

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda		
Date:	Thursday 1 June 2017		
Time:	10.00 am		
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU		
Full Members*: (*Membership subject to approval by Annual Council on 18 May 2017)	<u>Conservative Members (12)</u>	Carol Bull Terry Clements Robert Everitt Paula Fox Susan Glossop Ian Houlder	Ivor Mclatchy Alaric Pugh David Roach Andrew Smith Peter Stevens Jim Thorndyke
	<u>UKIP Group Members (2)</u>	John Burns	Jason Crooks
	<u>Charter Group Members (2)</u>	David Nettleton	Julia Wakelam
Substitutes*:	<u>Conservative Members (6)</u>	John Griffiths Betty Mclatchy Sara Mildmay-White	Richard Rout Peter Thompson Frank Warby
	<u>UKIP Group Member (1)</u>	Barry Robbins	
A SITE VISIT WILL BE HELD ON THURSDAY 25 MAY 2017 AT THE FOLLOWING TIME:			
1. Planning Application DC/17/0397/OUT - Land Adjacent to 3 The Hill, Front Street, Ousden, CB8 8TW Outline Planning Application (Means of Access and Layout to be considered) - 1no. dwelling (following demolition of existing workshop) Site visit to be held at 9.45am (No coach is to be provided for this site visit, Members are requested to make their own way there and to car share where possible. Any Member with difficulty reaching the site should make contact with the Case Officer.)			

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/alterd, 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)
 - 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
- 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. Election of Chairman for 2017/2018**
- 2. Election of Vice-Chairmen for 2017/2018**
- 3. Apologies for Absence**
- 4. Substitutes**

Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.
- 5. Minutes** **1 - 8**

To confirm the minutes of the meeting held on 3 May 2017 (copy attached).
- 6. Planning Application DC/17/0354/HH - 5 West Road, Bury St Edmunds** **9 - 24**

Report No: **DEV/SE/17/023**

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/17/0397/OUT - Land Adjacent to 3 The Hill, Front Street, Ousden** **25 - 42**

Report No: **DEV/SE/17/024**

Outline Planning Application (Means of Access and Layout to be considered) - 1no. dwelling (following demolition of existing workshop)
- 8. Planning Application DC/16/0788/FUL - Street Farm Barns, Low Street, Bardwell, Bury St Edmunds** **43 - 62**

Report No: **DEV/SE/17/025**

Planning Application - 2 no. detached dwellings and garages (following demolition of barns and store buildings)

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 May 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

John Burns

Terry Clements

Jason Crooks

Robert Everitt

Paula Fox

Susan Glossop

Ian Houlder

Ivor Mclatchy

Alaric Pugh

David Roach

Andrew Smith

Peter Stevens

Julia Wakelam

By Invitation:

David Nettleton

Barry Robbins

307. Apologies for Absence

Apologies for absence were received from Councillor Angela Rushen.

308. Substitutes

There were no substitutes present at the meeting.

309. Minutes

The minutes of the meeting held on 6 April 2017 were confirmed as a correct record and were signed by the Chairman.

310. Planning Application DC/17/0354/HH - 5 West Road, Bury St Edmunds (Report No: DEV/SE/17/020)

The Chairman agreed for this item to be brought forward on the agenda.

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

This application was referred to the Development Control Committee following consideration by the Delegation Panel; the application had been presented

before the Panel at the request of Councillor David Nettleton, one of the local Ward Members (Risbygate).

A Member site visit was held prior to the meeting. Bury St Edmunds Town Council raised no objection and Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 28 of Report No: DEV/SE/17/020.

Speakers: Samantha Reed (neighbour) spoke against the application
Councillor David Nettleton (Ward Member) spoke against the application
Stephen Cope (on behalf of the applicant) spoke in support of the application

Councillor Julia Wakelam (other Ward Member for Risbygate) opened the debate and cited concerns with the application in relation to Policy DM24 and the impact on neighbours' amenity; particularly with regard to the side extension element of the development and the impact this would have on the shared access.

In light of which Councillor Wakelam proposed that the application be deferred to enable Officers to work with the applicant to seek improvements to the scheme where possible, in order to try and reduce the impact on the neighbours' amenity. This was duly seconded by Councillor Glossop who echoed the same points of concern.

Whilst some Members spoke against the proposal of deferral, a number also raised similar concerns with regard to the impact on neighbours' amenity.

Accordingly, upon being put to the vote and with 11 voting for the motion, 2 against 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, in order to try and reduce the impact on the neighbours' amenity.

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

This application had been originally referred to the Development Control Committee on 6 April 2017 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 application had been deferred from the April meeting in light of Members' concerns raised, in order to enable Officers to work with the applicant to seek improvements to the scheme where possible.

Officers had also been tasked with seeking clarity/responses on certain issues.

The Principal Planning Officer drew attention to the following elements of his report/presentation:

- Since the last meeting the applicant had submitted further plans setting out 'character areas' within the scheme which demonstrated specific design/styles of property;
- The boundary treatment had been amended on the North side of the development to extend the 1.2m brick and flit wall and to include rail fencing;
- A vehicle track and plan document had been submitted by the applicant which demonstrated both domestic and emergency vehicle access and movement;
- The Highways Officer in attendance confirmed that the Highways Authority had no concerns with regard to access to/from or around the development and that the parking provided in some areas actually exceeded the Suffolk guidelines. The Case Officer clarified that garages were able to be counted as parking spaces as the developers were providing separate storage sheds for the properties; and
- The Council's Public Health & Housing and Strategy & Enabling Officers had confirmed that they had no objections to the application.

The Case Officer also advised that, since publication of the agenda, comments had been received from the Police & Architectural Liaison Officer in response to the application, as follows:

- The conversion of car ports to garages, as per the amended plans, was approved;
- A request was made to amend the 1.8m fencing in rear gardens to 1.5m with a trellis above to further heighten the boundary;
- Additional gates were requested at the rear of the terraced properties to improve access, it was suggested that all gates were made lockable too; and
- Reservations were voiced with regard to the 1.2m high brick and flint wall on the Northern boundary which prevented natural surveillance

The Case Officer explained that the all of the Police & Architectural Liaison Officer's points had been raised with the applicant who were content to make the amendment to the fencing and additional gates; the plans for which could be managed by conditions.

However, Officers did not share the concerns with regard to the brick and flint wall and did not believe that this would cause undue harm. Officers also considered the request with regard to ensuring all gates were lockable to be unreasonable.

Accordingly, Officers were continuing to recommend that the application be approved, subject to conditions, as set out in Paragraph 35 of Report No: DEV/SE/17/018. The Case Officer also reminded Members of the conditions required to be discharged in respect of the previously granted outline

planning permission DC/13/0932/HYB, which secured all other necessary details not submitted with the reserved matters application.

Speakers: Councillor Tom Murray (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

Prior to opening the debate, the Chairman offered apologies to the agent present and reminded Members to use polite language and avoid any rudeness towards the developer when discussing the application, particularly with regard to the size of the properties within the scheme, as had taken place at the last meeting.

The Chairman also reiterated the Council's Strategy & Enabling Officer's comments with regard to the development and reminded the Committee that the Borough Council had no policy in place in respect of the minimum size of domestic properties.

A number of Members stressed the importance, going forward, of ensuring the Planning Authority's policies were fit for purpose in respect of property size. Councillor John Burns also made reference to broadband provision and electrical charging points and the need for policies in respect of these elements too.

Both the Acting Head of Planning and the Service Manager (Planning – Strategy) responded in respect of ongoing policy development.

Councillor Susan Glossop raised concern with some of the Police & Architectural Liaison Officer's requests being dismissed.

Councillor Julia Wakelam apologised for any offence caused by the language she used at the April meeting and asked the Case Officer if it would be necessary to condition the cycle links to ensure that these were in place prior to occupation.

The Principal Planning Officer drew attention to Paragraph 20 of Report No: DEV/SE/17/018 which explained that the network of cycle paths had been secured by way of the hybrid/outline application previously granted by the Committee.

Councillor Peter Stevens moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

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

Decision

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

1. Development to be carried out in accordance with the approved plans and documents

2. Details of flint wall, estate railing and knee rail fence be provided concurrently with details required by condition C30 of DC/13/0932/HYB
3. Details of amended rear fencing (1.5m with trellis), additional rear gate fore plots 128-130 and staggered gates to cycleway adjacent to Plot 49 to be submitted.

312. Planning Application DC/16/1395/FUL - Genesis Green Stud Farm, Genesis Green, Wickhambrook (Report No: DEV/SE/17/019)

Planning Application – 4no. flats.

This application had been referred to the Development Control Committee because it represented a departure from policy.

The Case Officer advised Members that the consideration of the proposal before the Committee had been predicated on whether a number of caravans had become lawful through the passage of time; as opposed to normal requirements of evidence relating to a functional need.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 43 of Report No: DEV/SE/17/019.

Councillor Robert Everitt raised concern with regard to the on-site klargester (sewage treatment tank). The Planning Officer clarified that the klargester was underground, away from the proposed building and would be unaffected by the development. The detail of this element would be managed via building regulations.

Councillor Julia Wakelam raised a question with regard to enforcement. The Acting Head of Planning confirmed that the site was not subject to a live enforcement investigation and the application before Members was submitted voluntarily by the applicant.

Councillor Peter Stevens moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

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. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
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.

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.
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.

(Councillor Terry Clements left the meeting at 11.30am during the preliminary discussion of this item and prior to the voting thereon.)

313. **Planning Application DC/17/0594/FUL - 1 St James Court, The Vinefields, Bury St Edmunds (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.

This application had been referred to the Development Control Committee because the applicant was a member of staff employed by the Planning Authority.

The Principal Planning Officer drew attention to the supplementary information in respect of this application that had been circulated following publication of the agenda.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 26 of Report No: DEV/SE/17/021.

Councillor Alaric Pugh moved that the application be approved, as per the Officer recommendation, and 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 condition:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

314. **Planning Application DC/17/0665/LB - Lavender Barn, Bowbeck, Bardwell (Report No: DEV/SE/17/022)**

Prior to the consideration of this report Councillor Andrew Smith declared a pecuniary interest in the item, being the applicant and owner of the property in question, and left the meeting.

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

This application had been referred to the Development Control Committee because the applicant was a St Edmundsbury Borough Councillor.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 17 of Report No: DEV/SE/17/022.

Councillor Robert Everitt made reference to Paragraph 6 of the report which stated that the consultation period for the application did not expire until 5 May 2017.

In light of this the Principal Planning Officer requested that the recommendation be amended to delegate authority to Officers to delay issuing approval of the application, if granted, until after the consultation period had concluded.

Councillor Carol Bull moved that the application be approved, as per the Officer recommendation (and inclusive of the delegation made reference to), and 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

Subject to the expiration of the ongoing consultation period on 5 May 2017 with no additional material representation being received, the Acting Head of Planning be given Delegated Authority to issue Listed Building Consent **APPROVAL** 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
2. The development hereby permitted shall not be carried out except in complete accordance with the details show on the approved plans and documents

The meeting concluded at 11.49 am

Signed by:

Chairman

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DEV/SE/17/023

Development Control Committee 1 June 2017

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

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 was considered at the Development Control Committee meeting on 3 May 2017.

Concerns were raised by Members in relation to the impact on neighbouring amenity particularly in respect of the side extension element of the proposal and Members resolved to defer the application to enable Officers to work with the applicant to seek improvements to the scheme where possible.

1. The previous Officer report for the 3 May 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 etc.
2. This report sets out the updates from the written papers presented to the 3rd May 2017 Committee meeting.
3. The Officer recommendation, which is set out at the end of this report remains that planning permission should be approved.

Proposal:

4. Following the Committee meeting on the 3 May 2017 an amended plan has been received which reduces the width of the single storey side extension to a maximum of 1.322 metres at the rear, tapering to 1.225 metres at the front. This results in a continuous gap of 0.85 metres to the side boundary. The small bathroom window has been relocated from the rear to the front to facilitate the width reduction.
5. Please refer to Working Paper 1 for a description of the remainder of the application proposal.

