

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda																							
Date:	Thursday 7 September 2017																							
Time:	10.00 am																							
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU																							
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice Chairman Carol Bull and David Roach</p> <p><u>Conservative Members (12)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Terry Clements</td> <td style="width: 33%;">Ivor Mclatchy</td> <td style="width: 33%;"></td> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> <td></td> </tr> <tr> <td>Paula Fox</td> <td>Andrew Smith</td> <td></td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> <td></td> </tr> <tr> <td>Ian Houlder</td> <td></td> <td></td> </tr> </table> <p><u>UKIP Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Burns</td> <td style="width: 33%;">Jason Crooks</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Charter Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Nettleton</td> <td style="width: 33%;">Julia Wakelam</td> <td style="width: 33%;"></td> </tr> </table>			Terry Clements	Ivor Mclatchy		Robert Everitt	Alaric Pugh		Paula Fox	Andrew Smith		Susan Glossop	Peter Stevens		Ian Houlder			John Burns	Jason Crooks		David Nettleton	Julia Wakelam	
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<p>A SITE VISIT WILL BE HELD ON THURSDAY 31 AUGUST 2017 AT THE FOLLOWING TIME:</p> <p>1. Planning Application DC/17/0232/FUL - 65 Horsecroft Road, Bury St Edmunds, IP33 2DT Planning Application - (i) 1no new dwelling with extension to existing access drive and (ii) Single storey side extension to No.65 Horsecroft Road and remaining works to new drive entrance 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 wherever possible. Any Member with difficulty reaching the site should make contact with the Case Officer.)</p>																								

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

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

Material Planning Considerations

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

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

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

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

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and

also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.

- In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - 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. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 24

To confirm the minutes of the meetings held on 19 July and 3 August 2017 (copies attached).

4. Planning Application DC/17/0595/RM - Development Zones I, K and L, Marham Park, Bury St Edmunds

25 - 44

Report No: **DEV/SE/17/036**

Reserved Matters Application - Submission of details under DC/13/0932/HYB for details of access, scale, layout, appearance, landscaping and parking for Development Zones I, K and L for 180 dwellings Including Details Reserved by Conditions C19, C20, C21, C22, C23, C30, C31, C35, C36 and C37 of application DC/13/0932/HYB

5. Planning Application DC/17/0232/FUL - 65 Horsecroft Road, Bury St Edmunds

45 - 58

Report No: **DEV/SE/17/037**

Planning Application - (i) 1no new dwelling with extension to existing access drive and (ii) Single storey side extension to No.65 Horsecroft Road and remaining works to new drive entrance

6. Planning Application DC/17/0995/VAR - Forge Cottage, Bowbeck, Bardwell

59 - 70

Report No: **DEV/SE/17/038**

Planning Application - Variation of Condition (2) of DC/16/1098/HH to enable re-orientation of the solar panels for the (i) conversion of open fronted car port (attached to converted outbuilding) into guest accommodation (ii) relocation of solar panels from the existing outbuilding to be floor mounted (iii) detached cart lodge (amended)

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a special meeting of the **Development Control Committee** held on **Wednesday 19 July 2017** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairman Carol Bull and David Roach

John Burns

Terry Clements

Jason Crooks

Paula Fox

Susan Glossop

Ian Houlder

Ivor Mclatchy

David Nettleton

Alaric Pugh

Andrew Smith

Julia Wakelam

Substitutes attending:

Betty Mclatchy

Frank Warby

In attendance:

Sarah Broughton and

Beccy Hopfensperger

Ward Member for Great Barton

Ward Member for Fornham

332. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt and Peter Stevens.

333. **Substitutes**

The following substitutions were declared:

Councillor Betty McLatchy substituting for Councillor Peter Stevens; and Councillor Frank Warby substituting for Councillor Robert Everitt.

(Councillor Peter Stevens had previously indicated that to avoid the perception of pre-determination and bias due to his close association with the applicant in his capacity as Portfolio Holder for Operations, he would not be present during the consideration of Planning Application No: DC/17/0521/FUL).

334. **Planning Application DC/17/0521/FUL - Land North of Hollow Road Farm, Hollow Road, Fornham St Martin (Report No: DEV/SE/17/031)**

(Councillors Paula Fox, David Nettleton and David Roach declared local non-pecuniary interests as Members of Suffolk County Council and remained in the meeting for the consideration of this item.)

Planning Application DC/17/0521/FUL - Creation of a municipal operational hub comprising waste transfer station (WTS), household waste recycling centre (HWRC) (including reuse building), fleet depot (including offices), public realm maintenance depot and associated infrastructure accesses, internal roads, parking, weighbridges, landscaping scheme and shared use path to connect the existing footway on Barton Hill to proposed accesses.

This application had been referred to the Development Control Committee because it was a Major Development, the Parish Council had objected, and because the applicant was the Council.

Full planning permission was sought for the above and the application had been amended since submission to include amendments to the surface water drainage scheme; landscaping scheme; and to provide additional information regarding fuel storage and pollution prevention. A Member site visit had also been held prior to the meeting.

Following the publication of the agenda and papers for this meeting, the Case Officer advised of the following matters:

- (a) A further letter of objection had been received from the Chairmen of Fornham St Martin cum St Genevieve Parish Council; Fornham All Saints Parish Council; and Great Barton Parish Council, who wished to reiterate their concerns regarding:
- the scope of the Transport Assessment (TA);
 - the Highway Authority's (Suffolk County Council) response to the application;
 - congestion;
 - safety; and
 - the cumulative impact of the development in association with planned growth in the area.
- (b) A letter of representation had been received from the occupants of 'Sharon', Livermere Road, Great Barton, who expressed concern regarding, in their opinion:
- the conflict with local planning policies;
 - the use of a greenfield site;
 - the inappropriate site selection process;
 - a precedent would be set for future development in the countryside; and
 - residents' views were not adequately accounted for.

Due to a technical system error, this response had been submitted as a result of consultation letters being sent to three households after the consultation period had expired. Each household had previously commented on the application and the occupants were advised that their previous comments would be taken into account. Members were therefore advised that this error would not prejudice the consideration of the application, as proposed.

- (c) An additional condition was proposed, which would require details regarding the handling of foul water to be submitted for approval by the Local Planning Authority (LPA) to provide flexibility for the development to connect to the mains sewer, if achievable.
- (d) Proposed condition 24, should be amended to state:

“Within a 12 month period a maximum of 106,496 tonnes waste and material for recycling may be accepted at the Waste Transfer Station. The operator shall keep a record of all imported material which shall be made available to the Local Planning Authority upon request.”
- (e) That if the Committee resolved to approve the application (subject to conditions), officers would write to the Secretary of State advising him of the Committee’s intention to approve and give him the opportunity to call-in the application within 21 days for determination.
- (f) Paragraph 6: the figures quoted in this paragraph referred to annual estimates.
- (g) Paragraph 9: The site was bounded to the north by the C735 Fornham Road and not the B1106, as quoted.
- (h) Paragraph 29: Reference to the Fornham Road junction on Barton Hill, should read A134 and not A143, as quoted.
- (i) Proposed condition 11: the final sentence which referred to ‘.....until further notice’ should be deleted and replaced with ‘.....for a period of five years’.
- (j) Proposed condition 26: the text, ‘This scheme shall include provision’ be deleted as this was a typographical error.

The Officers considered the main issues required to determine the application were as follows:

- The Applicant’s Case
- The Principle of Development
- Highway Safety and Impact on the Highway Network
- Landscape/Visual Impact
- Noise, Odour and Air Quality
- Sustainable Drainage and Protection of Groundwater
- Impact on Residential Amenity and Adjacent Land Uses
- Ecology
- Heritage Assets

- Travel Planning
- Sustainable Construction

The Chairman then invited the following registered public speakers to speak in turn. He firstly explained that due to the level of public interest in this application, he had varied the Committee's protocol for public speaking on this occasion. To be fair and equitable to all interested parties, each category of public speaking had been extended to allow a total time allocation of 12 minutes instead of the usual three:

- (a) **Objector** – Mr Adrian Graves of Great Barton, on behalf of The Villages Community Forum;
- (b) **Objector** – Mrs Sarah Bartram, a resident of Great Barton and former resident of Fornham St Martin;
- (c) **Objector** – Mr Bernard Grimshaw, a resident of Fornham All Saints;
- (d) **Objector** – Mr Mark Aston, a resident of Fornham St Genevieve;
- (e) **Supporter** – Mr Steve Lumley, occupier of an immediate neighbouring business at Hollow Road Farm;
- (f) **Fornham St Martin cum St Genevieve Parish Council** – Councillor Mike Collier, Chairman;
- (g) **Fornham All Saints Parish Council** – Councillor Howard Quayle, Chairman;
- (h) **Great Barton Parish Council** – Councillor Philip Reeve, Chairman;
- (i) **Bury St Edmunds Town Council** – Councillor Andrew Speed, Chairman;
- (j) **Ward Member** – Councillor Beccy Hopfensperger, Fornham Ward;
- (k) **Ward Member** – Councillor Sarah Broughton, Great Barton Ward; and
- (l) **Applicant/Agent** – Richard Sykes-Popham, agent for the applicant.

(At the end of the public speaking, the Chairman adjourned the meeting for a short comfort break. The meeting resumed at 11.57 am.)

A detailed debate was held where some Members expressed a number of concerns, including:

- (a) the potential impact on the adjacent highway network in terms of the perceived increase in traffic generation and congestion of both HGVs and private vehicles accessing the proposed HWRC;
- (b) the location of the proposed vehicular accesses to the site on the C735 Fornham Road following the approach from the A134 / Fornham Road /

Barton Hill roundabout and whether access from the southern roundabout at the A143 Compiegne Way had been considered;

- (c) the justification for the proposal to provide a shared pedestrian footway and cyclepath to the north of the site to continue onto Barton Hill to provide a complete connection to the existing bus stop. Some Members considered access to the site was unlikely to be undertaken on foot, but if the footway was required, mitigation measures would need to be required to protect the safety of pedestrians crossing the A134;
- (d) the proposed departure from the St Edmundsbury Development Plan, principally in respect of development in the countryside;
- (e) the loss of a category A Oak to the north-east corner to provide the proposed operational access, and the loss of other trees to provide the proposed shared path and road widening;
- (f) that the proposed landscaping scheme was expected to take 15-20 years to reach full maturity;
- (g) the need for more electric charging points to future-proof and promote sustainability;
- (h) the potential for flooding during periods of heavy rain and the potential risk to water quality on site;
- (i) the impact of the development during construction and operation on air quality, which may exacerbate the existing poor air quality on the A143 in Great Barton;
- (j) the impact on residential amenity as the scheme was considered to be overdevelopment in the countryside, which would adversely affect the character of neighbouring villages and the rural landscape;
- (k) the potential for light pollution emanating from the site at night.

In response to the above concerns, the Committee was informed that:

- (a) Neither Highways England (responsible for the A14) nor the Highway Authority had objected to the proposals, subject to conditions. The impact on the highway network had been assessed at considerable length as detailed in the Transport Assessment that accompanied the planning application, as summarised in the report. The National Planning Policy Framework (NPPF) stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development were 'severe'; however, the Highway Authority had not considered that the proposal to be unacceptable in terms of highway safety or the satisfactory functioning of the highway network. The Suffolk County Council (SCC) Highways Officers in attendance expanded on what would constitute 'severe', including that whilst there was no single definition, the potential impact

was assessed through the consideration of issues such as capacity (determined by modelling), safety records, accident data and previously published Local Development Framework guidance.

- (b) The Transport Assessment undertaken was considered to be proportional to the application, which included an assessment of the perceived routes and number of private vehicle trips to the HWRC, lorry movements, numbers of staff to be located in the site etc. The TA had also identified that the impact on each of the junctions leading to the site during peak periods would not be significant to warrant refusal of the application. The roundabout located to the south of the site at Compiegne Way had been ruled out as an access point given the higher rate of accidents data available at the time when this was originally assessed.
- (c) The NPPF required developments to promote more sustainable forms of transportation. As bus services were limited in this location, the provision of the shared path had been proposed in discussions with SCC's Rights of Way Officers, which supported potential links to existing public footpaths in the area. The site was considered to be within reasonable cycling distance to Bury St Edmunds, which may make this a viable option for staff travel. The provision of a 'push button' pedestrian crossing over the A134 would not be possible due to the speed limit in this location; however other measures could be introduced to promote pedestrian safety.
- (d) Whilst a departure from the Development Plan, the report provided detailed reasons why the Plan was considered to be 'silent' under the definitions of the NPPF, in this case. The NPPF was a material consideration, and it stated that "*where the development plan is silent, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted*". The Case Officer had provided details in his presentation regarding the benefits and dis-benefits of the scheme, and as detailed in the report. He had identified that the benefits had significantly outweighed the dis-benefits and taken collectively, the economic, social and environmental benefits of the proposal outweighed any harm identified and justified a departure from the Development Plan.
- (e) Whilst the loss of the category A Oak to the north east of the site would have an adverse landscape impact, and there would be a loss of other trees to provide road widening and the proposed shared path, the applicants' proposed an extensive landscaping scheme, including replacement trees throughout the site in addition to a replacement Oak adjacent to the Category A tree to be removed, which would be conditioned under a landscape management plan.
- (f) Whilst it would take between approximately 15-20 years for the landscaping scheme to fully mature, the Landscape and Ecology Officer explained that growth would be substantial year on year. By planting less mature trees and plants, these were more likely to survive as roots

would take a better hold. Mature trees were expensive and required significant after care, which was not a reasonable or proportionate expectation for this application.

