

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda																
Date:	Wednesday 3 May 2017																
Time:	10.00 am																
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU																
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice Chairman 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>Andrew Smith</td> </tr> <tr> <td>Ian Houlder</td> <td>Peter Stevens</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	Andrew Smith	Ian Houlder	Peter Stevens	John Burns	Jason Crooks	Julia Wakelam	
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<p>A SITE VISIT WILL BE HELD ON THURSDAY 27 APRIL 2017 AT THE FOLLOWING TIME:</p> <p>1. Planning Application DC/17/0354/HH - 5 West Road, Bury St Edmunds, IP33 3EL Householder Planning Application - (i) single storey side extension (ii) raising of rear lean-to roof height (iii) 2 metre high timber gate and fence to side (iv) replacement front door and 2no. replacement front windows and (v) 2no. rooflights in rear elevation Site visit to be held at 9.40am (No coach is to be provided for this site visit, Members are requested to make their own way there.)</p>																	

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Six Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

Material Planning Considerations

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

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

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

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

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) 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 Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.

- An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
- In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
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- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

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

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

Agenda

Procedural Matters

Part 1 - Public

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 10

To confirm the minutes of the meeting held on 6 April 2017 (copy attached).

4. Planning Application DC/16/2837/RM - Development Zones G and H, Marham Park, Tut Hill, Bury St Edmunds

11 - 34

Report No: **DEV/SE/17/018**

Reserved Matters Application – Submission of details under Planning Permission DC/13/0932/HYB – the means of access, appearance, landscaping, layout, parking, and scale for Development Zones G and H

5. Planning Application DC/16/1395/FUL - Genesis Green Stud Farm, Genesis Green, Wickhambrook

35 - 48

Report No: **DEV/SE/17/019**

Planning Application - Erection of a block of 4no. flats to replace 3no. static caravans

6. Planning Application DC/17/0354/HH - 5 West Road, Bury St Edmunds

49 - 60

Report No: **DEV/SE/17/020**

Householder Planning Application - (i) single storey side extension (ii) raising of rear lean-to roof height (iii) 2 metre high timber gate and fence to side (iv) replacement front door and 2no. replacement front windows and (v) 2no. rooflights in rear elevation

7. Planning Application DC/17/0594/FUL - 1 St James Court, The Vinefields, Bury St Edmunds 61 - 70

Report No: **DEV/SE/17/021**

Planning Application - (i) Conversion of 3no. windows to single doors on rear elevation and, (ii) replacement of 6no. windows on side elevations

8. Planning Application DC/17/0665/LB - Lavender Barn, Bowbeck, Bardwell 71 - 80

Report No: **DEV/SE/17/022**

Application for Listed Building Consent - Replace existing external screen window and door to west elevation

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 6 April 2017** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairman Carol Bull and Angela Rushen

John Burns

Ivor Mclatchy

Terry Clements

Alaric Pugh

Jason Crooks

Andrew Smith

Robert Everitt

Peter Stevens

Susan Glossop

Julia Wakelam

Ian Houlder

Substitutes attending:

Sara Mildmay-White

299. **Apologies for Absence**

Apologies for absence were received from Councillors Paula Fox and David Roach.

300. **Substitutes**

Councillor Sara Mildmay-White attended the meeting as substitute for Councillor Paula Fox.

301. **Minutes**

The minutes of the meeting held on 2 March 2017 were confirmed as a correct record and were signed by the Chairman.

302. **Planning Application DC/16/2837/RM - Development Zones G and H, Marham Park, Tut Hill, Fornham All Saints (Report No: DEV/SE/17/013)**

Reserved Matters Application – Submission of details under Planning Permission DC/13/0932/HYB – the means of access, appearance, landscaping, layout, parking, and scale for Development Zones G and H.

This application was referred to the Development Control Committee because it was an application for a major development and because both Bury St

Edmunds Town Council and Fornham All Saints Parish Council raised objections to the scheme.

The Committee was advised that as a result of Parish boundary changes that came into effect on 1 April 2017 the application site now fell within Bury St Edmunds, when previously it came under Fornham All Saints. Accordingly, as both Parish Councils had been consulted on the application the Chairman had permitted both to address the meeting.

The development proposal was considered to comply with the relevant policies of the development plan and Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 53 of Report No: DEV/SE/17/013.

The Principal Planning Officer advised the Committee that planning permission was sought for the approval of details submitted in pursuance of outline planning permission DC/13/0932/HYB and reference was made to the significant number of conditions that were agreed in connection with that approval.

As part of his presentation the Officer drew attention to amended plans that had been submitted by the applicant which demonstrated the cycle lanes to be included as part of the scheme. Members were informed that an additional condition was to be added to the report's recommendation to require further plans which set out how the cycle lanes would connect to the existing cycle-ways within the green corridor.

The Committee was also advised that the Council's Strategy and Enabling Officer had raised concerns with the size of the two-bed properties within the original scheme, accordingly amended plans had been submitted which increased the size of these properties and the Officer no longer had any concerns in that respect.

Speakers: Councillor Diane Hind (Bury St Edmunds Town Council) spoke against the application
Councillor Howard Quayle (Fornham All Saints Parish Council) spoke against the application
Nicky Parsons (agent) spoke in support of the application

A number of reservations with the development were voiced by Members of the Committee, these primarily related to; the size of the properties, the density, the degree of open space, the level of parking provision and concern with regard to the width of the roads within the scheme.

The Case Officer reminded the Committee that the public open space for the development was approved as part of the outline planning permission, and that the Highways Authority was satisfied that sufficient parking was provided within the scheme.

The Acting Head of Planning also responded to the concerns raised and outlined the 'golden thread' that related to the planning application before Members, this being; Vision 2031 – the agreed Masterplan – the approved outline planning application.

Councillor Peter Stevens stated that he did not consider the issues voiced by some Members of the Committee to be sufficiently robust enough to warrant a refusal. Accordingly, he proposed that the application be granted, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

However, following further debate by Members and considerable discussion with regard to potentially deferring the application, Councillor Stevens withdrew his motion.

Councillor Terry Clements moved that the application be deferred, in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible. This was duly seconded by Councillor Robert Everitt.

Prior to the motion being put to the vote and further to the issues raised during the debate, some Members of the Committee asked that Officers give specific consideration to the following:

- The emergency services be re-consulted with regard to the width/access of roads within the development;
- A response be sought from the Police Architectural Liaison Officer (no comments were received on the amended plans); and
- The sizes of the garages be confirmed to establish if they were fit for purpose and if disabled access was considered.

Upon the Chairman putting the motion to the vote and with 14 voting for and with 1 abstention, it was resolved that

Decision

The application be **DEFERRED** in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible.

On conclusion of this item at 11.30am the Chairman adjourned the meeting for a short comfort break.

303. **Outline Planning Application DC/16/2825/OUT - Western Part Of The Suffolk Business Park Extension, Bury St Edmunds (Report No: DEV/SE/17/014)**

Outline Planning Application (Means of Access and Structural Landscaping to be considered) - Employment Uses Classes B1 and B8 (An element of the site (4.05 hectares) is proposed in outline form for a B1/B2 and B8 Use) with all matters reserved except for access (including vehicular, pedestrian, and cycle links) and framework landscaping, with provision for the installation of drainage and services infrastructure as amended by the plans and details submitted on 31st January 2017 which altered the Footpath/Cycle link alignment to the south west corner of the site, provided additional planting details, additional landscaping assessment and landscaping details to explain the context of the proposal; provided

amended Parameter Plans and application drawings and other minor updates to provide additional information and clarifications to explain the proposals in full - As amended by details received 7/3/2017 which propose additional mitigation.

This application was referred to the Development Control Committee because the Borough Council had a financial interest in the land concerned.

The Committee was advised that as a result of Parish boundary changes that came into effect on 1 April 2017 one small part of the application site now fell within Bury St Edmunds, with the majority still being in Rushbrooke with Rougham.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 63 of Report No: DEV/SE/17/014.

As part of his presentation the Principal Planning Officer – Major Projects drew attention to the following updates/amendments:

- The footpath along Lady Miriam Way was to be shared as an adopted cycle-way and would link to the existing pedestrian/cycle routes at the A14 underpass;
- Further mitigation had been agreed to reduce the impact on the landscape and the surrounding area, which included graded colour buildings and barrelled roofs;
- The small square pocket of land adjacent to the A14 that was not included as part of the scheme was subject to a currently undetermined planning application for a garage, submitted by BP;
- Since publication of the agenda, as result of discussion between the Case Officer and the applicant, the conditions listed in the report had been subject to some reordering/amalgamation; and
- Two additional conditions were to be added to the recommendation: (i.) to restrict businesses opening and operating prior to the Eastern Relief Road being in place; and (ii.) if Treatt failed to relocate to the Suffolk Business Park then the employment Uses Classes for the entire scheme would revert to B1 and B8.

Speaker: Neil Osborn (agent) spoke in support of the application.

The Committee, as a whole, spoke very favourably of and in support of the application.

Councillor Robert Everitt made specific reference to the 'lagoon' that was adjacent to the site and raised concern at its unsightliness due to the large amount of debris that had accumulated in the area. The Planning Officer explained that it was owned/controlled by Taylor Wimpy via a management company and in view of these comments he would raise this matter with them directly.

Councillor Alaric Pugh proposed that that the application be granted, as per the Officer recommendation and inclusive of the amendments/additions to the conditions as outlined, this was duly seconded by Councillor Angela Rushen.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

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

Conditions relating to the new internal road, two road stubs and submitted structural landscaping

1. Commence within 3 years
2. Accesses to be complete ahead of any other part of the development
3. Visibility splays agreed and made available prior to the access first being used
4. Full details of the estate roads, agreed before development commences
5. No business unit occupied before the new internal road is complete to at least binder course
6. The new estate road served from lady Miriam way south and ERR to have cleared sight splays being materials are delivered
7. Submit and agree a construction deliver plan with LPA
8. Submit and agree lighting column locations
9. Submit and agree a remediation strategy
10. Agree a further remediation strategy if unexpected land contamination is discovered during construction
11. No piling or other foundation designs using penetrative methods
12. Submit and agree a materials management plan
13. Submit and agree location of fire hydrants
14. Submit and agree location and details of the markings of the old airfield perimeter track
15. Submit and agree the details of the information boards relating to the old airfield perimeter track
16. Standard 2 part Archaeology condition
17. Submit and agree a surface water drainage scheme
18. Submit and agree construction surface water management plan
19. Submit and agree details of all Sustainable Urban Drainage System components and piped networks
20. Submit and agree a foul sewerage strategy
21. Submit and agree a construction management plan
22. Implement the detailed submitted landscaping scheme
23. Submit and agree an aftercare/management plan for the submitted landscaping
24. Submit and agree a phasing plan
25. Submit and agree breeding bird survey, mitigation and implementation
26. Lighting strategy for construction phase
27. Site clearance restrictions
28. Pre commencement badger survey and implementation of any recommendations
29. Ecology mitigation measures during construction
30. Biodiversity enhancement measures as identified to be implemented
31. Submit and agree a construction deliver plan with LPA
32. Submit and agree a remediation strategy

33. Implement the detailed submitted landscaping scheme
34. Submit and agree an aftercare/management plan for the submitted landscaping
35. Submit and agree a phasing plan
36. Submit and agree a tree protection plan
37. Submit and agree a site wide landscape strategy
38. Submit and agree details of the bund and landscaping to the A14

Conditions relating to individual plots

1. Standard outline time limit. – first reserved matters within 3 years – commence within 2 years for that plot – all reserved matters within 10 years
2. Submit and agree a construction deliver plan with LPA
3. Submit and approve a cycle signage strategy with the LPA Agree a further
4. Submit and approve an on plot walking and cycle strategy prior to the determination of the first reserved matters application
5. Submit and agree a remediation strategy
6. Agree a further remediation strategy if unexpected land contamination is discovered during construction
7. No infiltration of surface water at the Treatt site
8. No piling or other foundation designs using penetrative methods
9. Submit and agree a materials management plan
10. Submit and agree location of fire hydrants
11. 5% of all parking plots shall be served by electrical charging points
12. Standard 2 part Archaeology condition
13. Submit and agree a surface water drainage scheme
14. To restrict businesses opening and operating prior to the Eastern Relief Road being in place
15. If Treatt failed to relocate to the Suffolk Business Park then the employment Uses Classes for the entire scheme would revert to B1 and B8.

304. **Planning Application DC/16/1050/FUL & Listed Building Consent Application 16/1051/LB - 6 Lower Baxter Street, Bury St Edmunds (Report No: DEV/SE/17/015)**

Planning Application - (i) Conversion of existing offices on first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to comprise of 2 no. apartments; and

Listed Building Consent - (i) Repairs and alterations to enable conversion of first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to Northern elevation to form 2no. apartments.

The applications were referred to the Development Control Committee due to the presence of two Member call-ins and in light of the level of public interest which raised balanced matters that Officers believed warranted consideration by the Committee.

The property concerned was a Grade II Listed building, hence, the proposed development was comprised of two applications to be jointly considered; a planning application and a listed building consent application.

A Member site visit was held prior to the meeting. Officers were recommending that the applications be approved subject to conditions, as set out in Paragraph 60 of Report No: DEV/SE/17/015, which was contrary to the views of Bury St Edmunds Town Council who had objected to the proposal.

The Senior Planning Officer explained that the Officer recommendation for approval was also subject to no objections being received from the National Amenities Societies and Historic England. Since publication of the agenda Historic England had confirmed that they had no comments to make in respect of the listed building application and stated that the Planning Authority should reply on the advice of the Council's Conservation Officer.

As part of her presentation the Officer drew attention to the following updates:

- A further letter of objection had been received from a resident who had previously made representation in respect of the application, and who reiterated their earlier comments; and
- Councillor Joanna Rayner, Ward Member for Abbeygate, had submitted comments via email which had also been copied to all Members of the Committee. Councillor Rayner echoed many of the concerns raised by the neighbours who had made representations, she also made reference to the issues with resident parking in the historic core of the town which had become increasingly saturated. Councillor Rayner had also stated that she would support a smaller development at the application site.

The Committee were advised that the scheme before them had been subject to a significant number of amendments in order to address some initial Officer concerns with the development.

Specific reference was made to the parking and manoeuvring arrangements for residents' motor vehicles, which was supported by the Highways Authority.

Attention was also drawn to the detailed shadow projection drawings which demonstrated the effect the development would have on the surrounding properties.

Speakers: Lisa Siftar (neighbour) spoke against the application
Councillor Diane Hind (Bury St Edmunds Town Council) spoke against the application
David Barker (agent) spoke in support of the application

Members opened the debate by thanking the neighbouring residents for allowing Committee Members into their homes during the site visit.

Whilst some of the Committee praised the design of the scheme a number raised concern at the impact of the development on the natural light and

amenity of neighbouring properties. Reservations were also voiced with regard to the parking and manoeuvring arrangements.

Comments were also made with reference to ensuring that the design of any development within the historic core of the town was entirely appropriate and not compromised in any way.

The Council's Conservation Officer was invited to address the meeting and commented upon the scale, elevations and setting of the development. Following the amendments to the scheme (as made reference to by the Case Officer) she was now satisfied that it would not cause harm to the conservation area or neighbouring properties.

Bin storage was also raised as an issue by some Members. Whilst the Case Officer assured the Committee that this could be managed by way of conditions some Members still had reservations in this respect, not having the details set out in the scheme before them.

Councillor Peter Stevens spoke in support of the scheme, which he felt deserved merit, and moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 7 voting for the motion, 7 against and with 1 abstention, the Chairman exercised his casting vote against the motion and it was lost.

Councillor Susan Glossop then moved that the application be deferred, in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible. This was duly seconded by Councillor John Burns.

Upon being put to the vote and with 11 voting for the motion, 2 against and with 2 abstentions, it was resolved that

Decision

The application be **DEFERRED** in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible.

