

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title:</b>	<b>Agenda</b>														
<b>Date:</b>	<b>Thursday 2 February 2017</b>														
<b>Time:</b>	<b>10.00 am</b>														
<b>Venue:</b>	<b>Conference Chamber West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU														
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Jim Thorndyke</p> <p style="text-align: center;"><b>Vice-Chairmen</b> 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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<b>Substitutes:</b>	<p><u>Conservative Members (6)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Betty Mclatchy</td> <td style="width: 33%;">Andrew Smith</td> </tr> <tr> <td>Sara Mildmay-White</td> <td>Peter Thompson</td> </tr> <tr> <td>Richard Rout</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>	Betty Mclatchy	Andrew Smith	Sara Mildmay-White	Peter Thompson	Richard Rout	Frank Warby	Barry Robbins		David Nettleton					
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Richard Rout	Frank Warby														
Barry Robbins															
David Nettleton															
<b>THERE ARE NO SITE VISITS PROPOSED IN CONNECTION WITH ANY OF THE APPLICATIONS TO BE CONSIDERED</b>															

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

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# 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 - 12**

To confirm the minutes of the meeting held on 5 January 2017 (copy attached).

## Part 1 – Public

**4. Outline Planning Application DC/16/1252/OUT**

**13 - 30**

17 no. dwellings, access, parking and landscaping (following demolition of existing building) at Social Services, Camps Road, Haverhill for Emlor Homes

Report **DEV/SE/17/09**

**5. Planning Application DC/16/2562/FUL and Listed Building Application DC/16/2563/LB**

**31 - 56**

(a) Application DC/16/2562/FUL:

(i) Change of use, conversion and extension of existing barns to residential use creating 4 no. dwellings (following demolition of existing modern steel portal framed buildings and grain silos); (ii) reinstatement of existing access to farmhouse; and (iii) 3 no. garages ;and

(b) Application DC/16/2563/LB :

(i) Change of use, conversion and extension of existing barns to residential use creating 4 no. dwellings (following demolition of existing modern steel portal framed buildings and grain silos); (ii) reinstatement of existing access to farmhouse; and (iii) 3 no. garages

at Shardelows Farm, New England Lane, Cowlinge for David Midwood trading as Midwood Farms

Report **DEV/SE/17/10**

**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

<b>Forest Heath District Council</b>	<b>St Edmundsbury Borough Council</b>
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
<b>Emerging Policy documents</b>	
Core Strategy – Single Issue review	

- 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/alterred, together with the material planning basis for that change.
  - Members can choose to
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
  - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

## **Notes**

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

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

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Development Control Committee** held on  
**Thursday 5 January 2017** at **10.00 am** at the **Conference Chamber, West  
Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

**Chairman** Jim Thorndyke  
**Vice-Chairman** Carol Bull

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

Ivor Mclatchy  
Alaric Pugh  
David Roach  
Peter Stevens  
Julia Wakelam

**Substitutes attending:**  
Sara Mildmay-White

Andrew Smith

**By Invitation:**  
David Nettleton (for item 284)

**275. Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt, Angela Rushen and Patsy Warby.

**276. Substitutes**

The following substitutions were announced :

Councillor Sara Mildmay-White for Councillor Patsy Warby and  
Councillor Andrew Smith for Councillor Angela Rushen.

**277. Minutes**

The minutes of the meeting held 3 November 2016 were confirmed as a correct record and signed by the Chairman.

## 278. **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/17/01 to DEV/SE/17/07) and any additional conditions imposed by the Committee and specified in the relevant decisions ; and
- (3) refusal reasons be based on the grounds in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

## 279. **Outline Planning Application DC/15/2483/OUT ( Means of access onto Rougham Hill and Sicklesmere Road to be considered)**

**To include up to 1,250 dwellings (Use Class C3), local centre comprising retail floor space (A1,A2,A3,A4 and A5), a community hall (D2), land for primary school (D1) and car parking, a relief road, vehicular access and associated works including bridge over the River Lark, sustainable transport links, open space (including children’s play areas), sustainable drainage (SuDS), sports playing fields, allotments and associated ancillary works at Land south of Rougham Hill, Rougham Hill, Bury St. Edmunds/Nowton (application site also abuts the parish boundary of Rushbrooke with Rougham)**

The Committee had visited the application site on 3 January 2017.

Officers in presenting the written report advised that the applicants in carrying out a flood risk assessment had received two sets of data from the Environment Agency over a passage of time which provided conflicting information about where the flood zones actually were. The original data had indicated that the area within the application site identified for the proposed primary school and playing field was in Flood Zone 1 and not liable to flooding. However, the most recent dataset, sent by the Environment Agency to the Local Education Authority, had indicated that the school playing field would be situated in Flood Zones 2 and 3 and potentially at risk from flooding. Officers informed the Committee that from a planning viewpoint recreational and school playing field uses were, in principle, appropriate in a flood risk area. The education authority had, however, raised a concern that this might pose increased build and management costs for the new school facility and an ongoing operational difficulty for the school during periods of inclement

weather. The situation remained that the County Council could raise a formal objection to the application on these grounds and if this was the case the application would be referred back to the Committee for further consideration. However, Officers were confident that a solution would be found to obviate this potential problem.

Officers corrected an error on A 3) of the recommendation on page 70 of the report. The first recommended condition on Time limit should have afterwards:

` ( 3 years for submission of first Reserved Matters and 2 years following formal approval of first Reserved Matters for commencement of development). '

The following persons spoke on the application :

- (a) Objectors - John Corrie and Simon Harding
- (b) Rushbrooke with Rougham Parish Council - Councillor Ian Steel, Chairman
- (c) Ward Member (Rougham Ward) - Councillor Sara Mildmay-White
- (d) Applicants - Clive Harridge, agent

The Committee acknowledged that the application was in respect of a site allocated for development in the Development Plan and that it had been informed by the South East Bury St. Edmunds Strategic Development Site Masterplan. Members were informed that the application was in outline form with only details of the proposed means of access to the site being included for approval at this stage. Details of all other aspects of proposed development would be for consideration at the later Approval of Reserved Matters stage.

Members in considering the application raised a series of matters to which Planning Officers and Luke Barber, Suffolk County Council Highways present at the meeting, responded to as follows:

(i) clarification was sought as to the apparent intention that the main road within the development would serve as a relief road for traffic to and from the A14 since the route of this would be through residential areas with potential adverse effects from pollution and noise from such traffic on the occupiers. The proposed main road would be to a higher specification, yet to be determined, which would take into account projected traffic flows including usage by agricultural vehicles. There would be a choice for motorists of either Sicklesmere Road or the new highway and the intention was to make the latter a more attractive option and thus provide some relief for the existing road;

(ii) clarification was sought about the proposed stopping up of Rushbrooke Lane and how this would operate. The lane would be stopped up at a point which would form cul-de-sacs. Two way access to the proposed relief road would be provided from both sides of the severed Rushbrooke Lane and thus preserve access and egress to existing residential properties served by it;

(iii) an assurance was sought that traffic impact assessments would be carried out on the effect of the development on minor roads in Rougham and

the wider area in view of the expressed concern that these would become 'rat runs' as alternatives to designated routes. These assessments it was suggested should include consideration of the use of these lanes by agricultural traffic in connection with a potato storage and distribution business. Whilst it was inevitable that motorists would seek alternatives via minor roads to reduce journey times there was often no benefit to be had from this practice. In the Officers' view by making the new road an attractive route as a link to the A14 it would reduce the impact on minor roads. There was no method available of assessing at this stage what the impact might be in respect of minor roads and no means of dealing with a perceived adverse situation other than stopping up or severing such roads. If in the longer term problems occurred the County Council would assess these and address them as appropriate;

(iv) whilst the proposed cycleway link was welcomed it was felt that the provision of this should be made a definite proposal since at present it was dependent on Suffolk County Council having funds available for these works. It was also pointed out that surface of the existing cycleway was in need of cleaning up in the vicinity of the underpass of the A14. A question was raised as to whether there would be separate dedicated routes for cyclists for sections of highways which intersected the cycleway route. The County Council had funds in place for the cycleway link to the A14 pedestrian underpass and was keen to see other links provided to the town centre, West Suffolk Hospital, the proposed school and existing and proposed employment areas and the developer would make available rights of access to facilitate cycle routes. Provision of the cycleway could, however, be secured under a Section 106 Agreement if the County Council did not have funding available. There would be separate routes for cyclists at junctions/roundabouts and push button crossing facilities;

(v) there were concerns about the effect of traffic from the development upon other main junctions and roundabouts in the town. It was suggested that there should be a comprehensive and enforceable traffic management plan for the whole of Bury St Edmunds as a means of dealing with this. Contributions from developers of each of the Strategic Development sites would be sought specifically to improve key junctions and corridors leading to the town centre. In the case of this development it was intended to obtain funds for work on the entire corridor via a Section 106 Agreement and the use of powers under Section 278 of the Highways Act rather than waiting for funds to accrue from the other developments;

(vi) the concerns of the Suffolk Wildlife Trust about the impact of the development upon 'Priority Species' and the assessment of these by Officers set out in the report were noted;

(vii) a question was also raised as to whether the County Council would, within a specified period, adopt the roads within the proposed development. The County Council's intention was that it would adopt the new highway network with the exception of small cul-de-sac developments served by a private drive;

(viii) clarification was sought as what the situation would be if no bus operator was willing to provide the bus services envisaged as part of the

sustainable transport system which would support the development. It was also noted that the Transport Co-ordinator post proposed would be in being for a period of 35 years and a question was raised as to whether this would be necessary for this length of time. The situation regarding bus services was that there was sufficient capacity within existing operations for these to be provided and incentives could be offered to establish services for the development. The development was large enough to make services viable. Generally developments of 500 to 1,000 dwellings were sufficient to generate enough passengers for a service to be feasible. In the view of Officers the Travel Plan relating to the development would be effective and whilst it was likely that the development might be completed sooner than the 35 years period referred to it was felt that the co-ordinator post should be available as a resource during the build out of the project; and

(ix) reference was made to the proposed means of access to the site from the junction with the proposed new roundabout onto Sicklesmere Road and an observation was made by a Member that there appeared to be very little offset in the layout of this. The proposed layout of this junction was indicative only at this stage and more detailed work would follow under the Highways Act but Officers would ensure that new and amended junctions would be appropriately designed and safety audited.

