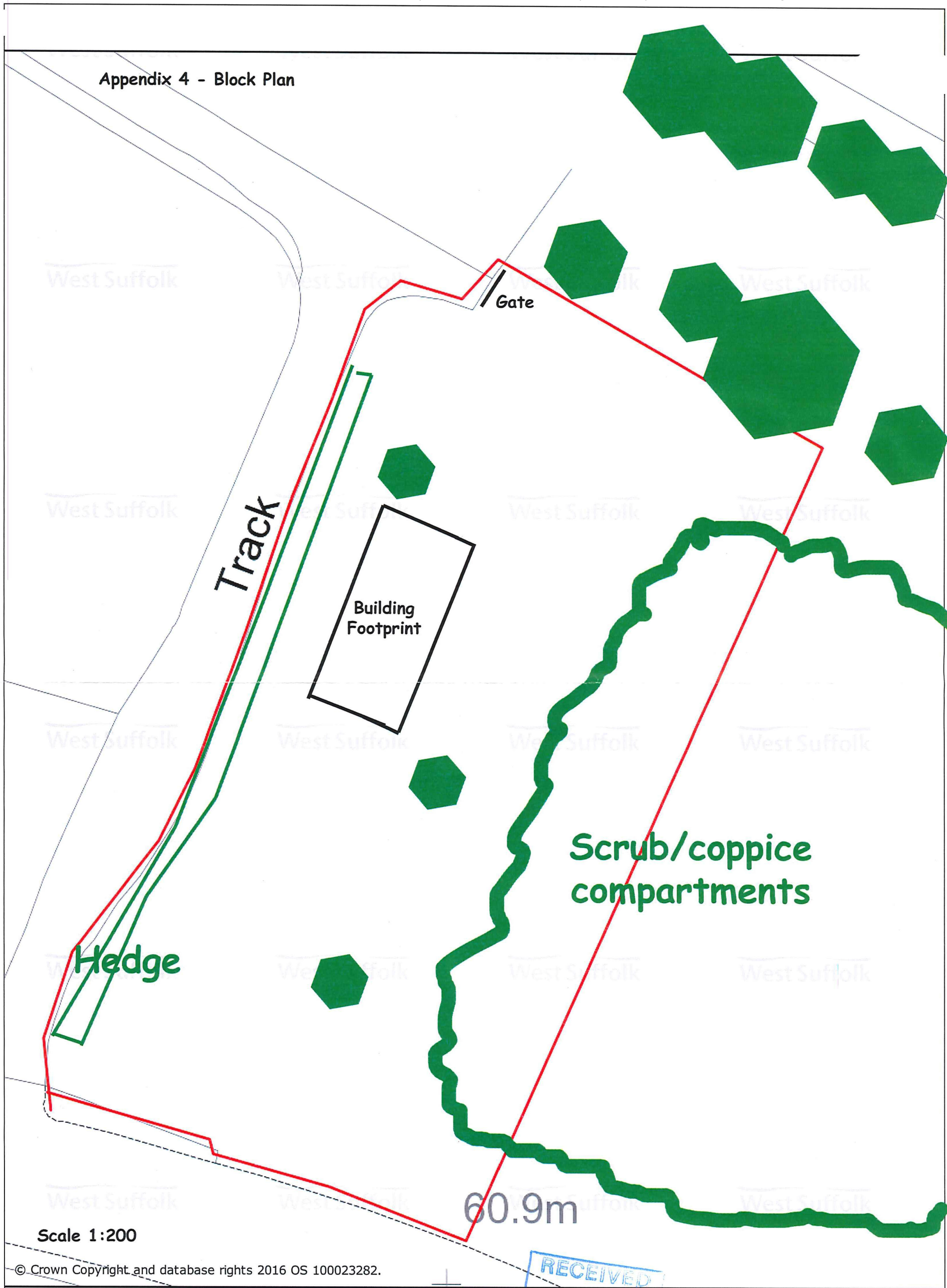
DC/16/1180/FUL - Storage Barn, East Town Park, Coupals Road, Haverhill