Application Supporting Material:

6. An amended proposed block plan, floorplans and elevations drawing has been received. Please refer to Working Paper 1 for details of the other documents submitted with the application.

Site Details:

7. Please refer to Working Paper 1 for a description of the application site.

Planning History:

8. Please refer to Working Paper 1 for details of relevant planning history.

Consultations:

9. Please refer to Working Paper 1 for details of consultation responses received.

Representations:

10. Please refer to Working Paper 1 for details of representations received.

11. A re-consultation with neighbouring properties has been carried out, which runs for a period of 14 days until the **23 May 2017**. At the time of writing this report no further representations have been received but any representations received by the end of this re-consultation period will be updated prior to or at the Committee meeting.

Policy:

12. Please refer to Working Paper 1 for details of relevant planning policies and considerations.

Officer Comment:

13. Following the Development Control Committee meeting on the 3 May 2017, amended plans were received on the 8 May 2017 to reduce the width of the proposed single storey side extension to allow for a continuous 0.85 metre gap along the side boundary. The applicant considered a re-location of the extension as had been suggested by some Members but discounted a rear extension as it would lead to the loss of views of the garden from the kitchen / diner, which they consider to be one of the most important objectives of the project.

14. For the reasons set out in the May Committee report Officers are satisfied that the proposal will not have an adverse effect upon amenity. Members are cautioned that a refusal of permission on the basis of the 'amenity' impacts arising from the 'loss' of access to the rear of the properties is not considered reasonable or material, not least when the extension as now proposed retains a generous width for access to the rear.

15. Furthermore, and in any event, and as Members were advised verbally at the meeting, any 'obstruction' of the access, if indeed such would arise from an approval, would be a civil matter between the parties.

16. Members will note that Officers had supported the original scheme, and this reduction in width does not alter that recommendation, which remains for approval.

Conclusion:

17. 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:

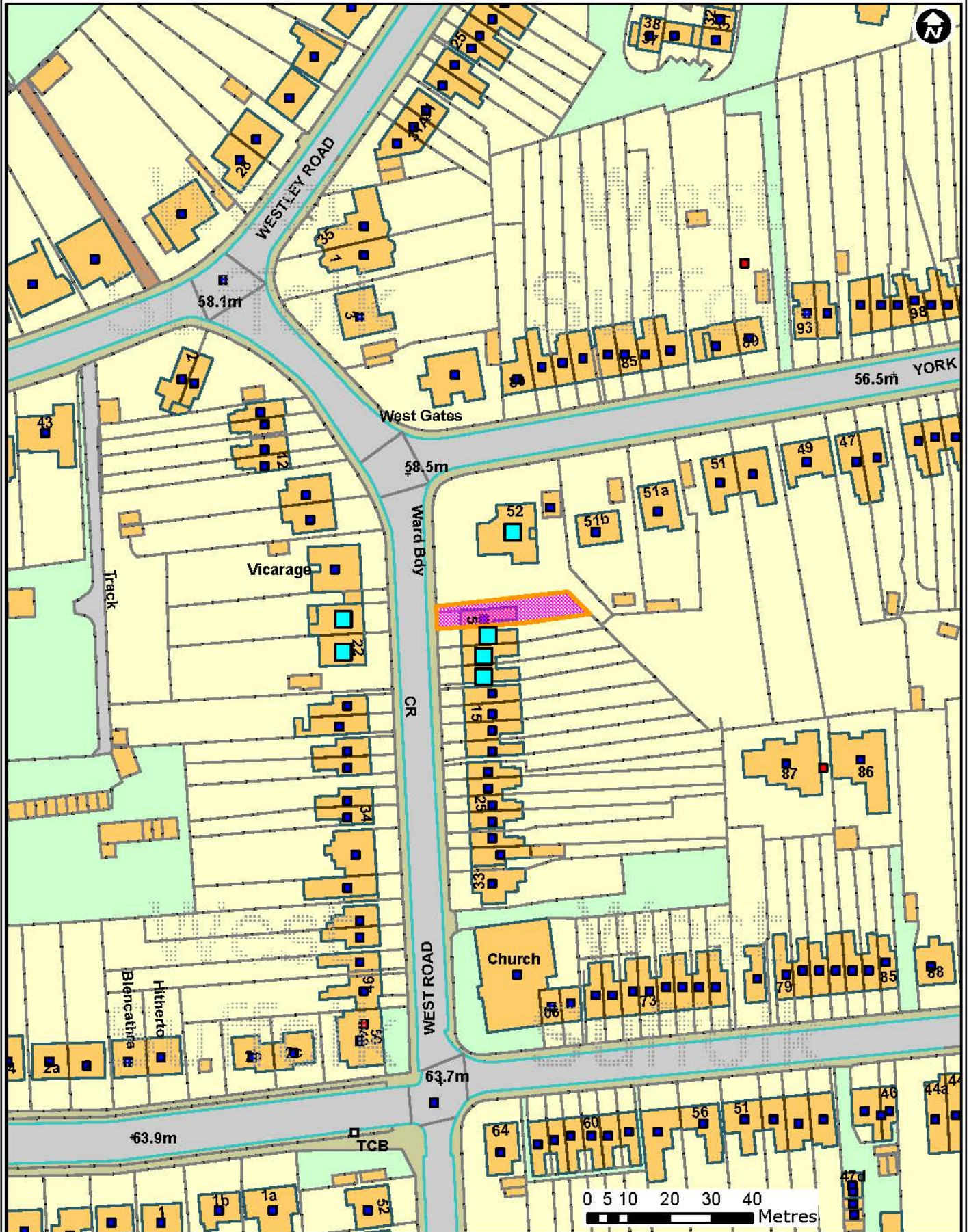
18. It is recommended that planning permission be **APPROVED** subject to the following conditions:

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

Documents:

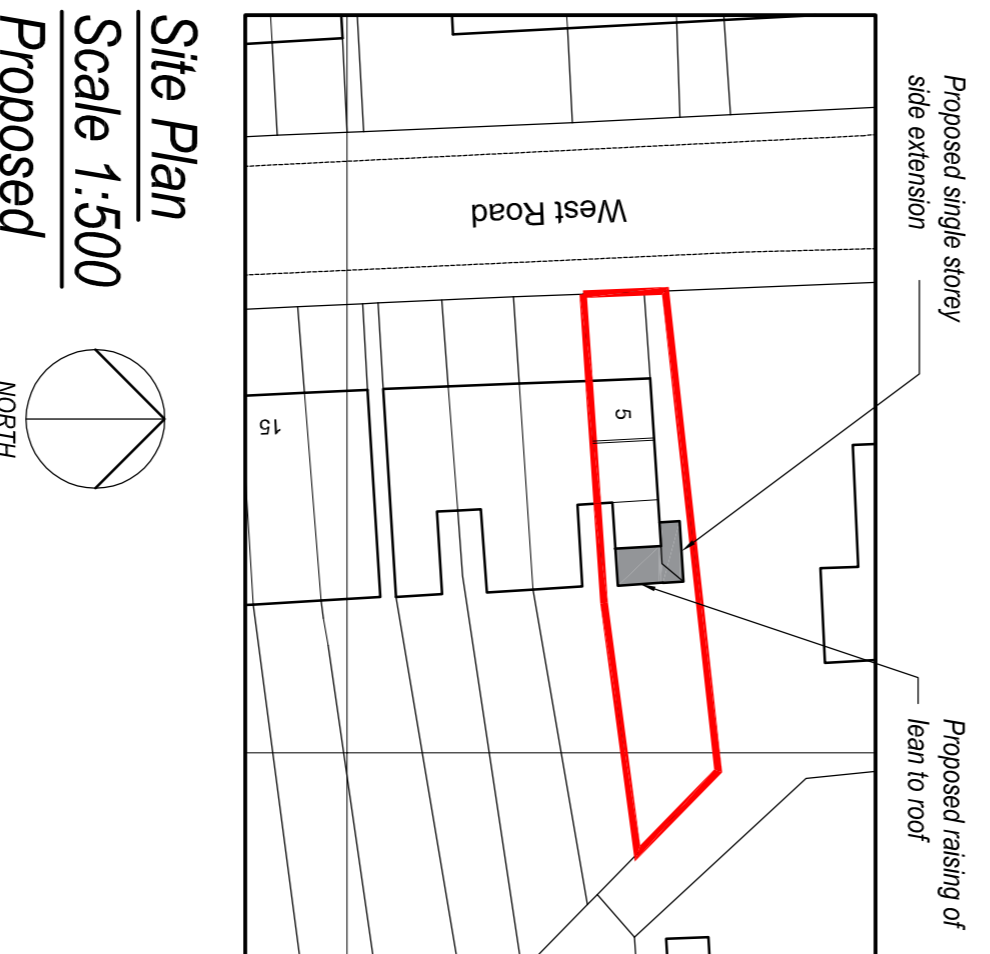
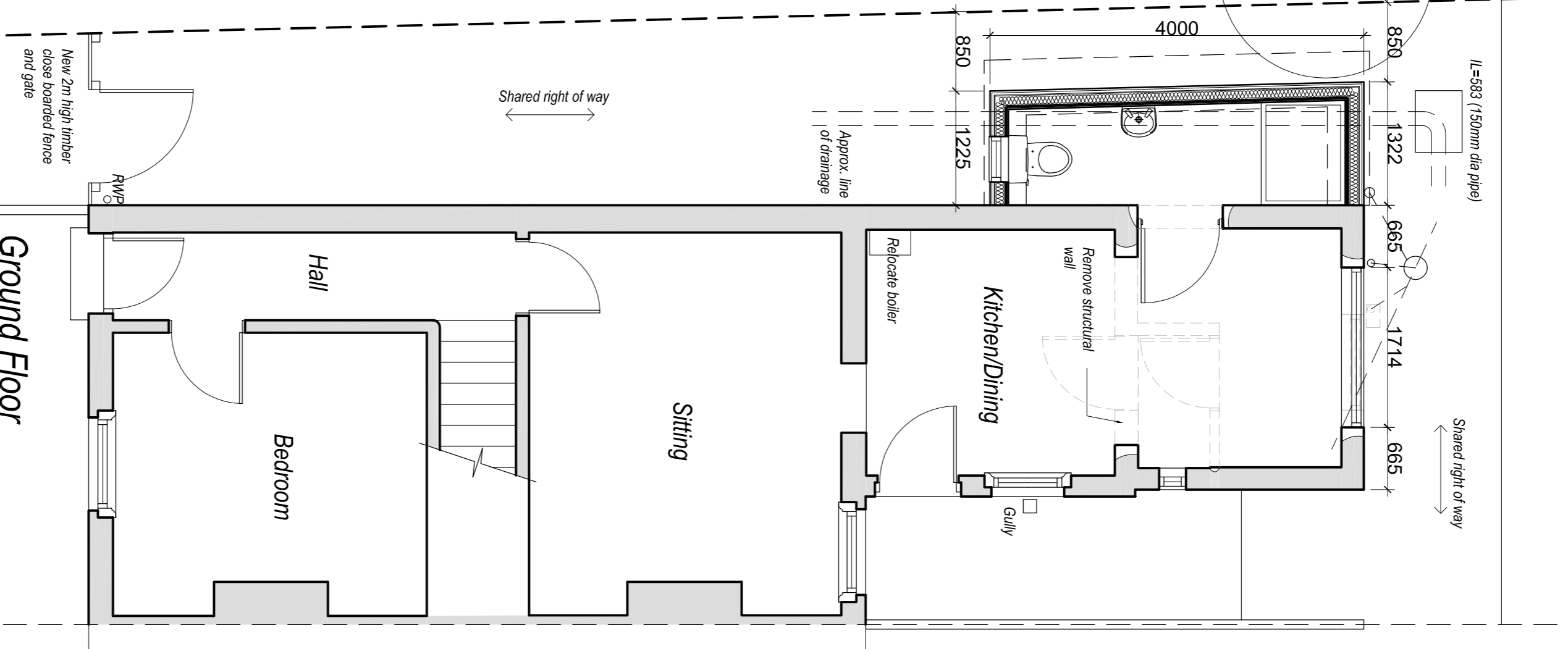
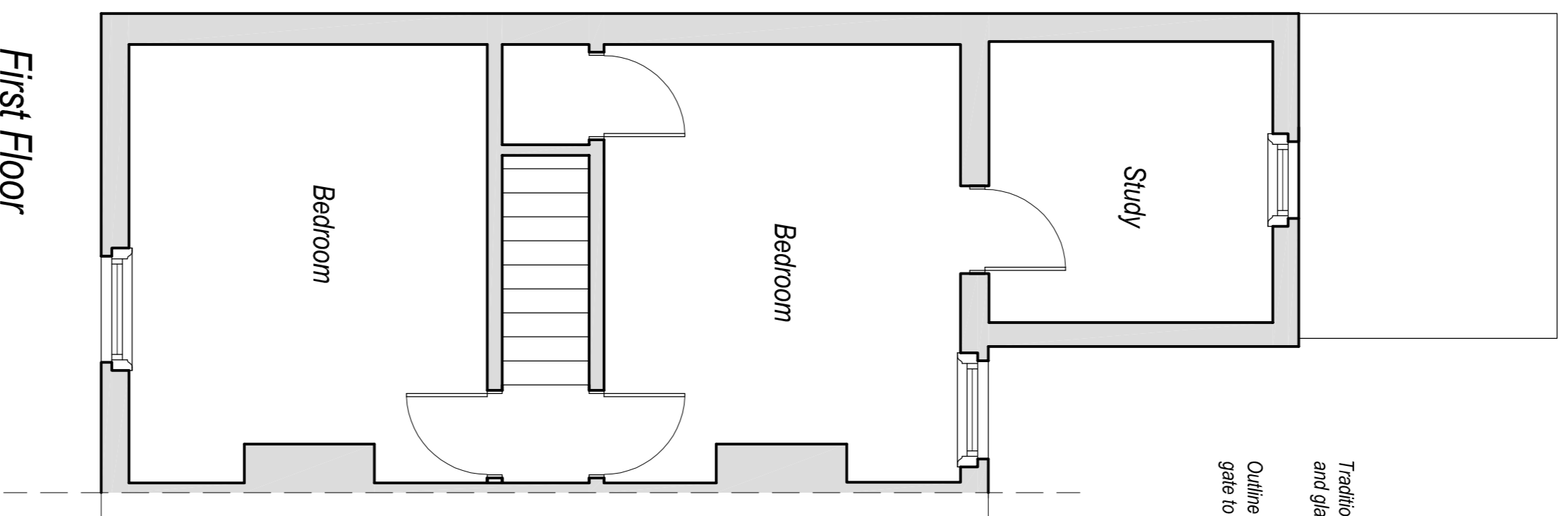
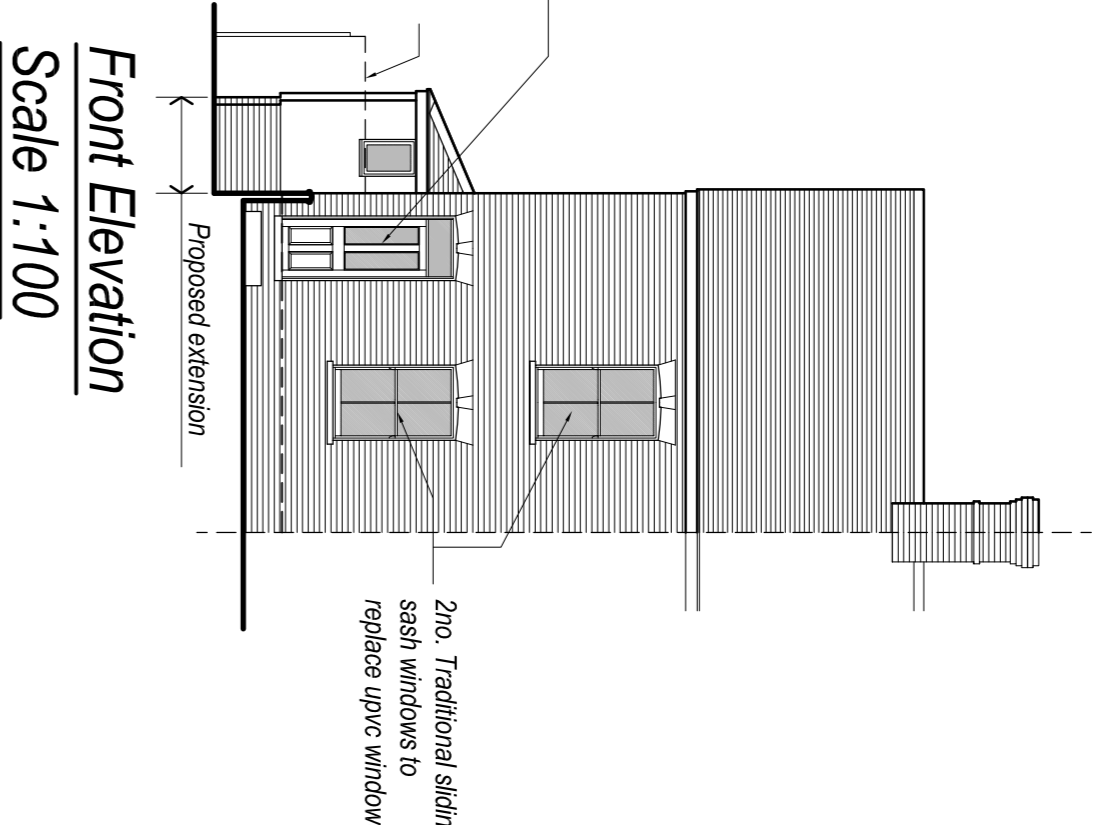
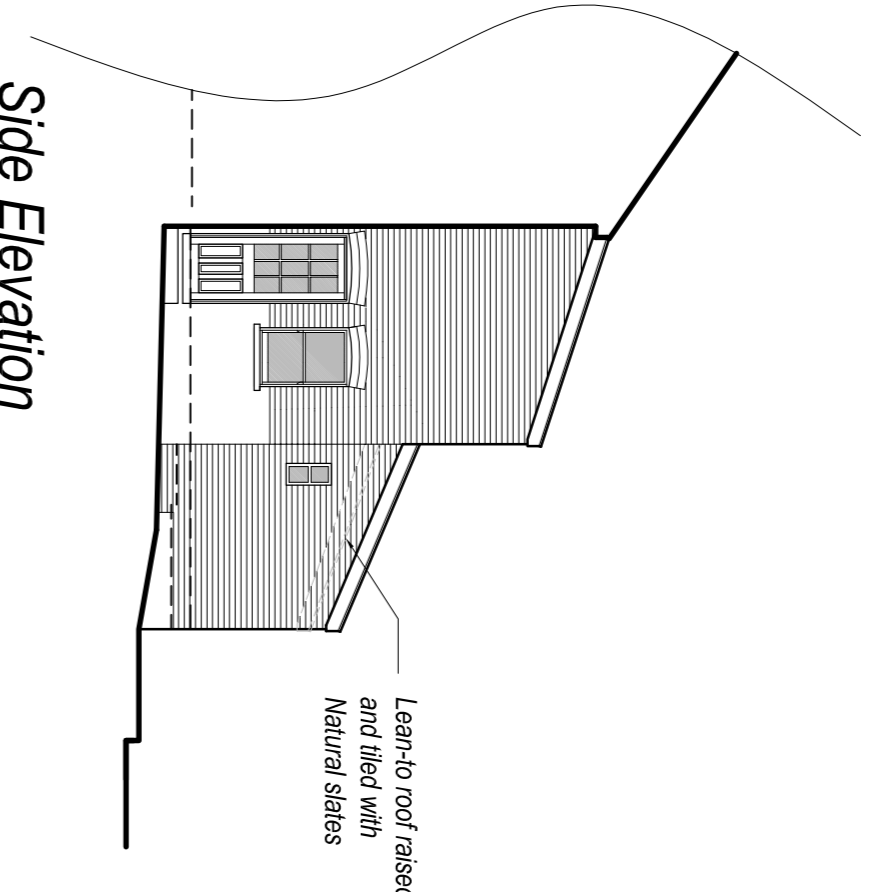
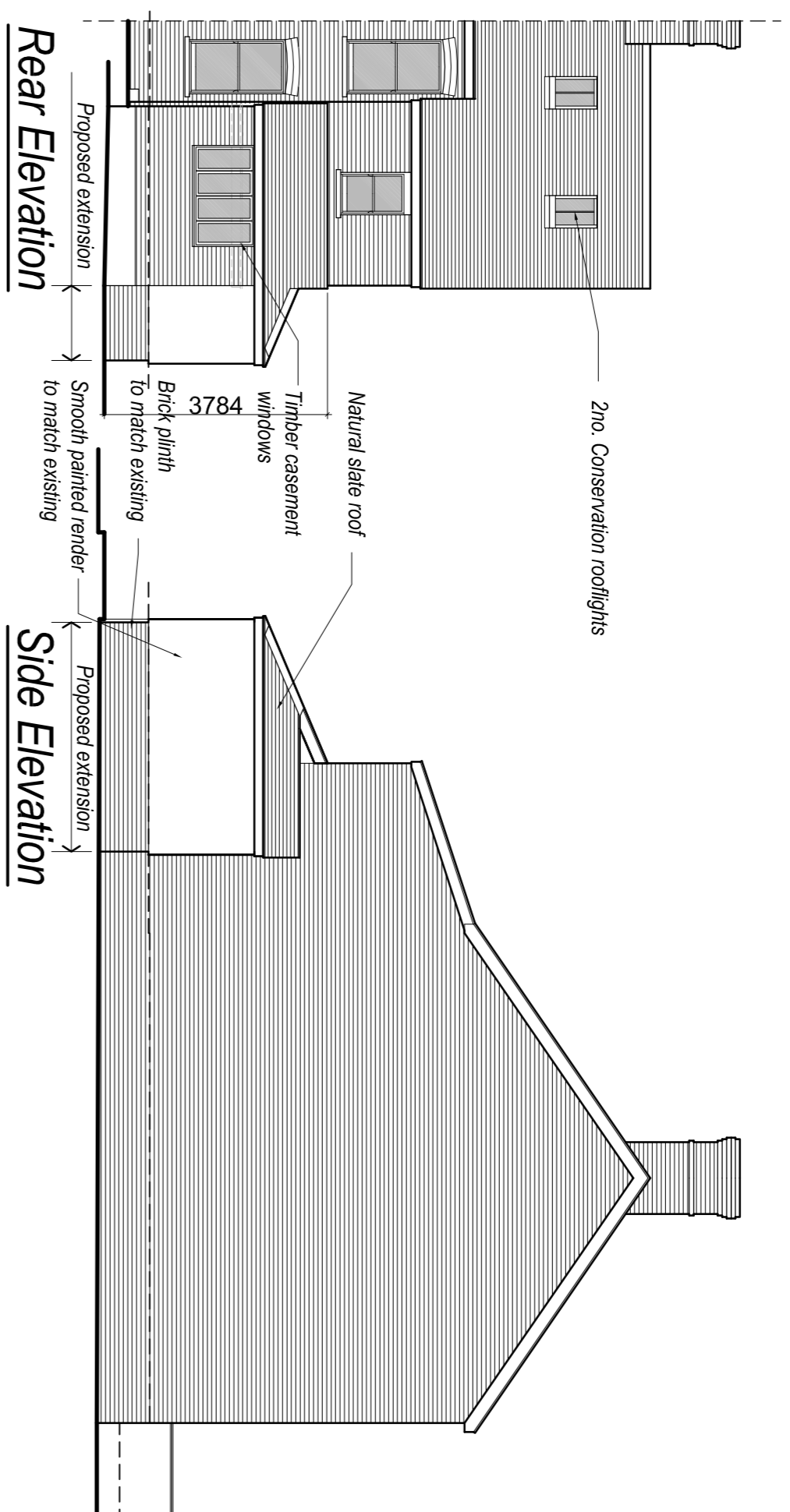
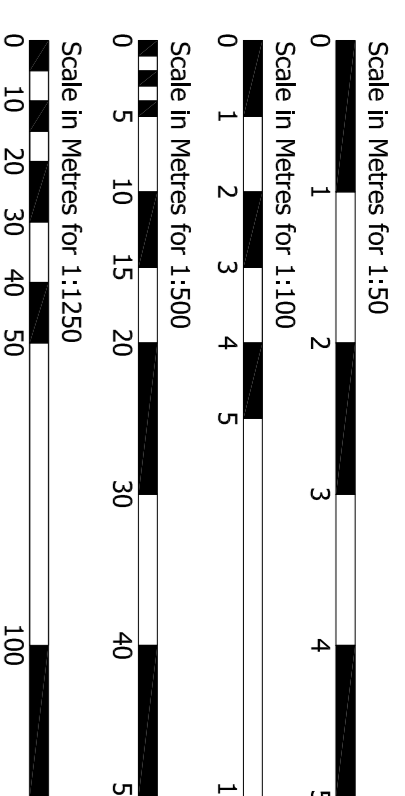
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OLIYO5PDMRB00>