### Decision

- (1) Outline planning permission be granted subject to :
  - (a) prior agreement being reached with the applicants and Local Education Authority with respect to a strategy for delivering a site for a new primary school as part of the development;
  - (b) the completion of a Section 106 Agreement to secure, unless the Head of Planning and Growth subsequently concludes a particular clause to be unlawful or considers any individual measure would be better secured by planning condition, those matters listed in recommendation A 2) of Report DEV/SE/17/01; and
  - (c) the conditions listed in recommendation A 3) of Report DEV/SE/17/01, subject to the amendment of the first mentioned condition to read ' Time limit – ( 3 years for submission of first Reserved Matters and 2 years following approval of the Reserved Matters for commencement of the development ) ; and
- (2) should agreement not be reached with respect to the provision of a site for a new primary school or, for whatever reason, the Borough Council cannot secure a Section 106 Agreement with the applicants within a reasonable period, the application be referred back to this Committee for further consideration.

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

280. **Planning Application DC/16/1810/VAR**

**Variation of Condition 10 of E/89/1085/P to allow working hours of 08.00 to 18.30 on Mondays, 06.00 to 18.30 on Tuesdays to Fridays inclusive and 06.00 to 16.00 on Saturdays; no work to take place at any time on Bank Holidays and Sundays at The Barn, Low Green Barn, Low Green, Nowton for The Friendly Loaf – Mr Mark D Proctor**

The Committee had visited the application site on 3 January 2017.

The following persons spoke on the application:

- (a) Objector - Mr David Graham
- (b) Applicant - Mr David Barker, agent.

The Committee noted that the application site was an existing industrial premises situated at the Nowton Business Centre.

A Member questioned whether the increase in working hours constituted a change of use from the current B1 classification to B2. Officers responded by advising that an increase in working hours did not automatically place the same business activity into another Use Class category. This was a matter of fact and degree with the principal judgement relating to whether the use could be carried on without harming residential amenity. The local planning authority was able to re-assess the situation but in this particular case Officers were satisfied that the proposal would remain a B1 light industrial use of the premises. A point was also raised as to whether any grant of permission could be made personal to the applicant. In the circumstances under consideration Officers advised that this would not be justified, that Government guidelines advised that personal conditions were rarely reasonable or necessary and that they were satisfied that the recommended conditions would adequately control the development. In response to a question about whether the extractor fan proposed would give rise to any complaints about noise Officers advised that this had not yet been installed but an assessment would be carried out to ascertain there were adequate noise attenuation and odour control measures contained within the system. Officers also advised that the present extent of retail sales taking place from the premises were so small as to be ancillary to the main use and therefore they were satisfied that a material change of use had not taken place.

Decision

Permission be granted.



281. **Planning Application DC/16/1451/FUL**

**Change of use of office (Class B1a) to nursery (Class D1), as amended by details received 14 October 2016 including parking layout plan, noise mitigation plan and travel plan at Ground Floor Office, Low Green Barn, Low Green, Nowton for Little Larks Day Nursery – Mrs Donna Cooper.**

The Committee had visited the application site on 3 January 2017.

This application was before the Committee because the applicant was the partner of an Elected Member of the Borough Council.

The following persons spoke on the application:

- (a) Objector - Mr David Graham
- (b) Applicant - Mrs Donna Cooper

In the absence of a plan showing the car parking and dropping off/collection point arrangements in respect of the proposal some Members expressed concern about safety issues, particularly because the frontage outside the application premises was narrow and constricted for the safe parking and manoeuvring of vehicles. Additionally this area was also used by walkers to gain access to the adjacent public footpath. Clarification was requested as to whether the proposed parking spaces were to be delineated clearly by white lining. Officers indicated that this requirement could be included within the parking management scheme. Officers advised that the number of car parking spaces (12) conformed with the County Council's parking standards but details of the dropping off/collection point and arrangements for cycle storage were still to be agreed. The location of the proposed car parking bays might therefore change to accommodate the dropping off and collection space. No conditions to be attached to any grant of permission had been recommended by the County Council as yet. Requirements for a car parking management scheme and a Travel Plan to be approved could be imposed by condition. In response to a question by a Member Officers advised that 10 of the proposed car parking spaces were intended for the staff the number of whom was equivalent to 9 full- time employees.

Decision

Subject to the receipt of a comprehensive and satisfactory plan, indicating how car parking and dropping off and collection of children is to be managed and how these areas are to be demarcated, which has been drawn up in consultation with the local highway authority, planning permission be granted.

282. **Planning Applications DC/16/2492/VAR, DC/16/2493/VAR and DC/16/2494/VAR**

**(i) DC/16/2492/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 of 9 November 2016 at Building C;**

**(ii) DC/16/2493/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 of 9 November 2016 at Building D; and**

**(iii) DC/16/2494/VAR – Variation of Condition 2 of DC/15/1579/FUL, retention of change of use from 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 Lark's Pool Farm, Mill Road, Fornham St. Genevieve for C J Volkert Ltd.**

Officers corrected an error in Paragraph 6 of the report as the reference to the October Development Control Committee should have read the November Development Control Committee.

Officers gave an oral update as follows :

(i) in respect of Application DC/16/2494/VAR (Area H) the applicants had withdrawn the proposal to seek opening on a Sunday;

(ii) in relation to Paragraph 8 Officers advised that the statement that 'there are also ongoing enforcement investigations into a number of present unauthorised uses' had been superseded as the situation now was that Certificates of Lawfulness and applications for Discharge of Conditions had been received in respect of these;

(iii) with reference to Paragraph 11 the Ramblers' Association had reiterated its concerns expressed in relation to the previous applications and given a full statement of objections based on safety risks to walkers and horse riders and the devaluation of a local amenity;

(iv) a petition had been received from horse riders and dog walkers who used Mill Lane expressing support for the proposals; and

(v) a further letter from a private individual had been received which stated that the removal of opening on a Sunday was an attempt to persuade the Committee to grant permission for the remaining proposals and put forward detriment of local amenity as an objection.

The following persons spoke on the applications:

- (a) Objectors - Jenny Bradin, Ramblers' Association, and Colin Hilder
- (b) Fornham St. Martin cum Genevieve Parish Council - Councillor Michael Collier
- (c) Applicants - Clayton Volkert (owner) ref. 2492  
Leslie Short (agent) ref. 2493  
Janet Doman (tenant) ref. 2494

In response to a Member's question Officers advised that the proposed conditions in italics contained within the recommendation were under consideration and were not yet in final form. It was also reported that St Edmund's Way referred to by objectors was part of a wider network which Mill Lane led to.

Members after debating the applications had the same concerns regarding amenity and the impact on Rights of Way, as expressed by some of the public speakers, and were of the view that the same reasons for refusal applied at the Committee's meeting on 3 November 2016 remained valid.

#### Decision

Applications DC/16/2492/VAR, DC/16/2493/VAR and DC/16/2494/VAR be refused for the same reasons as set out in Minute 272 of the meeting of the Committee held 3 November 2016.

*( At this point the meeting was adjourned to allow Members a short lunch break)*

#### 283. **Planning Application DC/16/1963/FUL**

**(i) Conversion of outbuilding/garage (approved under SE/12/0053HH) to form separate dwelling including two storey and single storey extensions; (ii) new vehicular access to serve new dwelling; and (iii) 2 no. detached garages/outbuildings for use for new and existing dwellings at Ardrella, Freewood Street, Bradfield St. George for Mrs P A Prior**

The Committee had visited the application site on 3 January 2017.

Officers reported orally that additional comments had been received from the occupier of Seaton Cottage expressing concern about the large scale of the proposed garage/outbuilding and the potential for this to cast shadow over his garden.

The following persons spoke on the application:

- (a) Ward Member - Councillor Sara Mildmay-White
- (b) Applicant - Dean Pearce, agent.

Councillor Sara Mildmay-White expressed objections to the proposal on the following grounds : need for the new dwelling could not be justified, the site

was in an unsustainable location, the proposal was effectively a new build rather than a garage conversion, the orientation of the dwelling was at odds with nearby properties, policy objections and the proposal was detrimental to the appearance and character of the locality.

Members whilst acknowledging the objections which had been lodged were of the view that the proposal conformed with Policy DM27 of the Development Management Policies document which gave a presumption in favour of granting permission to single or small groups of dwellings in appropriate rural locations. A concern expressed about potential light pollution was accepted and it was requested that an appropriate condition be attached to the planning permission in response to this.

#### Decision

Permission be granted subject to a further condition :

11. the form of any external lighting proposed to be agreed in writing with the local planning authority.

#### 284. **Planning Application DC/16/2319/FUL**

##### **2 no. dwellings (following demolition of existing office building) at Acorn Lodge, Sandy Lane, Bury St. Edmunds for Livens Property Care – Mr Mark Livens**

The Committee had visited the application site on 3 January 2017.

The following persons spoke on the application:

- (a) Objector - Ross Taylor
- (b) Ward Member - Councillor Diane Hind – statement of her views read out by Councillor David Nettleton
- (c) Applicant - David Barker, agent

In considering the application the Committee acknowledged the extant Prior Approval (reference DC/15/2386/P3JPA) for a single dwelling on the site granted in January 2016. Whilst it was accepted that there would be a degree of overlooking from the application site in respect of the rear garden of 1 Norfolk Road it was noted that there were similar situations existing in respect of the established properties in the locality. Members referred to the narrowness of the access lane to the rear of the site but noted that the highway authority had not raised any objection to the proposal. Samantha Bye, Suffolk County Council Highways present at the meeting, advised that because this lane served the existing office building the proposal sought to replace there was no basis for recommending refusal. Any intensification in the use of the lane by future development would, however, be resisted by the highway authority.

#### Decision

Permission be granted.