305. **Planning Application DC/17/0166/TPO - Apartment 10, Regency Place, Maynewater Lane, Bury St Edmunds (Report No: DEV/SE/17/016)**

TPO 235 (1973) - Tree Preservation Order - (i) Lime - T51 - Reduce by 7 metres (ii) Copper Beech - T52 - 1-2 metre lateral reduction all round.

This application was referred to the Development Control Committee in the interests of transparency as the applicant was a contracted member of staff employed by the Planning Authority.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 11 of Report No: DEV/SE/17/016.

The Planning Officer advised that one letter of objection had been received from a resident on grounds of privacy and the impact on wildlife. He confirmed that neither of the issues raised were able to be taken into consideration in respect of TPO applications.

Councillor Susan Glossop raised a question with regard to the ivy that was on the tree in question. The Officer confirmed that this would be dealt with as part of the works and did not require specific approval.

It was moved by Councillor Angela Rushen that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor John Burns.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

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

1. Works to be carried out to the latest arboricultural standards
2. Works to be completed within 2 years

306. **Planning Application DC/17/0302/TPO - 7 Spring Lane, Bury St Edmunds (Report No: DEV/SE/17/017)**

TPO 452 (2007) - Tree Preservation Order - T2 - Lime - (i) Raise crown to give a 7 metre clearance from ground level to the first branch (ii) Reduce 1no. limb back from the road by 2 metres.

This application was referred to the Development Control Committee in the interests of transparency as the applicant was a contracted member of staff employed by the Planning Authority.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 9 of Report No: DEV/SE/17/017.

The Planning Officer advised that no objections had been received in response to the application.

It was moved by Councillor Angela Rushen that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Sara Mildmay-White.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED** subject to standard arboricultural conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations); and
2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.

The meeting concluded at 1.29 pm

Signed by:

Chairman

DEV/SE/17/018

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 May 2017

Planning Application DC/16/2837/RM

Development Zones G and H, Marham Park, Tut Hill, Bury St Edmunds

Date: 17.01.2017 **Expiry Date:** 18.04.2017
Registered: **EOT:** 10.05.2017

Case Officer: Charles Judson **Recommendation:** Approve

Parish: Bury St Edmunds **Ward:** Fornham

Proposal: Reserved Matters Application – Submission of details under Planning Permission DC/13/0932/HYB – the means of access, appearance, landscaping, layout, parking, and scale for Development Zones G and H

Site: Development Zones G and H, Marham Park, Tut Hill, Bury St Edmunds

Applicant: Jaimie Wragg, Bloor Homes Eastern

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Charles Judson
 Email: Charles.judson@westsuffolk.gov.uk
 Telephone: 01638 719267

Section A – Summary:

1. The application was deferred from consideration at the Development Control Committee meeting on 6 April 2017 in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible.
2. The previous Officer report for the 6 April 2017 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper in relation to site description, details of development, details of consultation responses received etc.
3. This report sets out the updates from the written papers presented to the meeting of Development Control Committee on 6 April 2017.
4. The Officer recommendation, which is set out at the end of this report remains that planning permission should be approved.
5. Since the Committee meeting on 6 April 2017 the applicants have submitted the following information:
 - Amended Boundary Treatments Plan
 - Amended Layout Plan
 - Amended Parking and Refuse Plan
 - Additional Context Plan
 - Additional Vehicle Tracking Plan
 - Additional Character Areas Plan
 - Details of storage sheds
 - Photos of private drives in Sudbury and Martlesham

Section B – General Information:

Proposal:

6. Please refer to Working Paper 1, paragraphs 1-2 for a description of the application proposals.

Application Supporting Material:

7. Please refer to Working Paper 1, paragraph 3 for details of the drawings and technical information submitted with the planning application.

Site Details:

8. Please refer to Working Paper 1, paragraph 4 for a description of the application site.

Planning History:

9. Please refer to Working Paper 1, paragraphs 5-14 for details of relevant

planning history.

Consultation:

10. Please refer to Working Paper 1, paragraphs 15 - 28 for details of consultation responses received.
11. Since the Development Control Committee on 6th April 2017 further comments have been sought from the Police Architectural Liaison Officer and officers have held meetings with the Highway Authority and Strategy and Enabling Officer, the outcome of which is discussed below.
12. Any further consultation responses received will be reported verbally at the meeting.

Representations:

13. Please refer to Working Paper 1, paragraphs 29 - 32 for details of representations received.

Policies:

14. Please refer to Working Paper 1, paragraphs 33 - 36 for details of relevant planning policies and considerations.

Officer Comment:

15. Please refer to Working Paper 1, paragraphs 37 - 52 for details of the Officers assessment of the application proposals.

Section C - Background

16. The application seeks reserved matters approval for the means of access, appearance, landscaping, layout, parking, and scale for Development Zones G and H pursuant to planning application DC/13/0932/HBY (the Hybrid application).
17. The Hybrid application granted permission for the change of use of agricultural land to provide a new country park for informal recreation, full planning permission for a new link road and outline permission for residential development, a local centre, land for primary education, and public open space including formal recreation. This permission was granted following the allocation of the site in Bury Vision 2031, and the subsequent production of a concept statement and Masterplan setting out the parameters and vision for the development.
18. Contained within the Masterplan and approved with the Hybrid application are 5 parameter plans which dictate maximum building heights, the location of strategic landscape and open space, density ranges for the development zones, access and movement corridors and details of land use.

19. The application for reserved matters for development zones G and H being considered by Members must be considered in accordance with the relevant development plan policies and in the context of the adopted Masterplan, Hybrid application and any other material considerations including the National Planning Policy Framework and Planning Practice Guidance.
20. Since the granting of the Hybrid application work has commenced on the construction of the link road and associated infrastructure. Furthermore, reserved matters approvals have been granted for the laying out and landscaping of the primary movement corridor and strategic green infrastructure which surround the development zones. These permissions have fixed the points of vehicular access in to the development zones and provided a network of cycle paths, footpaths, green space and play space around the development zones.
21. Reserved matters approval has also been granted at Development Control Committee for 126 dwellings on development zone C. This application therefore represents the 2nd and 3rd development zones being considered for reserved matters approval.

Section D – Update:

22. At the Development Control Committee on 6th April 2017 Members raised a number of concerns primarily relating to the density and design of the proposal, the floorspace of the properties, the level of open space, the level of parking provision, the provision of safe cycle links and the width of the roads within the scheme.
23. Officers have discussed these issues with the applicant which has led to the submission of amended and additional information as listed in paragraph 5 of this report.

Density, Design and Open Space

24. With regard to the density of the development, the applicants have not altered the number of dwellings proposed and therefore it is still proposed to develop 151 dwellings at an overall density of 35.95 dwellings per hectare (dph). This accords with the density parameter plan which was approved with the Hybrid application and forms part of the Masterplan for the site which allows a density range of 27.5 – 37.5 dph across both development zones. Reserved Matters approval has previously been granted by Members on development zone C located to the west of the application site for a development of 126 dwellings at a density of 34dph. Given that the proposed density of development complies with the approved density parameter plan officers are of the opinion that the density of development is a matter which is acceptable in principle. Furthermore, given the density of the approved scheme on development zone C officers are of the opinion that the density proposed would be consistent with existing permissions at Marham Park.

25. Officers are of the opinion that the design and layout of the development represents a positive scheme which complies with the Masterplan and Hybrid application details. The scheme has been designed to address the landscape zones, primary movement corridor and link road which surround these development zones. To the edge of the site, dwellings would front onto the site boundaries and the internal layout of the development zones would result in an appropriately designed development with a variety of dwelling types, a variety of road surfaces, buildings designed to turn corners, an avoidance of large parking courts and a variety of appropriate materials. The approved parameter plans allow for taller dwellings adjacent to the local centre of formal character whilst elsewhere dwellings will exhibit a semi-formal adjacent to the primary movement corridor and informal character of a more suburban nature adjacent to the green infrastructure.
26. The Framework Plan and Landscape and Ecology Strategy within the adopted Masterplan identifies that development Zone H would have a local green and this has been provided as part of the proposed scheme to act as a focal point for this zone. Whilst there is no other significant open space provided within the development zones, they are surrounded by corridors of strategic green infrastructure and a new countryside park for informal recreation is provided to the north of the link road. This green infrastructure has been designed to provide suitable levels of space for informal recreation and play and therefore there is no policy requirement to provide significant landscaping within development zones. Members are advised that a play area has been approved within the green corridor to the west of development zone H with good levels of access to these areas from the development zones.
27. Submitted with the application is a proposed landscape strategy which identifies how soft landscaping will be incorporated into the development and a condition on the Hybrid permission will require further information to be submitted in this respect. To enhance the character and appearance of the site, since the Development Control Committee meeting on 6th April, the applicants have submitted an amended plan to increase the length of a proposed flint wall to front the link road and to also provide a greater proportion of estate railing. Officers consider that these amendments further enhance the character of the development however a condition should be imposed to require precise details of the estate railing, flint wall and knee rail fence to be submitted for approval concurrently with the details of soft landscaping required by condition C30 of the Hybrid permission. Members requested that further comments were obtained from the Police Architectural Liaison Officer who made no comments on the revised plans submitted by the applicant. Officers have requested that the Police Architectural Liaison Officer submits further comments but these have not been provided at the time of writing and will therefore be reported verbally to Members.
28. Taking account of the above it is considered that the principle of 151 dwellings is acceptable and these dwellings have been designed with appropriate regard to the adopted masterplan, the parameters of the Hybrid application and the constraints and opportunities afforded by the

existing reserved matters approvals.

Size of Dwellings

29. Members raised concern at the Development Control Committee on 6th April with the size of the properties proposed. The applicants have not submitted amendments since this meeting to increase the size of the proposed dwellings. The Planning Practice Guidance directs that where a Local Planning Authority wishes to require an internal space standard they should do so by reference in their Local Plan to the nationally described space standard. Members are advised that St Edmundsbury Borough Council have not adopted the nationally described space standards within their Local Plan and accordingly there is no local planning policy requirement for dwellings to meet these standards. Policy DM22 does however require new housing to be fit for purpose and function well, providing adequate space, light and privacy and officers are of the opinion that the dwellings meet this policy requirement. The submitted plans show how rooms can be laid out with furniture and rooms would be well served by light and ventilation with gardens and suitable access to green infrastructure providing sufficient levels of amenity for occupants. To provide some context to the size of dwellings proposed the applicants have been asked to provide a comparison with the size of the dwellings they propose to other dwellings in Bury St. Edmunds and they have provided the following comparisons:

- Bloor 2 bedroom (House type 200 - Penhallam) is similar in size to a 2 bedroom house on Kings Road (57.7sqm compared to 54sqm).
- Bloor 3 bedroom (House type 305 - Staunton) is similar in size to a 3 bedroom house on York Road (83.34sqm compared to 83.4sqm).
- Bloor 4 bedroom (House type 454 - Landgaurd) is similar in size to a 4 bedroom house on Home Farm Lane (155sqm compared to 140sqm).

30. Members will note from Working Paper 1 that the Strategy and Enabling Officer expressed concern that that the size of some of the affordable dwellings would be too small to be attractive to Registered Providers and amendments were secured to increase the size of the 2 bedroom dwellings. Following these amendments the Strategy and Enabling Officer confirmed that they do not object to the application. Further discussions have been held with the Strategy and Enabling Officer following the Development Control Committee on 6th April and they have reiterated that they do not object to the size of the affordable dwellings bearing in mind the amendments which were secured and the requirements of the section 106 agreement.

31. The scheme provides 2 No. affordable dwellings to meet the Lifetime Homes standard as is required by a condition imposed on the Hybrid permission. In the absence of a policy which requires a greater proportion of Lifetime Homes to be provided, and bearing in mind the proposal meets the requirements that are stipulated in the Hybrid application when the principle of development was established, the applicant has not provided more Lifetime Homes. The applicants have however confirmed that that

all ground floor doorways are wide enough to accommodate wheelchair users and that access to the properties from the street are also wheelchair accessible.

Vehicular Parking and Road Widths

32. The level of vehicular parking was discussed at the Development Control Committee on 6th April with Members raising concern that a lack of parking and the width of some roads could restrict the movement of emergency vehicles through the site. Officers have held a further meeting with officers of the Highway Authority and they have confirmed that they consider access arrangements for emergency vehicles in their response to all planning applications of this nature. Furthermore, the ability for fire engines to reach dwellings is a matter controlled by the Building Regulations and this has been confirmed by the Councils Principal Building Control Officer. The width of the estate roads will be 5.5m with 1.8m wide footpaths to either side, the shared surfaces would also be 5.5m but extended to 6.1m in width as service strips will be hard surfaced and the private drives would be a minimum of 4m. The Highway Authority have advised that these are appropriate widths and the number of vehicular access points is significantly above the standards required by the Highway Authority. Furthermore, the inclusion of shared surfaces and private drives is a common feature in modern developments and contributes towards providing an interesting public realm. Officers are therefore satisfied that the hierarchy and design of roads is acceptable and adequate regard has been given to emergency access.
33. The level of vehicular parking provided meets, and in some instances exceeds, the parking requirements in the Suffolk Parking Standards. These require that 1 bedroom properties are provided 1 space per dwelling; 2 bedroom properties are provided 1.5 spaces (or 2 spaces where in curtilage or in tandem) per dwelling; 3 bedroom properties are provided 2 spaces per dwelling and 4 bedroom dwellings are provided 3 spaces per dwelling. Parking is provided to meet these standards and all 2 bedroom properties are provided with 2 spaces (rather than 1.5 spaces). Furthermore, visitor parking is provided at 0.25 spaces per dwelling resulting in an additional 38 spaces within dedicated laybys. These are the same standards that were applied to the consideration of the approved reserved matters application on development zone C and the Highway Authority have confirmed to officers that they do not consider it justified to require parking above these standards. All garages, which are to contribute to meeting the parking standards are a minimum of 6m x 3m and additional storage a minimum of 3sq m will be provided for each dwelling. The Suffolk Parking Standards are up to date having been adopted in November 2014 and subsequently amended in November 2015 and are considered a robust standard on which to base planning decisions. Officers therefore consider that the level of parking proposed is acceptable being in accordance with local policies.

Provision of Cycle Links

34. In their consideration of the application the Highway Authority requested

that either a 3m shared footpath and cycleway was provided within the development zone or greater provision was made for providing linkages to the strategic cycle network which surrounds the development zones. The submitted plans show the provision of 8 points of connection. At the Development Control Committee on 6th April Members were advised that two of the proposed linkages from the north of development zone H did not connect to the approved cycle network and that an amendment would be required to this landscape zone which was outside of the applicants control. The developers (Countryside) who control the green corridors have confirmed to officers that an application to amend the cycle network is due to be submitted to the Local Planning Authority imminently. Officers are therefore satisfied that the proposed links to the north of development zone H will provide adequate and safe access for cyclists to the strategic cycle network. The applicant has shown the revised cycle path on their amended plans.