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Appendix 4 - Block Plan



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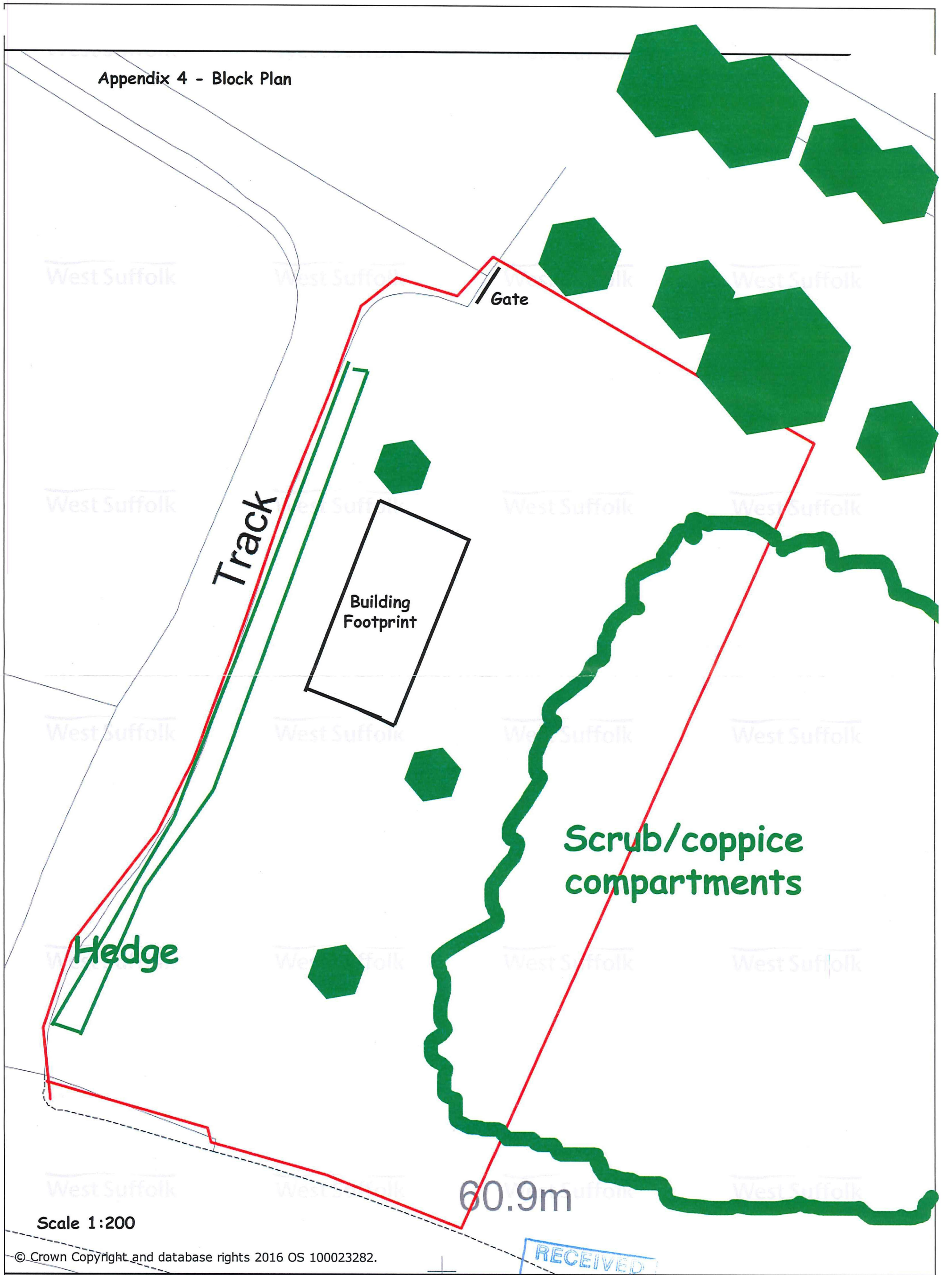
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Appendix 4 - Block Plan



