

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda																
Date:	Thursday 5 October 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> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> </tr> <tr> <td>Paula Fox</td> <td>Andrew Smith</td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> </tr> <tr> <td>Ian Houlder</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> </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> </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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A SITE VISIT WILL BE HELD ON THURSDAY 28 SEPTEMBER 2017																	
<p>Planning Application DC/17/0599/FUL - 5 Francis Close, Haverhill, CB9 9LL</p> <p>Planning Application - (i) 1no building to include 4no. flats (following demolition of existing dwelling), (ii) new vehicular access and parking, (iii) replacement of existing boundary fences and (iv) insertion of dropped kerb</p> <p>Site visit to be held at 10.15am (Members are requested to convene at WSH at 9.00am in order to coordinate car sharing with a view to departing by 9.30am. 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/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons.

This report should follow the Council's standard risk assessment practice and content.

- In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altereD, together with the material planning basis for that change.
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- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

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

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

Agenda

Procedural Matters

Part 1 - Public

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 8

To confirm the minutes of the meeting held on 7 September 2017 (copy attached).

4. Planning Application DC/17/0599/FUL - 5 Francis Close, Haverhill

9 - 24

Report No: **DEV/SE/17/040**

Planning Application - (i) 1no building to include 4no. flats (following demolition of existing dwelling), (ii) new vehicular access and parking, (iii) replacement of existing boundary fences and (iv) insertion of dropped kerb

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 7 September 2017** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairman Carol Bull and David Roach

Terry Clements

Susan Glossop

Jason Crooks

Ian Houlder

Robert Everitt

Ivor Mclatchy

Paula Fox

Andrew Smith

Substitutes attending:

John Griffiths

Barry Robbins

By Invitation:

Richard Rout

343. **Apologies for Absence**

Apologies for absence were received from Councillor John Burns, Alaric Pugh, Peter Stevens and Julia Wakelam.

344. **Substitutes**

Councillor Barry Robbins attended the meeting as substitute for Councillor John Burns and Councillor John Griffiths attended as a substitute for Councillor Alaric Pugh.

345. **Minutes**

The Chairman drew attention to the two sets of minutes attached to the agenda for Members' consideration:

19 July 2017

Councillor David Nettleton spoke on the minutes of 19 July 2017 and made reference to being aware of concerns from a third party in relation to the content of the minutes, however, he did not personally dispute them.

The Chairman advised the meeting that the minutes in question had been circulated in draft mode prior to inclusion on an agenda, which was not the normal process.

The minutes of the meeting held on 19 July 2017 were then confirmed as a correct record and were signed by the Chairman.

3 August 2017

Councillor Nettleton also spoke on the minutes of 3 August 2017 and made reference to Minute No 340 (Planning Application DC/16/1050 & Listed Building Consent Application 16/1051/LB – 6 Lower Baxter Street, Bury St Edmunds).

At the meeting in August Councillor Nettleton had spoken against the application in question on the grounds of design and had believed that he had asked that his objection was recorded in the minutes, however, on investigation the recording of the meeting had not shown this.

Councillor Nettleton, therefore, asked that his objection be formally recorded and the Chairman agreed for it to be noted.

The minutes of the meeting held on 3 August 2017 were then confirmed as a correct record and were signed by the Chairman.

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

This application was referred to the Development Control Committee as it was a major application and the Parish Councils concerned raised objections, which was contrary to the Officer recommendation of approval, subject to a condition, as set out in Paragraph 69 of Report No: DEV/SE/17/036.

The Principal Planning Officer explained that the application before the Committee sought Reserved Matters approval (access, scale, layout, appearance, landscaping and parking) following the Hybrid planning application granted in 2014 subject to a number of detailed conditions.

The Case Officer spoke on other related applications in respect of the Marham Park development and made reference to the overall Masterplan.

As part of his presentation the Officer made reference to:

- The 'late papers' which were circulated after the agenda was published; within which attention was drawn to the representation received from Suffolk County Council's Flood and Water Engineer who confirmed that their holding objection to the application could be removed;
- The approved Density Parameter Plan; which demonstrated that the scheme before Members was at the top of the permitted range, but

- within the specified limits, in light of which Officers considered the density proposed to be acceptable;
- The Road Hierarchy and Parking Plan which Highways had confirmed was acceptable (including access for emergency vehicles) and the size of the garages proposed was in accordance with the County's parking guidelines; and
- The landscape masterplan.