- (g) The number of electric charging points proposed to be installed accorded with acceptable requirements of the NPPF.
- (h) The matters of sustainable drainage and protection of groundwater had been carefully considered, and following the submission of further information, neither the Environment Agency nor SCC's Flood and Water Engineer had objected to the scheme, subject to conditions.
- (i) The Council's Environmental Health Officer had considered the Air Quality Assessment that accompanied the application to be acceptable and had raised no objections in respect of the impact on air quality.
- (j) The development would result in the loss of countryside and would impact on the character and appearance of the area; however, it was considered to be well related to the urban area being adjacent to commercial development and was seen against the backdrop of the sugar beet factory.
- (k) The site was required to be lit at night, but its impact was not considered to be significant. Light already emanated from the neighbouring British Sugar factory at night, and this proposal would not significantly add to that.

A motion to refuse the application was proposed by Councillor David Nettleton on the grounds of overdevelopment in the countryside and increased pressure on the highway network, which was duly seconded by Councillor Terry Clements.

The Committee was informed that the motion to refuse would be on a 'minded to refuse' basis as because this was a Major Development application, including complex issues, a risk assessment report would need to be produced addressing the robustness of the reasons for refusal and brought back to Committee for further consideration.

Upon being put to the vote, with 6 voting for the motion, 8 votes against and 2 abstentions, this motion was defeated.

A discussion was then held on whether the provision of the shared path as referred to in (c) above could be removed from the application, as it was considered its usage would be minimal and its benefit did not appear to outweigh the loss of trees to facilitate its construction. In response, the Committee was informed that determination was required on the application before them. Any variations, such as the removal of the footway, would require separate consideration by the Committee.

A discussion was held on the merits of the application with some recognition given to the extensive number of benefits detailed in paragraph 142 of the report and how these far outweighed the dis-benefits and any harm identified.

A motion to approve the application, subject to conditions, was proposed by Councillor Alaric Pugh and duly seconded by Councillor Paula Fox. Upon being put to the vote, with 6 voting for the motion, 8 votes against and 2 abstentions, this motion was defeated.

A motion to defer the application to enable officers to source further information on the following matters for reporting back to the Committee was proposed by Councillor John Burns, and duly seconded by Councillor David Nettleton:

- (1) whether provision of the proposed shared cycle/foot path could be removed from the application;
- (2) whether vehicular access to the proposed development could be facilitated from the southern roundabout at Compiegne Way; and
- (3) whether in the interests of pedestrian and highway safety, any traffic calming measures could be introduced along the A134 and C735 Fornham Road.

Upon being put to the vote and with 13 voting for the motion, 3 against and no abstentions, it was

RESOLVED:

That Planning Application DC/17/0521/FUL – Land North of Hollow Road Farm, Hollow Road, Fornham St Martin, as contained in Report No: DEV/SE/17/031, be deferred to enable officers to source further information on the following matters for reporting back to the Committee:

- (1) whether provision of the proposed shared cycle/foot path could be removed from the application;
- (2) whether vehicular access to the proposed development could be facilitated from the southern roundabout at Compiegne Way; and
- (3) whether in the interests of pedestrian and highway safety, any traffic calming measures could be introduced along the A134 and C735 Fornham Road.

The meeting concluded at 1.48 pm

Signed by:

Chairman

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 3 August 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 Chairmen Carol Bull and David Roach

John Burns

Ivor Mclatchy

Terry Clements

Alaric Pugh

Jason Crooks

Andrew Smith

Susan Glossop

Peter Stevens

Ian Houlder

David Nettleton

Substitutes attending:

Frank Warby

335. Apologies for Absence

Apologies for absence were received from Councillors Robert Everitt, Paula Fox and Julia Wakelam.

336. Substitutes

Councillor Frank Warby attended the meeting as substitute for Councillor Paula Fox.

337. Minutes

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

338. Chairman's Announcement

Prior to commencing consideration of the substantive items of business on the agenda; the Chairman advised all present that the Service Manager (Planning – Development) would be delivering a briefing to the Committee on conclusion of the meeting on the development control service.

339. **Planning Application DC/17/1006/RM - Land East of Moreton Hall, Mount Road, Bury St Edmunds (Report No: DEV/SE/17/032)**

Reserved Matters Application - Submission of details under DC/14/1881/HYB for details of access, scale, layout, appearance and landscaping for Development Phase 2 for 80 no. dwellings including 30% affordable housing, associated open space and infrastructure. Including Details Reserved by Conditions A7, A13, A14, A15, A16, A17, A19, A20, A21, A23, A24, A25, A28, A29, A30 and A35 of application DC/14/1881/HYB

This application was referred to the Development Control Committee as it was a major application and the adjoining Parish Council of Great Barton had raised objections which was contrary to the Officer recommendation of approval, subject to a condition, as set out in Paragraph 50 of Report No DEV/SE/17/032.

The Principal Planning Officer – Major Projects explained that the application before the Committee sought Reserved Matters (access, scale layout, appearance and landscaping) following the Hybrid planning application granted in October 2014.

The Officer reminded Members that the scheme before them was phase two of five and made reference to the overall Masterplan which had been adopted in February 2014.

As part of the Case Officer's presentation, attention was drawn to the comments made by Great Barton Parish Council which primarily raised concern with the density of the scheme. The Committee was assured that the properties within the application before them were equal, and in some cases larger than, the properties delivered within Phase One.

Lastly, Members were advised that Officers had worked closely with the applicant in respect of the landscaping, particularly in respect of the East boundary which was typically associated with Oak trees, and was pleased to inform the meeting that an agreement had been reached for five Oak trees to be delivered on that boundary as part of the scheme.

However, the Landscape and Ecology Officer had been unable to respond on the most recent set of landscape plans in time for those comments to be considered by the Committee. Therefore, Officers were seeking an amendment to the recommendation to include Delegated Authority to seek comments from the Landscape & Ecology Officer in respect of the final set of landscape plans, and to subsequently approve the landscaping element of the scheme.

Speaker: Mr Jordan Last (agent) spoke in support of the application

During discussion, questions were raised with regard to; the type and management of the trees to be included, the new roundabout and the comments made by the Suffolk Constabulary Secure by Design Officer.

In answering these questions the Case Officer clarified that:

- Councillor Frank Warby's comments with regard to the detritus created by cherry trees would be noted and passed onto the applicant;
- Long-term management of the Oak trees and other vegetation had been considered within the landscaping plan;
- The new roundabout would be adopted by Suffolk County Council Highways; and
- Suffolk Constabulary Secure by Design Officer *had* made objections to earlier versions of the plan but these had all been addressed in subsequent amendments, hence, the Officer had no comments to make on the amended scheme.

Councillor David Nettleton praised the applicant for working so closely with the Planning Authority in developing the scheme and moved that the application be approved, as per the Officer recommendation and inclusive of the Delegated Authority in respect of the landscaping element, and this was duly seconded by Councillor Frank Warby.

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

Decision

1. Planning permission be **GRANTED** subject to the following condition:
 - i. Development to be built in accordance with the approved plans; and
2. Officers be given Delegated Authority to seek comments from the Landscape & Ecology Officer in respect of the final set of landscape plans, and to subsequently approve the landscaping element of the scheme.

340. **Planning Application DC/16/1050/FUL & Listed Building Consent Application 16/1051/LB - 6 Lower Baxter Street, Bury St Edmunds (Report No: DEV/SE/17/033)**

Councillor Frank Warby declared a non pecuniary interest in this item as he had already considered the application as a Member of Bury St Edmunds Town Council's Planning Control Committee. He indicated that he would not take part in the discussion and would refrain from voting thereon.

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

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

The applications were originally referred to the Development Control Committee on 6 August 2017 due to the presence of two Member call-ins and in light of the level of public interest which raised balanced matters that

Officers believed warranted consideration by the Committee. A Member site visit was held prior to that meeting.

Members raised a number of concerns in relation to the applications, principally in respect of; the impact on the residential amenity of neighbours (in terms of loss of light/outlook), the visual impact of the development in the town's historic core and the provision of a deliverable scheme for managing waste on the site.

In light of these concerns the Committee voted to defer the applications in order to enable Officers to work with the applicant to seek improvements to the scheme, where possible.

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

As part of her presentation, the Senior Planning Officer outlined the modest changes that had been made to the planning application in order to address Members' concerns. Alongside amended plans, supplementary documentation had been submitted in the form of additional shadow plans and waste management clarification.

Bury St Edmunds Town Council continued to voice objection to the proposal. Officers considered the scheme to be well designed and of high quality. The degree of impact on neighbours was not considered to be significant and so, on balance, Officers were continuing to recommend that the applications be approved subject to conditions, as set out in Paragraph 60 of Working Paper 1 and Paragraph 33 of Report No DEV/SE/17/033.

Speakers: Kyle Siftar (neighbour) spoke against the application
Councillor Tom Murray (Bury St Edmunds Town Council) spoke against the application
Mike Driver (agent) spoke in support of the application

The Senior Planning Officer explained that the Officer recommendation for approval was also subject to no objections being received from the National Amenities Societies and Historic England. Since publication of the agenda Historic England had confirmed that they had no comments to make in respect of the revised plans.

During discussion, questions were raised with regard to; the material to be used for the cladding, vehicle movements on-site and overlooking.

In answering these questions the Case Officer clarified that:

- A condition was included to require samples of all materials used in construction;
- Two conditions were included to control the degree of overlooking, such as the use of obscure glazing; and
- Suffolk County Council Highways had been consulted with regard to the parking provision and the applicants had submitted documentation

outlining vehicle movement. The Committee were also reminded that the area in question was already used for parking.

Councillor Peter Stevens proposed that the applications be approved, as per the Officer recommendation, and this was duly seconded by Councillor Alaric Pugh.

Upon being put to the vote and with 9 voting for the motion, 4 against and with 1 abstention, it was resolved that

Decision

Planning permission and listed building consent be **GRANTED** subject to no objections being received from the National Amenities Societies and Historic England and subject to conditions to secure the following:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents.
3. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
4. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
5. The acoustic insulation of the dwellings shall be such to ensure noise levels, with windows closed, do not exceed LAeq(8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.
6. All new external and internal works and finishes and works of making good to the retained fabric shall match the existing historic work adjacent in respect of materials, methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.
7. The works hereby permitted shall be carried out in accordance with the approved plans and specifications and in such a manner as to retain existing features of architectural or historic interest within the building including those that may be exposed during implementation of the approved works.
8. No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
9. Before any work is commenced details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Details drawings of the Juliet balconies at a scale of not less than 1: 10;
 - Samples of external materials and surface finishes

- Schedule of works/repairs and specifications

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

10. A minimum of five working day's notice shall be given to the Local Planning Authority of the commencement of works to form the new openings between the existing and new building. Opportunity shall be allowed for on-site observations and recording by a representative of the Local Planning Authority or a person nominated by the Authority during any period of work relating to this element of the works and no part of any feature of the building revealed by the works shall be removed unless first approved in writing by the Local Planning Authority.
11. Before any work is commenced: (i) sample panel(s) of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority; (ii) the materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority. The approved sample panel(s) shall be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.
12. Before any work is commenced elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
13. No development shall commence until samples of the facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority.
14. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 692 021 B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
15. The use shall not commence until the parking and turning proposed within the site, shown on drawing numbers 692 021 B and clarified by 692 040 has been provided. Thereafter these area(s) shall be retained and used for no other purposes in perpetuity
16. Before the development is occupied details of the 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.
17. Prior to the installation of any glazing on the site, a sample of the frosted/opaque glazing to be used in the east elevation and the side panels of the angled feature window shall be submitted to the local planning authority and agreed in writing. The elevation shall be completed using the agreed materials and thereafter retained as so installed.

18. The glazing on the east elevation shall be completed in strict accordance with the details shown in the approved plan. Those areas shown to be obscurely glazed shall be non-opening and remain as such in perpetuity
19. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
20. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording The Archaeological Service
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
21. No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition.
22. Secure the provision of the waste management scheme in accordance with the submitted details
23. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan and material and equipment shall only be stored in accordance with the locations defined in the plan. Any damage to the highway infrastructure, including footway and kerbs, shall be made good before first occupation and before and after photographs will be required. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

341. **Planning Application DC/16/1268/FUL - Land North of Fentons Farm, Stanningfield Road, Great Whelnetham (Report No: DEV/SE/17/034)**

Councillor Terry Clements declared a non-pecuniary interest in this application as a Life President of Havebury Housing Partnership (Havebury being the applicant), he remained in the meeting but abstained from voting on the item.

Planning Application - 10no. dwellings with associated access, parking and landscaping - as amended by plans dated 28 April 2017

This application was referred to the Development Control Committee as Great and Little Whelnetham raised objections which was contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 44 of Report No DEV/SE/17/034.

As part of his presentation the Principal Planning Officer drew attention to the site boundary, which had been shown slightly too wide on the East boundary on the site plan attached to the agenda.