285. **Planning Application DC/16/0876/FUL**

**50 sheltered retirement apartments with communal facilities, parking, landscaping and access (following demolition of existing building) at Place Court, Camps Road, Haverhill for Churchill Retirement Living**

*(Councillor John Burns declared a non-pecuniary interest in this application as a Member of Suffolk County Council who were owners of the site. He remained within the meeting)*

The applicants had lodged an appeal against the non-determination of the application; the time period for determination having expired on 23 August 2016. The Committee was no longer in a position to decide the application as the proposal would now be considered by an appointed Inspector. The matter had been referred to the Committee to seek its views as to what the decision might have been had it been in a position to determine the application. On paragraph 71 Officers corrected an error as in the second line 'excepted' should have read 'accepted'.

The following person spoke on the application :

(a) Objector - Nicola Turner, East of England Ambulance Trust.

Members in discussing the proposal referred to the situation that the application site was part of a larger area of land to be relinquished by the County Council and therefore a holistic approach to the development of the overall area of land to be available for re-development would have been appropriate. Officers advised that the adjoining area of land formerly housing the Social Services Department was the subject of a planning application by another company in the same group as Churchill Retirement Living and an appeal against non-determination had been similarly lodged in respect of this separate proposal. The objections of the Ambulance Service that if the appeal was allowed construction work in implementing the proposal would hamper access to the ambulance station and jeopardise response times was noted and it was agreed that this serious concern should be passed onto the Inspector. Concern was also expressed by the Committee that the proposal did not allow for affordable housing to be provided in the town.

Decision

That (1) had the Committee been in a position to determine the application it would have been refused on the basis of the reasons set out briefly in paragraphs 69 to 71 of Report DEV/SE/17/07 but these be strengthened in the Appeal Statement with the final form of this being agreed by the Head of Planning and Growth with the Chairman and Vice-Chairmen; and

(2) the Head of Planning and Growth be authorised to conduct the Council's case at the appeal as listed in paragraph 74 of Report DEV/SE/17/08.

286. **Tree Preservation Order 11 (2016) Land at Stockacre House, Thetford Road, Ixworth**

The Committee considered Report DEV/SE/17/08 (previously circulated) which sought confirmation of the above-numbered tree preservation order. A copy of the map relating to the order and the order itself were appended to the report. The Committee was shown photographic evidence that the infection of Ganoderma was an outgrowth on a stump of a Cherry tree immediately adjacent to the Beech tree the subject of the order.

RESOLVED – That Tree Preservation Order 11 2016, Land at Stockacre House, Thetford Road, Ixworth be confirmed without modification.

The meeting concluded at 3.35pm

**Signed by:**

**Chairman**

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*St Edmundsbury*  
BOROUGH COUNCIL

## **Development Control Committee 2 February 2017**

### **Planning Application DC/16/1252/OUT Social Services Site, Camps Road, Haverhill**

**Date:** 15 July 2016      **Expiry Date:** 14 October 2016  
**Registered:**

**Case Officer:** Gary Hancox      **Recommendation:** Refuse

**Parish:** Haverhill Town      **Ward:** Haverhill North

**Proposal:** 17 dwellings, access parking and landscaping (following demolition of existing buildings)

**Site:** Social Services/Magistrates Court, Camps Road, Haverhill

**Applicant:** Emlor Homes

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters and appeal against non-determination under Section 78 of the Town and Country Planning Act 1990.

#### **Recommendation:**

It is recommended that the Committee endorse the reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

#### CONTACT CASE OFFICER:

Email:

Telephone:

Gary Hancox  
gary.hancox@westsuffolk.gov.uk  
01638 719258

## **Background:**

**The applicants have lodged an appeal against the 'non-determination' of the planning application within the prescribed decision making periods. The time period for the determination of this planning application expired on the 14 October 2016.**

**The Council is no longer able to determine the application which will now be considered by an appointed Inspector. This application is referred to the Development Control Committee to seek the views of Members as to what their decision would have been if they were in a position to determine the above planning application.**

## **Proposal:**

1. Outline planning permission is sought for the demolition of the former Magistrates Court, day centre and Social Services office buildings and a development of 17 dwellings, landscaping, vehicular access and car parking. All matters are reserved, but indicative plans have been submitted detailing 3-storey town house style dwellings utilising brick and render facing materials. Access to the site would be via the existing access and driveway off Camps Road. This would be shared with the school to the north of the site, an ambulance station to the east of the site, and a former care home to the west of the site.
2. All matters are reserved for determination at a later stage.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Site Location Plan
  - Indicative Site plan
  - Indicative House Types and elevations
  - Design and Access Statement
  - Drainage Strategy
  - Energy Strategy Report
  - Noise Impact Assessment
  - Bat Survey
  - Planning Statement
  - Transport Statement
  - Ecological Statement

## **Site Details:**

4. The site is situated close to the centre of Haverhill and fronts onto Camps Road opposite the recreation ground. The site has an area of 0.36 hectares and forms part of a larger site containing a former care home, social services buildings and Magistrates Court. The existing buildings on



site are single and two-storey and constructed mainly in brick. The buildings are owned by Suffolk County Council and were formerly used as a Magistrates Court, Day Centre, and offices for Social Services. Haverhill Methodist Church is to the east of the site and to the north is Place Farm Primary Academy. There is also a medical practice on Camps Road.

5. There is a small portion of the frontage of the site given over to soft landscaping, however the majority of the site is hard surfaced.
6. The site access also serves Place Farm Primary Academy and an Ambulance Station.
7. The site is located within the Housing Settlement Boundary and outside the Conservation Area.

### **Planning History:**

8. None relevant.

### **Consultations:**

9. Highway Authority: Holding Objection.
  - the proposed parking provision shown appears to be less than the required amount as recommended in Suffolk Guidance for Parking (2015) which, when amended may impact on the layout of the development. The proposed 3 bedroom dwellings are shown with acceptable parking provision but the 4 bedroom dwellings only feature 2 spaces each where they should provide 3 spaces each. The relatively sustainable location is noted but the existing high demand on parking in the area, together with the adjacent primary school mean that the only reduction to the recommended provision that would be acceptable would be not providing visitor parking (4 spaces).
  - The proposed parking layout increases the number of spaces that are accessed over the footway (compared to the existing permitted use). There are 8 spaces proposed adjacent to the block of 6 houses that would need to reverse over the footway to enter or exit the spaces. As a route to the primary school, it is envisaged that this may lead to conflicts with pedestrians, especially during the peak school hours (which would include vulnerable road users). It is understood that this area is not highway but in the interests of school pedestrian safety, it would be beneficial to amend this layout so that less footway crossing is required.
  - The red line boundary shown on the supplied plans appears to include some of the highway (the footway on Camps Road and part of the existing layby). Any works carried on this area would require the permission of the Highway Authority and necessary legal agreements.

10. SCC Archaeology: No objection, subject to appropriate conditions.
11. SCC Strategic Infrastructure: require education contributions of £48,724 and library contributions of £272.
12. Environment Agency: No objection.
13. Environment Team: No objection, subject to conditions.
14. Public Health and Housing: Object – there are concerns with regard to the impact that the existing operational ambulance station may have on the proposed residential development. Whilst it is accepted that there has been a residential care home for many years to the west of the application site and that ambulances have always accessed the station from the existing access road, the proposed dwellings will be in very close proximity to the ambulance station which is in use 24 hours a day. In addition, there are four garages and a fuel point on the site and a large office building for operational staff. It is not clear if any maintenance is carried out in the garages on site or if the fuel point is still in use.

It was originally understood that the ambulance station was to be relocated however this may now not be the case. There is therefore the potential for noise which may impact on the proposed residential occupiers from the arrival and departure of ambulances and operational staff throughout the day and night time, particularly from drivers slamming doors or chatting outside of their vehicles late at night. Whilst it is understood that the ambulance sirens would not normally be put on when leaving the station, they are likely to be sounded when accessing Camps Road. There is also the possibility that the ambulance service may wish to expand their existing operations at this site which will impact on the proposed residential occupiers.

15. SCC Flood and Water: No objection.
16. Strategic Housing: The Strategic Housing Team supports the above application in principle as it accords with our CS5 policy to deliver 30% affordable housing. St Edmundsbury Borough Council and in particular Haverhill, has a demonstrable need for more affordable housing and the above development will help contribute to meeting that need. However the Strategic Housing Team notes from the developers Planning Statement, paragraph 4.8-4.9 that they intend to apply the Vacant Building Credit to this application reducing the affordable housing obligation to 12%. It is my understanding that the qualification around the Vacant Building Credit for this development is currently being looked at in more detail and how this fits in accordance with the requirements set out in the NPPG. It is the Strategic Housing Team opinion that until such time as a formal view has been made with regards to the Vacant Building Credit, our full policy position of 30% affordable housing should be applied to the development. I would therefore encourage the developer to contact the Strategic Housing Team at their earliest convenience to discuss in more detail:

- the tenure and mix of the affordable housing;
- the intended affordable dwelling space standards and;
- the location of the affordable housing in relation to the whole development

17. Police Architectural Liaison Officer: makes several recommendations to improve the detailed design and layout of the scheme.

18. Anglian Water: No objection.

### **Representations:**

19. Town Council: Object – endorses the views of Public Health and Housing and has concerns the level of parking provision.

20. East of England Ambulance Service (EEAS) – Object. EEAS is very concerned at the proposed development. This facility is our only responding location in Haverhill and provides emergency response cover for Haverhill Town and surrounding villages. Our crews respond 24/7, on 'blue lights' and sirens, as appropriate. The response time for life critical calls is 8 minutes, so anything which delays vehicle egress from site is a major concern. Our recent experience with a 29 unit development in Chelmsford has proved very difficult. During the construction period, in spite of planning conditions and construction management plans, the contractors vehicles and site deliveries regularly obstructed the shared access road. As housing was completed the residents parking overflowed from their area into the ambulance parking area and access road, again disrupting site operation and delaying time critical mobilisation.

### **Policy:**

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

22. St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy)
- Policy CS5 (Affordable Housing)
- Policy CS14 (Community Infrastructure and Tariffs)

23. Joint Development Management Policies 2015

- Policy DM1 (Presumption in favour of sustainable development)
- Policy DM2 (Design and local distinctiveness)
- Policy DM6 (Flooding and sustainable drainage)
- Policy DM7 (Sustainable design and construction)
- Policy DM11 (Protected Species)
- Policy DM22 (Residential design)

- Policy DM23 (Special Housing Needs)
- Policy DM45 (Transport assessments and travel plans)
- Policy DM46 (Parking standards)

24. Haverhill Vision 2031:

- Policy HV1 (Presumption in Favour of Sustainable development)
- Policy HV2 (Housing development within Haverhill)

**Other Planning Policy:**

25. National Planning Policy Framework (2012) - specifically paragraphs 14, 17, 49, 50, 55, 61, 64.

26. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted St Edmundsbury Core Strategy, The Joint Development Management Policies Document, the Development Control Policies Development Plan Document (2015), and Haverhill Vision 2031.