Track

Building Footprint

Gate

Scrub/coppice compartments

Hedge

60.9m

Scale 1:200

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

6 October 2016

Trees in a Conservation Area Notification

DC/16/1756/TCA

Sea Pictures Gallery, Well House, Well Lane, Clare

Date: 23 August 2016 **Expiry Date:** 4 October 2016

Registered:

Case: Aaron Sands **Recommendation:** No objection be raised

Officer:

Parish: Clare **Ward:** Clare

Proposal: Trees in a Conservation Area Notification - (i) 1no. Willow (T1 on plan) fell; (ii) 1no. Cherry (T2 on plan) overall crown reduction of 25%; (iii) 1no. Cherry (T3 on plan) overall crown reduction of 30%; and (iv) 1no. Cherry (T4 on plan) overall crown reduction of 25%

Site: Sear Pictures Gallery, Well House, Well Lane, Clare .CO10 8NH

Applicant: Mr & Mrs Pugh

Agent: TM Treesolutions - Mr Tom Downer

Synopsis:

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

CONTACT CASE OFFICER:

Email: aaron.sands@westsuffolk.gov.uk

Telephone: 01284 757355

Proposal:

1. This notification has been submitted to inform the Council of the intent to carry out works to trees within a conservation area at least six weeks prior to the works being carried out. The notification is referred to the Committee because one of applicants is an Elected Member of the Borough Council

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application form
 - Tree location plan
 - Annotated aerial photograph

Site Details:

3. The site comprises a two storey, mid-terrace property within the town centre of Clare. The trees the subject of the notification are located to the rear of the property, forming part of a verdant area and creating a tree belt between the properties along Well Street and the Clare Castle Country Park.

Planning History:

4. DC/14/0782/TCA - Trees in a Conservation Area Notification - (i) Willow (W1 on plan) - Re-pollard to previous pollarding points ;(ii) Laburnum (L1on plan) - remove one of four main stems and reduce rest by 30% due to proximity to property. No objection raised. 16.06.2014

Representations:

5. Parish Council: No representations received
6. No other representations received

Officer Comment:

7. The issues to be considered in the determination of the application are:
 - Amenity value of the trees
 - Health of the trees

Health of the trees

8. T1, the willow tree, appears to be dead, having no leaves despite all other trees in the area still being in leaf at this time. The tree has been maintained as a pollard in the past. Noting that the tree appears very much to be dead, it would be technically exempt from requiring a notification and could be dealt with under a five day notice for dead or

dangerous trees subject to a replacement. Noting that this willow tree is in a sufficiently close proximity to a boundary wall that it could cause damage if it were to fall, it is not considered that the retention of this tree is appropriate. As noted below, this tree, in any event, is not of sufficient amenity value to warrant its retention.

9. The cherry trees all appear to be healthy, with T2 being a substantially developed tree and a central feature within the garden. The trees do not appear to be compromising any of the surroundings, though it is noted that T3 and T4 are in reasonably close proximity to a fence, such that keeping them at a reduced height would contribute to their longer term viability in this location.

Amenity value of the trees

10. All the trees are located to the rear of the property, screened from Well Street and other roadside areas by the existing built development. A gap between properties at the junction of Station Road and Well Lane appears to give some glimpse views of tree tops of T3 and T4, but these are not visually prominent in this view, and it is not considered that their loss would harm it.
11. To the rear of the site is a substantial tree belt surrounding the motte within Clare Castle Country Park. Views from the castle are restricted by this tree belt, such that it would not be possible to view any of the trees within the notification site because of the existing vegetation. In addition, the ground level within the application site slopes down to the rear, further reducing the prominence of the trees in any public views.
12. Given this, the trees are not, therefore, visually prominent from any public location, and do not provide sufficient amenity value that it would be appropriate to serve a tree preservation order.

Conclusion:

13. In conclusion, the trees are not considered to be of sufficient amenity value to warrant their protection by a tree preservation order and the works are not considered to be detrimental to their viability in the long term.

Recommendation:

It is **RECOMMENDED** that **no objection** is raised and **no tree preservation order is served**.