Section E - Conclusions:

35. Members are advised that Officers consider that the application complies with the adopted Masterplan, the Hybrid application and the relevant policies of the development plan and accordingly it is recommended that the application is approved subject to the following conditions:

- Development to be carried out in accordance with the approved plans and documents
- Details of flint wall, estate railing and knee rail fence to be provided concurrently with details required by condition C30 of DC/13/0932/HYB

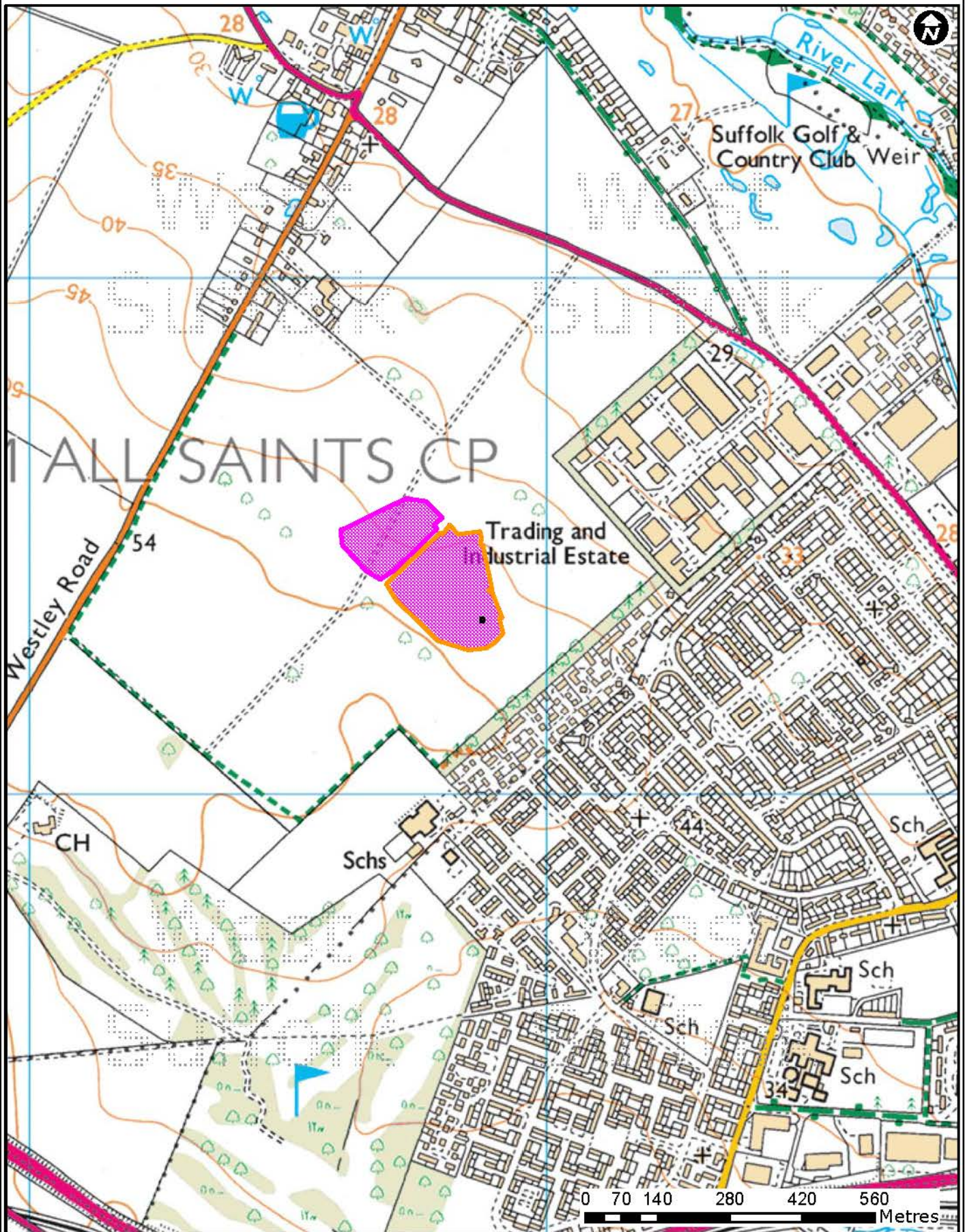
36. Members are advised that no further conditions are required as the Hybrid application secures all other necessary details not submitted with this reserved matters application.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: [Plans and documents](#)

Case Officer: Charles Judson

Date: 19 April 2017



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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SEPARATE GROUP/SITE SPECIFIC CONSTRUCTION NOTES AND MATERIALS SPECIFICATION.

SCHEDULE OF ACCOMMODATION (COMBINED G & H) - MARHAM PARK, BURY ST EDMUNDS 20.03.17			
PRIVATE HOUSING			
CODE	HOUSE TYPE	DESCRIPTION	No
200	PENHALLAM	2 BED HOUSE END TERRACE	1
200	PENHALLAM	2 BED HOUSE MID TERRACE	3
200	PENHALLAM	2 BED HOUSE SEMI-DETACHED	1
303	STUDLAND	3 BED HOUSE SEMI-DETACHED	15
303	STUDLAND	4 BED HOUSE END TERRACE	1
304	TREISSICK	3 BED HOUSE DETACHED	3
305	STAUNTON	3 BED HOUSE DETACHED	3
305	STAUNTON	3 BED HOUSE SEMI-DETACHED	8
313	WHITFIELD	3 BED HOUSE DETACHED	10
350	CHASTLETON	3 BED TOWN HOUSE SEMI-DETACHED	1
350	CHASTLETON	4 BED TOWN HOUSE MID TERRACE	3
350	CHASTLETON	3 BED TOWN HOUSE END TERRACE	4
360	DUNSTER	3 BED TOWN HOUSE SEMI-DETACHED	1
405	ARLINGTON	4 BED HOUSE DETACHED	8
414	CAULKE	4 BED HOUSE DETACHED	7
427	BREDON	4 BED HOUSE DETACHED	4
434	WAKEHURST	4 BED HOUSE DETACHED	8
435	HOUGHTON	4 BED HOUSE DETACHED	12
436	TITCHFIELD	4 BED HOUSE DETACHED	9
454	LANDGUARD	4 BED TOWN HOUSE DETACHED	4
TOTAL			106
AFFORDABLE HOUSING			
CODE	HOUSE TYPE	DESCRIPTION	No
1BF - 04	AFFORDABLE	1 BED 2 PERSON FLAT	9
2B4P SV	AFFORDABLE	2 BED 4 PERSON HOUSE	20
2B4PLTH	AFFORDABLE	2 BED 4 PERSON HOUSE - MM (2)	2
3B5P	AFFORDABLE	3 BED 5 PERSON HOUSE	2
3B5P CT	AFFORDABLE	3 BED 5 PERSON HOUSE	3
3B5P SV	AFFORDABLE	3 BED 5 PERSON TOWN HOUSE	5
4B6P25	AFFORDABLE	4 BED 6 PERSON TOWN HOUSE	4
TOTAL			45
DEVELOPMENT TOTAL:			151



Revision	Description	By	Date
A	General updates across site plan at the request of region.	RDE	06.12.16
B	Plot 123 garage moved forward to improve plot 122 garden. Plot numbered between 105-123 updated.	CDA	20.12.16
C	Plots: 98, 100, 102, 110 house type changed back to 434 type. Plots 60&61 updated to achieve Building Regulation Part M-Cat2	AMG	22.12.16
D	Footprint codes to plots: 11-15 amended to say 3B5P-25. Garage ridge directions altered to plot 41, 123 and parking plot numbers corrected to plots 89-93.	AMG	09.01.17
E	Engineering Footprints corrected within blocks.	RDE	31.01.17
F	General Layout revisions made following meeting of the 13.02.17 with Planning Officer Charles Judson to review consultation responses. Parking revised around central square (plots 123 - 133) Plots 33 - 41 re-planned. Plots 29 & 30 - re-oriented. Feature low screen wall added around car court and turning head opposite plots 6-8 & 47-48. Footpath revised opposite plot 47 & 48. Visitor parking adjusted opposite plots 49-53. Cycle link added opposite plot 20. Plots 11-15 increased from 2.5 storey to 3 storey. Carports to plots: 1, 11-15 changed to garages. Plots 89-94 re-oriented. Plots 89 - 100 re-planned. Parking to plots 115-121 re-planned to allow for sewer easement. Plot 136 and garage and driveway repositioned away from access.	AMG	03.03.17
G	Garage footprint to plots 1 & 15 and adjacent drive though increased to accord with updated planning drawing. Plots 1-3 realigned accordingly.	AMG	07.03.17
H	House type sizes amended plots: 1-3, 8-10, 55-57, 59, 62, 64-66, 117-119. House type floor plans and elevations revised plots 11-15. Garages / drive-through omitted plots 1 & 15 and rear parking court revised accordingly. Garages and drive ways revised plots 137-139. Plot 120 repositioned.	AMG	20.03.17
J	House type sizes amended plots: 1-3, 8-10. Cycle links within green corridor between parcels G & H now shown.	AMG	18.04.17

Job: Marham Park
Bury St Edmunds
Suffolk

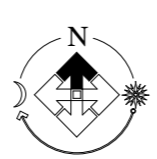
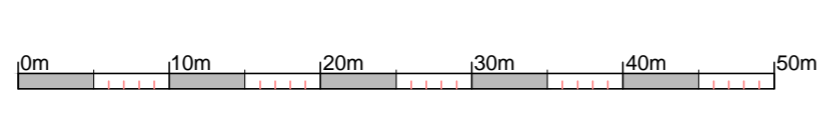
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Scale: 1:500 @ A1 Drawn: AG
Date: Nov'16 Cad Layout: RDE

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Marham Park

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Development Control Committee 6 April 2017

Planning Application DC/16/2837/RM Development Zones G and H, Marham Park, Tut Hill, Fornham All Saints

Date: 17.01.2017 **Expiry Date:** 18.04.2017
Registered:

Case Officer: Charles Judson **Recommendation:** Approve
Parish: Fornham All Saints **Ward:** Fornham

Proposal: Reserved Matters Application – Submission of details under Planning Permission DC/13/0932/HYB – the means of access, appearance, landscaping, layout, parking, and scale for Development Zones G and H

Site: Development Zones G and H, Marham Park, Tut Hill, Fornham All Saints

Applicant: Jaimie Wragg, Bloor Homes Eastern

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Charles Judson

Email: Charles.judson@westsuffolk.gov.uk

Telephone: 01638 719267

Background: The application is referred to the Development Control Committee because the application is a major development and the Parish Council object, however the Officer recommendation is for APPROVAL.

Proposal:

1. Planning permission is sought for the approval of details submitted in pursuance of outline planning permission DC/13/0932/HYB. The details include a total of 151 dwellings (including 45 affordable dwellings) and associated access, landscaping and open space.
2. The application has been amended since submission to amend the layout, house types, accommodation schedule and materials.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application forms and drawings including location plan, site layout, house plans and elevations, materials schedule and parking plan.
 - Design and Access Statement
 - Planning Statement
 - Schedule of accommodation
 - Construction layout
 - Drainage strategy

Site Details:

4. The application site is comprised of two areas known as development Zones G and H. Zone G has an area of 1.48 hectares and Zone H has an area of 2.78 hectares. They are located within a larger strategic site to the north west of Bury St Edmunds and to the south of the village of Fornham All Saints where permission has been granted for residential development under DC/13/0932/HYB. This strategic site is being marketed as 'Marham Park'. A new relief road is under construction to serve the strategic site which will link Tut Hill (B1106) with Mildenhall Road (A1101). Zones G is located to the south of the relief road whilst Zone H is located centrally within the strategic site adjacent to the primary movement corridor and green corridors which act as public open space.

Planning History:

5. The site forms the first of five strategic sites identified by Policy CS11 of the adopted Core Strategy. The policy states that the amount of development will be determined by environmental and infrastructure

capacity considerations and the preparation and adoption of detailed masterplans in which the local community and other stakeholders have been fully engaged.

6. A concept statement was prepared and adopted by the council in 2013. This was incorporated as an appendix to the Bury St Edmunds Vision 2031 and adopted in 2014 following public consultation.
7. A masterplan, which followed the principles established by the concept statement, was prepared by Countryside properties. This was adopted by the council in December 2013 following public consultation. This document set out the key requirements of the development that subsequent planning applications need to deliver.
8. Planning permission was granted in 2014 for development of the site. The application was in hybrid form, providing full details of the relief road, change of use of land to informal countryside recreation and outline for residential development, local centre, employment uses, public open space, allotments and the reservation of land for educational purposes (application DC/13/0932/HYB).
9. Since the granting of application DC/13/0932/HYB applications to discharge a number of conditions have been submitted, the following being particularly relevant:
 10. DC/15/0553/RM: Reserved Matters Application for 126 dwellings on Development Zone C. Approved.
 11. DC/15/0703/RM: Reserved Matters Application for strategic infrastructure comprising details of roads, footpaths, cycleways, drainage and landscaping details for the first section of the Primary Movement Corridor and Green Corridors G, H, L, J, R and Y. Approved and amended by DC/416/0446/VAR.
 12. DC/15/2440/RM: Reserved Matters Application for strategic infrastructure comprising details of roads, footpaths, cycleways, drainage and landscaping details for the second section of the Primary Movement Corridor and landscaping of Green Corridors M, N, O and P. Approved.
 13. DC/16/2658/RM: Reserved Matters Application for 132 dwellings on Development Zone C. Undetermined.
 14. NMA(A)/13/0932: Non Material Amendment Application to allow provision of 9 additional dwellings (Development zone parcel C). Undetermined.

Consultations:

15. Highways England: No objection

16. Suffolk Wildlife Trust: Whilst there is a landscape plan provided, no Landscape and Ecological Management Plan (LEMP) is included in the application. We would recommend that an LEMP is prepared for this part of development and that it accords with the documents already produced for the other development parcels. We also recommend that ecological enhancements are secured within the parcels subject to this application. In particular, we recommend that integrated nest boxes suitable for swifts are included within the dwellings and that the garden boundaries used are permeable to hedgehogs. This can be achieved by using concrete or timber fence bases which incorporate a pre-formed hole in the bottom or by including a 13cm by 13cm gap in the bases of fences and walls.
17. Highway Authority: The provision of links to the external cycleway as shown on plan EA-127-SL-900 should be constructed to connect to the cycleway. Those shown from the north of parcel H do not currently connect to the external cycleway and if this cannot be rectified alternative cycle provision should be made to ensure safe cycling routes through the development. The driveway for plot 137 is an incorrect length and should be redesigned accommodate the whole of one or two cars. A condition should be imposed to require details of manoeuvring and parking of vehicles which is to be retained and used for no other purpose.
18. Suffolk County Council (Development Contributions Manager): No comments other than the proviso that the terms of the existing S106A dated 8 October 2014 remain in force.
19. Police Architectural Liaison Officer: Having viewed the plans I have some concerns around the plans in regards to security. My concerns are around lack of natural surveillance, rear car parking, and use of carports, which can allow the opportunity to commit crime.
- Comments on amended plans: No comments received
20. SCC Flood and Water: Holding objection as the drainage strategy does not conform to the site wide strategy.
- Comments on amended plans: SCC Floods have reviewed the amended drainage information submitted by MLM Ltd in respect of the above planning application, the information submitted is acceptable and thus we can remove our holding objection.
21. Anglian Water: The foul drainage strategy is acceptable.
22. Public Health and Housing: No objection
23. Environment Team: This Service has no objection to this Reserved Matters application. We note that discharge of conditions applications for the land contamination conditions are progressing under separate cover.

- 24.Environment Agency: We have no objection the above reserved matters application but wish to make the following advisory comments with respect to surface water drainage. We recommend that the Lead Local Flood Authority should be consulted on any surface water management proposals. Should the applicant propose the use of deep infiltration systems including boreholes and other structures that bypass the soil layer we would wish to be reconsulted. This is because the site overlies a principal aquifer and is located in a Source Protection Zone. Accordingly the site is sensitive to pollution of the water environment.
- 25.Natural England: Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. We have not assessed this application and associated documents for impacts on protected species and you should apply our Standing Advice. If the proposal site is on or adjacent to a local site the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. Opportunities for biodiversity and land landscape enhancements should be considered.
- 26.Sport England: The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response.
- 27.Strategy and Enabling Officer: The Strategic Housing Team supports the above Reserved Matters application in principle as it meets our CS5 policy to deliver 30% affordable housing on site. The affordable dwellings will need to be delivered in accordance with the S106 on affordable housing tenure and achieve 70% affordable rent and 30% shared ownership.

The affordable housing mix provided meets the current housing needs for Bury St Edmunds and are dispersed throughout the development to help create sustainable and cohesive communities.

I am however concerned over the proposed dwelling sizes for the affordable homes. It is my understanding that based on the proposed dwelling sizes these are below an acceptable minimum standard being requested by our local Registered Providers operating within West Suffolk and therefore may be difficult to transfer.