27. Section 38(1) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Practice Guidance.

28. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied. Paragraph 14 of the Framework explains that there is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
  - or specific policies in this framework indicate development should be restricted."

29. The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places;
- social, by supporting, strong vibrant and healthy communities by

providing the supply of housing required to meet future need in a high quality environment with accessible local services, and;

- environmental, through the protection and enhancement of the natural, built and historic environment.

30.Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three dimensions is required.

**Officer Comment:**

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

- Principle of Development
- Design and layout
- Impact on the Ambulance Station
- Highway impact
- Landscape and ecology
- Planning Obligations (Affordable Housing)
- Planning balance

32.The application site is located within the settlement boundary of Haverhill, one of two towns within the St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Policy HV2 of the Haverhill Vision 2031 (2014) allows for new residential development within the settlement boundary. The site is not allocated for any specific land use, and the last use of the site was to provide County Council services now relocated elsewhere. The principle of the redevelopment of the site for housing is considered to be in accordance with these policies.

33.Taking into account the location of the site within the settlement boundary, and its proximity to local services and facilities, the site is deemed appropriate for residential development.

**Design and Layout**

34.Core Strategy Policy CS3, Joint Development management policy DM2 and paragraphs 61 and 63 of the NPPF requires all development to be a high quality design that fully considers the context in which it sits, contributes to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it. All proposals should preserve or enhance the existing character of the area. The design and access statement submitted with the application explains how the scheme has been influenced by a contextual and character appraisal of the site and the surrounding area.

35.The principle of 3-storey development is acceptable taking into account the site context. However, taking into account the comments of the Local Highway Authority and Public Health and Housing, it has not been adequately demonstrated that the site can accommodate 17 dwellings

with adequate parking and amenity space. Had the application not been appealed, and application discussions allowed to continue, it is likely that the siting of the dwellings would have become a matter for consideration at the outline stage. This would have then established whether or not the site was capable of accommodating 17 dwellings with a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.

#### Impact on the Ambulance Station

36. As can be seen from the comments of Public Health and Housing (par. 14 above), during pre-application discussions it was understood that the ambulance station was to be relocated. However this may now not be the case, and the application has to be considered having regard to the existing situation. Housing is proposed within 20 metres of the Ambulance Station and there is significant potential for noise which may impact on the proposed residential occupiers from the arrival and departure of ambulances and operational staff throughout the day and night time. There is also the possibility that the ambulance service may wish to expand their existing operations at this site which will impact on the proposed residential occupiers.

37. It is also noted that the Ambulance Service object to the application, making reference to the 24/7 operation of the ambulances. Whilst all dwellings within the site, and to be fair many existing dwellings outside the site, will be/are affected by the operation of the ambulances, the proposed dwellings to the rear of the site will be within 20 metres of the buildings and would have an access road used by ambulances and staff vehicles passing close to them. This is likely to lead to poor amenity levels afforded to future residents, and counts against the scheme. It also again brings into question whether or not 17 dwellings can be successfully accommodated within the site to achieve a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.

#### Highway Impact

38. Details of access to the site are reserved for later consideration, and no objection is raised by the Local Highway Authority as to the principle of the use of the existing shared access to the site to serve the proposed development. The comments of the Local Highway Authority in respect of parking and potential pedestrian conflict are noted, and any detailed design submitted under reserved matters could take account of these concerns.

#### Landscape and Ecology

39. A Phase 1 Ecology survey has been submitted with the application that identifies the site as being of low ecological value with the site comprising buildings and hardstanding with areas of unmanaged improved grassland,

broadleaved scattered trees and introduced shrubs.

40. Two bat species were recorded during surveys. The surveys recorded very low levels of common pipistrelle passes bounding the site. A single noctule was also recorded during the survey. No bats were recorded emerging or re-entering the Magistrates Court building, and therefore, in accordance with current guidelines roosting bats are assessed as being likely absent from the site. It is considered that the site is of low local importance for foraging and commuting bats. The implementation of the proposed mitigation set out in the ecology survey (including for example the installation of bat boxes within the site) can be required by condition.
41. The site is considered to have low potential for reptiles and invertebrates, however a phase 2 reptile survey was recommended in the phase 2 ecological survey. This has not been submitted for consideration. However, the site directly adjacent to this one (the care home site) has had the benefit of a reptile survey, and none were found. The Council's Ecology, Landscape and Tree officer considers that the social services site has even lower potential for reptiles, and therefore the lack of a separate reptile survey in this case is not a cause for concern.

Planning Obligations (including Affordable Housing)

42. Core Strategy Policy CS14 requires that all new proposals for development demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure exists or will exist prior to that development being occupied. In this case, Suffolk County Council has requested financial contributions towards enhanced education and library provision totalling £48,996. Although not specifically referred to in the applicants submission documents, it is assumed that these contributions can be secured by a S106 legal agreement. However, until such agreement has been reached, the application would remain contrary to Policy CS14 in this regard.
43. In line with the economic and social dimensional roles of sustainable development, which inter alia seek to provide a supply of housing to meet the needs of the present and future generations, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed, to ensure that affordable housing is provided and comes forward in parallel with market homes. In this case the target is 30% affordable housing and conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need.
44. As there are existing buildings on the site which would be demolished to make way for the development, the applicants have applied the Vacant Building Credit (VBC), which means that affordable housing contributions are only payable on the net increase in floor-space. The total floor-space of the buildings to be demolished is 930.24m<sup>2</sup>. The submitted indicative drawings show a total floor-space of 1,590m<sup>2</sup>, representing an increase of 659.76m<sup>2</sup>. Applying the VBC, reduces the affordable housing requirement to 12%, which equates to 2.04 units, if the full 17 units were to be

delivered. The applicants are therefore offering only 2 affordable dwellings on site. The implication of VBC is explained below.

#### Vacant Building Credit (VBC)

45. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The 'credit' to be applied is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.
46. There are however limitations as to when VBC applies. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. The National Planning Practice Guidance (NPPG) advises that when considering whether or not to apply VBC, Local Planning Authorities should consider 'whether the building has been made vacant for the sole purposes of re-development.'
47. In this case the buildings were last used to provide County Services, including a Magistrates Court, Social Services, and a Day Centre and are currently unoccupied. (Although there does appear to be a security presence on-site.) The applicants have therefore applied the VBC, which has reduced the affordable housing percentage target from 30% down to 12%.
48. However, in the opinion of Officers, it is felt that VBC should not apply in this case. As part of a wider programme of cost saving and efficiency measures, at some point in the recent past it was decided that the buildings should be closed, the services relocated, and the site sold for redevelopment. The site was advertised for sale as part of a wider 0.8 hectare site that included a Care Home, Magistrates Court, Day Centre and Offices.
49. Even taking into account that the site was likely to have been made vacant by the County Council as part of ongoing cost-saving measures, the buildings have been made vacant for the sole purposes of their redevelopment with the County services being provided elsewhere. The County Council had a choice of what to do with the buildings, which of course could have included their continued use. As a result, it is considered that VBC should not be applied, and that the policy requirement of 30% affordable housing is applicable in this case. By way of comparison, if a developer wanted to develop a site where a company or organisation had vacated a premises due to the closure of the business,



or for unforeseen circumstances has moved out leaving an unoccupied building, then this would result in a vacant building being brought back into use. VBC could then be applied. However, this is not the case in respect of the application site.

50. On-site affordable housing provision that is significantly less than the policy requirement weighs heavily against the scheme in the planning balance.

Other Matters:

51. The comments of the Ambulance Service in respect of potential disturbance during the construction period are noted, however it is felt that to some extent this could be considered and mitigated for through the submission of an appropriate construction management plan. This could be required by condition.

#### Planning balance

52. The application site is located within the settlement boundary of Haverhill and is compliant with policies CS1, CS4, HV2. However, the application is not fully compliant with policy CS5 and offers a significantly reduced on-site affordable housing provision equating to only 12% of the policy target.

53. The benefits of the scheme can be summarised as follows:

- The scheme would contribute 17 dwellings to the supply of housing in the District
- The proposal would generate indirect economic benefits during the construction period

54. The dis-benefits of the scheme can be summarised as follows;

- The scheme provides only 12% on-site affordable housing, contrary to the Policy CS5 target of 30%.
- Notwithstanding that the principle of residential development on the site is acceptable, it has not been adequately demonstrated that 17 dwellings can be successfully accommodated within the site in order to achieve a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.
- The principle of 3-storey residential development is acceptable taking into account the site context. However, taking into account the comments of the Local Highway Authority and Public Health and Housing, it has not been adequately demonstrated that the site can accommodate 17 dwellings with adequate parking and amenity space.
- In order to accommodate 17 units, the proposed dwellings to the rear of the site will be within 20 metres of the buildings and would have an access road used by ambulances and staff vehicles passing close to them. This is likely to lead to poor amenity levels afforded to future residents, and counts against the scheme. It also again

brings into question whether or not 17 dwellings can be successfully accommodated within the site achieving a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.

The benefits of the scheme outlined above are acknowledged and weight is attached to them accordingly. However, as the application does not fully accord with the development plan and so in terms of the 'planning balance scales', the starting position is that they are tilted against the proposal. Significant weight can be given to the contribution the development would make to the supply of housing, however considerable weight must also be given to the lack of affordable housing provision without adequate justification.

### **Conclusion:**

55.The benefit of the proposal in terms of providing 17 dwellings is accepted. The application of the VBC is not correct in this instance, and therefore the applicable affordable housing target is 30%. It has not been adequately demonstrated that the site is capable of accommodating 17 dwellings with adequate parking, access and amenity.

56.The proposed development does not represent sustainable development with its dis-benefits outweighing its benefits.