Documents:

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

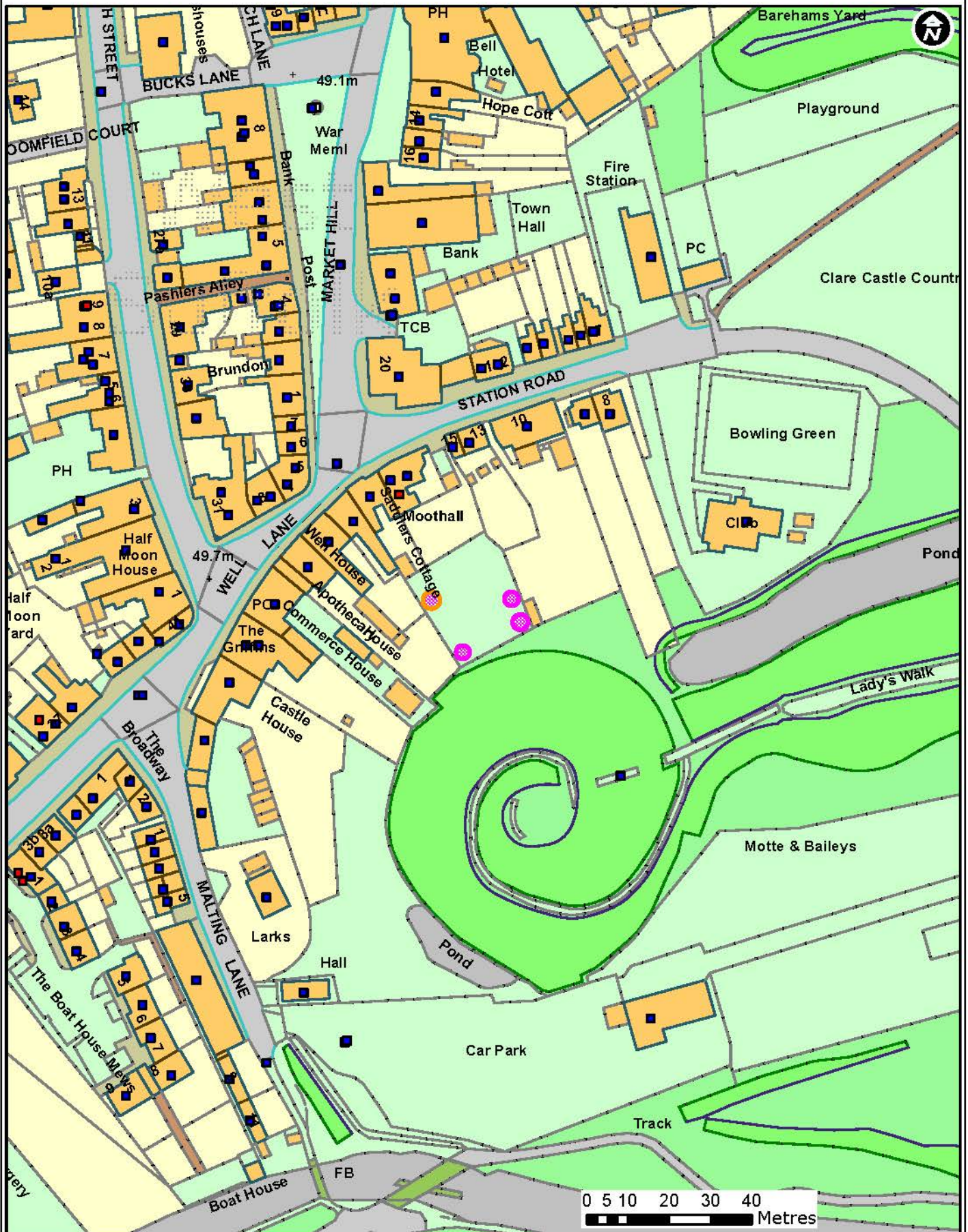
Case Officer: Aaron Sands

Date: 21 September 2016

Development Control Manager:

DC/16/1756/TCA - Sea Pictures Gallery, Well House, Well Lane, Clare

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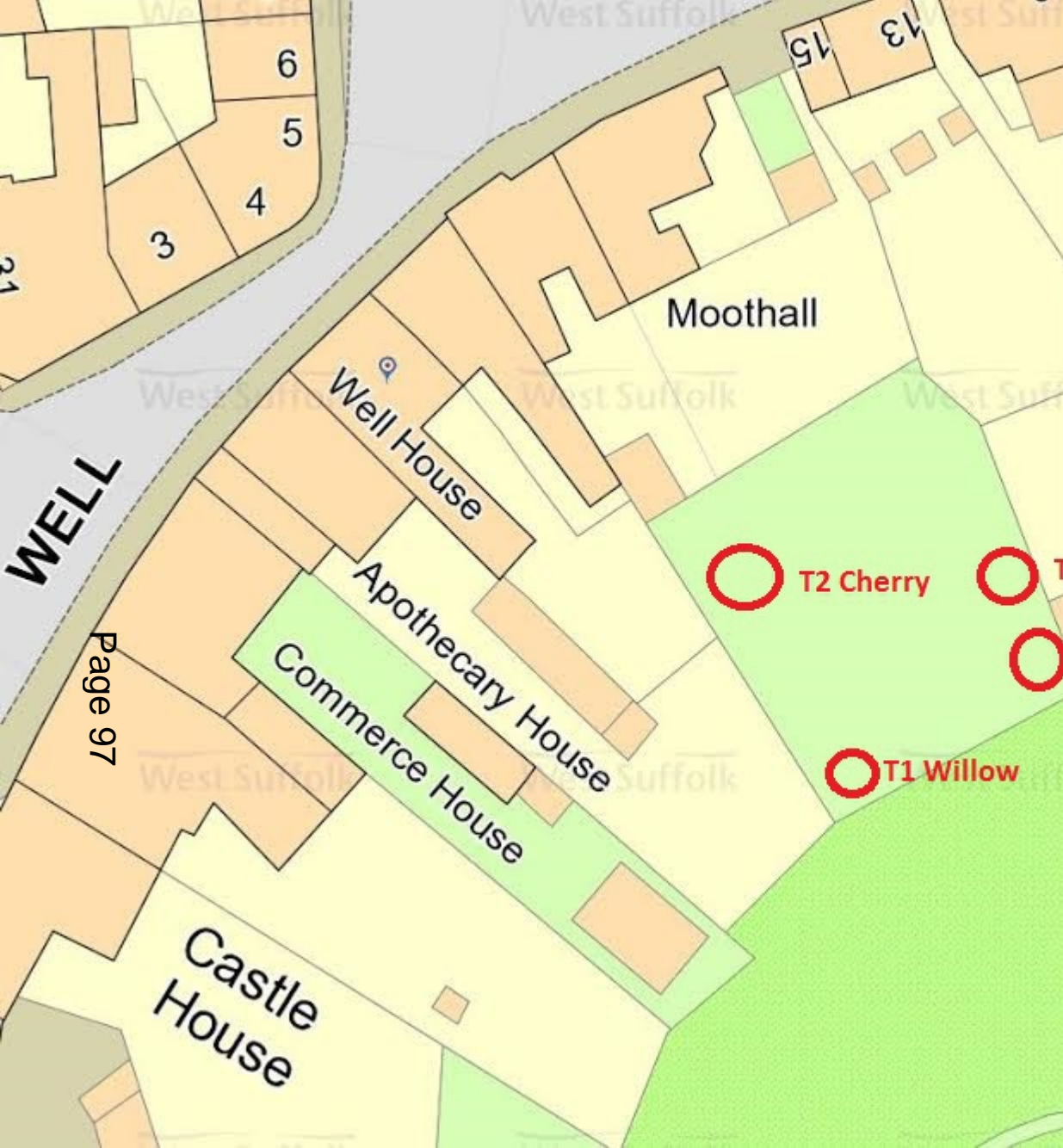
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Moothall

Well House

Apothecary House

Commerce House

Castle House

WELL

Page 97



T2 Cherry



T3 Cherry



T4 Cherry



T1 Willow

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