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

Speakers: Councillor Tom Murray (Bury St Edmunds Town Council)
spoke against the application
Councillor Howard Quayle (Fornham All Saints Parish Council)
spoke against the application
Sean Marten (applicant) spoke in support of the application

During discussion, questions were raised with regard to; road widths, space standards and the management of the open space.

In answering these questions the Case Officer clarified that:

- The width of the proposed roads complied with the Suffolk Design Guide;
- The Nationally Described spaces Standards could only be applied if they were part of a Local Plan. As these were currently not part of the St Edmundsbury Development Plan they could not be applied to the application. The Officer explained that planning colleagues were currently working on this matter and Members of the Committee asked that this be progressed as quickly as possible; and
- The Committee were advised that the management arrangements for open space varied across the schemes within Marham Park as different developers often chose different management mechanisms. Members were assured that in all cases Officers worked closely with the developers.

Councillor Robert Everitt asked a specific question with regard to surface treatments within the scheme such as tactile paving. The Case Officer explained that the development met all county standards in this respect. In response to which Councillor Everitt encouraged the applicant to consider the inclusion of these elements wherever possible.

Councillor David Nettleton proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Robert Everitt.

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

Decision

Planning permission be **APPROVED** subject to the following condition:

1. Plans and documents condition

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

This application was referred to the Development Control Committee in order to ensure full openness of the application process and in light of the interest in the proposal.

A Member site visit was held prior to the meeting. Bury St Edmunds Town Council had withdrawn an earlier objection in relation to the application, however, representations had been received from neighbouring properties.

Officers were recommending that the application be refused, for the reason set out in Paragraph 7 of the 'late papers' which were circulated after the agenda had been published.

As part of his presentation the Planning Officer made reference to:

- The 'late papers' which contained an amendment to the wording of refusal reason 1 and explained the reasoning for removing refusal reason 2 (as a result of the applicant since proposing the repositioning of the existing fence a further 900mm back from its current position and to plant an evergreen Laurel hedge in front, fronting Horsecroft Road);
- An email that had been circulated to the Committee from the applicant which queried the Site Area (sqm) figures set out in the late papers within a table in Paragraph 5. The Officer confirmed that some of the figures in the late papers had unfortunately been included inaccurately and advised the Committee of the correct calculations.

The Case Officer spoke on the history of the site and related planning applications.

Attention was also drawn within the presentation to nearby residences which had been subject to similar 'infill' planning applications. The Officer explained that the site area and curtilage of the proposed dwellings within the application would be somewhat smaller than the others shown, which reinforced the Officer's concerns regarding the proposed impact of the development on the character and appearance of the area.

Speakers: Elizabeth Maine (neighbour) spoke against the application
Councillor Richard Rout (Ward Member: Westgate) spoke against the application
Trevor Grange (applicant) spoke in support of the application

Councillor David Nettleton proposed that the application be refused, as per the Officer recommendation and for the reason set out in the 'late papers', and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 3 voting for the motion, 9 against and with 1 abstention the Chairman declared the motion lost.

Following further discussion on the application by the Committee, Councillor Terry Clements proposed that the application be deferred in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible. This was duly seconded by Councillor David Nettleton.

Upon being put to the vote and with 3 voting for the motion, 9 against and with 1 abstention the Chairman declared the motion lost.

Councillor Carol Bull then proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Susan Glossop.

The Lawyer then interjected and explained that in making the proposal for approval Members needed to give reasons as to why they were going against the Officer's recommendation.

Following deliberation and after receiving Officers' advice, Councillors Bull and Glossop determined the following reasons:

- Refusal reason 2 had been removed as no longer relevant, leaving just one reason in the Officer's recommendation;
- The impact on visual amenity was not as severe as originally thought, particularly given the reduction in height; and
- The plot sizes concerned were considered adequate.

The Case Officer then read out draft conditions which could be used if Members were minded to approve the application:

1. Standard time limit
2. Samples of materials
3. Parking and manoeuvring details
4. Tree protection measures
5. Removal of permitted development rights
6. Details of boundary/screening treatment
7. Details of landscaping scheme
8. In accordance with approved plans

Councillor Glossop asked if the existing Leylandii trees could be conditioned in any way, however, the Assistant Director (Planning & Regulatory Services) advised against this specific condition as there were legal rights under antisocial behaviour legislation which can control the height of such hedges. A screening condition to be agreed with Officers was therefore recommended.