### **Recommendation:**

57.That the Development Control Committee resolves that it would have **refused planning permission** had the non-determination appeal not been lodged for the following reasons:

- i. The proposed dwellings to the rear of the site will be within 20 metres of the buildings and would have an access road used by ambulances and staff vehicles passing close to them. This is likely to lead to poor amenity levels afforded to future residents, and counts against the scheme. It has not been adequately demonstrated that 17 dwellings can be successfully accommodated within the site and achieve a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.
- ii. The application is not fully compliant with policy CS5 and offers significantly reduced on-site affordable housing provision (12%). The application of Vacant Building Credit has been applied erroneously, and therefore the Policy target of 30% affordable housing should apply. The application is contrary to paragraph 50 of the NPPF in this regard.

- iii. Without a Section 106 legal agreement or unilateral undertaking from the applicant to secure the following additional provisions the proposal is not considered to be sustainable development and conflicts with the aims of the NPPF and Core Strategy Policies CS2, CS5 and CS14.

- a contribution of £682, 695 towards primary school provision
- the provision of 30% affordable housing and the securing of an appropriate tenure mix and affordability in perpetuity.

58. The Development Control Committee is also requested to authorise the Head of Planning and Growth:

- i) Defend the decision of the Development Control Committee at the forthcoming appeal hearing/ public inquiry, and
- ii) Remove, amend or add to the reasons for refusal in response to new evidence, information or amendment in the lead up to the forthcoming hearing/public inquiry, and
- iii) Appoint and advocate and expert witness (as necessary) to present the Council's case and defend its reasons for refusal, and
- iv) Agree a 'Statement of Common Ground' with the appellant and any other 'rule 6' party, and;
- v) Suggest conditions to be imposed upon any grant of planning permission should the Inspector be minded to allow the appeal.

**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=O8R320PDHNK00>

Case Officer: Gary Hancox

Tel. No. 01638 719258

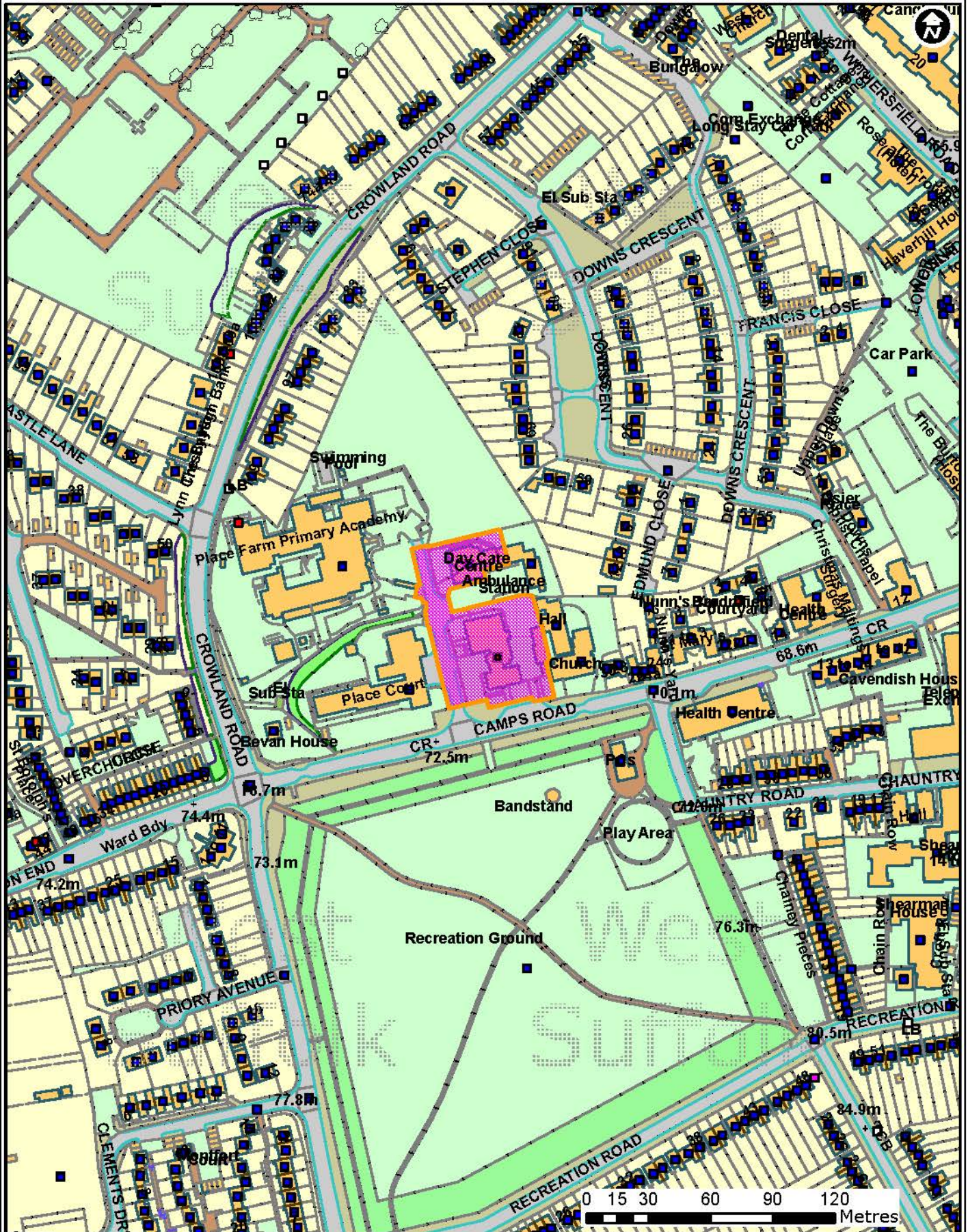
Principal Planning Officer:

Date: 13 January 2017

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DC/16/1252/OUT

Place Court, Haverhill



Forest Heath • St Edmundsbury

**West Suffolk**  
working together

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Date: 12/12/2016

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Site Plan

REVISIONS

Rev.	Date	By
<b>HOUSES</b>		
3 Bed		14
4 Bed		03
<b>TOTAL</b>		<b>17</b>

**SITE AREA**  
3606 sqm

**LEGEND**

- SITE BOUNDARY
- PROPOSED PLANTING / SCREENING
- EXISTING TREES TO BE REMOVED - YELLOW DASHED CIRCLE, INDICATIVE ONLY
- EXISTING TREES TO BE RETAINED
- INDICATIVE BANKING
- EXISTING BUILDINGS ON-SITE
- PROPOSED LEVELS
- PROPOSED RETAINING WALL
- PATHWAY / PAVING

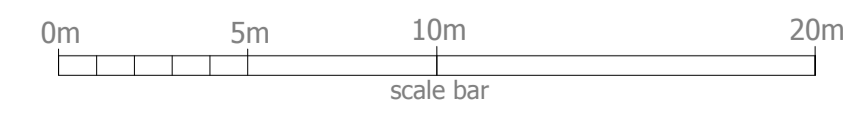
**planningissues**  
TOWN PLANNING AND ARCHITECTURAL DESIGN

Gideon Lemberg RIBA  
Design Director  
Millstream House \* Parkside  
Ringwood \* Hampshire BH24 3SG  
Telephone: (01423) 462109  
Fax: (01423) 462101  
E-mail: design@planningissues.co.uk

Project Title  
**PROPOSED OPEN MARKET HOUSING**  
OUTLINE PLANNING APPLICATION  
Camps Road  
Haverhill CB9 8HF

Drawing Title  
*Site Plan*

Scale: 1:200 @ A1 Date: APR 2016  
Drawn: JM Checked: BRS  
Drawing No. Rev.  
**40022HH-PL21**



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St Edmundsbury  
BOROUGH COUNCIL

**DEV/SE/17/10**

**Development Control Committee  
2 February 2017**

**Planning Application DC/16/2562/FUL and Listed  
Building Consent DC/16/2563/LB  
Shardelows Farm, New England Lane, Cowlinge**

**Date:** 18 November      **Expiry Date:** 13 January 2017  
**Registered:** 2016      Extended with agreement to 9 February 2016

**Case Officer:** Penny Mills      **Recommendation:** DC/16/2562/FUL – Grant permission  
DC/16/2563/LB – Grant consent

**Parish:** Cowlinge      **Ward:** Withersfield

**Proposal:** Planning Application and Application for Listed Building Consent-  
(i) change of use, conversion and extension of existing barns to residential use, creating 4no.dwellings (following demolition of existing modern steel portal framed buildings and grain silos); (ii) re-instatement of existing access to farmhouse; and (iii) 3no. garages

**Site:** Shardelows Farm, New England Lane, Cowlinge CB8 9HP

**Applicant:** David Midwood trading as Midwood Farms

**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 and listed building consent be granted subject to the recommended conditions.

CONTACT CASE OFFICER:

Email: [penelope.mills@westsuffolk.gov.uk](mailto:penelope.mills@westsuffolk.gov.uk)

Telephone: 01284 757367

## **BACKGROUND:**

**These applications have been referred to the Committee as the applicant is married to Councillor Jane Midwood**

**Both applications are recommended for conditional approval.**

## **PROPOSALS:**

### Planning Application:

1. The applications seek planning permission for change of use, conversion and extension of existing barns to residential use, following the demolition of existing modern steel portal framed buildings and silos. Permission is also sought for the construction of associated garaging and the reinstatement of vehicle access to Farmhouse, Shardelows Farm. There is a Listed Building Consent application alongside the planning application for the associated works to the listed buildings.
2. The conversion would result in the creation of four residential units served by the existing vehicular access to Shardelows Farm currently serving the barns and farmhouse. A vehicular access serving solely Shardelows farm would be reinstated as part of this application.
3. A centralised bin store and collection point is provided within the existing buildings at the site entrance to remove refuse bins from in front of properties and out of gardens. The roof space above the bin store is also utilised as a Bat box.

## **APPLICATION SUPPORTING MATERIAL:**

4. The applications are accompanied by the following documents:
  - i. Application Form
  - ii. Existing and proposed plans
  - iii. Ecological Report;
  - iv. Flood Risk Assessment and Drainage Strategy;
  - v. Structural Survey;
  - vi. Arboricultural Survey;
  - vii. Contamination Report;
  - viii. Heritage Report.