Paragraphs 1 and 42 of the report were also highlighted in respect of the reference therein to the affordable dwellings to be included as part of the scheme. Whilst both paragraphs referred to 4 dwellings the applicant had since amended the proposal to include 6 affordable dwellings. The Committee was reminded that affordable housing units were not a planning requirement in respect of the proposal as it was only for 10 dwellings, furthermore, the inclusion of affordable housing was not a material planning consideration.

Speakers: Councillor Terry Clements (Ward Member: Horringer and Welnetham) spoke against the application
Aoife O’Gorman (agent) spoke in support of the application

During discussion a number of Members made reference to the need for foot and cycle way links. The Service Manager (Planning – Development) explained that Suffolk County Council Highways had not raised this as a S106 requirement, hence, the Planning Authority was not able to request funding from the development in this respect.

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

Upon being put to the vote and with 13 voting for the motion and with 1 abstention, 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. No development shall commence beyond slab level until samples of the facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority.
4. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year +CC storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details of which will include:
 - i. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
 - ii. Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.
 - iii. Modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
 - iv. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table. If individual soakaways are being used they will be at least 5-10m away from any foundation (depending on whether chalk is present).
 - v. Only clean water will be disposed of by infiltration devices due to the site being in a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted- SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.
 - vi. Infiltration devices will have a half drain time of less than 24hours.
 - vii. Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
 - viii. Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.

- ix. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
 - x. Arrangements to enable any Surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
 - xi. All downpipes to have water butts with high level overspill.
5. The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
 6. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.
 7. No part of the development shall be commenced until details of the proposed driveways (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved driveways shall be laid out and constructed in its entirety prior to the occupation of the property. Thereafter the access shall be retained in its approved form.
 8. Before the development is commenced beyond slab level details of the areas to be provided for storage and presentation of Refuse/Recycling bins 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 for no other purpose.
 9. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
 10. Before the development is commenced, details of the adoptable estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
 11. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.
 12. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site

operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

13. Before the development is commenced 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.
14. The hours of construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No construction activities shall take place at the application site on Sundays, Bank or Public Holidays.
15. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved in accordance with the first part of this condition and the provision made for analysis, publication and dissemination of results and archive deposition.

16. All planting comprised in the approved details of landscaping (Soft Landscaping Scheme July 2017 - Rev D) shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
17. Unless otherwise agreed in writing with the Local Planning Authority, except for that part which must be removed to permit the construction of the vehicular access in accordance with the conditions of this permission, the existing hedge to the north boundary of the site shall be retained at a height

no lower than that which shall first have been agreed in writing with the Local Planning Authority. Any of the existing hedge removed without such consent, dying, being severely damaged or becoming seriously diseased within five years of the access being first brought into use shall be replaced during the first available planting season with planting of a size and species which shall have previously been agreed in writing by the Local Planning Authority.

342. **Planning Application DC/17/0035/RM - Land Between 4 and 8 Norfolk Road, Bury St Edmunds (Report No: DEV/SE/17/035)**

Councillor Frank Warby declared a non pecuniary interest in this item as he had already considered the application as a Member of Bury St Edmunds Town Council's Planning Control Committee. He indicated that he would not take part in the discussion and would refrain from voting thereon, he therefore left the meeting at 12.04pm.

Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2245/OUT- the means of access, appearance, layout and scale for Plots 3 and 4. As amended by amendment to Application Form received on 01 June 2017

This application was referred to the Development Control Committee in the interests of consistency as the original outline planning application (DC/15/2245/OUT) was considered by the Committee in February 2016.

Furthermore, Bury St Edmunds Town Council objected to the application and Councillor Diane Hind (Ward Member: Northgate) had raised concerns regarding the proposal. Both of which were contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 31 of Report No DEV/SE/17/035.

The Senior Planning Officer highlighted that the application comprised the submission of details for Plots 3 and 4 of the scheme only.

Speakers: Jeff Paine (neighbour) spoke against the application
Councillor Tom Murray (Bury St Edmunds Town Council) spoke against the application
John Mason (agent) spoke in support of the application

Councillor David Nettleton moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Alaric Pugh.

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. Approved plans to be adhered to.
2. Materials to be agreed.
3. First floor window in east elevation of Plot 4 and west elevation of Plot 3 to be obscure glazed.

4. Restriction re: subsequent addition of windows above ground floor level in east elevation of Plot 4 and west elevation of Plot 3.
5. Parking and turning areas and bin storage areas to be provided and retained.
6. Construction works to only be carried out between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 08:00 and 13:30 Saturdays and at no time on Sundays or Bank Holidays.

The meeting concluded at 12.07pm

Signed by:

Chairman

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/036

Development Control Committee 7 September 2017

Planning Application DC/17/0595/RM - Development Zones I, K and L, Marham Park, Bury St Edmunds

Date	22 March 2017	Expiry Date:	21 June 2017
Registered:		EOT:	TBC
Case Officer:	Charles Judson	Recommendation:	Approve
Parish:	Bury St Edmunds	Ward:	Fornham
Proposal:	Reserved Matters Application - Submission of details under DC/13/0932/HYB for details of access, scale, layout, appearance, landscaping and parking for Development Zones I, K and L for 180 dwellings Including Details Reserved by Conditions C19, C20, C21, C22, C23, C30, C31, C35, C36 and C37 of application DC/13/0932/HYB		
Site:	Development Zones I, K and L, Marham Park, Bury St Edmunds		
Applicant:	Mr Sean Marten - BDW Eastern Counties		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Charles Judson

Email: Charles.judson@westsuffolk.gov.uk

Telephone: 01638 719267

Background:

This application is referred to the Development Control Committee because the application is a Major application and the Officer recommendation is contrary to the views of the Parish and Town Council.

Proposal:

1. Planning permission is sought for reserved matters (access, layout, scale, appearance, landscaping and parking) for 180 dwellings following the approval of DC/13/0932/HYB. The application also includes details reserved by conditions C19 (Design Statement), C20 (Parking), C21 (Roads), C22 (Highway Drainage), C23 (Estate Roads), C30 (Soft Landscaping), C31 (Levels), C35 (Foul Water), C36 (SuDS) and C37 (Refuse).
2. The application has been amended since submission to amend the layout, parking provision, house types and hard and soft landscaping.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Location Plan
 - Amended Design Statement
 - Amended Site Layout
 - Amended Refuse Strategy
 - Amended Materials Plan
 - Amended Levels Plan
 - Amended Adoption Plan
 - Amended Visibility Plan
 - Amended Drainage Strategy
 - Amended Street Lighting details
 - Amended Landscaping Plans and details
 - Plans and Elevations
 - Noise Impact Assessment
 - Planning Statement
 - Street Elevations
 - Statement of Community Involvement

Site Details:

4. The site is situated to the north west of Bury St Edmunds and is comprised of 3 parcels of land with a total area of 5.16ha. The parcels are known as Development Zones I, K and L and are allocated for residential development following the approval of application DC/13/0932/HYB. This permission granted full permission for a new link road from Mildenhall Road (A1101) to Tut Hill (B1106), the change of use of agricultural land to informal countryside recreation and outline permission for, inter alia, residential development. This site is now being marketed as 'Marham Park' and construction has commenced on the

strategic infrastructure including roads, footpaths, cycleways, drainage and landscaping. The residential development at Marham Park has been divided into a series of Development Zones accessed via a road called the Primary Movement Corridor. This road has been granted reserved matters approval establishing the points of access into the Development Zones, the landscaping of the road and the location of footpaths and cycleways.

Planning History:

5. The site forms the first of five strategic sites identified by Policy CS11 of the adopted Core Strategy. The policy states that the amount of development will be determined by environmental and infrastructure capacity considerations and the preparation and adoption of detailed masterplans in which the local community and other stakeholders have been fully engaged.
6. A concept statement was prepared and adopted by the Council in 2013. This was incorporated as an appendix to the Bury St Edmunds Vision 2031 and adopted in 2014 following public consultation.
7. A masterplan, which followed the principles established by the concept statement, was prepared by Countryside properties. This was adopted by the council in December 2013 following public consultation. This document set out the key requirements of the development that subsequent planning applications need to deliver.
8. Planning permission was granted in 2014 for development of the site. The application was in hybrid form, providing full details of the relief road, change of use of land to informal countryside recreation and outline for residential development, local centre, employment uses, public open space, allotments and the reservation of land for educational purposes (application DC/13/0932/HYB).
9. Since the granting of application DC/13/0932/HYB applications to discharge a conditions or seek approval of reserved matters have been submitted, the following being particularly relevant to the consideration of this application:
 10. DC/15/0553/RM: Reserved Matters Application for 126 dwellings on Development Zone C. Approved.
 11. DC/15/0703/RM: Reserved Matters Application for strategic infrastructure comprising details of roads, footpaths, cycleways, drainage and landscaping details for the first section of the Primary Movement Corridor and Green Corridors G, H, L, J, R and Y. Approved and amended by DC/16/0446/VAR.
 12. DC/15/2440/RM: Reserved Matters Application for strategic infrastructure comprising details of roads, footpaths, cycleways, drainage and landscaping details for the second section of the Primary Movement Corridor and landscaping of Green Corridors M, N, O and P. Approved.

13.DC/16/2658/RM: Reserved Matters Application for 126 dwellings on Development Zone C. Approved

14.DC/16/2837/RM. Reserved Matters Application for 151 dwellings on Development Zones G and H. Approved.

Consultations:

15.Environment Team: No comments

Comments on amended plans: No comments

16.Anglian Water: No comments

Comments on amended plans: No comments received

17.Environment Agency: No comments

Comments on amended plans: No comments received

18.Suffolk County Council (SCC) Flood and Water Engineer: The clarification and amended information provided by the applicant answers my queries satisfactorily and the surface water drainage scheme is acceptable.

Comments on amended plans: Following consultation with MLM Consulting, SCC Flood & Water Management wish to revise our position since our last comments (dated 16 May 2017). SCC Flood & Water Management recommend that approval is not given to Parcel K as the drainage strategy for that parcel does not comply the site wide SuDS strategy.

Currently there is exceedance flooding in Parcel K of roughly 250m³ during the 100yr+CC storm event. The strategic SuDS have been designed to accept 100yr+CC flows from each parcel and therefore exceedance should not be an issue with any parcel, thus any unattenuated runoff within a parcel must be accounted for. SCC require that the drainage design for Parcel K is amended so there is no uncontrolled discharge from the parcel whilst keeping to maximum outflow rates (in this case 412l/s for parcel K). We have no further comments for Parcels I and L.

19.Highways England: No objection

Comments on amended plans: The changes to the proposed development are unlikely to have any bearing on its impact on the strategic road network. Our previous recommendation may therefore remain in place.

20.Public Health and Housing: No objection

Comments on amended plans: No objection however in order to protect

the residents from potential loss of amenity due to road traffic noise to some of the units it is recommended that they are constructed in accordance with the noise report Ref: 162400-01A attached to the application.

21. Highway Authority: Amendments are required to the layout, parking, cycle provision, trees and interconnectivity.

Comments on amended plans: Overall the conditions C20, C21, C22 and C23 are acceptable however specific details of construction should be to Suffolk Estates Roads Specifications and Suffolk Design Guide and will be determined through the Section 38 process. The surface water strategy is acceptable and further details of design can be agreed through the Section 38 process. Trees within 5m of the highway will need a suitable root protection barrier which can be agreed through the Section 38 process if different barriers are required.

22. Strategy and Enabling Officer: Support the application in principle as it meets policy CS5 to deliver 30% affordable housing on site and also meets the requirements of the s106 to achieve 70% affordable rent and 30% intermediate housing. The affordable housing has also been clustered in accordance with the s106 to help achieve a sustainable and cohesive community. However I have concern over the car parking provision on site in particular the lack of provision of the two bedroom dwellings as they will be occupied to maximum occupation and the lack of visitor parking. I am mindful that only 10% of the market dwellings are 'smaller' dwellings which will make it difficult for first time buyers to access the property market.

Comments on amended plans: No comments received

23. Suffolk County Council Archaeological Service: Archaeological works are subject to conditions on the outline consent so therefore no comment on this reserved matters application.

Comments on amended plans: No comments received

24. Police Architectural Liaison Officer: Concerned regarding rear parking to dwellings and garages sited to the rear. The layout allows for dark long rear access alleyways to gardens. It is recommended that the applicant apply for secured by design and incorporate security measures.

Comments on amended plans: No comments received

25. Ecology, Tree and Landscape Officer: The proposed layout takes a minimalist approach to providing additional open space, landscape features and amenity areas. Of particular concern is:

- the lack of an effective green barrier for amenity and security and to control permeability between the land parcels and the proposed link road;
- the lack of space to provide the formal avenue of trees on the main

Street;

- the lack of access to an amenity open space such as a neighbourhood green for properties in the central part of development K;
- the location of fragmented areas above drainage easements that create unusable space that is likely to attract anti-social behaviour.
- the simplistic approach to strategic landscaping which on the whole is restricted to the laying of amenity grass – this is limited in both its landscape and biodiversity contribution.

There is insufficient information regarding the SUDS feature. Bin collection points should not be within public open space. Amenity grass should be removed from all areas and replaced with floral lawn. It is not clear what areas are public and private. Considerations should be given to diversifying the planting. Limited space is provided to the edge of the site for new planting. Open spaces should be designed to be positive and secure. There is insufficient biodiversity enhancements.