Comments on amended plans: Having reviewed the Reserved Matters Application I can confirm that the Strategic Housing supports the affordable housing scheme.

- 28.Public Rights of Way Officer: Public Footpath 4 does not appear to be affected by this proposal. We do not have any objection to this proposal.

Representations:

29. Bury Town Council: Objection on the grounds of overdevelopment.

30. Fornham All Saints Parish Council: Objects and wishes for the following comments to be considered:

Density of 35.88 dwellings per hectare does not compliment the area and is more in keeping with a site within a town rather than edge of town abutting a rural village.

Supports the 30% affordable housing provision but concerned that the mix of market houses which is 95% 3 or 4 bedroom dwellings does not meet local needs identified in the Sub Regional Strategic Housing Market Assessment. The Parish Council would have liked to see the need for smaller dwellings of 1 and 2 bedrooms with a smaller element of 3+ bedroom properties fulfilled for those wishing to downsize.

Concerned that Development Zones G and H will give rise to adverse transport impacts. Parking is inadequate and inappropriately designed which will give rise to parking on road, crime, accessibility issues for emergency vehicles. Access footways of 1.8m is below the Manual for Streets recommendation of 2m to ensure all users can pass unhindered.

Question the proposed street hierarchy and the establishment of restricted vehicular routes at the end of secondary routes due to fears over crime and disorder.

The local highway network will not be able to continue to operate and the Parish Council feels that this application fails to address any existing issues as well as mitigate the impact of the increased traffic resulting from the Bury North-West development.

The Drainage Strategy does not conform to the site wide strategy and the Flood and Water Engineer at SCC has recommended a holding objection. No details on maintenance and management have been submitted and that Parcel H has been tested as not acceptable according to site wide strategy. The Parish Council would wish to see this addressed either prior to permission being given or as a condition to be addressed should permission be granted

31. Ward Member (Councillor Beccy Hopfensperger) No comments received

32. Neighbours: No comments received

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

33. Joint Development Management Policies Document:

- Policy DM1 Presumption in favour of Sustainable Development
- Policy DM2 Creating Places
- Policy DM3 Masterplans
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

34. Bury St Edmunds Vision 2031 (September 2014):

- Policy CS3 Design and Local Distinctiveness
- Policy CS5 Affordable Housing

35. St Edmundsbury Strategy December 2010

- Policy CS2 – Sustainable development
- Policy CS3 Design and Local Distinctiveness
- Policy CS5 Affordable Housing

Other Planning Policy:

36. National Planning Policy Framework (2012) and Planning Practice Guidance

Officer Comment:

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

- Principle of development
- Character, context and design
- Other matters

Principle of development

38. The application is for the consideration of reserved matters following the granting of outline planning permission for residential development under planning permission reference DC/13/0932/HYB. That permission established the principle of residential development.

39. Approved as part of DC/13/0932/HYB was a density parameter plan which approved density ranges for each Development Zone providing a range of densities which could be accommodated within each Development Zone. The application proposes 151 dwellings which complies with the density parameter plan for G and H. The number of dwellings proposed is therefore considered acceptable in principle.

Character, context and design

40. Development Zones G and H are located centrally within the site adjacent to green corridors, the primary network corridor, a central public square, the local centre and a potential school site. The relief road which will connect Tut Hill with Mildenhall Road lies to the north of Development Zone G. This road benefits from full planning permission and work is ongoing with its construction. Furthermore, detailed permission has also been given for the primary movement corridor

which fixes the points of vehicular access to the Development Zones and provides a strategic cycle network and permission has also been given for the green infrastructure and network of footpaths, cycleways and landscaping located in the the green corridors which surround the Development Zones.

41. The site was last used for agricultural purposes and inevitably residential development will fundamentally alter the character and appearance of the area. The adopted Masterplan for the development however provides the principles to be carried forward at detailed design stage. The Masterplan defines character areas to guide the form of development and the application has been submitted in the context of this. Development Zones G and H include the following character areas as defined in the Masterplan: Community Heart; Transition Frontage and Semi-formal. To respond to these character areas, towards the north-east the Development Zones it is proposed to have higher density housing with 2.5 and 3 storey dwellings built close to the public highway where the site fronts the public square. A tighter urban grain would also be achieved around a new public green located within the centre of Development Zone H assisting in providing a focal point for development in the form of a traditional village green. Lower density dwellings would be provided towards the periphery of the Development Zones where dwellings front onto the network of green corridors and where dwellings are served by private drives.
42. The application is submitted by a national housebuilding company and the whilst the house types are reflective of this, they have been designed to provide features reflective of the local vernacular and will be detailed to reflect their location within the development and the use of materials, architectural treatment and boundary treatments to help define character areas.
43. Fornham All Saints Parish Council object to the application on the basis that the proposed density is not complimentary to the location of the development adjacent to a rural village and considers that the scheme is more in keeping with development within a town and Bury Town Council object on the grounds of overdevelopment. However, the scheme is in accordance with the density parameter plan and building heights plan approved with the masterplan and application DC/13/0257/HYB and therefore the number of dwellings, density and overall scale is considered acceptable by officers in principle.
44. Overall it is considered that the proposed scale, appearance, layout, treatment of space and road hierarchy is reflective of the adopted masterplan for the site and will result in an acceptable form of development with regard to the character and appearance of the area.

Other Matters:

45. The application proposed 30% affordable housing in accordance with the approved Affordable Housing Framework (which sets the amount of affordable housing across the development). The Councils Strategy

and Enabling Officer supports the mix and clustering of affordable dwellings and whilst they initially objected to the size of some of the affordable units, following amendments to increase the size of the 2 bedroom affordable dwellings this objection has been withdrawn and the application now benefits from the support of the Strategy and Enabling Officer.

46. The Suffolk County Council Flood and Water Engineer also raised an objection to the development as the proposed drainage strategy did not accord with the approved site wide strategy. However, the Flood and Water Engineer has confirmed, following discussions with the applicants surface water drainage consultants, that there was an incorrect reference on a submitted drawing and they have removed their holding objection. In any case, details of surface water drainage are controlled by a separate condition on the Hybrid Application and details of which will need to be approved under separate cover to this reserved matters application. It is not considered that approval of the scheme as submitted will fetter the Council in its ability to assess the surface water drainage scheme at a later date when it is formally submitted for consideration.
47. The Highway Authority is satisfied that sufficient parking is provided to serve the housing mix with the level of parking complying with the Suffolk Parking Standards. The parking strategy for the residents incorporates on-curtilage and in-garage parking and the use of small parking courts. Where the later is used it is considered that the spaces are related reasonably well to the dwellings that they would serve to ensure that they will be used by residents and to discourage parking in locations not designated for parking. Visitor parking is provided in dedicated parking bays provided in parallel to the road and the number of spaces complies with the Suffolk Parking Standards. An amended layout has been provided to address the Highway Authority comments regarding plot 137. Officers are therefore satisfied that the parking proposed is acceptable. Fornham All Saints Parish Council has objected to the application due to potential impacts on the functioning of the local highway network however the number of dwellings is in accordance with the Hybrid Application and the capacity of the highway network was assessed and appropriate mitigation, including off site highway improvements, were secured. Officers therefore do not consider it necessary to re-asses the capacity of the local highway network as part of this Reserved Matters application given that it complies in principle with the Hybrid Application.
48. The Highway Authority requested that an off carriageway foot/cycleway is incorporated into Development Zone H to provide a connection from the approved access to the north-east into the application site and to terminate at plot 75 to the north-west of the central green to ensure a safe cycle route into and out of the development. This request was put to the applicants but they have chosen not to amend their scheme to incorporate this request and instead submitted an amended plan showing two connections to the green corridor to the north of Development Zone H. These however do

not connect to the approved cycle and footpath network and the applicant is unable to amend this network as the green corridors are outside of their control. However, Development Zone H would be well served by other connections to the external footway and cycleway which is directly adjacent to this parcel and given the number of dwellings within this Development Zone and given that vehicle speeds are likely to be low it is considered that the scheme as submitted provides a safe environment for cyclists with adequate connections to the strategic cycle network.

49. Fornham All Saints Parish Council have raised objections to the mix of market housing and are concerned at the lack of 1 and 2 bedroom properties and the predominance of 3 and 4 bedroom dwellings. Officers have raised this concern with the applicants but the mix has not been amended. Instead the applicants have identified that the adopted Masterplan confirms that the site will focus on delivering family housing of a range of types and styles. When regard is had to the affordable housing mix which focusses on the delivery on 1, 2 and 3 bedroom dwellings it is considered that the overall housing mix provides a good range of dwellings of varied size and will be complimentary to mix of housing which has been approved elsewhere on the Marham Park site where there is a greater proportion of smaller properties for market sale.

50. The Police Architectural Liaison Officer raised some specific concerns regarding the scheme including the need to ensure parking areas have good levels of natural surveillance, raising concern at the use of car ports and the inclusion of long paths to rear gardens. Amended plans have been submitted by the applicants to address some of these concerns by, for example, introducing garages instead of car ports and improving surveillance of parking courts. The Police Architectural Liaison Officer has not commented on the amended plans but Officers consider that the revised proposal has resulted in a more acceptable proposal in terms of preventing crime and disorder.

51. Comments have been received from Suffolk Wildlife Trust concerning the need to secure a Landscape and Ecological Management Plan for this development. Members are advised that this is already required by condition on the Hybrid Application and this will need to be discharged prior to the commencement of development on these Development Zones.

Conclusion:

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

Recommendation:

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

1. 14FP – Compliance with plans

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online here: <DC/16/2837/RM>.

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DEV/SE/17/019

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 May 2017

Planning Application DC/16/1395/FUL

Genesis Green Stud Farm, Genesis Green, Wickhambrook, Newmarket, Suffolk, CB8 8UX

Date: 27/09/2016 **Expiry Date:** 22/11/2016 – Extension
Registered: of Time Agreed

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

Parish: Wickhambrook **Ward:** Wickhambrook

Proposal: Planning Application – 4no. flats

Site: Genesis Green Stud, Genesis Green, Wickhambrook

Applicant: Genesis Green Stud Ltd – Mr Michael Swinburn

Agent: Harrington's Architecture And Design Ltd - Ian Harrington

Synopsis:

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

Background:

This application is referred to the Development Control Committee because it represents a departure from policy. The considerations of this proposal have been predicated on whether a number of caravans have become lawful through the passage of time, as opposed to normal requirements of evidence relating to a functional need.

CONTACT CASE OFFICER:

Aaron Sands

Email: aaron.sands@westsuffolk.gov.uk

Telephone: 01284 757355

Proposal:

1. Planning permission is sought for the erection of a block of 4no. flats to replace 3no. static caravans currently in situ for the purposes of housing workers employed within Genesis Green Stud. The proposed block measures 14 metres in width and 8.8 metres in depth with an eaves height of 5.7 metres and an overall ridge height of 8.3 metres.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Planning Statement
 - Land contamination assessment
 - Proposed Plans and Elevations
 - Specifications of existing caravans
 - Evidence of occupation and siting of caravans (*Officer note: this information contains confidential details and is not publicly available*).

Site Details:

3. The site comprises a stud farm within designated countryside and located towards the south of the main complex. The site contains a number of equine related buildings. A number of static caravans are currently located to the southern corner of the site.

Planning History:

4. E/95/1186/P – Stationing of mobile home to be used for staff accommodation for temporary period. Granted. 20/04/1995
5. SE/04/3271/P - Planning Application - Erection of two storey building comprising four 3 bedroom flats for stud employees. Granted. 04/11/2004

Consultations:

6. Environment Team: No objection subject to informatives
7. Environment Agency: No objection
8. Rights of Way: No objection
9. Public Health and Housing: No objection subject to conditions restricting occupation to those employed within the site
10. Natural England: No comments
11. Highway Authority: No objection subject to conditions

Representations:

12. Parish Council: No objection

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

13. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM5 (Development in the Countryside)
- Policy DM22 (Residential Design)
- Policy DM26 (Agricultural and Essential Workers Dwellings)
- Policy DM32 (Business and Domestic Equine Related Activities In the Countryside)
- Policy DM46 (Parking Standards)
- Policy DM47 (Development Relating to the Horse Racing Industry)

14. St Edmundsbury Core Strategy December 2010

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

Other Planning Policy:

15. National Planning Policy Framework (2012)

16. Written Ministerial Statement Dated 17th December 2015

Officer Comment:

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

- Principle of Development
- Design and Form

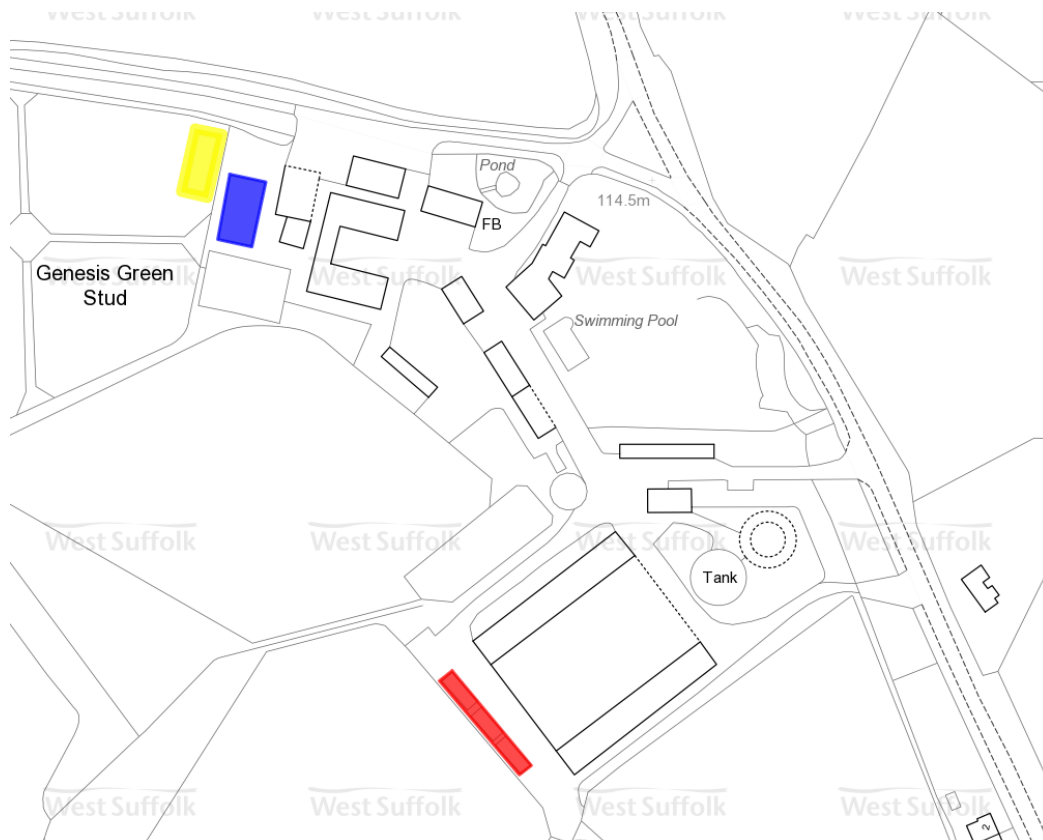
Principle of Development

18. Policy DM1 provides a presumption in favour of sustainable development subject to compliance with policies within the development plan, and where other material considerations do not indicate that permission should be refused. Sustainability is the golden thread of decision making that runs throughout the NPPF, plan-making and decision taking. Policy CS2 of the core strategy sets out a broad overview of the local planning authority's consideration of sustainable development. In accordance with East Staffordshire Borough Council V Secretary of State for Communities and Local Government and Barwood Strategic Land LLP [2016] EWHC 2973 (admin) the starting point in determining sustainable development should be that which complies with an up-to-date, fully adopted local plan. The local authority has a fully adopted, NPPF compliant local plan, and noting that the proposal is not for market housing, but for equine workers dwellings, paragraph 49 of the NPPF does not apply, though the council

can demonstrate a five year housing land supply in any event.