## **SITE DETAILS:**

5. The site is located in a rural location within the sparsely populated village of Cowlinge, approximately 10km south-east of the town of Newmarket.

6. The site contains a farmhouse and a range of agricultural and commercial buildings which are Listed Grade II as a good example of a model farm.
7. The site includes a complex of six barns and six silos with concrete hard standing access tracks. A two storey house with a garden setting and areas of improved grassland are also located on the site. The site is surrounded by intensively farmed arable fields, a small paddock, neighbouring farm buildings and dwellings, and small blocks of woodland. The site is accessed from New England Lane to the south of the site.
8. The farm buildings have a mixture of building types and uses, but originally they were all constructed as agricultural farm buildings. The modern steel portal framed building and lean-to, along with the large historic brick barn have an established use as B8 (storage). The remaining historic range of brick built farm buildings remains as agricultural with a small element of B1 (office).
9. There are no statutory protected sites within 2km of the site and one County Wildlife Site (CWS) is located 1.7km of the site.

#### **PLANNING HISTORY:**

10. **SE/06/1293** Planning Application - Erection of building for document storage (B8) and associated landscaping - Application **Refused** - 06.04.2006
11. **E/93/3040/P** Planning Application - Continued siting of mobile home for occasional occupation **Application Granted** 11.02.1994
12. **E/88/2979/P** Section 32 Application - Continued siting of mobile home for occasional occupation **Application Granted** 31.08.1988
13. **E/85/2402/P** Siting of mobile home for occasional occupation as supported by letter dated 24th July 1985 **Application Granted** 01.08.19
14. **85E/85/1802/P** Change of use of farm building to wholesale store **Application Granted** 28.05.1985
15. **E/82/2126/LB** Listed Building Application - Re-roofing of brick barn range with interlocking Redland concrete tiles (in lieu of slate) Application **Withdrawn** 28.07.1982

#### **CONSULTATIONS:**

Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of comments received at the time of writing this report. Full responses are available to view on the Council's website.

16. Historic England - Advised that the applications should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
17. Natural England - Confirmed they have no comments to make on this application.

18. West Suffolk Tree Landscape and Ecology Officer – Recommends the use of conditions to secure mitigation in respect of biodiversity and landscape.
19. West Suffolk Conservation Officer – No objections, subject to conditions  
“The proposed plans are sympathetic to the surviving historic fabric and form of the buildings. The removal of various elements would enhance their setting and better reveal the significance of the main barn in particular. I therefore have no objection to these applications subject to conditions”.
20. West Suffolk Public Health and Housing – No objections
21. West Suffolk Environment Team - No objection.  
The Service agrees with the conclusions of the submitted report that intrusive investigations should be undertaken and therefore recommend that this is secured by conditions.
22. Suffolk County Council Highways  
The County Council as Highway Authority has recommended that any permission which that Planning Authority may give should include conditions relating to the following: surfacing of the access; drainage of the access; gates; parking and turning; and, visibility.

#### **REPRESENTATIONS:**

23. Parish Council – No comments received
24. Public Representations: Two nearby addresses notified and site notice posted. One representation was received from Caters Farm New England Lane. The following is a summary of the points raised:
  - Principal concerns with regard to this development are two: first, to conserve, with the minimum of alteration, the listed barns of Shardelows Farm; and second, to preserve as far as possible the quiet rural nature of New England Lane, still enjoyed by most its residents.
  - The proposed application is the least bad option of the various possibilities outlined in the accompanying documents. Fortunately, neither increased industrial activity, nor use as a public events venue, is financially viable. Allowing the barns to deteriorate beyond repair, as has happened to a contemporary agricultural building on a neighbouring farm, would be a serious loss to our local environment.
  - Conversion on the barns for residential use, while carrying some risk to us of increased traffic and domestic noise, is a reasonable price to pay for their conservation, so I support the application.
  - Requested that constraints are placed on external lighting.

#### **DEVELOPMENT PLAN POLICIES:**

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

#### Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 – Protected Species.
- Policy DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM15 – Listed Buildings.
- Policy DM16 – Local Heritage Assets.
- Policy DM18 New uses for historic buildings
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM28 – Residential use of Redundant Buildings in the Countryside
- Policy DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
- Policy DM33
- Policy DM46 – Parking Standards.

#### Bury St Edmunds Rural Vision 2031 (2014)

- Policy RV1 – Presumption in Favour of Sustainable Development.

#### St Edmundsbury Core Strategy December (2010).

- Policy CS1 - Spatial Strategy.
- Policy CS2 - Sustainable Development.
- Policy CS3 - Design and Local Distinctiveness.
- Policy CS4 - Settlement Hierarchy and Identity.
- Policy CS7 - Sustainable Transport.
- Policy CS13 - Rural Areas.

### **OTHER PLANNING POLICIES**

26. The National Planning Policy Framework 2012
27. The National Planning Practice Guidance (NPPG) assists with interpretation about various planning issues and advises on best practice and planning process.

### **OFFICER COMMENT**

#### **Principle of Development**

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the plan unless material considerations indicate otherwise. Within this plan-led system, at the heart of the National Planning Policy Framework (NPPF), there is a presumption in

favour of sustainable development. Whilst this does not change the statutory status of the development plan as the starting point for decision making, it is an important material consideration that carries significant weight in the planning balance.

29. The application site falls outside any designated settlement boundary and is therefore considered to be countryside in planning policy terms. Whilst Development Plan Policies seek to protect such locations from unsustainable development, Policy DM33 of the Joint Development Management Policies Document 2015 does allow for the re-use, conversion and alteration of buildings in the countryside, including residential uses subject to Policy DM28.
30. Policy DM28 states that proposals for the conversion of redundant or disused barns or other buildings in the countryside into dwellings will be permitted where:
  - a) *alternative uses for employment/economic development, tourist accommodation, recreation and community facilities, in accordance with Policy DM33, have been fully explored to the satisfaction of the local planning authority and can be discounted;*
  - b) *the building is structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction;*
  - c) *The proposal is a high quality design and the method of conversion retains the character and historic interest of the building. In the case of barns the single open volume should be retained with minimal change to the external appearance;*
  - d) *The proposal would lead to an enhancement to the immediate setting of the building, and the creation of a residential curtilage and any associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, any wider group of buildings, or the surrounding area.*
31. In terms of the structural integrity of the buildings, a structural survey has been submitted with the application which demonstrates that the buildings are capable of conversion, thereby satisfying criteria (b) of policy DM28.
32. Criteria (a) of policy DM28 relates to the need to fully explore and discount alternative uses for employment/economic development, tourist accommodation, recreation and community facilities. This aspect of the policy is intended to support the vitality of rural communities as outlined further in the Council's Rural Vision 2031 and is an approach that has recently been held up by the Planning Inspectorate at Appeal.
33. The applicant has set out in the accompanying Planning Statement that Shardelows farm is not sufficient in size for it to be commercially viable as an agricultural enterprise and the majority of the farm buildings are listed, of their time, and no longer suitable for modern agricultural use.
34. The farm has attempted to diversify, with planning permission sought and granted to change the use of some of the buildings to commercial use.

However, the location of the site and the nature of the buildings on offer places considerable limit the options for commercial use. The possibility of a wedding venue was one possible option explored by the applicant, but the nature of New England Lane was found to be a problem when considering the number of vehicle movements the use would be likely to generate.

35. Whilst detailed figures have not been received in respect of viability, the planning statement argues that the listed nature of the buildings means that the cost of improvement, maintenance or conversion works is higher than usual given the materials to be used. Therefore, they state that finding a commercial, tourist or recreational use which generates the income to pay for the conversion of the buildings is difficult, given the constrained nature of the site and its geographical location. Maintaining redundant listed buildings is also stated as currently being a significant financial burden.
36. Whilst the policy does not explicitly state what must be done by the applicant in terms of exploring alternative uses, the supporting text sets out that proposals for conversion to market housing must include appropriate evidence of the efforts made to secure alternative use including marketing of the building at a realistic price for at least a 12 month period. In this case, detailed evidence has not been provided and as such there will inevitably be a degree of policy conflict with policy DM28, which must attract weight against the proposal in the planning balance. The loss of the existing employment uses would also result in some conflict with policy DM30 which seeks to retain these and this too would attract weight against the proposal in the planning balance.
37. As with all decisions this conflict must be weighed against all other matters in the final planning balance. In this case the main considerations are: heritage impacts, visual amenity and countryside character; ecology and biodiversity and, highways impacts.

### **Heritage Impacts**

38. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting when considering applications (paragraph 66.1).
39. The NPPF also highlights the protection and enhancement of the historic environment as an important element of sustainable development and the conservation of heritage assets is identified as a core principle of the planning system (paragraph 17). Furthermore, paragraph 137 states that proposals which preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the heritage assets should be treated favourably.
40. Shardelows Farmhouse and its range of farm buildings are grade II listed and are therefore considered to be 'designated heritage assets'. The model farm group of buildings form an attractive group in themselves and together with the adjacent farmhouse. However, there are currently unsympathetic, modern elements on the site which detract from the listed buildings and their setting.
41. The Conservation Officer considers the proposed conversion plans to be sympathetic to the historic form and fabric of the buildings, with careful



detailing which retains their prominent character and appearance as distinctive agricultural buildings. The removal of various elements would also enhance their setting and better reveal the significance of the main barn in particular, resulting in a significant visual improvement to the group of listed buildings

42. The Conservation Officer has advised that the proposed extension to the rear of the stables is acceptable in terms of its heritage impacts as it would 'relieve' the pressure on the historic stable building, which is long and narrow in plan. The provision of the extension, which is designed to be simple and lightweight, frees-up the space within the stable without the need to insert several new openings for windows. The extension thereby minimises the physical and visual impacts on the historic fabric without compromising the external appearance of the building. The new garages would also complement the setting of the farm buildings and would not affect the setting of the farmhouse.
43. In light of the above it is considered that the proposed development would be in accordance with the requirements of policy DM15 and DM28 of the Joint Development Management Policies Document 2015 in respect of the heritage impacts. It would also meet the key planning principle set out in the NPPF to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 17). Furthermore, it is considered that the significant improvement in the visual appearance and setting of the listed buildings as a result of the application is an important material consideration, attracting considerable weight in favour of the development in the planning balance.