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NOTES:



Rev. C Date May 17 Amend. Width of extension reduced
 Rev. B Date Feb 17 Amend. 1st Floor Plan added
 Rev. A Date Feb 17 Amend. Site Plan added

Site Use: **Planning**

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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	Drawn:	AIB
Number:	461.17.02	Revised:		Revised:	C

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**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 these 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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DEV/SE/17/024

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

1 June 2017

Planning Application DC/17/0397/OUT

Land Adjacent to 3 The Hill, Front Street, Ousden

Date	07/03/2017	Expiry Date:	02/05/2017
Registered:			
Case Officer:	Aaron Sands	Recommendation:	Refuse
Parish:	Ousden	Ward:	Wickhambrook
Proposal:	Outline Planning Application (Means of Access and Layout to be considered) - 1no. dwelling (following demolition of existing workshop)		
Site:	Land Adjacent to 3 The Hill, Front Street, Ousden, Suffolk, CB8 8TW		
Applicant:	Mr Ivan Missen		
Agent:	Mrs Rona Kelsey - Winthrop Planning		

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:

Aaron Sands

Email: aaron.sands@westsuffolk.gov.uk

Telephone: 01284 757355

Background:

This application is referred to the Development Control Committee with the written agreement of the Chair and Vice-Chairs, following earlier consideration at the Delegation Panel and a subsequent request by the Ward Member.

A site visit is proposed to take place on Thursday 25 May 2017.

Proposal:

1. Outline planning permission is sought for the erection of a single dwelling, following the demolition of a workshop. The means of access and the layout are the matters to be considered at this stage, with all other matters being reserved and any other information being indicative only and not capable of being taken into account at this stage. The access would utilise the existing driveway that currently serves no. 3 The Hill, Front Street, and the layout plan broadly indicates the dwelling would be of a similar footprint to the workshop to be demolished.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application form
 - Layout plan
 - Location Plan
 - Indicative cross section
 - Biodiversity Survey
 - Design and Access Statement
 - Land Contamination details
 - Planning Statement

Additional details received 30th March

- Agent response to concerns raised by officers (hereon referred to as 'additional details')

Site Details:

3. The site forms the garden area of no. 3 The Hill Front Street, located within designated countryside but adjacent to the housing settlement boundary. The site is within a designated special landscape area and slopes steeply downward away from the roadside. The existing workshop is a single storey, flat roof building constructed of breezeblocks.

Planning History:

4. The following applications are located within the housing settlement boundary,

5. Site adj to No. 1 The Hill, Front Street – DC/16/2305/FUL - Planning Application – 1no dwelling as amended by plan received 02 December 2016 altering the access. Granted. 08/12/2016.
6. Site adj to No. 1 The Hill, Front Street – DC/17/0503/VAR - Planning Application – Variation of Conditions 2, 6 and 8 of DC/16/2305/FUL - to allow use of revised site plan 3690-03K. Granted. 03/05/2017.

Consultations:

7. Highway Authority: No objection
8. Natural England: No objection
9. Environment Team: No objection subject to informatives
10. Public Health and Housing: No objection subject to conditions (*officer note: the burning of waste material on site is readily covered by other legislation and it is not considered a necessary condition in this instance*).

Representations:

11. Parish Council: No objections to this application and supports the contribution it will make to the village
12. 4no representations received incorporating the following summarised points:
 - Proposal will be an improvement to the site
 - The proposal will not be particularly visible
 - Proposal incorporates adequate parking and would prevent inappropriate parking on the road
 - No impacts to nearby residential properties

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 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 DM7 (Sustainable Design and Construction)
 - Policy DM13 (Landscape Features)
 - Policy DM15 (Listed Buildings)
 - Policy DM22 (Residential Design)
 - Policy DM27 (Housing in the Countryside)
 - Policy DM28 (Residential use of Redundant Buildings in the Countryside)
 - Policy DM33 (Re-Use of Replacement of Buildings in the Countryside)

- Policy DM46 (Parking Standards)
14. St Edmundsbury Core Strategy 2010
- Policy CS2 (Sustainable Development)
 - Policy CS3 (Design and Local Distinctiveness)
 - Policy CS4 (Settlement Hierarchy and Identity)
 - Policy CS7 (Sustainable Transport)
 - Policy CS13 (Rural Areas)
15. Rural Vision 2031
- Policy RV1 (Presumption in Favour of Sustainable Development)

Other Planning Policy:

16. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Impact on Landscape
- Impact on Listed Building
- Impact on Highways
- Impact on Amenity

18. This application is an outline planning permission with the means of access and layout to be considered. Matters of appearance (including architectural design), scale and landscaping are not factors that may be considered as part of this application. Any details expressed on those matters are indicative only, and may not form part of the determination.

Principle of Development

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases¹ have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the Development Plan, rather tangible material considerations and benefit must be demonstrated.

20. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land, plus necessary buffer, and the relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development

¹ Daventry DC V SSCLG & Anr [2015] EWHC 3459 (Admin); East Staffordshire BC V SSCLG and Anr [2016] EWHC 2973 (Admin); Barker Mill Estates V Test Valley BC and Anr [2016] EWHC 3028 (Admin)

plan.

21. Policies DM1 and RV1 set out the presumption in favour of sustainable development required by all local plans, and which paragraph 49 of the NPPF makes clear applies to all housing proposals. Sustainable development is the 'golden thread' that runs throughout plan making and decision taking and this 'presumption in favour of sustainable development' is embedded in paragraph 14 of the NPPF, and which applies in two scenarios. Firstly, if the proposal accords with the policies of the development plan support should be given for the proposed development, unless material considerations otherwise indicate development should be refused. Secondly, and on the other hand, this presumption in favour of sustainable development also applies if the development plan is absent, silent, or relevant policies are out of date, in which case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
22. Policy DM2 sets out the principles of development that all proposals should have regard to, and seeks to reinforce place and local distinctiveness as a central tenet in decision making with the Borough. Development should recognise and address the key features, characteristics, landscape character and special qualities of the area, and maintain or enhance the sense of place that these features create, taking advantage of opportunities to restore such features where they have been eroded. Development should not involve the loss of gardens and open, green landscaped areas that make a significant contribution to the character and appearance of a settlement. Development should avoid adverse impact to urban form and patterns of development, and not harm the amenity of adjacent areas or residences.
23. The application site is located in designated countryside, and policy CS4 identifies the settlement of Ousden as an Infill Village. Such villages have a limited range of services, and only infill development comprising single dwellings, or small groups of five dwellings or fewer will normally be acceptable. Policy CS13 further states that development permitted in such locations will only be so much as is necessary reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside defined areas will be strictly controlled.
24. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside along with the criteria proposals will need to meet and those policies that set out further criteria depending on the type of development. In this instance, policy DM27 sets out those additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are *within* a closely knit cluster, and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semi-detached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.

25. The proposal is manifestly not within a cluster, it is on the edge of the settlement with no built development adjacent the eastern boundary. It does not comply with policies CS4, CS13, DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements and clusters. There is, consequently, an unequivocal policy conflict and this failure to meet the provisions of the Development Plan, noting the latest Court rulings on the interpretation of the NPPF, indicate that significant weight should be attached to this conflict against the scheme as a matter of principle. Any harm, including matters of detail, as shall be set out below, must indicate refusal, in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
26. In this instance further harm stems from a development outside the defined settlement boundary as an unsustainable form of development. It is the beginning of a ribbon development in the countryside that would set an inappropriate precedent for further dwellings to be built along the roadside, however limited that number of dwellings might be. This would erode patterns of development between settlements, and extrude into the countryside. Considering the many similar situations within the Borough, the proposal would result in a precedent for altering the historic patterns of development and extend built form outside of defined settlement boundaries and countryside clusters.
27. While the planning statement and additional details note appeal cases in Great Barton where dwellings have been allowed without fully complying with the provisions of policy DM27 (references APP/E3525/W/15/3139957 and APP/E3525/W/16/3145915 are two such instances) such cases are still within clusters, and therefore bear little resemblance to this proposal, instead focusing on the number of dwellings that comprise a cluster within which those developments would sit and where dwellings would be located without a direct road frontage. Officers consider this argument fails to understand the aim of the policy, which is to allow modest development to support rural economies, but restrict sprawl on the edges of those settlements that might otherwise harm landscape and result in unsustainable development.
28. It is noted that there is an existing outbuilding on the site, and policy DM28 provides a potential for the conversion of defunct buildings where they have met the criteria of that policy. In particular, a building would need to be capable of conversion without needing extensions, significant alterations or reconstruction, and proposals would need to employ a high quality design that retains the character of the building, and an enhancement of the immediate setting of the building. Importantly, alternative uses for the building, such as tourist accommodation and other recreation facilities, in accordance with Policy DM33, would first have to be explored. The policy goes further to note that not all buildings are suitable for reuse, and that conversion may have adverse impacts on the landscape, in conflict with the aim of conserving and enhancing the rural environment. The building in question is shown in the following photo;



29. As stated, the building is identified as a workshop, and comprises a modest building of breezeblock construction with a sheet metal roof. While the building as it stands is not of any architectural merit, its modest scale and flat roof significantly limits its intrusion into the countryside and the surrounding dwellings and it appears, distinctly, as an incidental outbuilding. Noting its modest scale, officers would readily question whether this building could accommodate a dwelling without extension or significant alteration, particularly noting the form and material of the workshop, which is not particularly conducive to use for residential use.
30. Policy DM33 also permits, in exceptional circumstances, the replacement of a building in the countryside. The arguments presented are plainly not 'exceptional' sufficient to meet the high policy test. In any event, the policy also requires the replacement building to be a more acceptable and sustainable development and that it would also restore the visual, architectural or historical coherence of a group of buildings where this would otherwise be lost. None of these provisions apply in this instance and there is conflict therefore with Policy DM33 also.
31. The additional details states that the building is of a greater floor space than the national average, and therefore would support a residential use. However, no information has been provided as to its structural status, capacity to be converted or any alternative uses that have been considered for the building. In addition, such a dwelling would appear out of place amongst the overwhelming majority of larger, 1½ storey and greater dwellings in the immediate vicinity, and while a dwelling approved nearby recently (ref DC/16/2305/FUL) was single storey, the design of that dwelling was such that views would be severely restricted so that the dwelling would not readily be identifiable. Furthermore, that dwelling was within the cluster of development and within the settlement boundary of Ousden, thereby removing any conflict with the Development Plan and limiting any visual impacts. Without any such assessment in relation to the existing building sufficient to meet the tests of DM28 or DM33, it

cannot be concluded that there might be support in principle for the proposal.