19. The proposal is for four equine workers dwellings within the countryside, located approximately 2km from the nearest local service centre and the more urban area of Wickhambrook, and 11.1km from Newmarket, which the site would principally be tied to as a HRI (horse racing industry) site. It is recognised that, due to the nature of such facilities, there is often a requirement that these sites are located away from more locationally sustainable areas, such as towns, in the countryside, where there is better access to land necessary to sustain such uses. While they are not isolated in terms of surrounding built development, they are isolated from services and other modes of transport than the private car.
20. Policy DM5 supports selected development in the countryside, specifically mentioning development for key workers essential to the operation of an equine-related business. This support is subject to other criteria expressed in subsequent policies, but such development is considered to be necessarily located in a rural area, contributing to a rural economy, and/or of such benefit that it outweighs the adverse consequences arising from development in an otherwise undesirable location.
21. Policy DM26 sets out those further detailed considerations to enable support for essential workers dwellings, in response to the general support expressed in policy DM5. This policy requires that satisfactory evidence is submitted to demonstrate that there is a need for such dwellings, and that there are no alternative residences available in the nearby area. Proposals must also demonstrate that the business is viable, and that such development would be of a size and nature commensurate with the business. It should not, however, be intrusive into the countryside, with suitable design to respect the character and appearance of the area. Policy DM26 caveats that permanent proposals will normally need to be prefaced with temporary accommodation for at least 3 years.
22. This application *does not* contain an assessment that outlines the functional need for the application, nor does it contain any viability information that indicates the economic viability of the site. As such, it is not compliant with policies DM5 or DM26, and the provisions of the development plan indicate therefore that permission should be refused.
23. That said, a number of material considerations have come to light during the course of the application that officers consider carry very significant weight in favour of the proposed development. In addition, where there is a clear indication that a site has been in a continued use for some time, and therefore appears to be economically stable, officers consider that this limits the weight to be attached against the scheme arising from the failure to provide financial details relating to the performance of the business. Officers consider that the history of the site speaks for itself in the facts of this case given some 25 years, at the very least, where the site has appeared to have been economically stable.
24. The planning history of the site indicates that a temporary permission was granted in 1995 for the siting of a caravan (indicated by the yellow

rectangle in the map below), subject to a condition that this should be removed on or before 18/04/1998. Later, in 2004, planning permission was then granted for 4no. 3 bedroom flats (the blue rectangle in the map below) in an alternative location within the site. This was accompanied by an assessment of need that indicated specialist staff were required on the site to appropriately run the business. The 2004 permission was not implemented, however, and it has now expired. It is of a reasonable age, and the policy position has substantially altered since this time, such that the assessments in relation to previous applications are considered to carry only very limited weight.



25.3no. residential caravans have been sited in the red rectangle within the southern area of the site. These caravans appear to have had no planning permission, but do appear that they have been in situ for a substantial length of time, such that they would appear, on the balance of probability, to have become lawful through the passage of time. The caravans would need to have been in place and occupied for at least 10 years in order to be considered lawful. An assessment of that should be taken on the balance of probability, noting that there may often be difficulty in locating complete records of that siting and occupation for a fully 10 year period. If these caravans have now become lawful then this fact is highly material to the consideration of this application.

26.It is worth noting that the 2004 application for workers' accommodation was accompanied by an assessment of functional need that indicated a requirement for additional staff accommodation on the site. While that permission was not implemented, the caravans that have been sited

appear to have been done so around the time of that application, and did therefore provide additional accommodation on the site. While the permission was not implemented, officers do still acknowledge that accommodation on the site was increased, albeit in an unlawful manner. This does speak to a continued functional need for workers on the site.

27. These caravans appear to be capable of each berthing up to 16 occupants in total, which appears to be commensurate with the number that could be accommodated within the proposed flats (which individually appear to be able to reasonably accommodate 4 people each for a total of 16). However, officers do consider that it is unlikely that all possible space would be occupied, not least because occupants are unlikely to be agreeable to sharing such space.
28. If, in fact, these caravans have become lawful through the passage of time, this proposal amounts to a replacement of accommodation, as opposed to additional accommodation on the site, particularly noting that the caravans could be replaced without further consent. As such, it would fall only to consider matters of design and the impacts on landscape, detailed in a different section of this report.
29. A large amount of information has been received, that indicates the caravans have been in situ for at least 10 years. Given the nature of this information, much of which deals with personal bank details and contracts, it has not been publicly provided. However, to summarise the contents, the information includes:
- Financial details
 - Utilities information
 - Licences that require occupation on the site by workers
30. As stated, the information contained within these documents indicates that the caravans have been in situ for at least 10 years. However, it is not fully conclusive if they have been occupied for that period of time. The details indicate a number of workers have occupied the sites, though the time frames given are limited, indicating from 2010 and 2013 to 2016. In addition, a number of utilities documents indicate that there has been ongoing provision of servicing (such as gas and electricity) since 2006. While this does not specifically indicate that the caravans have been occupied, it does speak to a level of habitability and a use of utilities such that maintenance and repair are necessary. It should also be appreciated that the test for considering this matter is 'the balance of probabilities'. This is plainly a balanced test, and not one that requires, for example, unequivocal or absolute demonstration. Noting the test required, and respecting the balance of evidence received, Officers consider that the relevant test is met, and that, on the balance of probability, it is more likely than not that these existing caravans have been on site and occupied for a sufficient period of time to have become immune from enforcement action. This being the case, it should also be noted that the use and occupation of these caravans is not limited, controlled or otherwise restricted since there are no conditions nor any s106 agreement relating to their use.

31. The written ministerial statement released 17th December 2017 confirmed changes to national policy that stated intentional unauthorised development is a material consideration to be weighted against the grant of planning permission. Applications in the past have been undertaken on the site for caravans for workers accommodation by Genesis Green Stud Ltd. There is some merit in considering that, given the involvement of the company in the past in which they had knowledge that planning permission was required, that there is sufficient awareness of the system to know that the caravans on site at present also required planning permission. However, there is no concrete evidence that there was intent to carry out unauthorised works, only a logical conclusion based on historic knowledge within the company. As such, this is a consideration to weigh against the grant of planning permission, but it is somewhat tenuous, given that there is no express indication of the intent. Officers therefore consider that weight afforded to this consideration should be limited, and not outweigh other considerations in this determination.
32. Having reviewed the information, in conjunction with the legal department, and noting that the caravans very much appear to have been in situ for at least a 10 year period, officers consider that it is likely the caravans have been occupied for at least that time period. That said there is still an uncertainty as to occupation that stems from the lack of information on staff prior to 2010.
33. To conclude on this point therefore, the information submitted indicates, on the balance of probability that a number of residential caravans have been sited and occupied at this site for a sufficient period to have become immune from enforcement action. This being the case then, notwithstanding the lack of any demonstration of functional need for additional workers accommodation at this site, the length of time that this enterprise has been established, the historic support given to workers accommodation previously at this site, the strong indication that the existing residential caravans on site are lawful, plus the opportunity now available to remove the caravans and impose conditional control on the occupation of any future accommodation, all add significant weight in support of the proposal.

Design and Form

34. Policy DM22 states that proposals for residential properties should maintain or create a sense of place and character. Designs should be employed that are based on an analysis of existing buildings, landscape and topography, exploiting the opportunities those present. Proposals should utilise local characteristics to create buildings and spaces that contribute to a coherent and legible place and support continuity of built form and enclosure of spaces.
35. The proposed block of flats appears much as a common dwelling, proposed in facing materials reflective of agricultural buildings. The application site is largely comprised of similar buildings, including a substantial corrugated metal building to the south. Buildings appear

functional, though many of the more recently erected structures are attractive in their overall form and clearly reflective of their use for equine purposes.

36. That attractiveness is considered to extend to this building, which appears to be well proportioned, incorporating detailing around the doors and windows and a uniformity that adds finesse to what might otherwise be a monotonous, unadorned elevation. The proposal is set substantially back from the road and other public views, and due to its position, views of the proposal would be largely set against the backdrop of a sizeable agricultural building, as opposed to a landscape vista that it might otherwise interrupt views of.

The Planning Balance

37. In determining this proposal, the provisions of the development plan do weight heavily against the proposal. In light of the written ministerial statement, that weight is exacerbated by the unauthorised development, but, as stated, officers consider that weight to be limited and not a sufficient reason for refusal by itself.
38. On the other hand, the information provided through the course of the application indicates that there is a very real probability that the caravans have been in situ and occupied for a sufficient length of time that they have become immune from enforcement action. That exemption would mean this proposal amounts to a replacement of accommodation, as opposed to new accommodation, and that is a reason sufficient to set aside the provisions of policy DM26 of the Joint Development Management Policies.
39. The provision of a permanent building, as opposed to the temporary caravan buildings that would otherwise be replaced as necessary, is considered to be of some limited positive weight in favour of the proposal. It would prevent the need to constantly change the caravans as they become weathered and no longer fit for habitation. A purpose built, permanent structure, on the other hand, would enable compliancy with modern building regulations, offering a better level of accommodation for the occupants, as well as less involved maintenance. That said, the weight afforded in this regard is limited.
40. The caravans on site are not currently tied to Genesis Green Stud, and could be occupied by people who are not employed or tied to that business. The new flats would be conditioned to be occupied only by those who live and work in conjunction with the site. This carries positive weight in terms of removing what are effectively marketable sites for caravans in the countryside, and replacing them with development that is purely for use by workers within the site.

Conclusion:

41. In conclusion, officers consider that there is sufficient evidence that the caravans have been in situ and occupied for a sufficient length of time,

taken on the balance of probability. In addition, other benefits of the scheme provide some modest additional positive weight in its favour, balanced against the policy and other harm set out above.

42. On the whole, it is considered that the balance of this application, while fine, falls in favour of its approval. However, noting the policy conflict, and that there is still some uncertainty around the history of the caravans, officer consider that the approach taken here requires at least some ratification by the committee.

Recommendation:

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

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.

Reference No:	Plan Type	Date Received
(-)	Location Plan	30.06.2016
1606-1	Existing Block Plan	30.06.2016
1606-4	Proposed Block Plan	26.07.2016
1606-2	Proposed Floor Plans	30.06.2016
1606-3	Proposed Elevations	30.06.2016
1606-5	Proposed First Floor Plan	26.07.2016

3. Before the development hereby approved is first occupied details of the areas to be provided for the loading, unloading manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

4. The occupation of the dwellings hereby permitted shall be limited to a person or persons solely or mainly employed, or last employed, in the business being carried out as Genesis Green Stud Ltd, or a dependent of such person residing with him or her, or a widow or widower of such a person.

Reason: The site is in an area where new dwellings are not normally permitted.

5. The 3 no caravans indicated on plan ref 1606-1 (titled Site Location – Survey Plan) received 30th June 2016 shall be removed within 6 months of the occupation of the dwellings hereby approved, and the council will be informed in writing of their removal.

Reason: To rectify the currently untied residential plots and ensure that only necessary accommodation remains within the site.

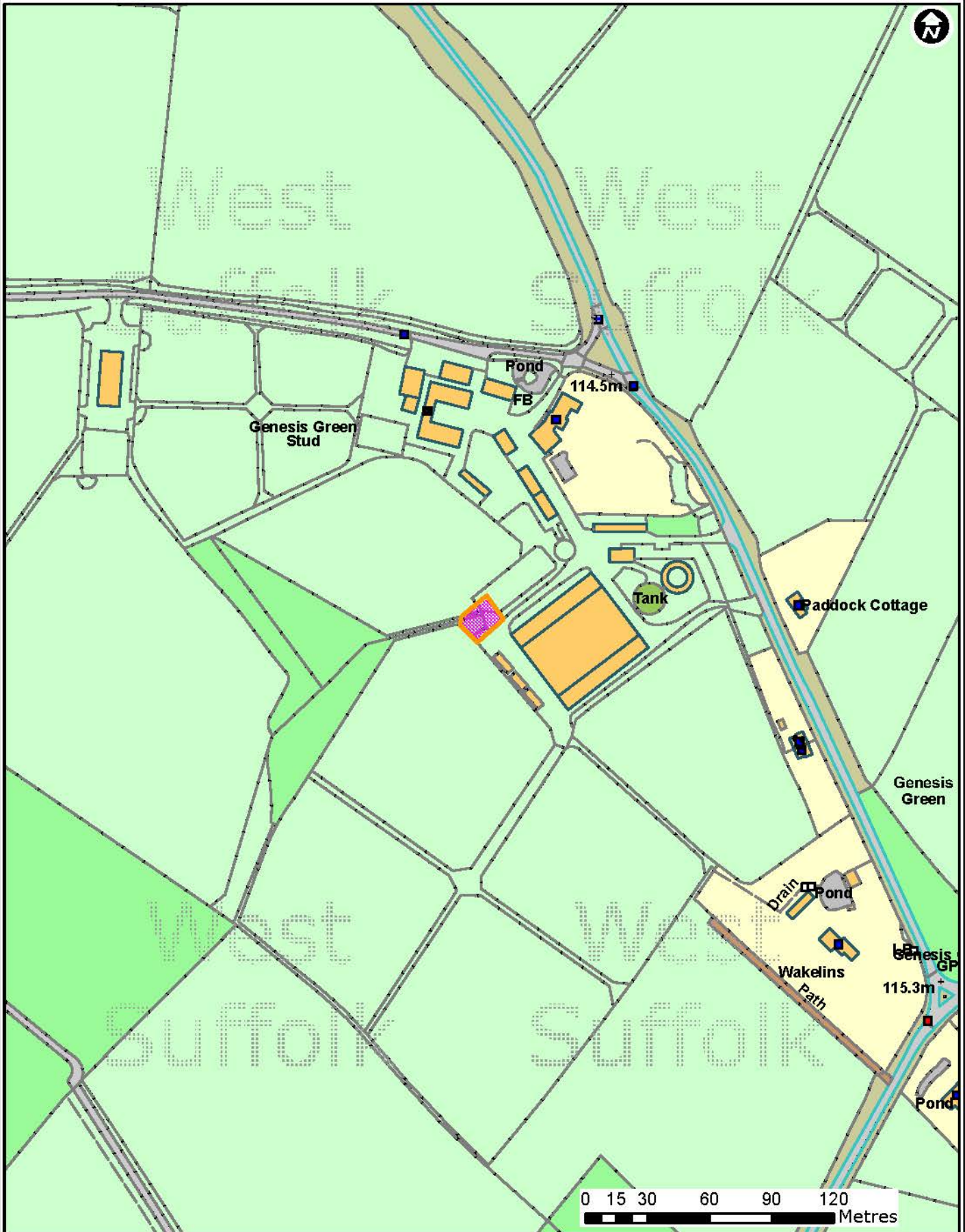
Documents:

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

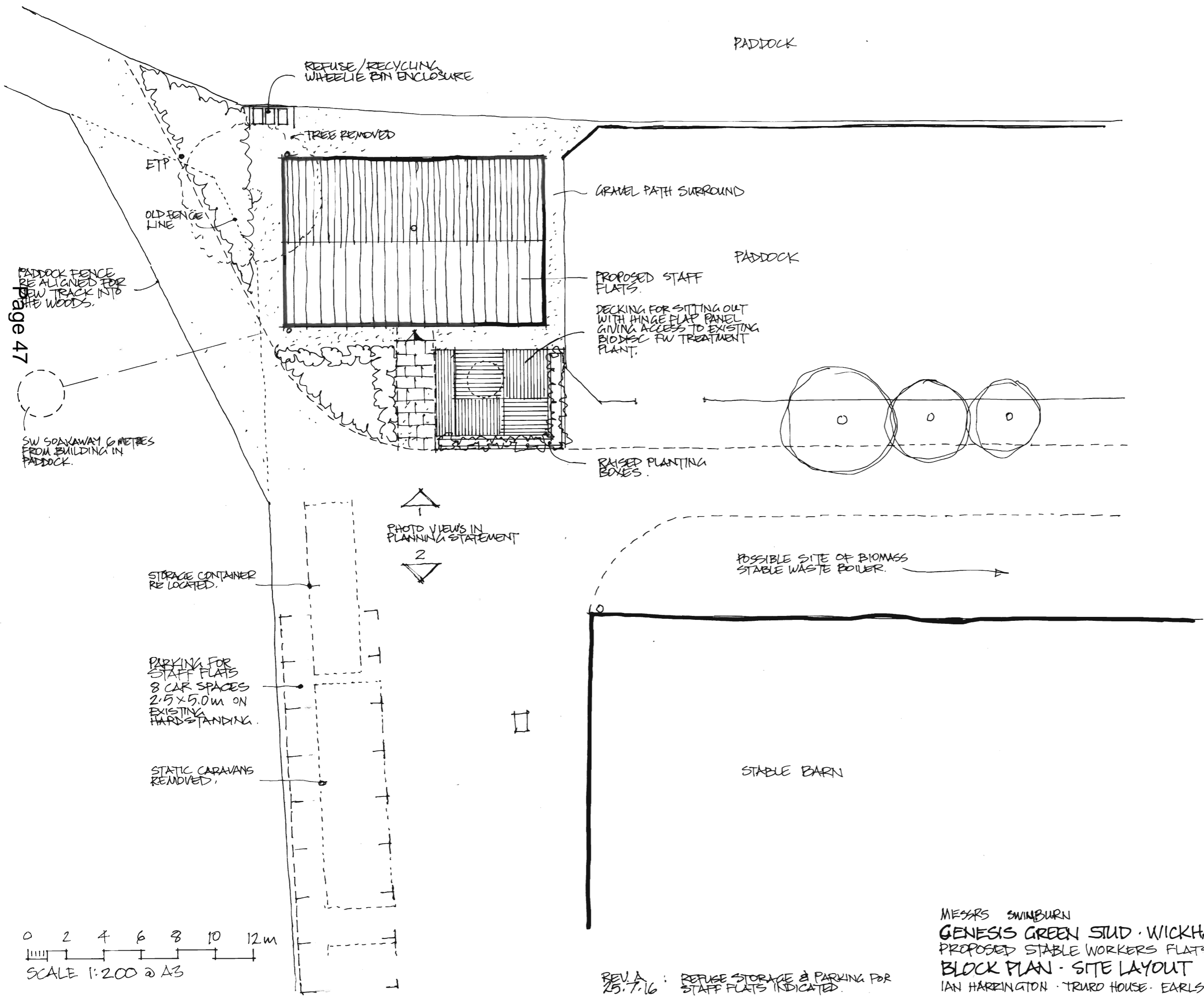
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O9J0NDPDHZW00>

Case Officer: Aaron Sands

Date: 12/04/2017



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Page 47
 Paddock fence re aligned for new track into the woods.

SW SOAKAWAY 6 METRES FROM BUILDING IN Paddock.

0 2 4 6 8 10 12m
 SCALE 1:200 @ A3

REV A : REFUSE STORAGE & PARKING FOR STAFF FLATS INDICATED.
 25.7.16

MESSRS SWINBURN
 GENESIS GREEN STUD · WICKHAMBROOK · NEWMARKET CB8 8UX
 PROPOSED STABLE WORKERS FLATS
 BLOCK PLAN · SITE LAYOUT 1:200
 IAN HARRINGTON · TRURO HOUSE · EARLS COLNE · COG 2RZ
 MAY 2016
 DRWG 1606-4A
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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 May 2017

Planning Application DC/17/0354/HH, 5 West Road, Bury St Edmunds, IP33 3EL

Date Registered:	27.02.2017	Expiry Date:	24.04.2017
Case Officer:	Debbie Cooper	Recommendation:	Approve Application
Parish:	Bury St Edmunds	Ward:	Risbygate
Proposal:	Householder Planning Application - (i) single storey side extension (ii) raising of rear lean-to roof height (iii) 2 metre high timber gate and fence to side (iv) replacement front door and 2no. replacement front windows and (v) 2no. rooflights in rear elevation		
Site:	5 West Road, Bury St Edmunds, IP33 3EL		
Applicant:	Mrs D Cope		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Debbie Cooper

Email: deborah.cooper@westsuffolk.gov.uk

Telephone: 01638 719437

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. It was presented before the Delegation Panel at the request of Councillor David Nettleton, the local Ward Member.

A site visit is proposed to take place on Thursday 27 April 2017.

The Town Council raise no objection and the application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for a single storey side extension to create a shower room suitable for disabled access. The proposed extension measures 1.325 metres in width, 4 metres in depth and will be constructed in matching materials. The height to the eaves is 2.7 metres with a ridge height of 3.4 metres.
2. Planning permission is also sought to raise the roof height of the rear lean-to to facilitate level access to the kitchen diner and shower room. This increase in height is 0.5 metre, giving a new height of 3.784 metres.
3. Planning permission is also sought to replace the front door and two front windows and to insert two new rooflights in the rear roof.
4. Lastly planning permission is also sought to construct a 2 metre high timber close boarded fence and gate to the side, in line with the front of the house.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Location plan
 - Existing and proposed block plan
 - Existing and proposed floorplans and elevations
 - Proposed window details
 - Proposed door details

Site Details:

6. The application site comprises of a two storey end terraced dwelling situated within the settlement boundary of Bury St Edmunds. It is situated within a designated Conservation Area and an area restricted by an Article 4 direction which restricts permitted development in order to protect the special character and appearance of the Conservation Area.
7. There is a small front garden with pedestrian access only and parking on-street. Accessed through a gate, there is a shared right of way which runs along the side and rear of the house, providing access to the rear of numbers

7, 9 and 11 West Street. The side boundary comprises of two adjacent fences with a conifer hedge beyond.

Planning History:

Reference	Proposal	Status	Decision Date
SE/04/2373/P	Planning Application - Provision of temporary timber steps to front entrance and provision of handrail	Application Granted	12.07.2004
SE/03/3896/P	Planning Application - Alterations to steps and provision of handrail to front door	Application Refused	29.01.2004

Consultations:

8. Highways - we note that there is to be no change in the parking, therefore the status quo is being maintained and SCC Highways do not recommend refusal
9. Conservation Officer - no issues with the side extension, the rear roof extension or the rear rooflights. With regards to the proposed replacement windows, numbers 9 and 11 appear to have the original windows and due to the relatively chunky sections of the proposed windows I think it is unlikely that they will match those of the originally detailed windows. The purpose of the Article 4 direction is to reinstate consistency. Based on the information provided, the introduction of the windows as detailed would not appear to match those of the originally detailed windows and would therefore fail to reinstate consistency. The details of the proposed windows therefore are unacceptable. The details for the door as proposed are acceptable.
10. Amended window details were subsequently provided which are still considered larger than would be acceptable when compared to those of a typical traditionally detailed sash and are therefore not acceptable. The proposed development will compromise the consistent and uniform approach the Article 4 direction is striving to achieve.
11. Finally, a fourth set of revised window details has been received on 18th April and which are considered satisfactory.

Representations:

12. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues
13. Neighbours: comments received from No. 11 West Road and two other residents. These are summarised below:

- The proposed extension will be built on a path that has had legally shared access with numbers 7, 9 and 11. Agreements are not in place, nor will they be.
- The wheeled bins will likely over time damage the extension as it will be regularly hit.
- I need to move beehives into and from my garden and this extension will restrict this hobby and spoil the enjoyment of my property.
- This extension will directly affect the way I have enjoyed using my house and garden for nearly 20 years.
- The proposed casement window at the back of the current lean-to must not open outwards into the shared pathway as this could cause a personal accident.
- The extension would make the use of bikes, garden equipment, wheelie bins and general access for maintaining the front and the back of the house impossible.
- The measurements for the extension appear to be dependent on the adjoining property's collapsing fence line once number 5's abutting fence is removed. If this boundary moves in the future, even slightly, and a boundary dispute arises between No. 5 and the adjoining property, all houses in the terrace would lose their access to the back of their respective properties.
- Reduction in width of access was not envisaged at the time of purchase and was an important deciding factor at purchase. The current arrangement must be retained otherwise it is detrimental to our enjoyment of our garden.
- The extension is proposed to be built over a legal shared mains drain. No agreements are in place for this, nor will there be.
- The proposed fence and gate would shield and block the shared access from the main road. Will be unable to see if the resident's dog is loose.
- The loss of this shared right of way will make it impossible for us to maintain our houses and preserve the conservation area.
- Access for a disabled person would in the future only be possible by introducing ramps and hand rails to the front.
- We do not believe that the extension will meet building regulation requirements.

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

1. Joint Development Management Policies Document:
 - Policy DM1 – Presumption in Favour of Sustainable Development
 - Policy DM2 – Creating Places, Development Principles and Local Distinctiveness
 - Policy DM16 - (Local Heritage Assets and Buildings Protected by an Article 4 Direction)
 - Policy DM17 - (Conservation Areas)
 - Policy DM24 – Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
2. St Edmundsbury Core Strategy December 2010
 - Policy CS3 (Design and Local Distinctiveness)
3. Bury Vision 2031 (September 2014)

- Policy BV1 (Presumption in favour of Sustainable Development)

Other Planning Policy:

15.National Planning Policy Framework (2012) core principles and paragraphs 56 – 68 and 126-141

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on neighbouring amenity
- Impact on the Conservation Area / Article 4 Area

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

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

19.The concerns expressed by neighbours primarily relate to the encroachment of the side extension into the shared right of way that allows access to the rear of numbers 7, 9 and 11 West Road. The side extension will reduce the width of the access to 75 centimetres at its narrowest point. This will make the movement of wheelie bins (a standard wheelie bin has a width of 58 centimetres), wheelbarrows and so on more difficult. However, this is not a material consideration that would carry any weight sufficient to justify a refusal of the application.

20.It is stated by third parties that the development will lead to a loss of amenity as a result of a narrowing of the access. Officers do not accept this argument. Firstly, the access is, in any event, being retained, at a width sufficient to ensure pedestrian, bicycle and wheeled bin access to the rear of the property. Secondly, the provision of terraced properties with access to rear gardens through the property itself is not considered an unusual scenario, such that weight against proposal as a result of this is not considered to arise.

21.Notwithstanding thee arguments, this right of way is considered to be a property right which is governed by legislation outside the planning system and so, regardless of the outcome of this planning process, any interference with that right could not be remedied through planning legislation. This is a civil matter between the relevant parties to resolve, and which any affected parties can seek to remedy themselves if they wish. It is not however within the scope of the planning system to mediate in any dispute and the application must be considered on its merits in planning terms.

22.The property is situated within a designated Conservation Area and an area restricted by an Article 4 direction which seeks to protect the special character

or appearance of the Conservation Area, to retain traditional features where they exist and encourage accurate reinstatements where they have been lost. Article 4 Directions are served on buildings which make a positive contribution to the Conservation Area and where they have qualities which are likely to be prejudiced by unsympathetic change. Policy DM16 seeks to protect buildings covered by an Article 4 Direction from unsuitable development. This includes respecting the historic fabric, design, materials, elevational treatment and ornamentation of the original building, in addition to preventing the unacceptable loss or damage to original features.

23. Furthermore Policies DM17 and CS3 ensure proposals preserve or enhance the character or appearance of the Conservation Area, with specific reference in DM17 to the retention of important traditional features such as original windows, which contribute to the character of the area and fenestration which respects its setting.

24. In this case, the side extension, the rear roof extension, the rear rooflights and the fence / gate are not considered to impact on the character or appearance of the Conservation Area / Article 4 Area. The proposed development also involves the replacement of two front windows and the front door. The replacement door details provided are acceptable, however the proposed window details originally submitted were considered larger than would be acceptable when compared to those of a typical traditionally detailed sash and were therefore not acceptable. The purpose of the Article 4 direction is to ensure accurate reinstatements where they have been lost. The originally proposed development would not have resulted in such a provision and as a result would have compromised the consistent and uniform approach the Article 4 direction seeks to achieve. Amendments have been sought and now received on 18th April 2017 detailing acceptable window proportions and detailing.

25. The proposed extensions and alterations are of an appropriate design, scale and form and respect the character of the dwelling and the wider area.

26. Given the location, nature and scale of the proposed side extension, rear roof extension and rear rooflights, it is considered that there will be no adverse impact on neighbouring amenity by virtue of loss of light, overbearing impact or overlooking.

Conclusion:

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

Recommendation:

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

- 1 Time limit.

- 2 Compliance with approved plans.
- 3 Hours of construction / demolition.

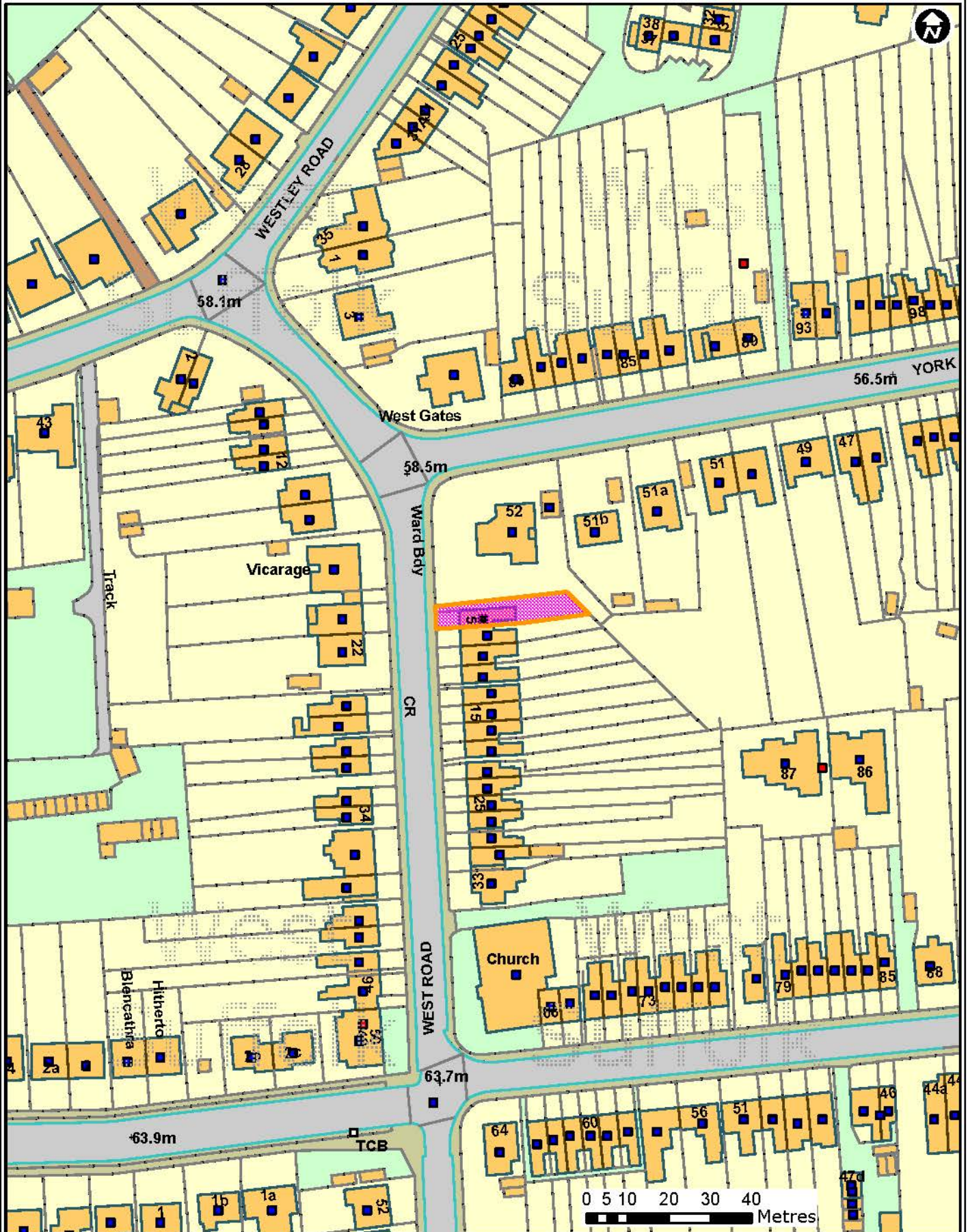
Documents:

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=OLIYO5PDMRB00>

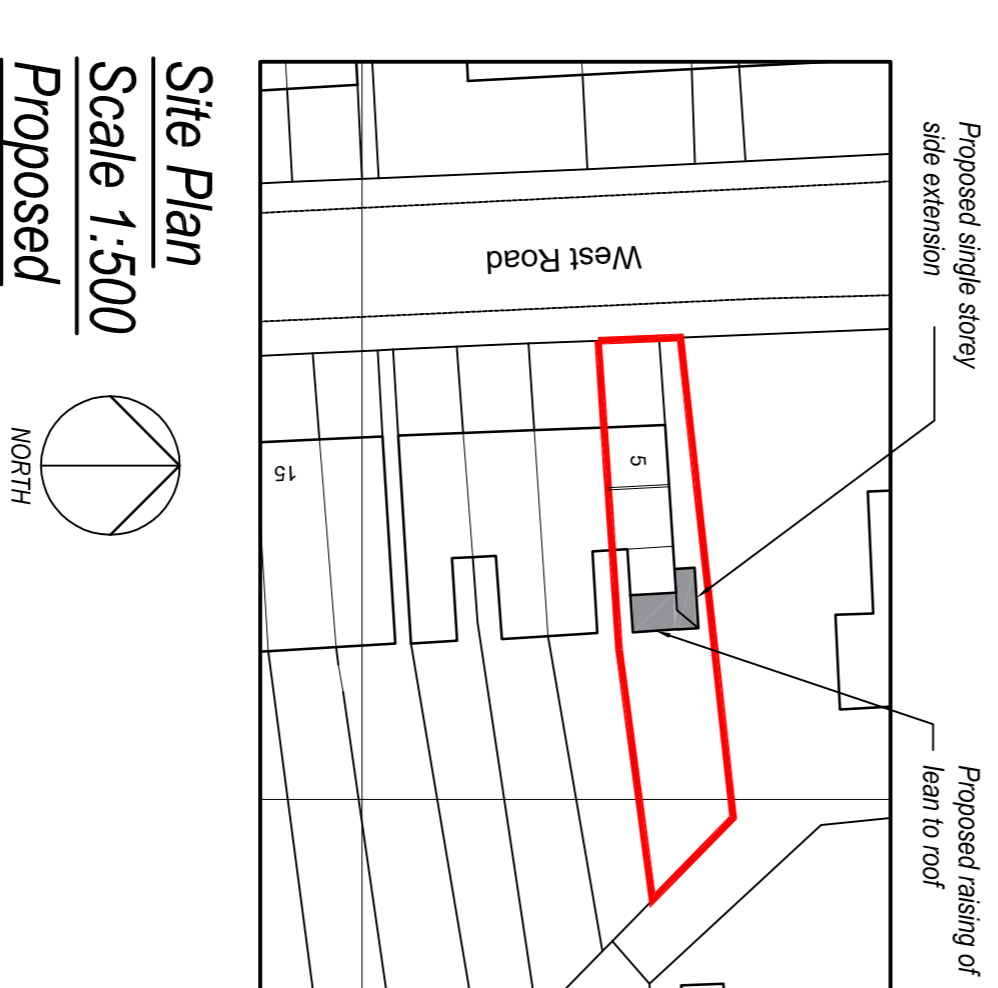
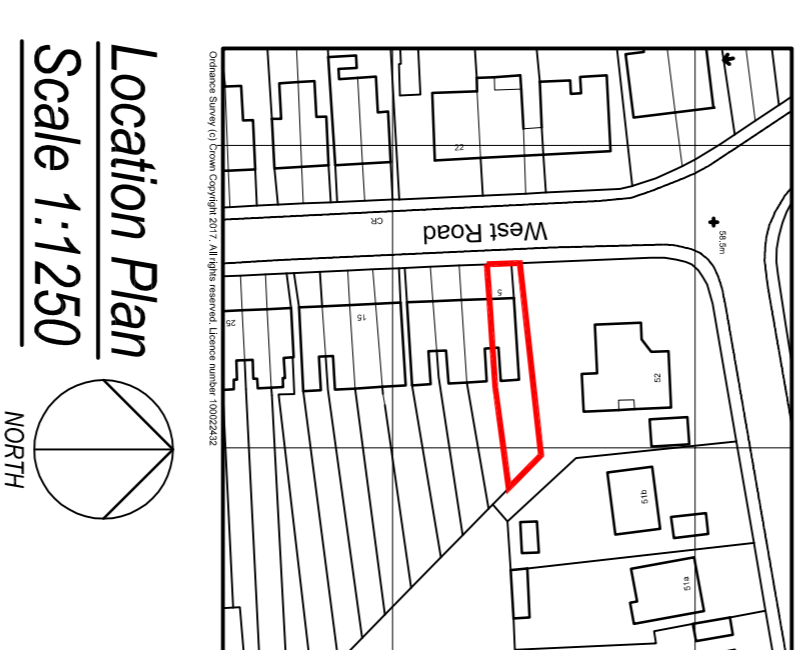
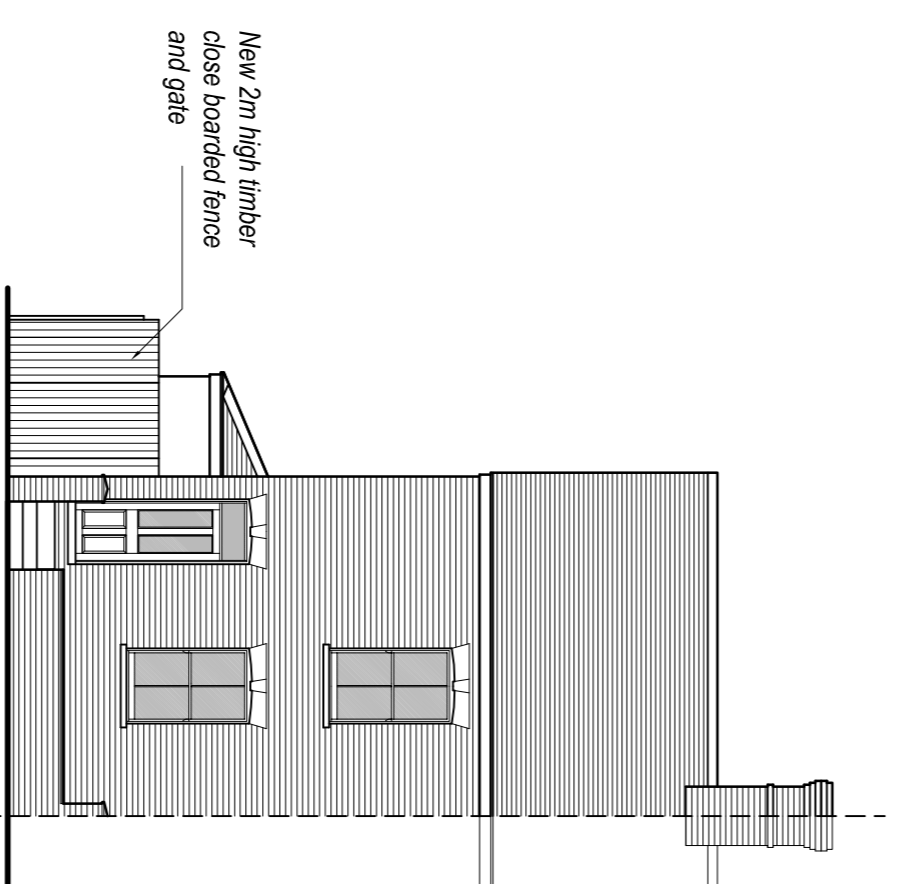
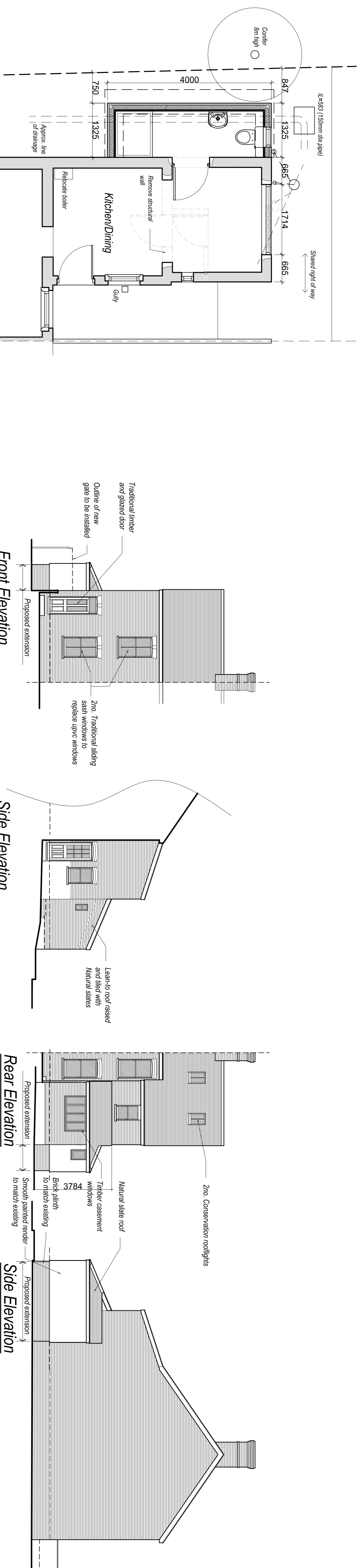
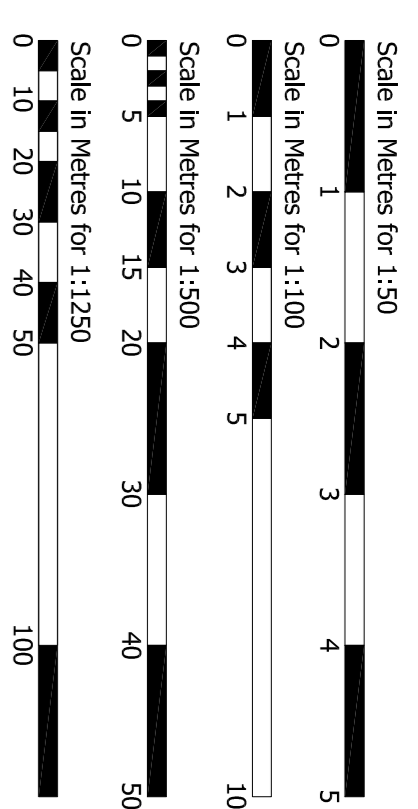
Case Officer: Debbie Cooper Phone: 01638 719437

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NOTES:



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11 East Street, Sudbury, Suffolk, CO10 2TP

Rev: A, Date: Feb'17, Avenue Site Plan added

Site Use: **Planning**

Client: Mrs D Cope 5 West Road, Bury St Edmunds, Suffolk IP33 3EL		Project: Proposed Single Storey Extension & Alterations	
Drawing Details: Proposed Floor, Site & Location Plans, Plus Elevations		Date: Jan '17	Scale: As Shown @ A1
Number: 461.17.02		Drawn: AIB	Revised: A

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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 May 2017

Planning Application DC/17/0594/FUL **1 St James Court, The Vinefields, Bury St** **Edmunds, IP33 1YD**

Date Registered:	31.03.2017	Expiry Date:	26.05.2017
Case Officer:	Matthew Gee	Recommendation:	Approve Application
Parish:	Bury St Edmunds	Ward:	Eastgate
Proposal:	Planning Application - (i) Conversion of 3no. windows to single doors on rear elevation and, (ii) replacement of 6no. windows on side elevations		
Site:	1 St James Court, The Vinefields, Bury St Edmunds		
Applicant:	Miss Amey Yuill		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Matthew Gee

Email: matthew.gee@westsuffolk.gov.uk

Telephone: 01638 719792

Background:

1. The application is referred to the Development Control Committee as it has been submitted by a member of staff who works for the Council.

Proposal:

2. Planning permission is sought for:
 - i. Conversion of 3no. windows along rear elevation to single doors measuring
 - ii. Like for like replacement of 6no. side elevation windows

Site Details:

3. The site is located outside of a defined settlement boundary, and comprises of block of flats and maisonettes with parking located towards the northern boundary.
4. The site has 2 areas of group TPO's located to the north of the site.
5. Along the eastern boundary of the site is the Grade I Listed "wall to east of the former Abbey Vineyard" and a Scheduled Ancient Monument. Additionally, the site is in close proximity of a Public Right of Way, however the application site does not impact on it.

Planning History:

Reference	Proposal	Status	Decision Date
E/84/2337/P	Conversion of existing building to provide 2 no. maisonettes and 14 no. flats with related car parking	Application Granted	13.08.1984
E/82/1555/P	Provision of access, bus turning area and car park for St. James Middle School and conversion of headmaster's house to 12 flats/ maisonettes with related car parking	Application Granted	11.05.1982
E/81/1804/P	DEMOLISH EXISTING BUILDING AND REDEVELOP WITH RESIDENTIAL DEVELOPMENT	Application Refused	08.07.1981

Consultations:

6. Historic England : No Comment

7. Conservation Officer: No objection - the building is neither listed nor located within a conservation area and the proposed development will not adversely affect the setting of a designated heritage asset, I therefore have no objections.
8. Public Rights of Way: No comment at time of writing report, will verbally update at committee
9. Ramblers Association: No comment at time of writing report, will verbally update at committee

Representations:

10. Town Council: No objection based on information received
11. Letter of representation - 5 St James Court, The Vinefields, Bury St Edmunds: Objects to the application on the grounds that:
 - i. *The windows are in good condition, well made, built to last. The kitchen window (north) is modern, c.1986. The five lounge windows (west and south) are older. The three bedroom windows (south), are original 1880's windows, moved from the now demolished wing circa 1980. They identically match the fifteen windows on the south side. Double glazing could be retro fitted into these. It is not 'environmentally sound' to destroy repairable historic windows.*
 - ii. *Replacing the three west facing windows with overly tall, thin doors would actually decrease air flow. The insertion of double glazing will decrease airflow in flat 1, an apartment within a Victorian structure built with solid brick walls. This could cause a build up of damp and mould growth, affecting the health of both apartment and occupants. N.B. In 2012 St James Court was surveyed by RICS Jeremy Sheppard. In this survey he remarks, 'all apartments lack adequate ventilation'. Double glazing will only exacerbate an existing problem kept at bay by single glazed windows, currently allowing some airflow.*
 - iii. *I am concerned about increased living noise three open doorways would allow into the communal garden, as opposed to the existing windows. The proposed building work will cause considerable disruption to other leaseholders wishing to enjoy the garden during summer months. As a lease held apartment, other residents should be considered.*
 - iv. *It should be noted that in the previous planning application SE/10/0322 to insert doors into the west elevation of flat 3, (mentioned in this application) the specification was like for like design, but the panes of glass chosen do not match the existing fenestration, which favours rectangular, not square panes of glass, as currently seen in the new doors!*
12. No further letters have been received at time of writing report, will verbally update at Committee.

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

13. Joint Development Management Policies Document:

- Policy DM1 - Presumption in Favour of Sustainable Development
- Policy DM2 - Creating Places Development Principles and Local Distinctiveness

14. St Edmundsbury Core Strategy December 2010

- Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

15. National Planning Policy Framework (2012) core principles and paragraphs 56 - 68

Officer Comment:

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

- Impact on character and appearance of building and surrounding area
- Impact on amenity
- Impact on nearby Listed Building, Schedule Ancient Monument, and TPO's
- Other Considerations

Impact on character and appearance of building and surrounding area

17. Policy DM2 seeks to ensure that proposed development respects the existing character and design of existing buildings. The proposed doors to the rear elevation are considered to respectfully match the existing design and proportions of the windows for which they replace. In addition, the replacement of the 6no. windows to the side elevation, will be done on a like for like basis, as such it is not considered to result in any adverse impact. It is considered that the proposal will result in no impact on the character or appearance of the existing building.