Comments on amended plans: No comments received

26. Natural England: No objection

Representations:

27. Fornham All Saints Parish Council: Objects for the following reason:

- Density of development does not complement the area and is more in keeping with a main town rather than edge of town abutting a rural village.
- Development will not complement or preserve the area.
- Provision of parking is insufficient in terms of number and location of spaces and will lead to amenity issues and impact on highway network.
- Parking arrangements do not produce safe and securing parking and would result in on road parking.
- Emergency vehicles will not be able to access the site.
- Parking not located adjacent to dwellings encouraging criminal activity.
- Questions the street hierarchy and the establishment of restricted vehicular access routes at the end of secondary routes which will not be safe and accessible.
- Footway should be 2m wide as per Manual for Streets.
- Concerned at a lack of gardens.
- Concerned at lack of soft landscaping.
- Floorspace is below minimum standards with particular concerns over 2-3 bedroom dwellings.

Parish Council comments on amended plans:

- The majority of the changes are relatively small and mainly cosmetic therefore the earlier objections remain.
- Parking layout proposes parking in front of neighbouring properties and will cause confusion between neighbours.

- The houses are small and the gardens are smaller.
- Car parking is inadequate with not enough spaces and tandem parking will result in on-road parking.
- Parking spaces are not large enough which will cause neighbour disputes
- On street parking would restrict emergency access.
- No disabled spaces provided.
- Estate will not be a pleasant place to live.

28. Bury St Edmunds Town Council: Object on grounds of density of buildings.

Bury St Edmunds Town Council comments on amended plans: Object on same grounds as previously.

29. Ward Member: No comments received

Policy: The following policies of the Joint Development Management Policies Document, Bury St Edmunds Vision 2013 and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

30. Bury St Edmunds Vision 2013 (September 2014):

- Policy BV1 – Presumption in favour of sustainable development
- Policy BV2 – Housing Development
- Policy BV3 – North West Bury

31. Joint Development Management Policies Document:

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

32. St Edmundsbury Core Strategy December 2010

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

Other Planning Policy:

33. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

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

- Principle of Development
- Access, parking, layout, appearance, scale and landscaping
- Whether the submitted information is sufficient to discharge the conditions applied for.

Principle of Development

35. The application seeks approval of reserved matters and associated conditions following the approval of planning permission reference DC/13/0932/HYB which established the principle of residential development within Development Zones I, K and L at Marham Park.
36. Approved as part of DC/13/0932/HYB (and also contained within the adopted masterplan for this site) was a density parameter plan which specifies density ranges for each Development Zone. Taking account of the size of each Development Zone, the approved density ranges establish that Development Zone I can in principle accommodate up to 53 dwellings, Development Zone K can accommodate up to 91 dwellings and Development Zone L can accommodate up to 36 dwellings. This results in a maximum of 180 dwellings across all three Development Zones. The application seeks permission for 180 dwellings and accordingly, whilst the Parish and Town Council object to the density of development, it is considered that the number of dwellings proposed is acceptable in principle.

Character, context and design

37. The vision of the adopted Masterplan for this site is to deliver a new community with a strong sense of local identity. The masterplan contained a Framework Plan which outlines the townscape principles to be adopted at the detailed design stage and defines key character areas to shape the form of development. The Framework Plan divides the residential Development Zones into four character areas: Community Heart; Formal Character; Semi-formal Character and Informal Green Character. However the only character areas relevant to Development Zones I, K and L are Community Heart and Formal Character.
38. The masterplan defines Community Heart as being characterised by a consistent building line, having higher levels of continuous frontage and narrower threshold space with a tight urban grain with influences drawn from Bury St Edmunds town centre and surrounding streets. The Formal Character area is to be characterised by a consistent building rhythm, consistent building spacing and consistent building line.
39. Development Zone I is proposed to be a combination of Community Heart and Formal Character in accordance with the Framework Plan. This Development Zone has the highest density (37.5 dwellings per hectare) in accordance with the approved density parameter plan. The application proposes three storey apartment buildings and 3 storey dwellings fronting onto the public square and primary movement corridor. The form of these buildings have been amended to reflect more closely the local vernacular following negotiations during the course of the application. These buildings would be located close to the pavement providing a tight urban grain and sense of enclosure in this area and it is considered that as amended the application proposes a Community Heart in accordance with the principles of the masterplan.
40. As the site moves northeast, the Framework Plan requires Development

Zones I, K and L to be of Formal Character. In response to this the applicants have submitted proposals which define 3 character areas (Key Formal Frontage, Formal Main Street Frontage, and Carriageway Corridor Frontage) which demonstrate consistent building lines, consistent building spacing and consistent building rhythm. A different palette of materials and detailing is provided to distinguish between the 3 character areas so for example the Formal Main Street incorporates the use of slate grey tiles, buff brick and off white render whilst the Carriageway Corridor Frontage incorporates dark red tiles, red and multi stock brick and pastel render.

41. Whilst the character areas identified above are proposed to the Development Zone frontages, a fifth character area described in the application as Mews Frontage is proposed on roads running perpendicular to the main Development Zone frontages. This character area is defined by higher density terraces with a tight urban grain with simple rhythm and palette of materials to reflect terraced streets on approach to Bury town centre.
42. The application proposes a total of 18 different house types and whilst these are standard house types reflective of the applicant being a major housebuilder, Officers consider that they contain sufficient detail to reflect local characteristics. Amendments have been sought to the form of the apartment buildings and additional detailing has been provided in the form of bargeboards on prominent gables and the incorporation of toothed brick quoins on rendered dwellings. It is considered that these amendments improve the appearance of the dwellings.
43. The Police Architectural Liaison Officer has raised some concerns regarding the use of parking courts to the rear of buildings, however officers consider that with apartment windows overlooking these parking courts they would be sufficiently visible to ensure that they are safe and would not encourage crime. Amended plans have been provided to clarify the treatments of boundaries and officers consider that this would control permeability through the site helping to ensure a safe environment. Furthermore, plans have been amended to reduce the number of instances where access to rear gardens is via enclosed alleyways. Where these are proposed access gates will be provided which can be secured by homeowners. The Police Architectural Liaison Officer also raised concern regarding the incorporation of garages to the rear of dwellings however these would be located in homeowners rear gardens and officers consider they would be well observed. It is therefore considered by Officers that crime and anti-social behaviour have been adequately addressed.
44. Overall it is considered that the proposed arrangement of buildings sufficiently reflects the masterplan and the requirements of development plan policies to conclude that the development is acceptable in terms of character, context and design. Condition C19 imposed on planning permission DC/13/0932/HYB requires a Design Statement to be submitted concurrently with the submission of reserved matters. It is considered that the Design and Access statement is sufficient to enable this condition to be discharged in respect of Development Zone I, K and L.

Access, Road Network and Parking

45. The Development Zones would be served by vehicular access points approved as part of the reserved matters approvals for the Primary Movement Corridor. These provide one point of access into Development Zone I, two points of access into Development Zone K and one point of access into Development Zone L. Also proposed are points of connection for pedestrians and cyclists onto the surrounding network of footpaths, cycleways and landscape parcels which would encourage movement through the site and encourage sustainable transport options. The Highways Authority raises no objection to the access arrangements and officers are satisfied that these arrangements would not result in conditions detrimental to highway safety or the satisfactory functioning of the local highway network. Plans have been provided to demonstrate that appropriate visibility splays would be achievable throughout the development.
46. Each Development Zone would take access from the Primary Movement Corridor via a 5.5m wide minor access road with 1.8m wide footway to one or both sides. These would transition into shared surface roads also 5.5m in width (with 1m wide service strips either side) or 4.5m wide private drives. The Parish Council have requested 2m wide footpaths however the Highway Authority are satisfied that 1.8m wide footpaths are acceptable being in accordance with the Suffolk Design Guide. As originally submitted the application proposed a continuous road along the north boundary of development Zone K linking both points of access onto the Primary Movement Corridor. The application has subsequently been amended following concerns raised by the Highway Authority and officers that such a long stretch of straight road would encourage high vehicle speeds. The amendments have removed the continuous stretch of road through the introduction of a private drive and landscaped area preventing vehicles from entering via one point of access and leaving via the other. It is considered that this provides suitable traffic calming to ensure that traffic speeds will not be excessive and results in a design suitable for the residential location. The road network has also been amended in Development Zone L to reduce the length of road adjacent to the Primary Movement Corridor.
47. The application proposes a variety of allocated on and off plot parking for residents in addition to unallocated parking for visitors. The number of spaces proposed is in accordance with the Suffolk Guidance for Parking 2015 and the Highway Authority raise no objection to the number or layout of parking spaces proposed. It is noted that the Parish Council object to the level of parking as they consider that the scheme would generate parking requirements above the number of spaces provided resulting in on-road parking which they consider would be detrimental to highway safety and the functioning of the road network and would prevent emergency and service vehicles from accessing dwellings. However, given that the number of spaces is in accordance with the requirements of the Parking Guidelines, the Highway Authority do not object. Furthermore, the width and alignment of roads would enable emergency vehicles to

pass even in the event of roadside parking it is not considered that the parking provision represents grounds for refusal.

48. The Highway Authority have confirmed that the level of information submitted is sufficient to satisfy the requirement of conditions C20 (Parking), C21 (Roads), C22 (Drainage) and C23 (Estate Roads). The applicant will need to enter into a Section 38 Agreement with the Highway Authority for the adoption of the roads where further information may be required by the Highway Authority but this not necessary to be provided at the planning stage. It is also the opinion of officers that the submitted refuse collection plan is sufficient in respect of condition C37 for Development Zones I, K and L. Each dwelling will be served by bin storage points either to the rear of dwellings or within purpose built facilities and collection points can be adequately accessed by refuse vehicles.

Scale and Housing Mix

49. As already established, the approved density parameter plan establishes that the principle of 180 dwellings across these 3 development zones is acceptable. Therefore whilst the Parish and Town Councils object due to the number of dwellings proposed it is considered that the principle of the development is acceptable. Furthermore, by delivering the maximum number of dwellings allowed by the density parameter plans the development is making efficient use of land and helping to meet the Borough Councils housing need in a strategic and sustainable location.

50. The application proposes a mix of 2, 2.5 and 3 storey dwellings. The masterplan for the site includes a building heights plan which establishes that within the Community Heart the buildings can be 4 storey and up to 18m high and elsewhere across these development zones the buildings can be a maximum of 3 storeys and 15m high. The commentary to the building height plan establishes that for the most part building heights will be 2 and 2.5 storeys with buildings only exceeding these in key locations to perform important townscape functions. Officers consider that the application complies with these requirements being dominated by 2 and 2.5 storey dwellings but with 3 storey dwellings and apartments incorporated to provide focal points and assist in way finding.

51. In terms of the housing mix, the application proposes the following overall mix. The figures in column 4 are the requirements of the Strategic Housing Market Assessment 2013 (SHMA):

House Type	Number proposed	Percentage of development	SHMA requirement	Difference
1 bedroom	18	10%	4% (including bedsits)	+6%
2 bedroom	37	21%	26%	-5%
3 bedroom	69	38%	45%	-7%
4 bedroom	41	23%	25% (including 5 beds)	+6% (including 5 beds)
5 bedroom	15	8%		
	180	100%	100%	

52. The above table identifies that the proposed housing mix provides a slight overprovision of 1 and 4/5 bedroom dwellings (6%) and a modest under provision of 2 and 3 bedroom dwellings (5% and 7%) however officers consider that overall the mix is in close correlation with the SHMA and accordingly the housing mix overall is acceptable.
53. Furthermore, the proposal would deliver 30% affordable housing of which 70% would be affordable rent and 30% would be intermediate housing in accordance with the section 106 agreement signed for application DC/13/0932/HYB. The application therefore receives the support in principle from the Strategy and Enabling Officer. Furthermore, there are no objections to the clustering of affordable houses which is also in accordance with the s106 agreement. The Strategy and Enabling Officer has raised concern that the level of parking for the affordable units will not be sufficient as the dwellings are likely to be occupied to maximum occupation however as addressed earlier in this report, the level of parking is in accordance with Suffolk Parking Guidelines and the Highway Authority raise no objection. Furthermore, the level of parking provided for the affordable dwellings is the same as that for the affordable dwellings with 1 space for 1 bedroom dwellings; 2 spaces for 2 and 3 bedroom dwellings and 3 spaces for 4 and 5 bedroom dwellings.
54. The Strategy and Enabling Officer is also mindful that market dwellings are weighted more heavily towards larger 3 and 4 bedroom dwellings with only 10% of the market dwellings being 1 and 2 bedroom properties. However, the overall housing mix is dictated by the affordable housing requirements and the SHMA. The Strategy and Enabling Officer raises no objection to the affordable housing mix being proposed and the overall mix is in accordance with the SHMA therefore officers consider that the housing mix is acceptable.
55. The Parish Council have raised concern regarding the size of dwellings however this is not a matter which either Public Health and Housing or the Strategy and Enabling Officer have objected to. The following table provides a range of dwelling sizes being proposed and compares then to the Nationally Described Spaces Standards (NDSS). Members are however advised that these standards have not been adopted by this authority and cannot be used in the decision making process. They are however provided as a point of reference and to give some context to what is being proposed.