32. As stated, the Local Authority has a demonstrable five year housing land supply and relevant policies for the supply of housing are considered up to date. On this basis, the presumption as set out within paragraph 14 of the NPPF does not apply and development should be considered in accordance with the Development Plan, as there are no material considerations that would outweigh that conflict.
33. The proposal represents an inappropriate and unsustainable development in the countryside. It would set a precedent for development outside of defined clusters that would erode the character of settlements and result in ribbon development, with the associated harm that arises from those forms of development. The development fails to accord with policies DM2, DM25, DM27, DM33, CS2, CS4 and CS13 and paragraphs 17, 28, 53 and 60 of the NPPF.

Impact on Landscape

34. The site is located within a special landscape area (SLA). Policy CS13 indicates that development will be permitted where it does not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value of that land. SLAs are areas of particular sensitivity, with limited capacity to absorb change without significant material effect on their character and/or condition. Development should be informed by the Suffolk Landscape Character Assessment (SCLA), and subject to an individual assessment of the site, and proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance, the character of the landscape. Significant gaps between settlements should be appropriately addressed, and any harm to locally distinctive landscape should be minimised. Development will not be permitted where this is not possible.
35. Proposals for residential development should maintain or create a sense of place and/or character, in accordance with policies DM2 and DM22, by employing designs based on an analysis of existing buildings, landscape and topography, exploiting the opportunities that are presented by those features. Innovative design approaches should be incorporated to ensure a mix of development and respects the continuity of built form and the enclosure of spaces.
36. As an outline application, matters of landscape, appearance and scale are reserved, and any details provided are therefore indicative only. The site slopes downwards from the roadside, and beyond the application site it slopes upwards again, creating the valley within which a number of dwellings along Front Street sit. The area is reasonably open, with attractive green fields. The following photo indicates this and was taken from the public footpath.



37. The SLCA aims to maintain and restore the landscape of Suffolk and promote and foster wider understanding of the landscapes of Suffolk. The development site is located within an area labelled as 'undulating estate farmlands' where settlements are characterised by a dispersed pattern of development resulting in small, pocketed clusters of built form. Individual parishes tend to have multiple such clusters, with larger groups elongated and outlying groups based on green side settlements, wayside settlements and farmsteads. The SLCA notes that such historic patterns are easily lost to ribbon development and infill between clusters, and settlement expansion is explicitly identified as a key force for change that adversely affects the character of the landscape.

38. The proposal sits within a locally distinct valley and a green gap between two otherwise more built and tightly grained areas of Ousden, with the housing settlement boundaries following the clusters, and excluding the application site. This highlights the intent to strictly control development in this area in the interests of retaining this character. An additional dwelling in the area indicated would likely be readily noticeable against the backdrop of the valley, and while there would be some mitigation due to the slope of the site, there is no firm evidence that the dwelling would attempt to incorporate the topography. Indeed, while indicative, the application expresses an intention to provide a 1½ storey dwelling, and in the experience of officers, given the necessary head heights required for building regulations, such dwellings are often of a commensurate height with two storey dwellings by virtue of the steep pitch of the roof, in an effort to gain more usable internal space. Regardless, the present building intrudes very little into this open and attractive landscape, as would be expected of a single storey outbuilding of modest scale, and the provision of a dwelling of whatever scale, and of whatever appearance, with access, parking and turning areas, garden space, fencing and associated domestic paraphernalia would inevitably intrude noticeably into this setting in a way that would be materially harmful to its present character.

39. To paraphrase the submitted planning statement, a dwelling that has been approved in close proximity to the application site (ref DC/16/2305/FUL), sets a precedent that this proposal would not have an adverse impact on landscape character of the SLA. Officers consider that reasoning to be wholly flawed. Each case is taken on its own merits and the two proposals are exceedingly different, falling within different constraint zones and subject to different considerations. In the previous case (ref DC/16/2305/FUL) the proposal was within the cluster and housing settlement boundary, with development on all sides of the site and was designed to be earth sheltered, in order to further limit impact on the SLA and adjacent listed building. Most notably, full details were provided in that application, as opposed to this proposal, which is in outline, without details of the architectural design of the dwelling, its scale or potential landscaping arrangement.
40. The proposal would harmfully erode the important green gap between clustered settlements within the parish of Ousden. A dwelling in this location, plus associated curtilage and paraphernalia, would significantly and materially alter the landscape character of this area in an adverse manner. The proposal therefore fails to accord with policy DM13 and respect the character of the landscape and its importance as a division between clustered built form.

Impact on Listed Building

41. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. Noting that listed buildings are sited in reasonably proximity to the proposal, there is a duty to consider the impact on their setting.
42. Policy DM15 states that proposals must demonstrate a clear understanding of the significance of the setting of the building, alongside an assessment of that impact. Proposals will be permitted whether they are of a scale, form, height, massing and design which respect the setting of the building and views inward and outward of that listed building.
43. The proposal is sited opposite the Grade II listed building of White Shutters, as well as a Grade II outbuilding associated with the dwelling. The proposal is in outline, and it is not, therefore, fully possible to assess its impact on the nearby listed building. That said, given the topography of the land, it is likely that a dwelling would not sit higher than the listed buildings so as to dominate them. In addition, the separation, including the road, would reduce views of the two buildings being read together, and they would appear as separate entities. It is therefore considered that the proposal would not result in an adverse impact on the setting of the listed building.

Impact on Highways

44. Policy DM46 requires that development have appropriately designed and sited parking areas to limit unsafe parking within the street scene. Proposals should accord with the adopted standards, in this instance the Suffolk Guidance for Parking 2014 adopted by Suffolk County Council. Less parking than would normally be required may be acceptable where proposals can clearly indicate that they have particular accessibility to alternatives or where development is located within towns and is therefore particularly sustainable. Policy DM2 reinforces the need for appropriately design parking, to ensure that the street scene is not dominated by the car, and seeks to ensure that development does not have an adverse impact on the safety of the highway network.
45. Policy DM22 states that development should apply innovative highway and parking measures designed to avoid visual dominance of those elements in new development, whilst meeting highway safety standards. Development should ensure appropriate levels of permeability and accessibility for all, and consider the needs of pedestrians and cyclists before car users. Proposals should seek to create a safe and welcoming environment.
46. The proposal is not particularly well located in terms of alternative provision to transport, and the bus stops located some 5 minutes away are not so regular that they allow a resident free reign to travel at whim. It is therefore considered that the car is likely to be the preferred mode of transport, and full parking provisions would be necessary. The application includes parking for 3 cars and a turning area, and 3 car parking spaces for the existing dwelling. It is considered that this is sufficient to support a reasonably sized dwelling, noting that such a level of parking would be acceptable for a 4 bed property.
47. The highway authority considers the access sufficiently capable of serving two dwellings. Visibility is good along the roadside, and the entrance to the site is sufficient wide to accommodate two cars entering/exiting if necessary. The proposal is not considered to result in a detrimental impact to the safety of the highway network, and would not lead to cars parked in inappropriate locations within the street scene, though a condition would be necessary to ensure that the number of bedrooms within the site is limited to prevent an increased pressure on parking over and above that allocated for in this application.

Impact on Residential Amenity

48. The proposal is sited away from the nearest dwelling of no. 3 The Hill, and as scale is a reserved matter it is not possible to make an assessment as to how the proposal might affect light or be of an overbearing nature. However, there appears to be a reasonable separation from the closest residential dwelling, and officers are satisfied that a dwelling on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity.

Conclusion:

49. In conclusion, the proposal represents a clear departure from adopted policy that would result in an inappropriate development in designated countryside, and that would have an adverse impact on the Special Landscape Area.

Recommendation:

50. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The proposal is for a dwelling outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited on the end of the settlement, and therefore represents an unsustainable ribbon development. The proposal fails to accord with policies DM2, DM5, DM27, DM33, CS2, CS4 and CS13 and paragraphs 53 and 55 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations.
2. The area is identified as Undulating Estate Farmland by the Suffolk Landscape Character Assessment, and parishes are noted as having many small clusters of development. The application site also forms part of the Special Landscape Area, which has limited ability to absorb change without detrimental affect. The proposal sits within an important green gap between two clusters of development, and which provides a strong positive contribution to the character of the area through its open aspect and undulating form. The provision of a dwelling, with associated curtilage and paraphernalia, would intrude to a material extent into this open landscape, affecting adversely the character of the site itself plus the character of the wider area, including the setting of the nearby settlements. The proposal therefore fails to accord with policies DM2, DM13, DM22, CS2, CS3 and the NPPF, particularly paragraphs 58, 61 and 109.

Documents:

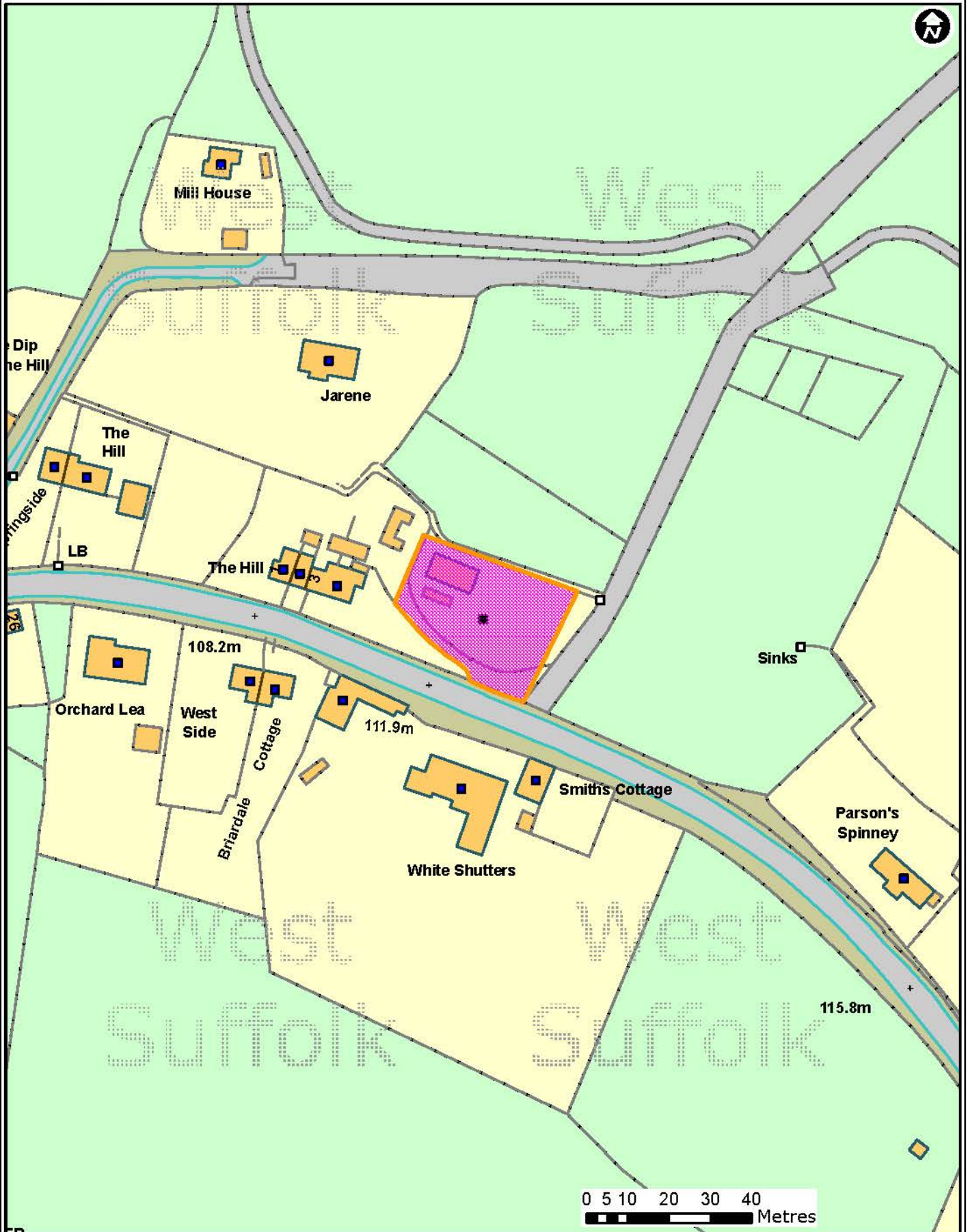
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OLTRJLPDMU800>