18. In addition, policy DM2 requires that proposals respect the existing character and appearance of the surrounding area. The proposed works will take place to the rear of the property and as such will not be widely visible from the public realm. In addition, the proposed works are considered respectful of the existing building, and therefore will result in no adverse impact on the surrounding area. As such it is deemed that the proposal is compliant with policy DM2.

Impact on amenity

19. Policy DM2 seeks to ensure that proposed development does not result in any adverse impact on the amenity of neighbouring residents. The proposed doors are located to the rear elevation, and replace existing windows. The doors are not considered to result in any additional overlooking compared to the existing windows for which they replace. As

such it is not considered that the proposal will result in any adverse impact on the amenity of neighbouring residents.

20. A letter of objection has been received from a neighbour with regards to the increased noise impact that the 3 doors would have on the communal garden. As the doors are replacing existing windows that could be opened, it is not considered that there would be an increased adverse impact in terms of noise, which would result in the loss of enjoyment to the communal garden area.

Impact on nearby Listed Building, Schedule Ancient Monument, and TPO's

21. The nearby Listed Building and Scheduled Ancient Monument are located along the eastern boundary of the site, approximately 30m from the proposed works. It is considered that the works, which are taking place to the rear and side elevations, are located a sufficient distance from the nearby Listed Building and Scheduled Ancient Monument as to have no adverse impact on the setting of them

22. The site also includes two Group TPOs, located approximately 20m north of the building. The proposed works will not result in any additional walking movements around the TPOs, and will be a sufficient distance from them. As such it is considered that any adverse impact will occur to the nearby TPOs.

Other considerations

23. A matter of whether the proposed replacement of windows would be 'environmentally sound' is not one that could be considered by the Planning Authority.

24. Matters of whether the replacement of the rear windows with doors would restrict airflow, thereby potentially causing a build up of damp and mould growth, is again not something that could be considered by the Planning Authority. This matter would be one that would be dealt with by the building management if they considered it to be an issue.

Conclusion:

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

Recommendation:

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

- 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.

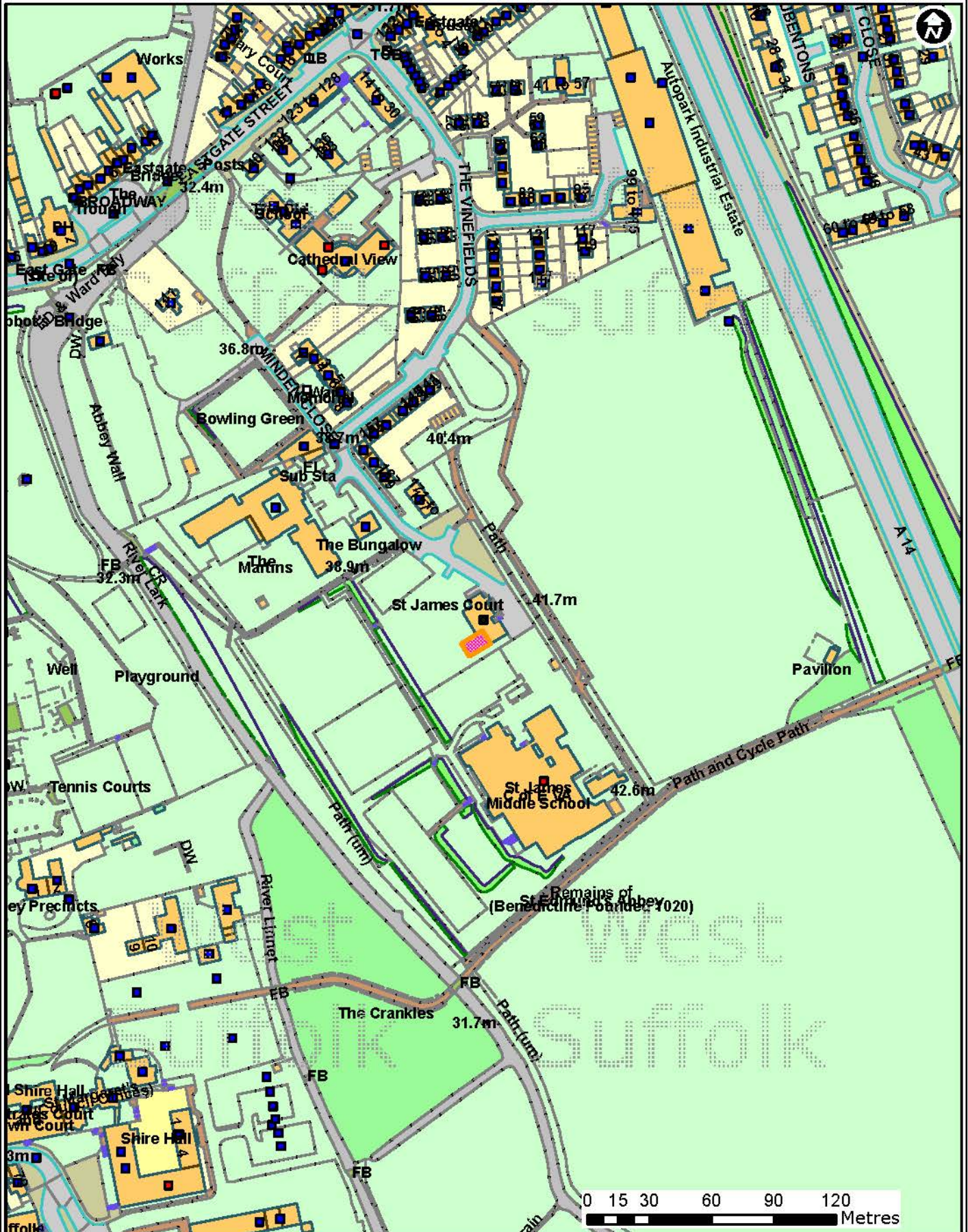
Reference No:	Plan Type	Date Received
(-)	Existing & Proposed Floor Plans	21.03.2017
(-)	Existing & Proposed Elevations	31.03.2017
(-)	Location Plan	21.03.2017
(-)	Site Plan	21.03.2017
(-)	Window & Door Details	21.03.2017
(-)	Window Details	21.03.2017
(-)	Planning Statement	21.03.2017

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ON5LQ0PDFM200>

Case Officer: Matthew Gee Phone: 01638 719792



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1 St James Court, The Vinefields, Bury St Edmunds, IP33 1YD



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St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 3 May 2017

Planning Application DC/17/0665/LB, Lavender Barn, Bowbeck, Bardwell, IP31 1BA

Date Registered:	30.03.2017	Expiry Date:	25.05.2017
Case Officer:	Matthew Gee	Recommendation:	Approve Application
Parish:	Bardwell	Ward:	Bardwell
Proposal:	Application for Listed Building Consent - Replace existing external screen window and door to west elevation		
Site:	Lavender Barn, Bowbeck, Bardwell		
Applicant:	Mr & Mrs A Smith		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Matthew Gee

Email: matthew.gee@westsuffolk.gov.uk

Telephone: 01638 719792

Background:

1. The application is referred to the Development Control Committee as it has been submitted by a Borough Councillor.

Proposal:

2. Listed Building consent is sought to replace an existing external screen window and door to the west elevation.

Site Details:

3. The site is located outside of a defined settlement boundary and comprises a Grade II Listed Barn Conversion. The dwelling is accessed off the highway by a small access track located along the eastern boundary of the site.
4. The site is bounded by Johnnies Farm to the north and agricultural land to the east, south and west.

Planning History:

Reference	Proposal	Status	Decision Date
SE/09/1091	Listed Building Application - Replacement of existing glazed screen with new glazed screen and fully glazed door to central panel	Application Granted	08.10.2009
SE/09/0413	Listed Building Application - Internal alterations and remedial works as detailed in the Design and Access Statement	Application Granted	14.05.2009
SE/08/1407	Planning Application - Erection of victorian style greenhouse	Application Granted	03.11.2008
SE/02/2621/LB	Listed Building Application - Erection of single storey extensions incorporating garaging	Application Granted	20.12.2002
SE/02/2620/P	Planning Application - Erection of single storey extensions incorporating garaging	Application Granted	24.12.2002
E/99/1314/LB	Listed Building Application - (i) Demolition of lean-to structure to south east elevation and (ii) alterations associated with	Application Granted	09.01.2001

conversion of redundant barns and outbuildings to form dwelling and office accommodation as amended by letter, plans and documentation received 4th August 2000 indicating revisions to design together with detailed structural survey and timber frame survey

E/99/1313/P

Planning Application - Application
Conversion of redundant barns and outbuildings to form dwelling and office accommodation as amended by letter, plans and documentation received 4th August 2000 indicating revisions to design together with detailed structural survey and timber frame survey
Granted

10.01.2001

Consultations:

5. Conservation Officer: Proposed replacement screen and door is acceptable, subject to condition requiring works to be completed in accordance with the submitted plans.

Representations:

6. At the time of writing the consultation process is ongoing. This does not expire until 5th May 2017. Any representations received in the meantime will be made available as late papers or as a verbal update, as relevant. This ongoing consultation process is reflected in the recommendation below.
7. Parish Council: No comments received at time of writing the report. This will be updated verbally at Committee.
8. No letters of representation have been received at the time of writing this report, however a verbal update will be given at committee if any are subsequently received.

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

9. Joint Development Management Policies Document:
 - Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Building

10. St Edmundsbury Core Strategy December 2010

- Policy CS3 Design and Local Distinctiveness

11. Rural Vision 2031

- RV1 Presumption in favour of Sustainable Development

Other Planning Policy:

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

Officer Comment:

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

- Impact on Listed Building

Impact on Listed Building

14. Policy DM15 requires that Listed Building applications contribute to the preservation of the building, and that the works are not detrimental to the building's character or any historic features. The policy also requires that any works use appropriate materials and methods of construction which respect the character of the building.

15. The proposed replacement screen window and door will be constructed in kiln dried oak and will match the existing screen being removed in appearance, size and finish. Given these points it is considered that the proposal will not result in any significant difference in the visual appearance of the existing building.

16. In addition, the Conservation officer has raised no objection to the proposed replaced door and window. As such it is considered that the proposal complies with policy DM15.

Conclusion:

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

Recommendation:

17. This recommendation is subject to the expiration of the ongoing consultation period on 5 May 2017 with no additional material representation having been received. It is recommended that Listed Building Consent be **APPROVED** subject to the following conditions:

- 1 The works to which this consent relates must be begun not later than 3

years from the date of this notice.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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.

Reference No:	Plan Type	Date Received
2017-02-BD1	Existing and proposed site plans	30.03.2017
2017-02-BD3	Window & Door Details	30.03.2017
2017-02-BD4	Location Plan	30.03.2017
2017-02-BD5	Proposed Block Plan	30.03.2017
DESIGN, ACCESS AND HERITAGE STAT	Heritage Statement	30.03.2017
(-)	Application form	30.03.2017

Documents:

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

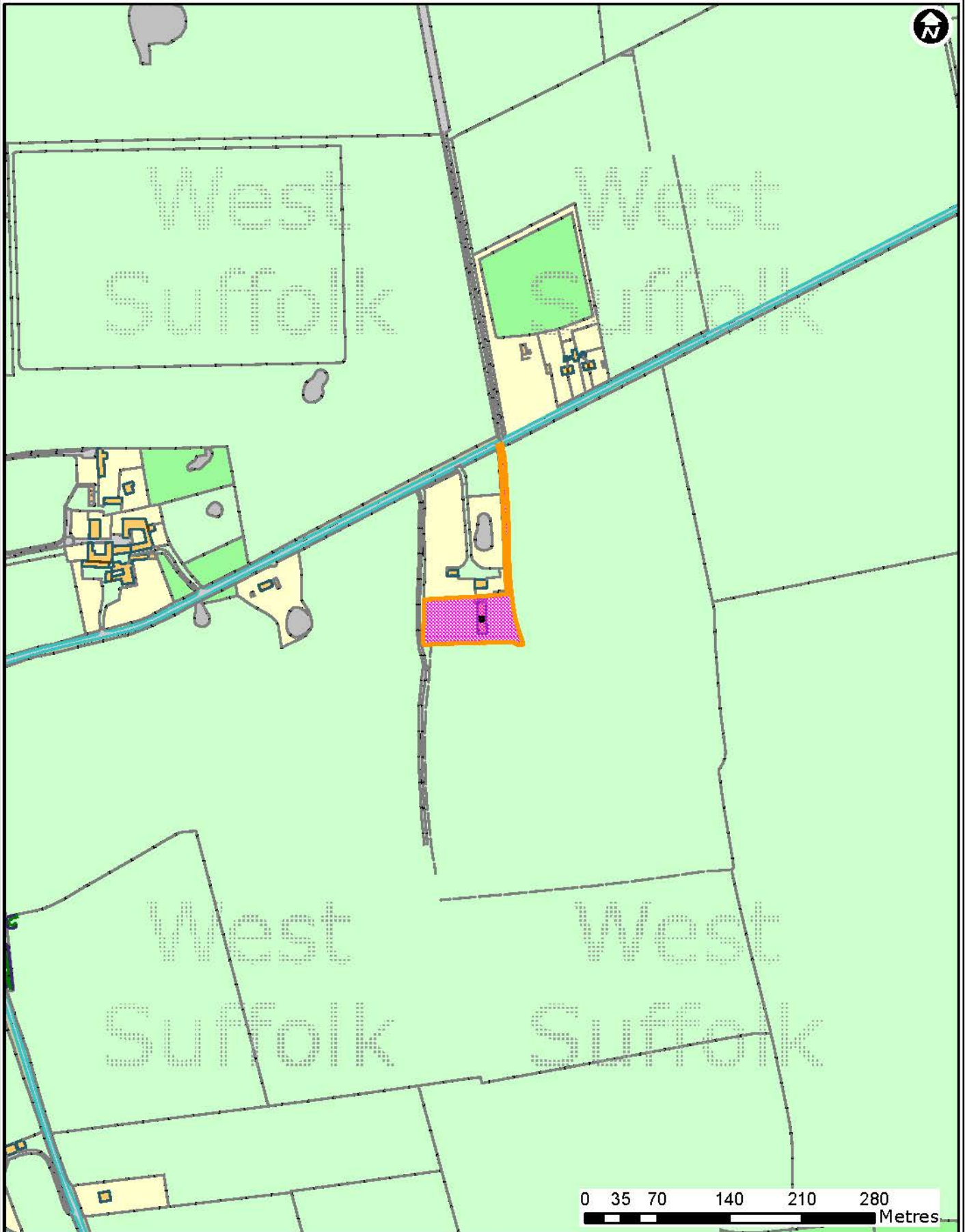
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Case Officer: Matthew Gee Phone: 01638 719792

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DC/17/0665/LB

Lavender Barn, Bowbeck, Bardwell



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West Suffolk
working together

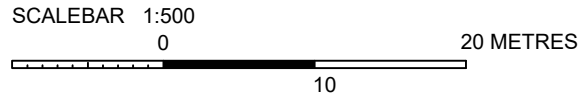
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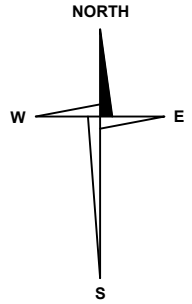
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TRACK

DRIVEWAY TO MAIN ROAD

GARAGES

LAVENDER
BARN

GARDEN

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BLOCK PLAN
LAVENDER BARN, BOWBECK, BARDWELL

for MR. & MRS. A. SMITH

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