Dwelling type	Proposed range	NDSS
1 bed (flat)	41.8sq m	39-50sq m
2 bed (flat)	50.3-62.2sq m	61 - 70sq m
2 bed house	65.4-69.7sq m	70 - 79sq m
3 bed house	86 – 123sq m	84 - 102sq m
4 bed house	102.6 – 164sq m	97 – 130sq m
5 bed house	207.7sq m	110 – 134sq m

56. This table demonstrates that the 1 and 2 bedroom dwellings are generally below the Nationally Described Space Standards whilst the 3, 4 and 5 bedroom dwellings generally exceed these standards. However, officers re-iterate that these are not standards adopted by this Authority and a decision cannot be based upon compliance with these standards. Reference to space should instead be made to DM22 which requires dwellings to be fit for purpose and function well, providing adequate space, light and privacy for occupants. The submitted plans show how rooms could be laid out with furniture and it is considered that they proposed dwellings meet this policy requirement of being 'fit for purpose'. Furthermore, the dwellings would be served by private gardens or have good access to public open space being near to the strategic green infrastructure provided to the north of the link road.

57. Overall it is considered that the proposed scale and housing mix proposed is acceptable in accordance with the masterplan and development plan policies.

Landscaping

58. The application was subject to detailed comments from the Ecology, Tree and Landscape Officer who raised particular concern regarding the lack of an effective green barrier between the Development Zones and footpath to the new Link Road; the lack of space to provide a formal avenue of trees on the primary movement corridor; the lack of amenity space within Development Zone K; the location of fragmented areas of open space; and the simplistic approach to strategic landscaping.

59. As a consequence amended plans and details have been submitted to address these issues. The amended plans provide a native species hedge to the boundary between Development Zone I & K and the adjacent footpath and elsewhere along this boundary estate railing has been introduced to reinforce the boundary. It is considered that these measures would aid security and control permeability between the application site and the footpath as well as contributing to the character and appearance of the area. A significant increase in tree planting has also been provided to this boundary providing an avenue of trees to the link road boundary. Plans have also been amended to provide more space between roads within the Development Zone and the primary movement corridor to facilitate in the delivery of the trees proposed along this boundary. This would assist in the delivery of a tree lined avenue along the primary movement corridor in accordance with the masterplan.

60. No amendments have been made to provide open amenity space within Development Zone K as requested by the Landscape and Ecology Officer. On this matter the applicant has referred to the Framework Plan and Landscape and Ecology Strategy within the adopted Masterplan which, unlike other Development Zones, do not identify the provision of any Local Greens within Development Zones I, K and L. These parcels are considered to be significantly constrained by their narrow width and small size relative to other Development Zones and are well located relative to

the strategic green infrastructure and accordingly it is not considered that there is a requirement to provide amenity space within these Development Zones as a matter of principle. Such space would aid in place making and its exclusion does result in Development Zones which are dominated by dwellings and residential infrastructure but officers consider that on balance, bearing in mind the significant landscaping delivered outside of the Development Zones, the lack of on site amenity space is not a reason for refusal.

61. Where open space is provided within these Development Zones it is often incidental pieces of space adjacent to the site boundaries. Whilst these are not likely to be meaningful in terms of providing useable space, such spaces would help soften the development and amendments have been submitted to clarify how such spaces would be used and whether they can be considered public or private spaces. For example, the land adjacent to plots 136-147 is now shown to be enclosed by hedgerows and/or estate railing creating private amenity space for the residents and controlling access to this land.
62. Other amendments to the landscaping scheme seek to increase the number of trees with particular focus on the boundaries between the development zone and the Link Road. The Highway Authority have raised concern regarding the placement of some trees relative to the highway but advise that a different route guard system could be agreed through the section 38 process where necessary.
63. No comments have been received from the Landscape and Ecology Officer following the submission of amended plans but officers consider that the proposal, as amended, is acceptable in landscape terms. Any further comments if received will be reported in late papers or verbally.
64. The Landscape and Ecology Officer also raised concern that the level of ecological enhancements was insufficient. The plans have been amended to include a total of 12 bat and bird boxes to be fixed to dwellings. Officers have requested that this figure is increased substantially given the limited opportunity for other enhancements on these Development Zones due to the limited on site open space. Members will be updated in late papers or verbally on the applicant's response to this. Subject to satisfactory amendments being received to the ecological enhancement it is considered that sufficient information has been submitted to discharge condition C30.

Drainage

65. The application is supported by a Drainage Statement for foul and surface water. The foul water strategy would convey all foul water via a gravity system to the strategic foul water network. Anglian Water have raised no objections to the proposed foul water strategy.
66. In respect of the surface water drainage scheme, the Suffolk County Council Flood and Water Engineer has commented that the proposed surface water drainage scheme for development Zone K does not comply

with the site wide SuDS strategy. It is necessary therefore for the drainage design to be amended and this is a matter which has been raised with the applicant. At the time of writing this issue has not been resolved but it is not considered to be a matter which cannot be resolved through a revision to the drainage strategy. Members will be updated in late papers or verbally of any progress on this issue. In the event that the issue is not resolved ahead of Development Control Committee it is recommended that condition C36 is not approved and is removed from the description of development.

Conclusion:

67. 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.

68. No further conditions are required given that this is a reserved matters application and given the requirements of the conditions imposed on the outline consent.

Recommendation:

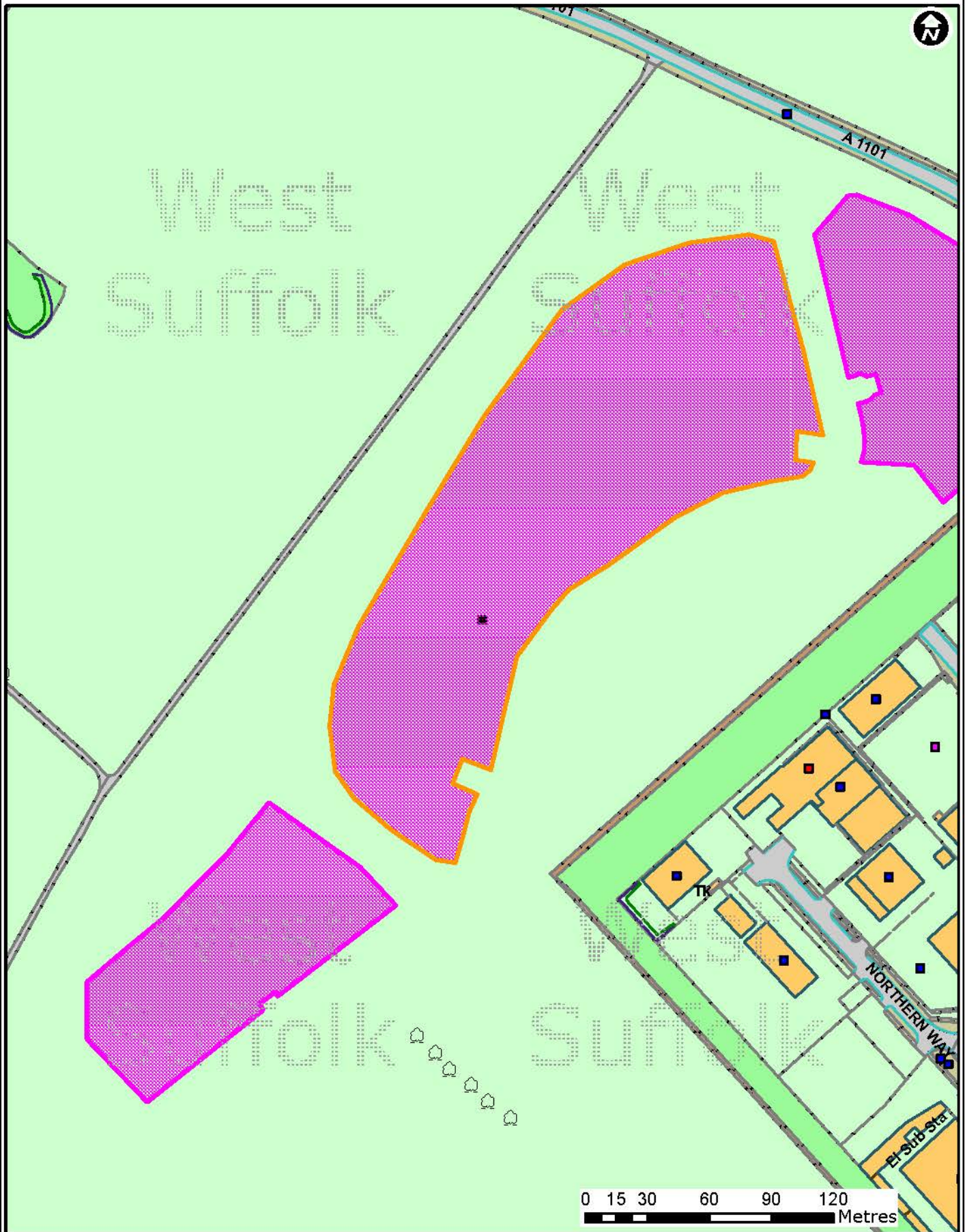
69. It is recommended that planning permission be **APPROVED** subject to the following condition:

1. Plans and Documents condition

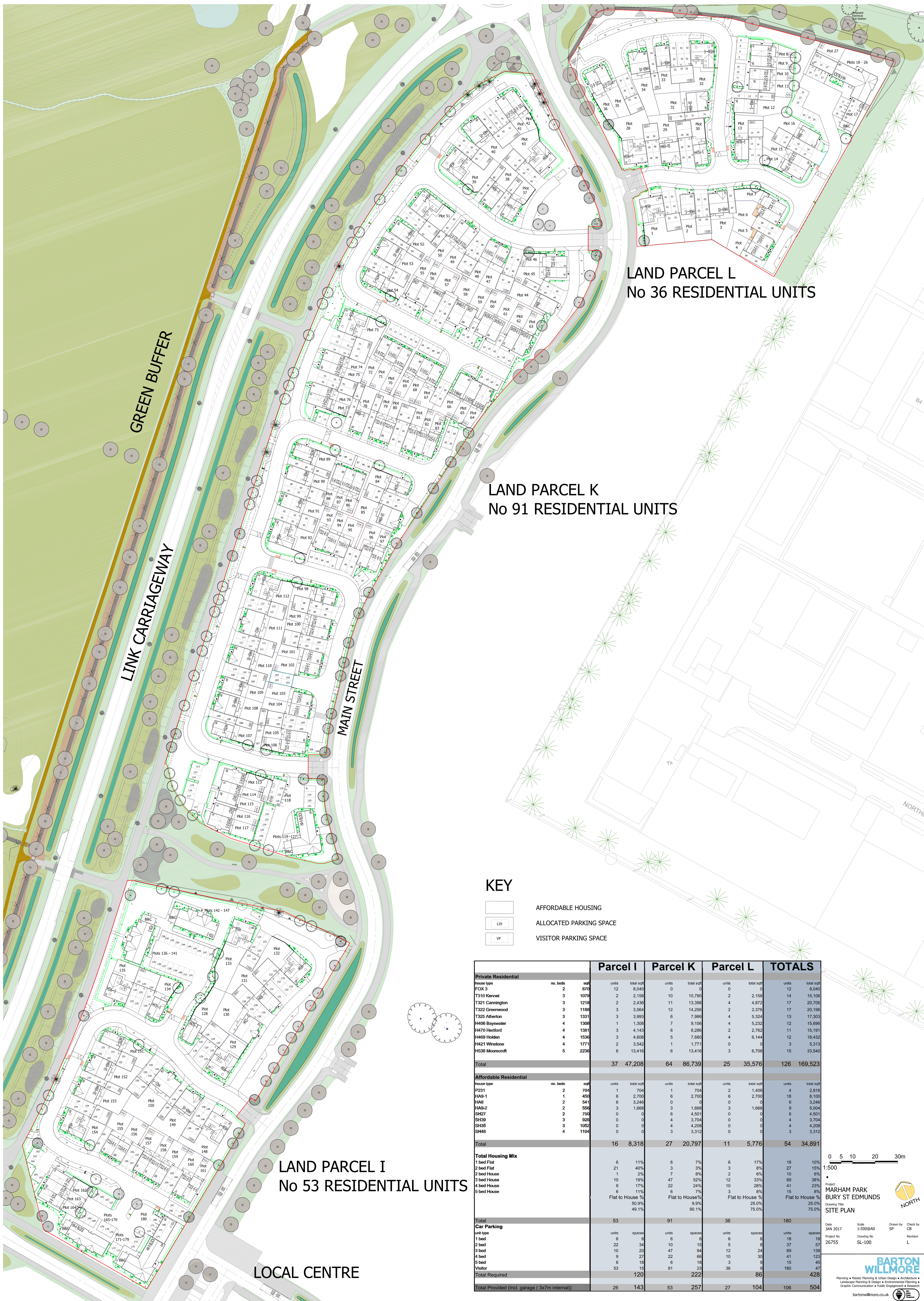
Documents:

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

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LAND PARCEL L
No 36 RESIDENTIAL UNITS