#### **Visual Amenity and Countryside Character**

44. The farmhouse and the associated barns are a prominent feature in the local landscape and securing their future through an appropriate new use would help to ensure the current character of the area is retained. In this respect, the details within the proposal that ensure that the special character of the listed barns and their setting is enhanced, would also have a positive impact on visual amenity more widely.
45. The conversion would retain the original appearance of the listed buildings with no newly created openings being visible from the highway and new roof lights concentrated within the courtyard elevations. It is also proposed that the buildings will be repaired sensitively with identical traditional materials such as soft red bricks, lime mortar, natural slate roof tiles and painted timber windows and doors.
46. The new extension to the west elevation would be clad in pre-patinated standing seam zinc cladding and powder coated aluminium windows to contrast with the listed buildings. The original buildings brickwork will be visible above the extension as well as through the large glazed windows so the original buildings form and materials can be easily identified and appreciated.
47. Given the sensitive design of the conversion to retain the character of the buildings and prevent over domesticating their appearance, it is considered that it would be appropriate to ensure the external spaces do not detract from the setting of the buildings and the wider rural character. This could be achieved through the use of conditions securing appropriate soft landscaping and

boundary treatments and restricting external lighting. Due to their listed status the new dwelling would not benefit from permitted development rights in terms of buildings or fencing within the curtilage and as such a condition restricting this would not be necessary.

48. Subject to the use of appropriate conditions relating to landscaping and lighting, it is considered that the development would improve visual amenity and preserve the character of the wider area through the sympathetic conversion of the buildings. As such, the development is considered to be in accordance with policies DM2 and DM28 of the Joint Development Management Policies Document 2015 in terms of the impact on the character of the area. Furthermore, the positive impact on visual amenity would itself attract some weight in favour of the development as a material consideration in the planning balance.

### **Ecology and Biodiversity**

49. The National Planning Policy Framework 2012 states that 'the planning system should contribute to and enhance the natural and local environment by .... minimising impacts on biodiversity and providing net gains in biodiversity where possible' (paragraph 109)
50. In this case, there are no statutory protected sites within 2km of the site and one County Wildlife Site (CWS) is located 1.7km of the site. However, the CWS is designated for its habitat (ancient woodland) and it is considered too distant to be affected by the proposed development, which will have limited impacts beyond the area of works.
51. Due to the rural location and the nature of the buildings on site, a preliminary ecological appraisal and programme of bat activity surveys were carried out and an associated report submitted with the application. The ecology report states that the habitats on the site are of low to moderate ecological value, and that there are no significant ecological constraints that would prevent residential development of the site. However, a European Protected Species mitigation bat licence from Natural England and appropriate mitigation measures will be required in order to proceed with the proposed works.
52. The report recommends appropriate biodiversity mitigation and enhancements for bats, birds and amphibians, which if undertaken, would provide a net gain for biodiversity, as encouraged by the National Planning Policy Framework.
53. The Trees and Ecology Officer has reviewed the submitted reports and has recommended appropriate conditions to secure the mitigation and enhancement measures.
54. In light of the above it is considered that the development is acceptable in terms of impacts on ecology, biodiversity and trees in accordance with policies DM10, DM11, and DM12 of the Joint Development Management Policies Document 2015.

## **Highways Impacts**

55. The proposed development would use the existing access which currently serves both the farmhouse and the barns. Following the conversion the farmhouse would be served by an existing access from the highway which would be reinstated.
56. Suffolk County Highways has confirmed that they have no objections on highway safety grounds and have recommended the use of a number of conditions relating to the surfacing of the access, drainage of the access, gates, parking and turning and visibility.
57. The NPPF and Development Plan policies seek to reduce reliance on private vehicles in the interests of sustainability. In this case, due to the rural location, occupants of the dwelling would be reliant on their cars and opportunities for other more sustainable transport options would be limited. However, the use proposed would be likely to result in fewer overall vehicle movements than many other alternative commercial uses.
58. On balance it is considered that the development would not lead to unacceptable levels of traffic that would harm the rural character of the roads in the area, or result in problems of road safety or amenity. There is also sufficient parking proposed to serve the development. As such, the development is considered to be in accordance with policies DM2 and DM33 of the Joint Development Management Policies Document 2015 in terms of the highways impacts.

## **Residential Amenity**

59. The proposed conversion would allow for the creation of suitable outdoor amenity space for future occupants and would not introduce any unacceptable overlooking either between properties within the conversion or to neighbouring dwellings. It is considered that the proposal would be in accordance with policy DM2 of the Joint Development Management Policies Document in terms of impacts on residential amenity.

## **Contamination**

60. The application is supported by a Phase 1 Geo-Environmental Desk Study Report which identifies the site as having a long history of agricultural use and identifies a number of potential sources of contamination. The report recommends intrusive investigations to further assess the risks associated with the potential sources of contamination. The Environment Officer has confirmed that they agree with the conclusions of the report that intrusive investigations should be undertaken and recommends that this be secured through the use of an appropriate planning condition.

## **Flood risk and Drainage**

61. The site lies in Flood Zone 1 on the Environment Agency Flood Map and is considered to be at a low risk of flooding by any means. Therefore, no specific flood resistant or resilient construction methods are required.

62. The application is accompanied by a Flood Risk Assessment and Drainage Strategy relating to flood risk and drainage issues associated with the proposed development. The Sustainable Drainage Strategy successfully demonstrates that there is a workable solution for managing surface water in accordance with applicable SuDS guidance, the detail of which could be secured by condition.

### **Other Matters**

63. There are a number of other benefits associated with the development that must be considered in the planning balance. The development would increase housing supply and choice, but with only four dwellings proposed, this is only a limited social benefit.
64. The scheme would facilitate some economic benefits to the construction industry, including jobs, but these would be for a limited time. There would also be some benefits to the local economy from the circulation of funds from future occupants but this is unlikely to be significant given the modest scale of the development.
65. The applicant has highlighted the fact that recent changes in planning policy would normally allow for the change of use of agricultural buildings and offices to residential. They state that the southern single storey and 2 storey ranges would qualify under this policy for residential change of use, should the buildings not have a protected status and therefore argue that some weight should be given to this policy when considering the application.
66. It is not considered that the prior approval position would specifically attract weight in favour of the proposal in this case. However, it does provide useful context, particularly in terms of the scale of residential development that may be deemed sustainable in the countryside. Furthermore, it could be argued that the removal of listed buildings from the prior approval process reflects the need to protect their historic fabric and setting through the formal planning process rather than an inherent unsuitability for residential use. Indeed, a residential reuse may in some circumstances be the most viable and therefore most likely to secure the future of the buildings. In light of this it is considered that the degree of weight to be attributed to the conflict with DM28 in terms of alternative uses should be lessened.

### **Conclusions and Planning Balance**

67. The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework and the government's agenda for growth.
68. Development Plan Policy (DM28) allows for the conversion of redundant or disused barns or other buildings in the countryside into dwellings where certain criteria are met. In this case, all aspects of the policy would be satisfied other than the need to fully explore alternative uses. This policy conflict attracts weight against the proposal.
69. Whilst the applicant has set out a clear argument regarding the unsuitability of alternative uses, in the absence of detailed marketing evidence there is an

inevitable degree of policy conflict which will attract weight against the proposal in the planning balance. There would also be a degree of conflict with policy DM30 in terms of the loss of current employment use, which would also weigh against the proposals. However, this weight is lessened to some extent by the mitigating and explanatory factors relating to the location of the site and the nature of the buildings on offer and to a lesser extent the presence of a prior approval regime that would have applied had the buildings not had listed status.

70. There are some economic and environmental benefits which would carry weight in favour of the development. There would also be a considerable enhancement of the listed buildings and their setting, through the sensitive conversion and removal of unsympathetic elements. It is considered that this significant improvement in visual appearance and setting of the listed buildings attracts considerable weight in favour of the development in the planning balance.
71. The development would raise no adverse effects in terms of highway safety, visual amenity, residential amenity, ecology and biodiversity, contamination and drainage that could not be adequately addressed through the use of conditions.
72. On balance, it is considered that the policy conflict identified in this case, would be outweighed by the clear heritage benefits, particularly when taking into account the presumption in favour of sustainable development, of which enhancing the historic environment is a key tenant.

## **RECOMMENDATION**

73. That planning permission and listed building consent be granted subject to conditions to secure the following:
  1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.  
  
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
  2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents.  
  
Reason: To define the scope and extent of this permission.
  3. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.  
  
Reason: To protect the amenity of the area.
  4. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
- iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

5. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy agreed in respect of part iii) of condition 4 above is submitted and approved, in writing, by the Local Planning Authority. The long term monitoring and maintenance plan agreed in respect of part iii) of condition 4 above shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121,

Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

7. Before any work is commenced details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority.
  - (i) Samples of external materials and surface finishes
  - (ii) Specification for upgrading works in respect of insulation, noise and fire separation
  - (iii) Fully detailed Schedule of Works including a specification for repairs to the historic fabric
  - (iv) Details of new boundary structures in the form of elevations at 1:10 and vertical cross-sections at 1:2

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

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Before any work is commenced elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new and replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Before any work is commenced elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new internal doors and surrounds to be used (including details of panels and glazing where relevant) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Before any work is commenced elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully

detailing the new and replacement external doors and surrounds to be used (including details of panels and methods of glazing where relevant) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. All new external and internal works and finishes and works of making good to the retained fabric shall match the existing historic work adjacent in respect of materials, methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. The works hereby permitted shall be carried out in accordance with the approved plans and specifications and in such a manner as to retain existing features of architectural or historic interest within the building including those that may be exposed during implementation of the approved works.

Reason: To maintain the character of the building and to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. Before any new services are installed or any existing services are relocated (in each case including communications and telecommunications services) details thereof (including any related fixtures, associated visible ducts or other means of concealment) shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in complete accordance with the approved specification.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of



the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. Before the access is first used visibility splays shall be provided as shown on Drawing No. 1121 - 11 . Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

16. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.

Reason: In the interests of road safety.

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

Reason: To prevent hazards caused by flowing water or ice on the highway.