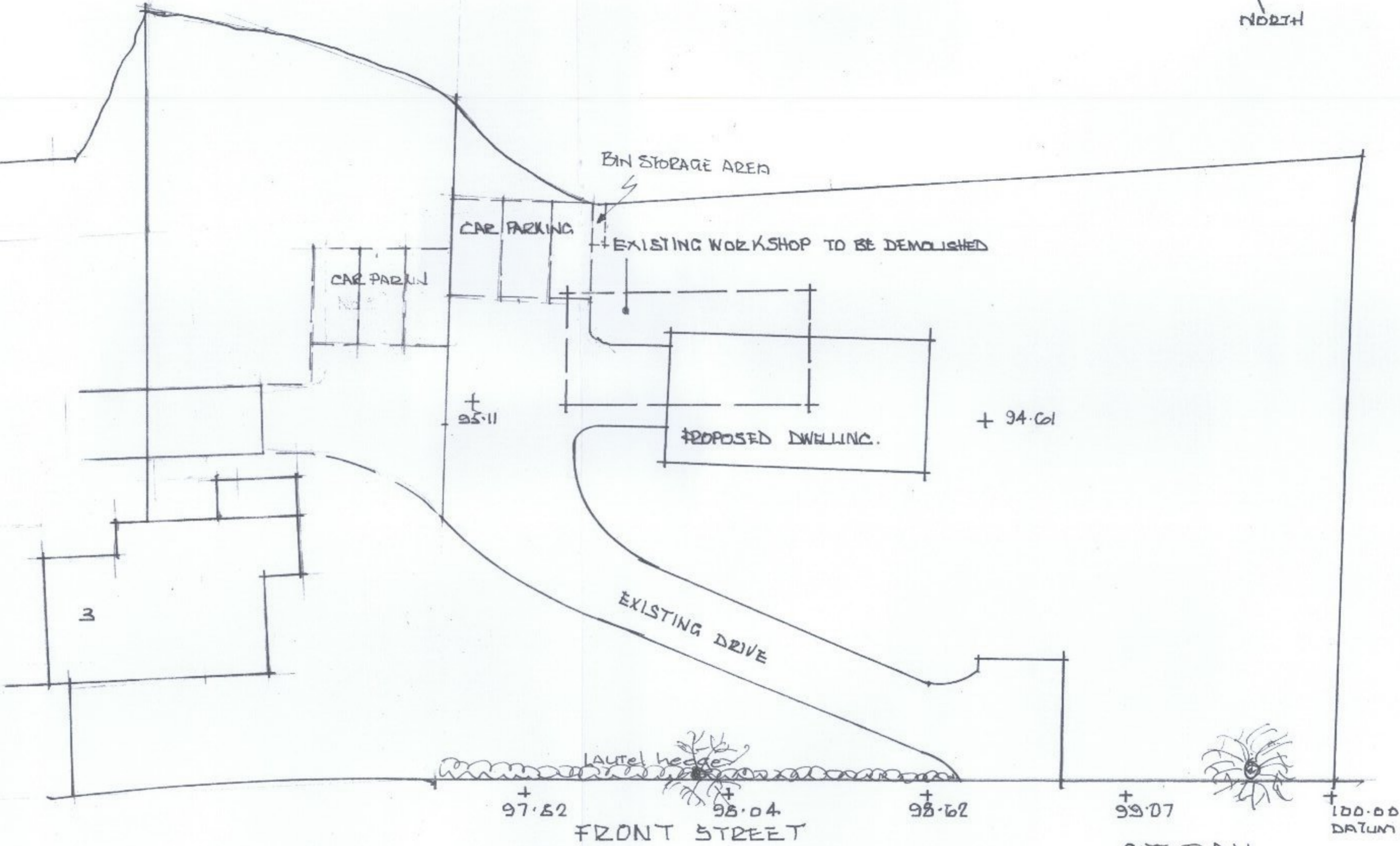
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DC/17/0397/OUT

Land Adjacent to 3 The Hill Front Street Ousden



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PROPOSE DWELLING ADJACENT 3 FRONT STREET OUSDEN

SITE PLAN
 SCALE 1:200
 DRG No. IM-1A
 DC/17/0397/OUT

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DEV/SE/17/025

Development Control Committee 1 June 2017

Planning Application DC/16/0788/FUL, Street Farm Barns, Low Street, Bardwell, Bury St Edmunds

Date Registered:	15.04.2016	Expiry Date:	10.06.2016, Extension of Time agreed
Case Officer:	James Claxton	Recommendation:	Approve
Parish:	Bardwell	Ward:	Bardwell
Proposal:	Planning Application - 2 no. detached dwellings and garages (following demolition of barns and store buildings).		
Site:	Street Farm Barns, Low Street, Bardwell,		
Applicant:	Mr N Webber		

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:

James Claxton

Email: James.Claxton@westsuffolk.gov.uk

Telephone: 01284 757382

Background:

This application is referred to the Development Control Committee because the proposal is contrary to locally adopted planning policies.

Proposal:

1. The proposal is for the erection of two detached dwellings with associated garages, this is to follow the demolition of the existing barns on site, and the proposed would sit in similar positions. Please note all measurements are approximate, and orientations refer to the direction of the ridge lines.
2. The existing barns measure

Northern barn
Ridge height 7m
Length 25.0m
Width 18.0m

Southern barn
Ridge height 8m
Length 16.15m
Width 13.67m

3. The proposed dwellings are both four bedrooms, and measure

Plot 1

4. The overall foot print of this plot is "T" shaped, albeit up-side-down, with the cross bar running east west, and the foot running north south. On the eastern end of the cross bar on its south side, is a single storey element that is orientated north south. In the north eastern corner of the site is the detached garage for this plot.

Two storey T element

Ridge height 8m
Eave height 4.7m

Cross bar

Length 18.17m
Width 6.13m

Foot

Length 6.48m
Width 6.3m

Single storey element

Ridge heights 4.1m
Ridge eaves 2.2m
Length 3.8m
Width 4.2m

Garage

Length	7.4m
Width	6.8m

Plot 2

5. The overall foot print of this plot is "L" shaped, albeit mirrored and rotated 180 degrees. The length of the "L" runs east west, and foot runs north south. On the eastern end of the foot, is a single storey attached garage that is orientated east west. A second single storey element extends south from the foot of the "L", orientated north south, and is joined to the garage by a single storey wrap-around element.

Two storey L element

Ridge height	8.4m
Eaves height	4.7

Length of "L"

Length	15.8m
Width	6.2m

Length of foot

Length	12.2m
Width	6.1m

Single storey extending from south of foot

Ridge height	4.5m
Eaves height	2.4m
Length	5.1m
Width	5.3m

Single storey garages

Ridge height	4.5m
Eaves height	2.45m
Length	7m
Width	6.7m

Materials

6. For both dwellings proposed materials are Clay pantiles for roofs and boarding and brickwork for elevations, with Fenestration to match the non-domestic appearance. Walls to form enclosed courtyards further enforce this aesthetic.

Application Supporting Material:

7. As listed:
 - Application form
 - Site location plan
 - Block plan
 - Cross section
 - Proposed Elevations
 - Proposed Floor plans
 - Land Contamination details
 - Planning statement
 - Flood zone appraisal
 - Biodiversity report

Site Details:

8. The site is located to the west of Low Street, Bardwell, sitting outside of the settlement boundary and conservation areas, which are located on the northern, eastern, and southern edges of the site. Between Low Street and the site is an existing converted barn. To the north is Street Farm and the grade II listed Mansard House, and to the south is a row of dwellings which are circa 1960's in architectural style and are a mix of one and two storeys. To the east of the site on the opposite side of the road is row of two storey dwellings which are a mix of historic and modern architectural styles, two of these dwellings are grade II listed.
9. The topography of the site is that it sits approximately 2.5 metres below Low Street, and is predominately a flat grassed area.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/0788/FUL	Planning Application - 2 no. detached dwellings and garages (following demolition of barns and store buildings).	Pending Decision	
SE/07/0516	Planning Application - Provision of external staircase	Application Granted	16.05.2007

Consultations:

Environment Agency

First Consultation response received

10. The barns are currently located in Flood Zone 1. The western end of the site falls within Flood Zone 2. A very small portion of proposed Plot 1 lies in Flood Zone 2 whilst Plot 2 will entirely be located in Flood Zone 1. The submitted Flood Risk Assessment (GHB Reference: 131/2010/FRA; dated July 2011) is out of date. We have therefore not reviewed the FRA.

11. We have no objection to the proposed development but we recommend that a sequential approach to site layout should be applied i.e. siting Plot 1 entirely within the lower flood risk area within the red line boundary as shown on drawing 01.
12. The site is located above a Principal Aquifer. However, we do not consider this proposal to be high risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Second consultation response

13. No objections.

Environment Team

First Consultation response received - Objection

14. The application is supported by an Eviroscreen report and a completed copy of the West Suffolk contaminated land questionnaire (old St Edmundsbury version). This is only considered appropriate on existing residential or greenfield locations. Redevelopment of agricultural sites should be accompanied by a full Phase 1 desk study (including walkover) due to the risks associated with agricultural sites such as fuel/pesticide/chemical storage, storage or on site maintenance of mechanical farming equipment etc.
15. The application does not contain sufficient information on the risk posed by potential contamination at the site and therefore does not accord with the National Planning Policy Framework (NPPF), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policies Document.

Second consultation response received 30 May 2017 – No objections

16. Thank you for providing a copy of the Phase 1 Geo-Environmental Assessment undertaken by Frith Blake Consulting, reference 2016-436, dated June 2016. I can confirm that this is adequate to allow us to **withdraw our objection** to application DC/16/0788/FUL. We can also confirm that we agree with the conclusions of the report that targeted intrusive investigations will be required and that these can be suitably controlled by a condition attached to the planning permission, if granted.

Heritage

First Consultation response received

Relevant policies

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

Forest Heath & St Edmundsbury Joint Development Management Policies Document

18.DM17 Conservation Areas

19.DM33 Reuse or replacement of buildings in the countryside

National Planning Policy Framework

Core planning principles

20. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include:

always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Supporting a prosperous rural economy

Conserving and Enhancing the Historic Environment

Comments

21. The proposed development involves the replacement of buildings within the countryside and development within the conservation area. These comments consider the impact on the conservation area only and whether the development either preserves or enhances its character or appearance.

22. The site together with Street Farm to the north, the barns to the east and listed buildings on the opposite side of the road form the northern extremities of the conservation area and largely constitute historic development. Converted barns are sited immediately east of the proposed development and are timber clad with pantile roofs and largely retain their agricultural character. The proposed development replaces two large agricultural buildings with wide spans, shallow pitched roofs and modern materials. They are not recognised as non designated heritage assets which contribute towards the character and appearance of the conservation area and therefore their demolition is supported. The

replacement buildings display similar characteristics to the barns to the east and are clad in timber boarding and pantile roofs. The linear form of the barns fronting onto Low Street is not replicated with a number of single storey extensions are proposed projecting off the main range.

23. The principle of redevelopment and the approach adopted is largely supported however concern is expressed with regard to the scale of the proposed buildings where in the context of the existing barns to the east and Street Farm to the North East, replacement buildings of a more diminishing scale would be desirable particularly in the absence of evidence to support historic development in this location.

Second consultation response received 25 April 2017, regarding the submitted cross section – no objections.

24. Whilst the cross section does not demonstrate barns of a diminishing scale they are comparable to that of the existing so as not to cause harm to the character or appearance of the conservation area. I therefore have no objections.

Highways

25. No objections, recommend conditions.

Historic England

26. No objections, recommend application is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Natural England

27. No objections.

Public Health and Housing

28. No objections.

Parish Council

29. Bardwell Parish Council has no objection in principle to this planning application.

30. However, it concurs with the concerns from the neighbouring property owner and considers that more detailed information is required re the intended boundary treatments of the north and west of the proposed site, prior to this application being decided. Also:

- What is the measurement between the rear of the garages of plot 1 and the boundary/existing hedge?
- What is the measurement between the Plot 2 and the boundary with The Pheasants?
- What are the measurements to the boundaries of plots 1 and 2?