LAND PARCEL K
No 91 RESIDENTIAL UNITS

LAND PARCEL I
No 53 RESIDENTIAL UNITS

LOCAL CENTRE

KEY

- AFFORDABLE HOUSING
- 129 ALLOCATED PARKING SPACE
- VP VISITOR PARKING SPACE

	Parcel I		Parcel K		Parcel L		TOTALS			
House type	no. beds	sqft	units	total sqft	units	total sqft	units	total sqft		
Private Residential										
F2X3	2	670	12	8,040	0	0	12	8,040		
T310 Kennel	3	1079	2	2,158	10	10,790	2	2,158		
T321 Cannington	3	1218	2	2,436	11	13,398	4	4,872		
T322 Greenwood	3	1188	3	3,564	12	14,256	2	2,376		
T325 Atherton	3	1331	3	3,993	6	7,986	4	5,324		
H406 Bayswater	4	1308	1	1,308	7	9,156	4	5,232		
H470 Hertford	4	1391	3	4,143	6	8,286	2	2,762		
H469 Holden	4	1536	3	4,608	5	7,680	4	6,144		
H421 Winsstone	4	1771	2	3,542	1	1,771	0	0		
H536 Moorcroft	5	2236	6	13,416	6	13,416	3	6,708		
Total			37	47,208	64	86,739	25	35,576	126	169,523
Affordable Residential										
P221	2	704	1	704	1	704	2	1,408		
HAB-1	1	450	6	2,700	6	2,700	6	2,700		
HAB	2	541	6	3,246	0	0	0	0		
HAB-2	2	558	3	1,668	3	1,668	3	1,668		
SH27	2	750	0	0	6	4,501	0	0		
SH39	3	629	0	0	4	3,704	0	0		
SH45	3	1062	0	0	4	4,208	0	0		
SH48	4	1104	0	0	3	3,312	0	0		
Total			16	8,318	27	20,797	11	5,776	54	34,891
Total Housing Mix										
1 bed Flat			6	11%	6	7%	6	17%	18	10%
2 bed Flat			21	40%	3	3%	3	8%	27	15%
2 bed House			1	2%	7	8%	2	6%	10	6%
3 bed House			10	19%	47	52%	12	33%	69	38%
4 bed House			9	17%	22	24%	10	28%	41	23%
5 bed House			6	11%	6	7%	3	8%	15	8%
Flat to House %			50.9%		9.9%		25.0%		25.0%	
			49.1%		90.1%		75.0%		75.0%	
Total			53		91		36		180	
Car Parking										
unit type			units	spaces	units	spaces	units	spaces	units	spaces
1 bed			6	6	6	6	6	6	18	18
2 bed			22	34	10	15	5	8	37	57
3 bed			10	20	47	94	12	24	69	138
4 bed			9	27	22	66	10	30	41	123
5 bed			6	18	6	18	3	9	15	45
Visitor			53	15	91	23	36	9	180	47
Total Required			120		222		86		428	
Total Provided (incl. garage (3x7m internal))			26	143	53	257	27	104	106	504

0 5 10 20 30m

1:500

Project: **MARHAM PARK BURY ST EDMUNDS**

Drawing Title: **SITE PLAN**

Date: JAN 2017 Scale: 1:500@A0

Project No: 26755 Drawing No: SL-100

Drawn by: SP Check by: CB

Revision: L

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/037

Development Control Committee 7 September 2017

Planning Application DC/17/0232/FUL - 65 Horsecroft Road, Bury St Edmunds

Date	24.02.2017	Expiry Date:	21.04.2017
Registered:		Extension of time:	11.09.2017
Case Officer:	Matthew Gee	Recommendation:	Refuse
Parish:	Bury St Edmunds	Ward:	Westgate
Proposal:	Planning Application - (i) 1no new dwelling with extension to existing access drive and (ii) Single storey side extension to No.65 Horsecroft Road and remaining works to new drive entrance		
Site:	65 Horsecroft Road, Bury St Edmunds		
Applicant:	Mr Trevor Grange		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Matthew Gee

Email: matthew.gee@westsuffolk.gov.uk

Telephone: 01638 719792

Background:

1. The application is referred to the Development Control Committee in order to ensure full openness of the application process, and in light of the interest in this proposal.

Proposal:

2. Planning permission is sought for 1no. dwelling, with 2 bedrooms and a floor area of approximately 115sqm. The proposed dwelling will measure 2.8m to the eaves, and 4m in height.
3. The application has been amended since submission to reduce the overall height of the dwelling, amend the design and size of the dwelling and reposition the proposed dwelling in the site.
4. Permission is also sought for a single storey side extension to no.65, the extension will measure 2.7m wide, 7.6m deep, 2.4m to the eaves, and 3.8m in height.

Site Details:

5. The site is situated within the housing settlement boundary for Bury St Edmunds. The site comprises a detached bungalow with a detached single bay garage. The site has a large garden and is served from a private gravel track off Horsecroft Road. The track serves two other bungalows; No. 67 and No. 69.

Planning History:

Reference	Proposal	Status	Decision Date
DC/13/0484/FUL	Planning Application - Erection of 1½ storey dwelling	Application Withdrawn	10.12.2013
DC/14/2281/FUL	Planning Application - erection of a bungalow as revised by design and access statement received 26 February 2015.	Application Refused and dismissed at appeal	05.03.2015
SE/10/0838	TPO161a(1992)5 - Tree Preservation Order Application Balance crown by 15% reduction to north side to one Oak tree (T1 on Order)	Application Granted	27.08.2010
E/74/1205/PR	NEW SINGLE STOREY DWELLING, RESIDENTIAL	Application Granted	02.05.1974

Consultations:

6. Highways Authority: No objection subject to conditions
7. Bury Society: Object to the application on the grounds that it is over-development of the site.
8. Environment Team: No objection
9. Public, Health and Housing: No objection

Representations:

10. Town Council - 9th March (prior to amendments): Object on "*grounds of overshadowing, overlooking, over development, loss of amenity, out of character with the area and contrary to the principles of good design set out within Policy CS3 of the St Edmundsbury Core Strategy 2010*"
11. Neighbour comments (prior to amendments):
Letter of representation have been received from numbers 136, and 140 Hardwick Lane, making the following summarised objections
 - Proposal does not respect the existing character of the area and is over-development of the site
 - New access is "contrived and unsightly positioning"
 - Concerns of parking and manoeuvring space and impact that this may have on highway safety
 - Impact on amenity of neighbouring residents
 - Proposal would create a dangerous precedent for the sub-division of neighbouring plots
12. Neighbour comments (prior to amendments):
Letter of representation have been received from numbers 65 Horsecroft Road, making the following summarised comments in support of application:
 - Proposal is good use of current wasted land
 - Not detrimental to area as it would be hardly seen
 - Dwelling with well-kept garden would improve the site from how it currently looks
 - Security of the site would improve and the safety of the site
 - Proposed plans for the drive also help any changes that are proposed
13. Town Council – 29th June (following amendments made on 12th June):
Withdraw previous objection
14. Neighbour comments (following amendments made on 12th June):
Letter of representation have been received from numbers 136, 138, and 140 Hardwick Lane, making the following summarised objections
 - Proposed amendments result in a proposal with little architectural merit

- Concerned that proposal couldn't be built as shown
- Concerned about future encroachment on the site once constructed
- Proposal would likely result in close boarding fence along boundary further urbanising the area
- Proposal is cramped and out keeping with existing character
- Proposal is closer to boundary thereby increasing level of intrusion
- Site is sloping as such proposal may appear higher than stated

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:

15. Joint Development Management Policies Document:

- Policy DM1 - Presumption in Favour of Sustainable Development
- Policy DM2 - Creating Places – Development Principles and Local Distinctiveness
- Policy DM7 - Sustainable Design and Construction
- Policy DM13 - Landscape Features
- Policy DM22 - Residential Design
- Policy DM24 - Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage
- Policy DM46 – Parking Standards

16. St Edmundsbury Core Strategy December 2010

- Policy CS1 – St Edmundsbury Spatial Strategy
- Policy CS3 – Design and Local Distinctiveness
- Policy CS4 – Settlement Hierarchy and Identity

17. Bury St Edmunds Vision 2031

- Policy BV1 – Presumption in Favour of Sustainable Development
- Policy BV2 – Housing Development within Bury St Edmunds

Other Planning Policy:

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

Officer Comment:

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

- Principle of Development
- Design, scale and form
- Impact on amenity
- Impact on highways
- Other concerns

Principle of development

20. BV2 of the Bury St Edmunds Vision 2031 supports new dwellings located within the housing settlement boundary of Bury St Edmunds. Consequently, the principle of a new dwelling in this location is accepted subject to the design and the impact on the locality.

Design, scale and form

21. Policy DM22 details that all residential development should maintain or create a sense of place by:
- Employing designs that are specific to the scheme
 - Basing design on an analysis of existing buildings, landscape or topography.
 - Utilising the characteristics of the locality to create buildings that have a strong sense of place
 - Creating or contributing to a coherent and legible place
 - Creating and supporting continuity of built form and enclosure of spaces.
 - Apply innovative highways and parking measures to avoid the visual dominance of these elements
 - New dwellings should also be of a high architectural quality; providing adequate space light and privacy.
22. Policy DM2, states that proposals for new development will be considered favourably where they recognise and address the key features, character, landscape/townscape character, local distinctiveness and special qualities of the area. The National Planning Policy Framework similarly attaches significant importance to the design of the built environment, stating that decisions should ensure that developments will add to the overall quality of the area, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping (para.58).
23. This area is defined by reasonably sized bungalows with large open gardens. Nos. 67 and 69 have their own driveways leading to double garages. The access track runs in front of No. 65 forming a driveway to this property. A new access off Horsecroft Road has been installed for no.65, although at the time of writing this report it does not appear to be in use.
24. The bungalows to the rear of the site (Hardwick Lane) and this section of Horsecroft Road have been designed to be well separated from each other, set within spacious plots. The new dwelling will be located close to No. 65 and close to the boundary with No. 136 Hardwick Lane.
25. A previous application DC/14/2281/FUL was submitted and refused in 2014 for 1no. single storey dwelling. The dwelling had a floor area of approximate 78sqm, with a traditional pitched roof approximately 6m high with gable flank walls. The application was refused on the grounds that:
- The proposal will result in a contrived and cramped development which does not recognise the existing spacious urban form and pattern of development in this locality, which consists of well sized dwellings set within generous plots. The subdivision of the site will cause the existing dwelling No. 65 to be out of proportion to its plot size with minimal private amenity space. Furthermore, the proposed building does not relate to the proportion and scale of the existing buildings; and given its steep and high roof will appear at odds with*

the adjacent bungalows. Consequently, the scheme will result in a harmful disruption to the spacious character of the area.

26. In addition, application DC/14/2281/FUL went to appeal and was dismissed, with the inspector concluding that, having:

.... carefully considered the benefits of the proposal in terms of contributing to housing supply in a sustainable location with the harm which the proposal would cause to the character and appearance of the area. I have also considered the harm which would be caused to the living conditions of the occupiers of no 65. On balance, I conclude that the totality of the harm I have identified would outweigh the benefits of the proposal.

27. The inspector commented that they; *"consider that both the proposed new bungalow and no 65 would sit in small plots which would be at odds with the prevailing character of the area. The loss of the garden area and its replacement with built development would have a detrimental effect on the spacious and locally distinctive character of the area".*

28. The inspector also noted that; *"...there is a mix of both traditional and modern properties with a diverse palette of materials ranging from flint to brick. However, whilst there are some notable exceptions on the western side of Horsecroft Road, the prevailing character on the eastern side of Horsecroft Road and also on Hardwick Lane is that of detached properties set in spacious plots. This lower density development provides an appropriate transition between the higher density development of the town and the open countryside which is reached a short stretch along Horsecroft Road from the appeal site. Consequently, the proposal would be at odds with the existing pattern of development and I, therefore, conclude that it would have a detrimental effect on the spacious character and appearance of the area".*

29. The subdivision of the site remains nearly identical to that of the previous application. Although, in fact, the footprint of the dwelling has increased, resulting in more development of the site. It is noted that attempts have been made to reduce the visual impact of the proposal. These amendments include reducing the overall height of the proposed dwelling from 5.9m to 4m, which is considered to reduce but not entirely minimise the harm arising from the visual bulk of the dwelling. Limited views of the proposed dwelling would be available from the public realm, although it will largely be screened by existing foliage and dwellings.

30. However, as the previous inspector noted the lower density development in the area provides an appropriate transition between the higher density development of the town and the open countryside. The LPA still considers that the loss of current garden would have a detrimental impact on the character and local distinctiveness of the area. Furthermore, the division of the site will result in the loss of a spacious plot with a detrimental impact on No. 65 which would no longer be of a scale commensurate with its plot size. Consequently No. 65 and this new dwelling will both appear cramped within their respective plots, and at odds with the prevailing pattern and grain of development in the area.

31. Furthermore No.65-69 all relate well to the junction with Horsecroft Road and Hardwick Lane. The proposed development would not relate to this highway system and represents an out of character development, noting its position set back unusually behind other development, within a much smaller than typical plot. It is noted that the properties to the rear of the site on Hardwick Lane were also 'backland development' in the late 20th Century. However, this is a larger site with a distinct access road from Hardwick Lane which is well landscaped and unobtrusive to the area and neighbouring properties, and which still maintained the distinctive character of large dwellings set within spacious and attractively soft landscaped plots. In particular, those dwellings are viewed along this access track thereby creating a well-designed development. This proposal, on the contrary, will not relate well to adjacent buildings which were not built as one development, or relate to the existing character of spacious plots.
32. Consequently, noting the significant harm arising to the character and appearance of the area the proposal is not considered to accord with policy DM2 and DM22 of the Joint Development Management Plan, CS3 of the St Edmundsbury Core Strategy 2010, and paragraphs 17,53, and 56 of the NPPF.
33. The proposed extension to the existing dwelling of no.65 is considered to be sympathetic to the existing dwelling, and respectful of the existing character and appearance of the surrounding area. As such it is considered that the proposal complies with the requirements of policy DM24.