18. The use shall not commence until the area(s) within the site shown on Drawing no s 1139 -08 / Drawing no 1139-09 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

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

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

20. The works required for the conversion of buildings 2, 3 and 4 and associated activity likely to cause harm to bats and as identified in the Preliminary Ecological Appraisal shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by nature England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010(as amended) authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure adequate mitigation for protected species in accordance with policy DM11 of the Joint Development Management Policies Document 2015.

21. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal for Shardelows Farm, Cowlinge dated September 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that appropriate mitigation and enhancements with regards to biodiversity and protected species are secured in accordance with policies DM11 and DM12 of the Joint Development Management Policies Document 2015.

22. No above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans showing the location of native trees, shrubs and hedgerows to the boundaries of the site; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- Reason: To help assimilate the development into its surroundings and enhance the biodiversity of the site in accordance with policies DM2 and DM12 of the Joint Development Management Policies Document 2015.

23. No external lighting shall be provided on the application site unless details thereof have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent unacceptable levels of light pollution that would be harmful to the rural character of the area and to prevent adverse effects on protected bats.

24. The trees shown on the approved landscaping scheme to be retained shall be protected in the manner shown on the submitted plans or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the

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

Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

25.No above ground construction shall take place until a detailed drainage scheme that accords with the provisions of the submitted Drainage Strategy agreed approved under this application, has been submitted to the local planning authority and agreed in writing. All work shall be carried out in accordance with the agreed details.

Reason: To reduce the risks of off-site flooding and manage surface water in a sustainable manner.

26.No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: In the interests of sustainability in accordance with policy DM7 of the Joint Development Management Policies Document 2015

### **Documents:**

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

DC/16/2562/FUL

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OGSCZVPDKXZ00>

DC/16/2563/LB

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OGSCZXPDKY000>

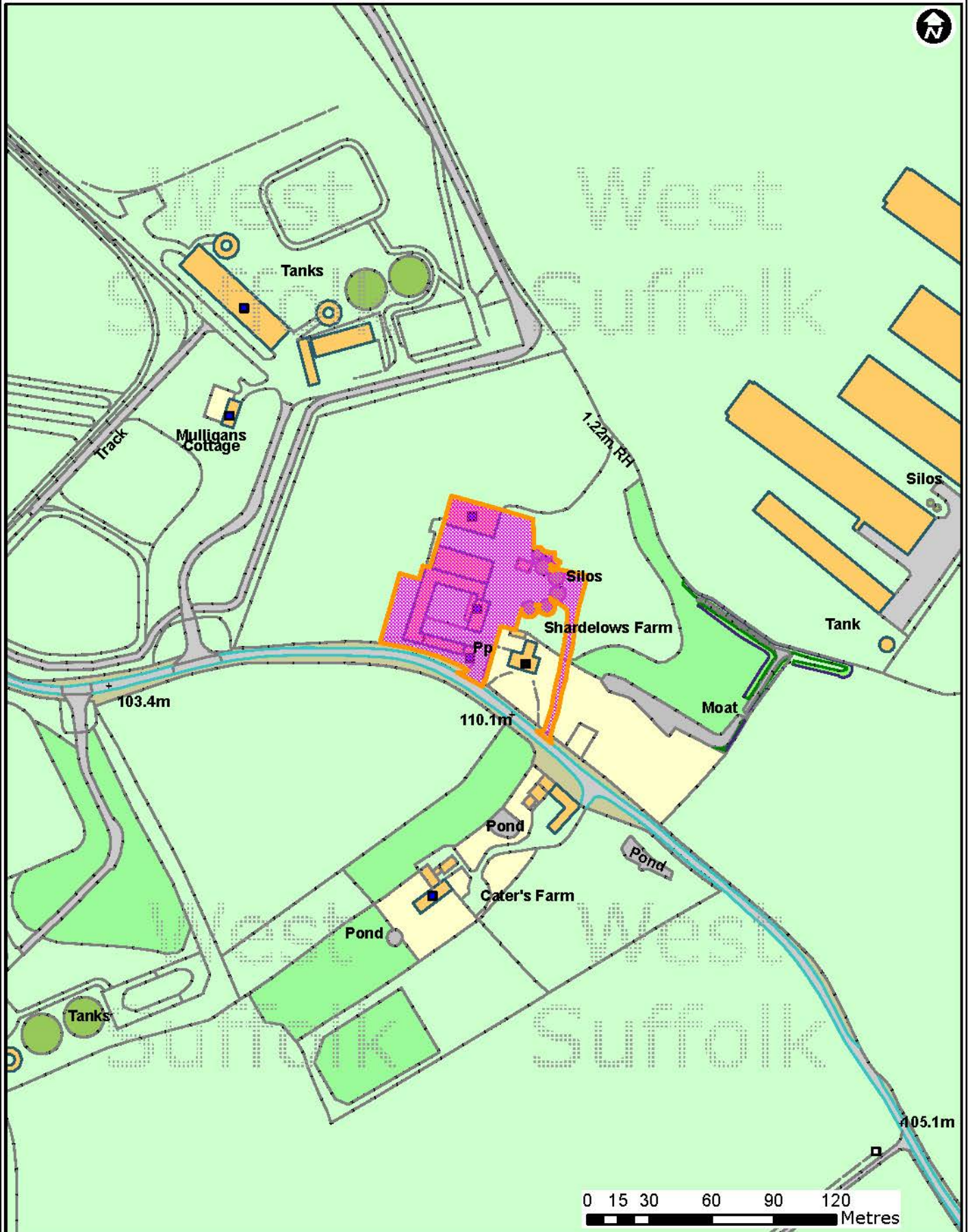
Case Officer: Penny Mills

Tel. No:01284 757367

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**DC/16/2562/FUL and DC/16/2563/LB**

Shardelows Farm, New England Lane, Cowlinge



Forest Heath • St Edmundsbury

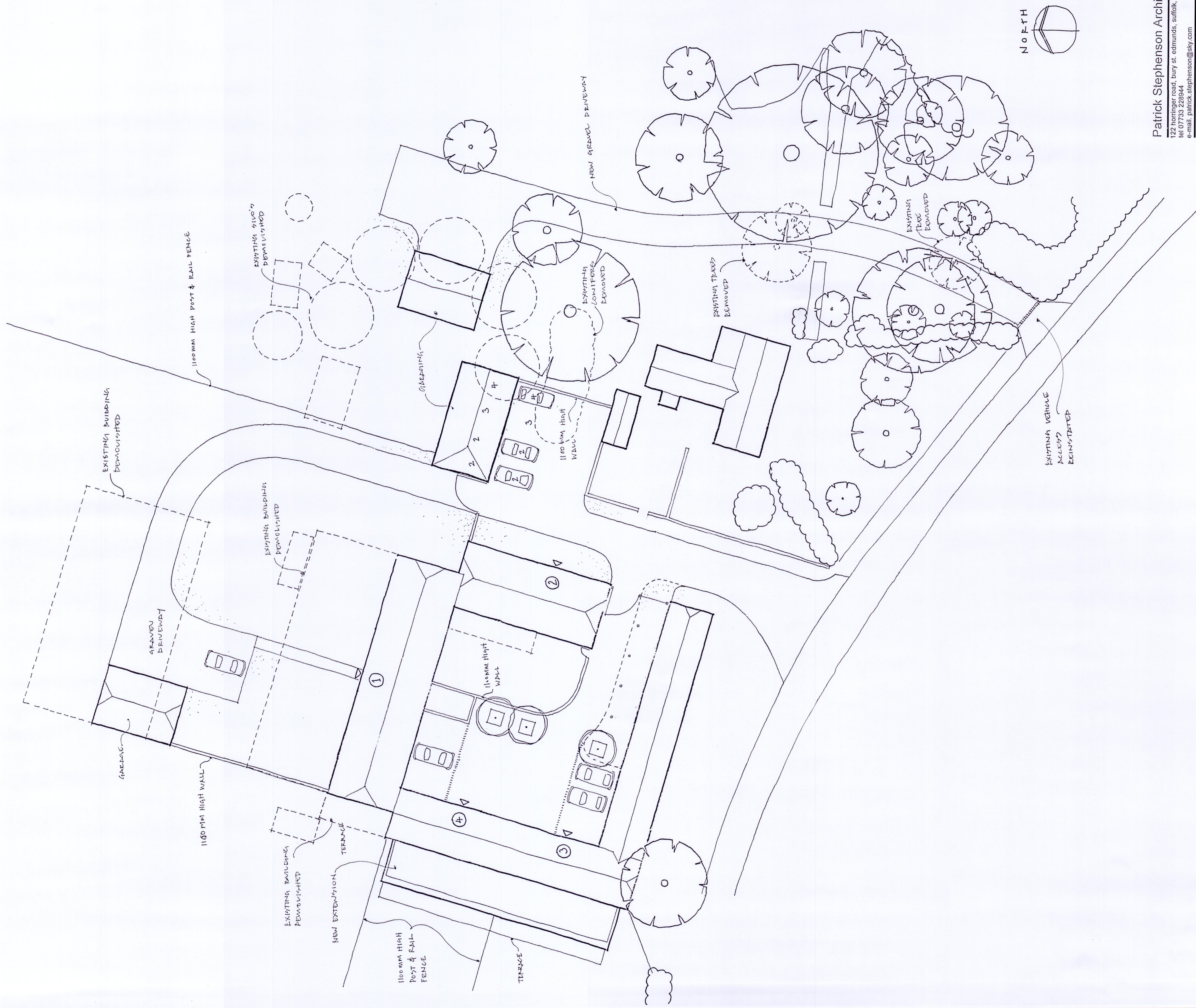
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**Scale: 1:2,500**  
**Date: 17/01/2017**

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Patrick Stephenson Architects  
 122 horringer road, bury st. edmunds, suffolk, ip332ee  
 tel 07733 228944  
 e-mail: patrick.stephenson@sky.com

Project:  
 Conversion of Existing Barns  
 to 4 New Dwellings, Shardelows Farm  
 New England Lane Cowlinge CB8 9HP

Title:  
 Planning Drawing,  
 Site Plan

Scale	Date	Drawn	Checked
1:200 @ A1	Oct 16	pat	
Drawing No:	1139-01		
Rev	-		

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