Representations:

Mansard House Low Street: Representation

31. In principle we have no objection to the planning application. However this is subject to us getting further details for the boundary treatment to the north and west of the proposed site, as the drawings are vague.

Policy:

32. 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:

DM1 Presumption in Favour of Sustainable Development.
DM2 Creating Places – Development Principles and Local Distinctiveness
DM5: Development in the Countryside
DM17 – Conservation Areas
DM22 Residential Design
DM27: Housing in the Countryside
DM33 – Reuse or Replacement of Buildings within the Countryside

2. St Edmundsbury Core Strategy December 2010

CS2: Sustainable Development
CS4 Settlement Hierarchy and identity

Other Planning Policy:

3. National Planning Policy Framework (2012)

National Planning Practice Guidance.

Officer Comment:

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

- Principle of Development
- Housing Provision
- Design, Character and Appearance
- Heritage Considerations
- Highways considerations
- Other Matters
 - Flood Zone
 - Class Q Development
 - Representations

34. This application is for planning permission for two dwellings and is judged on its individual merits, using the locally adopted policies and those provided by the NPPF and NPPG where appropriate.

Principle of Development

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the Development Plan, rather tangible material considerations and benefit must be demonstrated.
36. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land, plus necessary buffer, and the relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development plan.
37. Policies DM1 and RV1 set out the presumption in favour of sustainable development required by all local plans, and which paragraph 49 of the NPPF makes clear applies to all housing proposals. Sustainable development is the 'golden thread' that runs throughout plan making and decision taking and this 'presumption in favour of sustainable development' is embedded in paragraph 14 of the NPPF, and which applies in two scenarios. Firstly, if the proposal accords with the policies of the development plan support should be given for the proposed development, unless material considerations otherwise indicate development should be refused. Secondly, and on the other hand, this presumption in favour of sustainable development also applies if the development plan is absent, silent, or relevant policies are out of date, in which case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
38. The application site is located in designated countryside, and policy CS4 identifies the settlement of Bardwell as a Local Service Centre. Such villages have a limited range of services, where only limited development within the settlement boundary will be acceptable. Development outside defined areas will be strictly controlled. Core Strategy Policy CS4 identifies development in the countryside as locationally unsustainable. This is due to the reliance on the motor car to get to work, shops, or in the use of other facilities, because of a lack of basic services in the immediate area. There are exceptional circumstances such as the replacement of existing dwellings or the provision of key agricultural workers where development may be allowed. It is also the case, quite rightly, that not all countryside locations are necessarily locationally unsustainable and a more nuanced assessment is required. Nonetheless, on the basis of the location of this development outside the settlement boundary for Bardwell, and noting the starting point for consideration of proposals should be the development plan, there is a clear conflict with the provisions of the Development Plan which must be considered to weigh against the proposal.

39. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside along with the criteria proposals will need to meet and those policies that set out further criteria depending on the type of development. In this instance, policy DM27 sets out those additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are within a closely knit cluster, and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semi-detached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality. Furthermore, Policy DM33 only permits the replacement of buildings in the countryside in 'exceptional' circumstances, none of which are considered to necessarily apply in this instance. This indicates another conflict with the provisions of the Development Plan which must be weighted against approval.
40. With regard to Policy DM27 the proposal is not within a cluster. It is on the edge of the settlement with no built development adjacent the western boundary. However, there is development, in the form of domestic gardens to the north and south of the site, and development fronting Low Street to the east. Whilst the site cannot be considered strictly to be within the cluster of development it is very closely related to it. Regardless, it does not strictly comply with policies CS4, CS13, DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements and clusters albeit there is only modest policy conflict with DM27. However modest therefore, this failure to meet the provisions of the Development Plan, noting the latest Court rulings and interpretation on this matter, indicate that weight should be attached to this conflict against the scheme as a matter of principle. Any harm, including matters of principle and of detail, as shall be set out below, must indicate refusal, in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
41. The National Planning Policy Framework (NPPF) does not define or limit the meaning of the term 'isolated' and neither do adopted planning documents. However paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. This does not merely relate to the existence or absence of nearby dwellings, but must also be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. This approach is similar to that set out in Policy CS4 of the St Edmundsbury Core Strategy.
42. Paragraph 55 advises that, to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 7 of the Framework sets out the three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development.

43. The site is located outside of the settlement boundary and is therefore deemed to be 'countryside' for the purposes of the Local Plan. However the site is located adjacent to the settlement boundary for Bardwell. The St Edmundsbury Core Strategy categorises Bardwell as a Local Service Centre which are described as having some services and facilities, such as a shop and a school, and tend to be local centers for a wider rural area than the settlement alone. These villages will be able to accommodate some small scale growth which will be dependent upon local environmental and infrastructure capacity of the village concerned.
44. The characteristics of Bardwell, as of Spring 2009, detailed by the Core Strategy showed that there was a population of 690 with a reasonable level of local services for a village of its size. Although it has a post office Bardwell lacks a convenience goods shop, and has poor public transport links to Bury St Edmunds. However, it does have a primary school, two pubs, a village hall, and some employment in the village, and is close to employment opportunities in Stanton and Ixworth, between which is a bus service. A bakery within Bardwell is also a recent addition to the area.
45. Given the proximity of those facilities, at a distance of approximately 500 metres, the location is deemed to be locationally sustainable and whilst it is recognised there would be some reliance on the car for transportation, this is mitigated in part by the facilities available in Bardwell and the bus service. It is reasonable to suggest that due to the site's setting it is not physically nor functionally isolated. Nonetheless, and as advised, it does not fully accord with the written form of policies CS4, DM5, or DM27 and, however slight, and in considering the principle of development, this must be taken as weighing heavily against the proposal.
46. Sustainable development could also be interpreted to include the physical task of developing the barns. Considering possible alternative approaches to planning permission would also lead to different overall construction methods. For example because of the use and design of the barns, it may be possible to use a Class Q Prior Notification application for their conversion. This would require the retrofitting of insulation, windows, and roofing materials. This is in comparison to works involved in their demolition and starting afresh, to provide a purposely designed structure.
47. This is assessed below in detailed in the Other Matters section under the subtitle Class Q Development since the potential for the barns to benefit from a Class Q conversion must be considered as a material fall back and therefore relevant to the assessment of this proposal. This will need a careful assessment in light of the policy harm identified above, which would otherwise point towards a refusal.

Housing provision

48. St Edmundsbury has a demonstrable 5-year land supply, and is not considered to be under additional pressure to release land for new dwellings in areas that are not in line with policy. Within that land supply would be allowances for a number of sites to come forward categorised as "windfall", meaning that they were not previously identified as possible viable locations for developed, due to planning constraints or that they were not previously submitted through call for sites.

49. Justifying departures from the development plan should be carefully considered, judging each application on its individual merits. In this instance it could be considered that the departure is not of a significant level but it is nonetheless a departure that requires material considerations to indicate otherwise if it is to be supported. Taking account of possible development through the use of Prior Notification applications, it may be deemed that accepting development through the planning application route could secure a proposal that provides further positives at a level over and above what may otherwise be achieved via a prior approval route. Plainly this assessment and balance can only be made on the considerations of Class Q of the GPDO have been considered.

Design, Character & Appearance

50. Policy DM2 requires that development recognises and addresses the key features and characteristics of an area. This is reiterated in Policy DM22 which seeks to secure appropriate residential design that accords with the local area, through its built form. The thrust of these policies accords with the NPPF which looks to enhance immediate settings, whilst being sensitive to the defining characteristics of the local area.

51. The existing barns are of their time, and could be reasonably categorised in an architectural style based on achieving functional agricultural buildings. The southern barn is constructed from buff coloured brick forming the lower elevations with an equal section of corrugated asbestos sheeting above. This material is also used for the roof, and the open sided lean to element located on the northern elevation of the barn. Within the brick elevation section are buttresses of the same buff colour, but these are provided purely for structural reasons only, and are not ornate. The overall form is bulky, utilitarian and voluminous with little physical articulation provided by the buttresses or by the use of materials.

52. The northern barn consists of three elements. The southern element is open on its southern elevation, and is made from corrugated asbestos sheeting over a machine sawn timber frame. North of that is an element made from brick, which could be described as providing a spine to the building. The most northern element is constructed from corrugated asbestos sheet which is also used for the roof.

53. It is reasonable to suggest that the barns do not represent buildings that are of significant architectural merit. However they do not create significant levels of visual harm in their existing form to the street scene or conservation area by virtue of their location and their obviously agricultural nature in a rural landscape. However, nor do they create any significant positives.

54. The proposed dwellings are consistent with the Suffolk vernacular for barns. The overall form provides interest by using a two storey element appended by single storey lean to elements and gable end projections. The overall scale of the proposed dwellings is similar to the existing barns, but through using a range of building heights the overall scale and mass is notably reduced. This is further complimented by the choice of materials, such as black weather boarded elevations set over a brick plinth, and clay pan roof tiles.

55. Assessing the proposed dwellings against the existing barns, it is reasonable to suggest that they could be deemed to be positive additions to the street scene. When read as a whole, or via glimpsed views afforded from public vantage points, the proposed building form would be commensurate with that of the existing street scene, according with the pattern and characteristics of development that might be expected in this location. This is supported by the proposed dwellings being located in similar positions to the existing barns.

56. The proposal would comply with paragraph 9 of the NPPF which seeks to secure positive improvements to the quality of the built environment. This is reiterated in para. 56 of the NPPF which attaches great importance to the design of the built environment, which is deemed to be indivisible from good planning and should contribute positively to making places better for people. Therefore it is reasonable to suggest that the proposal would accord with thrust of the NPPF in regards to design, and with policies DM2 and DM22 and this must be taken as weighing in its favour in the balance of considerations.

Heritage Considerations

57. The first Consultation response largely supported the principle of redevelopment. However concerns were expressed with regards to the scale of the proposed buildings in the context of the existing barns to the east and Street Farm to the North East. It was suggested that replacement buildings of a more diminishing scale would be desirable particularly in the absence of evidence to support historic development in this location. A cross section was provided by the agent which detailed how the changes in levels across the site would create barns of a diminishing scale comparable to that of the existing. It was confirmed in the consultation response received 25 April 2017 that no harm was caused to the character or appearance of the conservation area, and that there were no further objections

58. The Planning Officer agrees with the findings of the Heritage officer.

Highways Considerations

59. No objections were received from the highways department and recommendations for conditions were made.

Other Matters

Flood Zones

60. As per the consultation response received from the Environment Agency, it was recommended that sequential testing was performed on the site. This was due the western end of the site falling within Flood Zone 2, and a very small portion of proposed Plot 1 lying in Flood Zone 2, whilst Plot 2 would be entirely located in Flood Zone 1. Revised information was supplied by the agent which confirmed that the proposed development would all be located in Flood Zone 1. No sequential test or exception test was therefore required and it was confirmed in the second consultation response from the Environment Agency that they had no objections.

Class Q Development

61. It is important to give consideration to the implications arising from the provisions of the GPDO. The policy considerations set out above indicate a conflict with the provisions of the Development Plan. Noting the requirement to determine applications in accordance with the provisions of the Development Plan the relevance of Class Q as a fall back is important.
62. When determining Class Q applications relevant regulations require the local planning authority to have regard to the National Planning Policy Framework (NPPF) when determining applications for prior approval as if they were planning applications, where relevant to the subject matter of the prior approval. The relevant legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015.
63. For the conversion of agricultural barns to be considered, the floor space of the buildings subject to the proposed change of use should be below the threshold of 450m². The barns in their current form measure approximately 450m² for the Northern barn and 220m² for the Southern barn. However, based on the measurements provided, these figures include the lean to elements on the building which are constructed from corrugated asbestos and which would therefore probably be unsuitable for conversion. With those removed, respecting that the provisions of Class Q allow for "partial demolition to the extent reasonably necessary to carry out the building operations", the cumulative floor space of the two existing barns would fall under the threshold set for Class Q at 379 m². This compares with a proposed floor area of 464.98 metres across both proposed dwellings indicating the potential for the provisions of Class Q to be a material consideration that might otherwise justify development contrary to the Development Plan. However, before this decision can be reached, a further assessment against the provisions of Class Q must be made.
64. As of 6th April 2014 development consisting of a change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order is permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) Order 2015. Developers are required to apply to the Local Planning Authority for a determination as to whether their prior approval will be required.
65. This assessment is limited to the following criteria -
- a) Transport and highways impacts of the development
 - b) Noise impacts of the development
 - c) Contamination risks on the site
 - d) Flooding risks on the site
 - e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use
 - f) The design and external appearance of the building.