Impact on amenity

34. The proposed dwelling is of an acceptable height and is orientated in a manner which will not adversely overshadow neighbouring residents. Additionally, it is not considered that the proposed dwelling will result in any overlooking or loss of privacy to neighbouring residents. However, the proximity to neighbouring boundaries, particularly No. 63 and 65 Horsecroft Road and No. 136 Hardwick Lane will introduce a more intimate relationship which will reduce neighbour amenity however this is not deemed to be to at a significant level that would warrant a refusal.
35. One of the reasons for refusal of the previous application, DC/14/2281/FUL, was on the grounds of its impact on the amenity of no.65 through the loss of its private amenity space. Following the most recent application, a new vehicular access to no.65 has been installed off Horsecroft Road, which has consent from SCC. The new access, at the time of writing, does not appear to be in use. Whilst, planning permission has not been submitted for the new access, a new access can be constructed under permitted development. Furthermore, the Highways Authority have raised no objection to the application subject to conditions.
36. The appeal inspector noted that the proposed development would result in no.65 having little private amenity space, due to it being visible from Horsecroft Road. Fencing has been installed along Horsecroft Road in an attempt to reduce the overlooking from the Horsecroft Road. Planning permission has not been submitted for the fencing, and as such it cannot

be taken into consideration as part of this application. In addition, it is considered that the fencing has resulted in a negative impact on appearance of the area due to its uneven level and unfinished appearance. It has also resulted in a further domestication of what is currently a green and semi-rural appearance, thereby detracting from the overall character of the area.

37.As the existing fencing cannot be taken in consideration, it is concluded that the proposal would have a detrimental effect on the living conditions of the occupiers of No 65 by virtue of reducing the amount of private garden space. A fence of 1metre in height could be constructed without the requirement for planning permission. However, it is not considered that this would provide sufficient privacy to the occupiers of no.65. As such it is considered that the proposal would be contrary to Policy DM22, criteria K which requires that new dwellings are fit for purpose and function well, providing adequate space, light and privacy and; paragraph 17 of the Framework which seeks to secure a high standard of amenity for existing and future occupiers.

38.The proposed to the existing dwelling of no.65, will remove 2no. windows in the side elevation of no.65 which will reduce the possible overlooking of the proposed new dwelling. In addition, it is considered that the proposed extension is of a suitable height that it will result in no loss of light to neighbouring residents, or result in any overlooking to neighbouring residents.

Impact on highways and parking

39.The Highways Authority have raised no objection to the application subject to conditions requiring parking be retained and the new access being surfaced.

40.Additionally, both the proposed dwelling and new dwelling have a sufficient area for the parking of vehicles that complies with the requirements of the SCC Parking Standards Guide.

Other matters

41.It is noted that there are a number of trees along the boundary. The proposed new dwelling is not located within the root protection area of these trees and therefore the proposal will not harm the trees. However, a tree protection plan is required prior to commencement on site to ensure that the trees are properly protected during construction.

42.The site is not within a flood risk area as to require flood proofing measures. The land slopes down to the east and south east. Consequently any surface water is likely to naturally drain within the grassed area.

Conclusion:

43.In conclusion, Paragraph 7 of the National Planning Policy Framework sets out the economic, social and environmental dimensions of sustainable development. Whilst the proposal would make a small contribution to the

economic dimension through the construction phase this would be very modest and short term. The contribution which a single dwelling can make to housing supply is, by its nature, very limited. In terms of the environmental aspect, the proposal would be situated in a sustainable location in close proximity to services.

44. However, the proposed development will result in a contrived out of proportioned dwelling which does not respond to the local character. The new dwelling does not recognise the existing urban form with spacious plots which relate well to the road. The development therefore does not incorporate designs of a scale, density, and massing compatible with the locality. The subdivision of the plot will result in No. 65 being out of scale with its plots size with little private amenity space. Consequently, the proposal would result in a cramped form of development that is contrary to the principles of good design.

45. The remaining principal private amenity space of no.65 would be visible from the Horsecroft Road, thereby the proposal would have an adverse impact on the amenity and living conditions of any current and/or future occupiers of no.65. The proposal would therefore fail to provide a good standard of amenity for all existing and future occupants, and therefore not adhere to the NPPF or policy DM2 and DM22.

Recommendation:

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

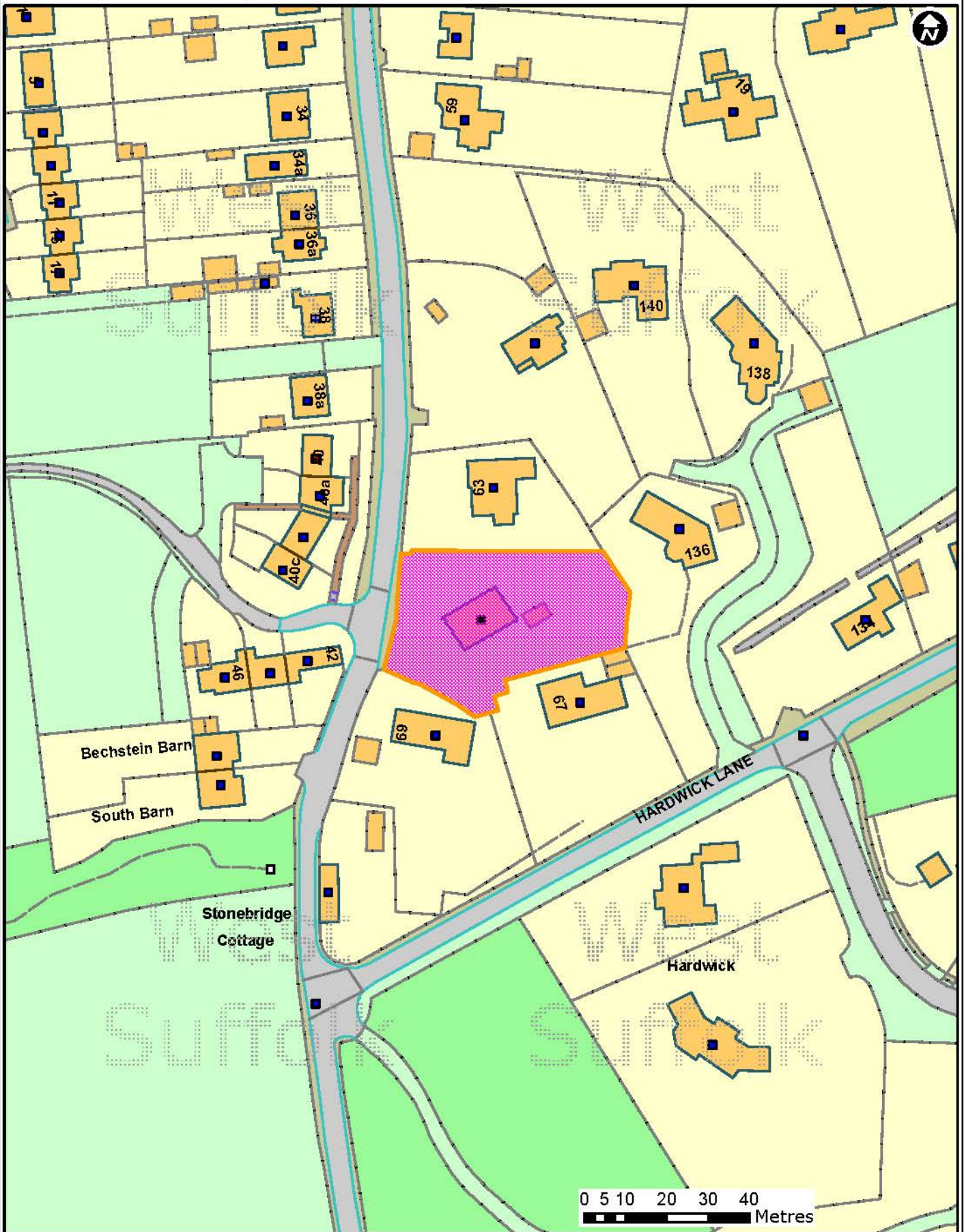
1. The proposal will result in a contrived and cramped development which does not recognise the existing spacious urban form and pattern of development in this locality, which consists of well sized dwellings set within generous plots. The subdivision of the site will cause the existing dwelling No. 65 to be out of proportion to its plot size with minimal private amenity space. Furthermore, the proposed building does not relate to the proportion and scale of the existing buildings; and given its contrived roof design will appear at odds with the adjacent bungalows. Consequently, the scheme will result in a harmful disruption to the spacious character of the area. The proposal is therefore considered contrary to the principles of good design set out within Policy CS3 of the St Edmundsbury Core Strategy (2010), Policies DM2 and DM22 of the Joint Development Management Policies Document (Feb 2015) and the National Planning Policy Framework.
2. The remaining principal private amenity space of no.65 would be visible from Horsecroft Road, thereby the proposal would have an adverse impact on the amenity and living conditions of any future occupiers of no.65. The proposal would therefore fail to secure a good standard of amenity for the future occupants contrary to policies DM2 and DM22 of the Joint Development Management Policies Document 2015 and one of the Core Principles of the NPPF (para 17).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/0232/FUL](#)

DC/17/0232/FUL

65 Horsecroft Road Bury St Edmunds



Forest Heath • St Edmundsbury

West Suffolk
working together

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Page 55

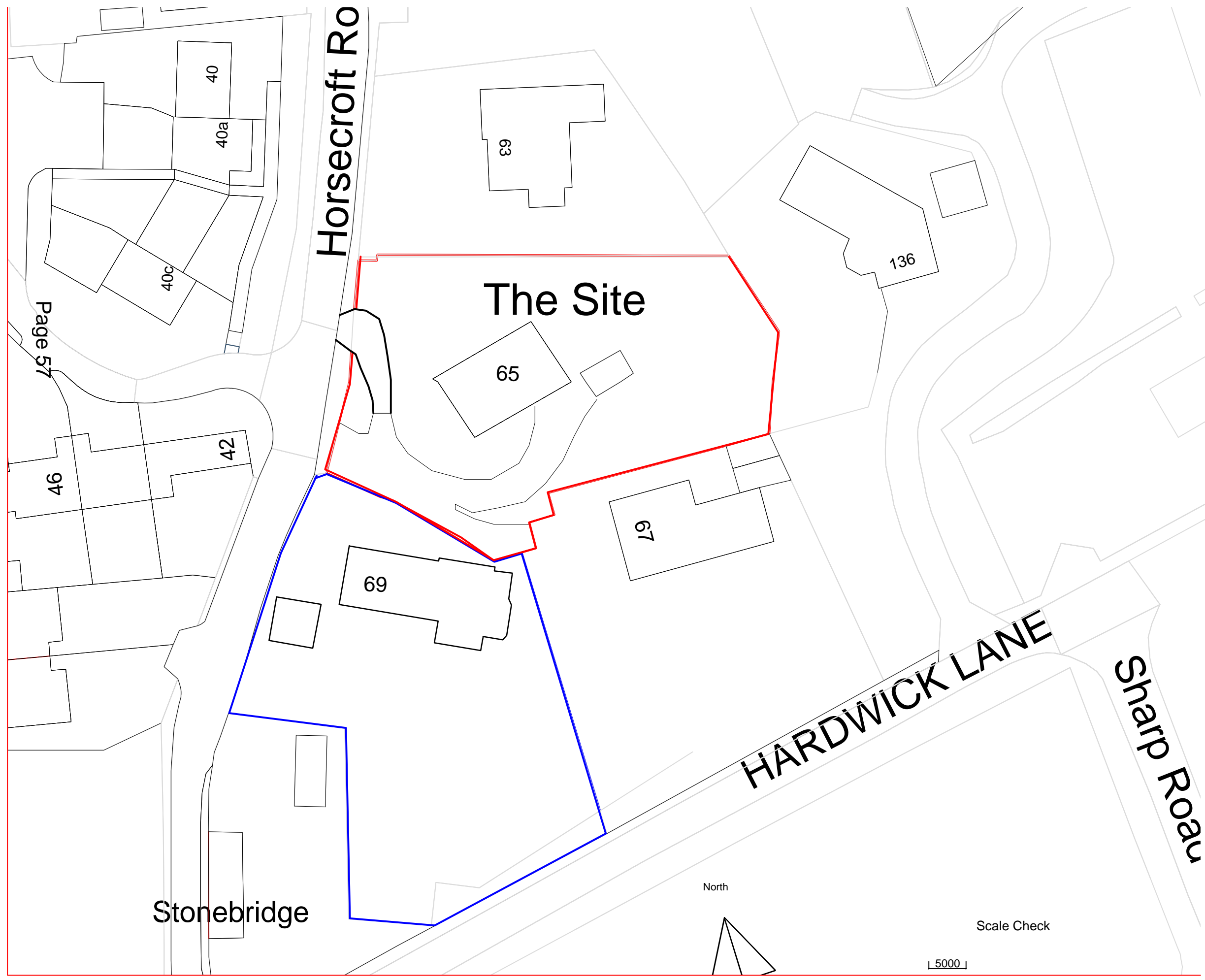
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is accepted for any discrepancies, errors or omissions that may be present, and no guarantee is offered as to the accuracy of information shown