66. Developers are also required to apply to the LPA for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the building. As part of their assessment the Local Planning Authority is required to determine whether the proposed development complies with any conditions, limitations or restrictions specified within the relevant regulations as being applicable to the development in question.
67. The consultation responses detailed in this report show that in regards to the criteria listed above, parts a) through to e) would be deemed acceptable. It can also reasonably be assumed that the buildings are or were last used for agricultural purposes thereby being capable of conversion under Class Q. Part f) relates to the design and external appearance of the building and would look at the structure of those buildings, and it is reasonable to suggest that in their current form they would likely be appropriate for conversion. However as assessed in this report, it could be argued that the conversion would not represent an opportunity to enhance the street scene, and it is questionable if the conversion would be more sustainable than the demolition and creation of new dwellings.
68. It is reasonable to suggest therefore that it is likely that the submission of a Class Q application for the conversion of these two agricultural barns with a floor space of up to 450 square metres would be supported, providing a material fall back position for residential development in this location. Any such Class Q approval could also be for up to three dwellings, compared to the present proposal for two. This indicates that great weight should be attached to this material fall back, as a material consideration that indicates that the policies of the Development Plan could be set aside in this instance, not least noting the only limited conflict.

Representations

69. Neighbour comments were received which detailed no objections to the developed and requested clarification of the proposed boundary treatments. To ensure a suitable treatment between the proposed dwellings and those surrounding the site, it is recommended that the submission of landscape details are conditioned.

Conclusion:

70. From the assessment detailed in this report, it is reasonable to conclude that development in this location would not be significantly harmful from a countryside and locational sustainability aspect, but would not accord with the thrust of locally adopted policies. In terms of design whilst the development may be visible from some public view points, visibility of the new development would not in itself render the proposal unacceptable. As recognised in the heritage consultation response, no harm is caused to the conservation areas that border the site, and the demolition of the existing agricultural buildings is not deemed to be a negative factor and in fact can be judged as being beneficial given the overtly utilitarian scale and appearance of the existing buildings to be replaced.

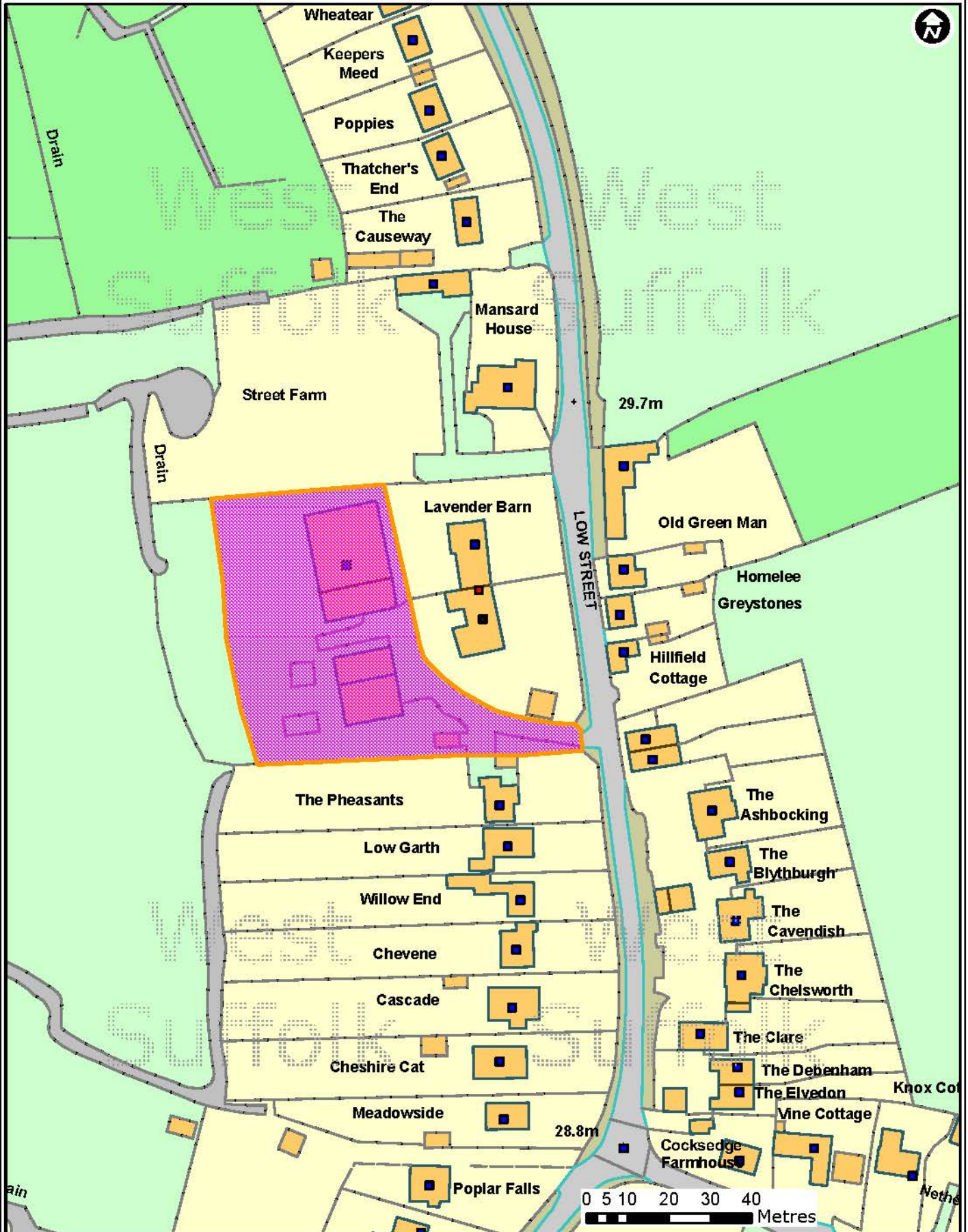
71. However, policy conflict is apparent in this application, and the intrinsic weight attached to the development plan and to this conflict is a factor which weighs against the proposal in the balance of considerations. However, in its favour are the Permitted Development fall-back position, and the positives that could otherwise be achieved through the creation of well designed dwellings compared to the conversion of the existing buildings.
72. Balancing what positives the proposal may have against negatives, is it deemed from the overall assessment detailed in this report that there are benefits to the allowing development in this location. Whilst the Borough is not under additional pressure to release land for development, the fall back position of permitted development could enable development in this location of up to three dwellings within an overall floor area of 450 square metres. Granting permission through this application could allow for greater control over what is built at this location, but also secure a development that provides enhancements to the surrounding area. From these points it is reasonable to conclude that whilst the proposal is contrary to the written form of local policy, the weight to be attached to the potential PD fall back indicates that approval should be granted. The application is therefore recommended for approval.

Recommendation:

73. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. Time Limit
 2. Approved drawings
 3. Submission of samples of Materials
 4. Details of hard and soft Landscaping
 5. Provision of access
 6. Submission of bin storage areas
 7. Provision of parking areas
 8. Provision of visibility splays
 9. Land contamination scheme of investigation
 10. Land contamination verification report
 11. Land contamination remediation works
 12. Details of boundary treatments.

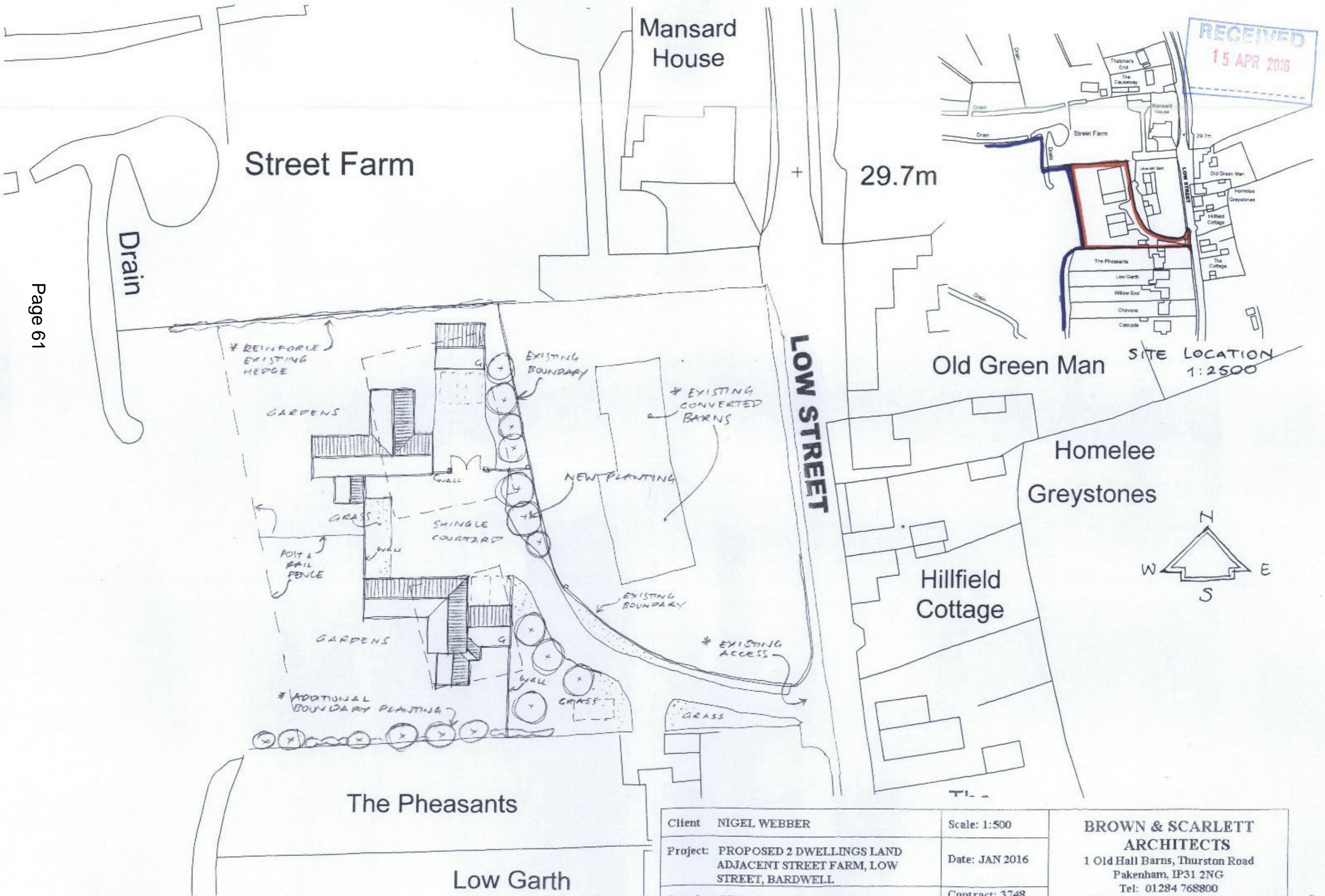
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/16/0788/FUL](https://www.bournemouth.gov.uk/DC/16/0788/FUL)



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15 APR 2016



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Project:	PROPOSED 2 DWELLINGS LAND ADJACENT STREET FARM, LOW STREET, BARDWELL	Date:	JAN 2016	
Drawing:	DETAILED PLANNING	Contract:	3748 Drg No. 01	

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