CDM - RESIDUAL RISKS

The following are considered to be significant risks relevant to this drawing, which could not be fully mitigated or removed through design. Further possible control measures have been identified within the Design Risk Assessments which may help to mitigate these and other identified risks further during the construction / maintenance process;



NO DIMENSIONS TO BE SCALED FROM THIS DRAWING

Revision note	Date	Drawn	Chk'd
Revisions			

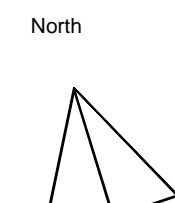
Client
MR. & MRS. T. GRANGE
 69 Horsecroft Road
 Bury St Edmunds
 Suffolk
 IP33 1HE

Project
 65 Horsecroft Road. IP33 2DT
 New build two bedroom bungalow

DOCUMENT_SOURCE		Status	
Drawing Title	SITE_LAYOUT	Scale	1/200
	65.HORSECROFT.ROAD	Scale	at A3
	BURY.ST.EDMUNDS	Drawing Number	160910...002
	IP332DT	Rev	A

Page 57

Stonebridge



Scale Check

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/038

Development Control Committee 7 September 2017

Planning Application DC/17/0995/VAR - Forge Cottage, Bowbeck, Bardwell

Date Registered:	17.05.2017	Expiry Date:	12.07.2017 (EOT agreed 09.09.2017)
Case Officer:	Britta Heidecke	Recommendation:	Refuse Application
Parish:	Bardwell	Ward:	Bardwell
Proposal:	Planning Application - Variation of Condition (2) of DC/16/1098/HH to enable re-orientation of the solar panels for the (i) conversion of open fronted car port (attached to converted outbuilding) into guest accommodation (ii) relocation of solar panels from the existing outbuilding to be floor mounted (iii) detached cart lodge (amended)		
Site:	Forge Cottage, Bowbeck, Bardwell		
Applicant:	Mr & Mrs David Tomlinson		

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 considers the attached application and associated matters.

CONTACT CASE OFFICER:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background:

1. The application has been referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel because the Parish Council does not object to the proposal, which conflicts with the Officer recommendation for refusal.

Proposal:

2. The application follows the grant of planning permission which included the re-siting of unauthorised solar panels from the existing forge, ground mounted in a single west-facing row. This variation seeks to re-orientate the solar panels to a south facing direction in rows of two's and three's.
3. **Application Supporting Material:**
 - Application form
 - Proposed plan 3648-06F
 - Expected output west-facing and south-facing

Site Details:

4. The site comprises a detached dwelling 'Forge Cottage', the former forge building and a cartlodge under construction. The site is situated within a group of listed barn conversions. The forge has partly been converted into ancillary residential accommodation (a writing room and WC) and has planning permission to be converted to ancillary guest accommodation. The site is within the countryside for planning purposes.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/1098/HH	Householder Planning Application - (i) Conversion of open fronted car port (attached to converted outbuilding) into guest accommodation (ii) relocation of Solar panels from the existing outbuilding to be floor mounted (iii) Detached cart lodge (amended)	Application Granted	12.01.2017
DC/16/1099/LB	Application for Listed Building Consent - (i) Conversion of open fronted car port (attached to converted outbuilding) into guest accommodation with insertion of glazed timber doors, internal door and side lights (ii) Retention of Solar panels on East elevation of converted outbuilding and relocation	Application Granted	12.01.2017

	of Solar panels from West elevation to proposed Cart Lodge (iii) Detached cart lodge with insertion of Solar panels on Southern elevation		
DC/17/0128/LB	Application for Listed Building Consent - Timber boarded door in south elevation of outbuilding	Application Granted	19.04.2017
DCON(A)/16/1098	Application to Discharge Condition 4 (materials) of DC/16/1098/HH	Application Granted	10.04.2017
DCON(A)/16/1099	Application to Discharge Condition 3 (materials) of DC/16/1099/LB	Application Granted	10.04.2017
NMA(A)/16/1098	Non-material amendment for DC/16/1098/HH - (i) Removal of log store (ii) Minor relocation of approved cart lodge	Application Granted	02.05.2017
SE/05/1359/LB	Listed Building Application - Alterations associated with change of use of building to form writing room including (i) replacement of existing windows with double glazed timber units to match existing configuration; (ii) formation of new internally glazed door opening; and (iii) erection of partition walls to form cloakroom	Application Granted	16.05.2005
SE/05/1358/P	Planning Application - Change of use of former forge to form ancillary residential accommodation (writing room and wc)	Application Granted	16.05.2005
SE/01/2235/LB	Listed Building Application - (i) Demolition of modern link building; and (ii) conversion of redundant farm buildings to form 4 no. residential units with associated parking/garaging (revised scheme) as supported by letter dated 25th June 2001 and attached drawing no. 806/12 and amended by	Application Granted	17.09.2001

	drawing 806/02A received 2nd July 2001 revising site area to Rosedene Cottage and letter and drawings received 5th July 2001 revising scheme		
SE/01/2234/P	Planning Application - Conversion of redundant farm buildings to form 4 no. residential units with associated parking/garaging (revised scheme) as supported by letter dated 25th June 2001 and attached drawing no. 806/12 and amended by drawing no. 806/02A received 2nd July 2001 revising site area to Rosedene Cottage and letter and drawings received 5th July 2001 revising scheme	Application - Granted	17.09.2001

Consultations:

5. Conservation Officer: Objects to the proposal (see paragraph 'Officer Comments')
6. SCC Highways: no objections subject to condition

Representations:

7. Bardwell Parish Council: No Objections to this application. *'It is requested that appropriate screening is installed at the southern end of the PV Panel array, between the fenced area identified on the plan as 'Existing screen fencing around enclosed courtyard' and the boundary fence.'*
8. Ward Member: no comments received
9. One third party representation has been received from a neighbouring property 'The Hayloft' which can be read on full as part of the online file. Agree with previous Conservation Officer comments that south facing solar panels in rows of 2 would make them more prominent in views out of The Hayloft. Whilst some panels will be visible, given the angle at which they will be installed, it is felt that that glare would not be a problem. Therefore, 'The Hayloft' raises no objection to this application and suggests plant screening at the end of the panel row, which would be aesthetically beneficial.'
10. **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 DM15 Listed Buildings
2. St Edmundsbury Core Strategy December 2010
 - Policy CS3 Design

Other Planning Policy:

11. National Planning Policy Framework (2012)

Officer Comment:

12. In making a decision on a planning application for development that affects a listed building or its setting, s72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it completely unchanged.
13. The main planning policy objective at national level is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances their significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest.
14. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
15. The NPPF places great weight to sustaining and enhancing the significance of heritage assets. In the specific circumstances of this planning application, the presumption in favour of sustainable development is not engaged. This is because a footnote to Paragraph 14 (Footnote 9 of the NPPF) sets out examples of where the presumption in favour does not apply. This includes designated heritage assets, where substantial or less than substantial harm would be caused. On the basis of the advice offered by the Council's Conservation Officer, it is officers opinion that the planning application proposals would constitute '*substantial or less than substantial*' harm to heritage assets. On this basis, the presumption in favour of sustainable development cannot be applied.
16. In determining applications for such development the NPPF is a material consideration. Paragraph 131 states: In determining planning applications local planning authorities should take account of;
 - a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b. the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness.
17. Designated heritage assets are subject to specific policies (paragraphs 132 and 139 of the NPPF) which places great weight on their conservation in all decisions; with clear and convincing justification for any harm of significance, however slight, and whether through direct physical impact or by change to the setting and that substantial harm (direct or by change in the setting) to, or total loss of Grade II listed buildings, is expected to be 'exceptional'.
18. Paragraphs 133 and 134 of the NPPF further state that all grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh the harm, taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing.
19. The principle of re-locating the unauthorised solar panels from the roof slope of the Forge in a ground mounted location has been established under DC/16/1098/HH & DC/16/1099/LB. This application is to change the approved west-facing single row of ground-mounted solar panels behind The Forge to pairs and threes of panels facing south.
20. Paragraph 98 of the NPPF states (*inter alia*) that LPA's should approve applications (*for renewable energy*) if its impacts are (or can be made) acceptable and unless material considerations indicate otherwise.
21. The application site falls within the curtilage of a listed building. The Forge forms part of a cluster of converted barns, which historically relate to the original farm house 'Bowbeck House'. Bowbeck House is a C18 timber framed, Grade II listed farmhouse. The listed building itself together with the converted associated barns are of architectural and historical interest. The Conservation officer advised that the re-siting of the panels would adversely affect and be harmful to the setting and historic character of the building and thereby fail to preserve or enhance its character, appearance or setting, contrary to policy DM15.
22. The fact that the panels will not be readily visible in *public* views might be taken as limiting any wider harm but this does not influence or effect the higher degree of intrinsic harm that is considered will be caused to the setting of listed building as a result of the re-siting of the panels, when compared to the approved scheme.
23. Policy DM15 requires proposals to not harm the character of the building and to respect its setting, including inward and outward views. This group of converted agricultural listed buildings forms a tight-knit complex which forms part of their character and contributes to their significance.
24. Several alternative locations for the re-siting of the solar panels have been considered during the course of the previous applications. Positioning the solar panels in a single west-facing row was finally considered least intrusive and acceptable as they would be screened from inwards and outwards views by the buildings and fences and they would not cause

glare to the neighbouring properties. The conservation officer notes that the current application 'would mean that the hard shiny, reflective surface of the panels would be more visible from both ground level when next to The Forge and from the first floor windows of neighbouring properties in the farm group'.

25. 'The surface of the solar panels would contrast with the traditional materials of The Forge and be more apparent than on west-facing panels. The increased prominence of the panels is therefore not an improvement over the previously approved scheme, resulting in greater harm to the setting of the listed Forge and surrounding listed buildings. Furthermore, effective screening of the panels at the southern end would need to be of such a height that shadow would be cast over the southern-most ones, rendering them ineffective.'
26. In accordance with para 134 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The greater the harm to the significance of the listed building then the greater the justification needed.
27. Furthermore, the general thrust of the advice of Historic England is that in such a context more sympathetic alternatives such as potentially additional insulation, low energy lighting, a ground source heat pump or an improved boiler for example are being explored. No evidence has been provided that the applicant has endeavoured to improve the energy efficiency of The Forge and Forge Cottage (which form a planning unit) through other means or has explored alternative renewable energy technologies. In the planning balance this will weigh against the proposal.
28. The applicant has submitted in support of the application information in regards to the efficiency of the panels comparing the west-facing and south-facing option. The latter would result in a **43% increase** in output (Annual AC Outputs from 1782kWh to 2557kWh). However, according to Ofgen the average annual energy consumption per dwelling is 3300 kWh. In comparison, the west-facing option would provide **54%** and the south-facing 77% of the average household consumption. **Re-siting the panels would provide 23% of the average household consumption.** On this basis, it is officer's view that the proposed re-siting would only have a marginal positive impact in terms of localised energy production and reduction in energy consumption from traditional offsite sources (i.e. the electricity grid).
29. Therefore, as a mostly private benefit, the marginal public benefit of the proposed re-siting and thereby limited increase in localised energy production is not considered to outweigh the increased harm to the setting of the heritage assets as identified above.

Conclusion:

30. It has to be clear that a compromise between the conservation of the significance of the heritage assets and the retention of the solar panels with least impact on the setting of the heritage assets had thoroughly been explored and the least harmful option approved under DC/16/1098/HH. The re-siting would result in greater harm to the setting

of the heritage assets. No evidence has been provided that alternative, more sympathetic renewable energy technologies have been explored. As a mostly private benefit, the marginal public benefit from the proposed re-siting and limited increase in localised energy production is not considered to outweigh the increased harm to the setting of the heritage assets as identified above. The proposal is therefore contrary to policy CS5, DM15 and the NPPF, particularly paragraph 134. On this basis the application is recommended for refusal.

Recommendation:

31. It is recommended that planning permission be **REFUSED** for the following reason:

Policy DM15 requires proposals to not harm the character of the building and to respect its setting, including inward and outward views. It states that all development proposals should provide clear justification for the works, especially if these works would harm the listed building or its setting, so that the harm can be weighed against any public benefit.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The application site lies within a group of converted agricultural listed buildings which form a tight-knit complex which forms part of their character and contributes to their significance. Whilst it is recognised that as a private benefit a south facing orientation would result in better performance of the solar panels, the public benefit through the limited increase in localised energy production and reduction in energy consumption from traditional offsite sources result will be marginal.

The proposed re-siting of solar panels in pairs and threes facing south would increase their prominence, resulting in greater harm to the setting of the listed Forge and surrounding listed buildings. The hard shiny, reflective surface of the panels would be more visible from both ground level when next to The Forge and from the first floor windows of neighbouring properties in the farm group.

The marginal public benefit is not considered to outweigh the increased harm identified above. The proposal is therefore contrary policy DM15 and the NPPF, particularly 134 of the NPPF.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/17/0995/VAR>



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