The Chairman then put the motion for approval to the vote, with 9 voting for, 3 against and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED**, contrary to the Officer recommendation, for the following reasons:

- Refusal reason 2 had been removed as no longer relevant, leaving just one reason in the Officer's recommendation;
- The impact on visual amenity was not as severe as originally thought, particularly given the reduction in height; and
- The plot sizes concerned were considered adequate.

And subject to the following conditions:

1. Standard time limit
2. Samples of materials
3. Parking and manoeuvring details
4. Tree protection measures
5. Removal of permitted development rights
6. Details of boundary/screening treatment
7. Details of landscaping scheme
8. In accordance with approved plans

348. **Planning Application DC/17/0995/VAR - Forge Cottage, Bowbeck, Bardwell (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)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because the Parish Council did not object to the proposal, which was contrary to the Officer's recommendation of refusal, for the reasons set out in Paragraph 31 of Report No DEV/SE/17/038.

The Planning Officer drew attention to Paragraph 28 of the report which outlined efficiency information in respect of the solar panels. In light of which, Officers considered the reorientation of the panels to only result in a *marginal* benefit and were therefore recommending refusal of the application; as the harm caused by the proposal would outweigh the benefit.

Speakers: Ian Wilkinson (neighbour) spoke against the application
Councillor Andrew Smith (Bardwell Parish Council) spoke in support of the application*

David Tomlinson (applicant) spoke in support of the application
(*Whilst speaking as a member of and on behalf of the Parish Council, Councillor Smith clarified that when the Parish Council considered the application in question he personally abstained from the vote and stressed that he would maintain an open mind when considering the item.)

During his address to the meeting Councillor Smith had requested, on behalf of the Parish Council, that screening options be explored with the applicant to help mitigate the impact of the solar panel's re-siting.

Councillor David Roach spoke in support of the screening suggestion and questioned the degree of harm that would be caused by the panel's re-orientation, he moved that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Carol Bull.

In response to a number of questions/comments with regard to the Officer's perception of 'harm' the Principal Conservation Officer addressed the meeting and provided additional explanation.

Councillor Terry Clements moved an amendment that the application be deferred in order to allow time for a Member site visit to be undertaken and for Officers to investigate appropriate screening options. However, this motion failed to be seconded.

The Chairman, therefore, put the motion for approval to the vote and with 8 voting for, 4 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED**, contrary to the Officer recommendation, for the following reason:

- The degree of harm was not considered to be significant when compared to the previously approved scheme

And subject to the following conditions:

1. Original time limit

The development to which this permission relates must be commenced not later than 12.01.2020.

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents.

3. Screening details

Before the installation of the solar panels hereby approved details of soft landscaping screening shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a planting plan; schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme shall be implemented not later than the first planting season following the installation of the solar panels (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.

4. Removal of PV panels

The Solar Panels shall be removed within 3 month of the cessation of their use and the land shall be, as far as is reasonably practicable, restored to its condition before the development took place, or to such a condition as has been agreed with the Local Planning Authority.

5. Parking prior to first use

The use shall not commence until the area(s) within the site shown on Drawing No 3646-06B for the purposes of [LOADING, UNLOADING,]

manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

6. Materials

The development shall be carried out in full accordance with the details approved under DCON(A)/16/1098 unless otherwise subsequently approved in writing by the Local Planning Authority.

Informative:

This planning permission does not grant consent for any works to the curtilage listed building. Any works required to the listed building in association with the installation or subsequent removal of the solar panels, such as a connection to the electricity supply, may require Listed Building Consent. The applicant is advised to provide the Council with details of such work before it is carried out.

The meeting concluded at 12.16pm

Signed by:

Chairman



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/040

Development Control Committee 5 October 2017

Planning Application DC/17/0599/FUL – 5 Francis Close, Haverhill

Date		Expiry Date:	30 th May 2017
Registered:	4 th April 2017		EOT (6 th October 2017)
Case		Recommendation:	Approve
Officer:	Ed Fosker		
Parish:	Haverhill	Ward:	Haverhill North

Proposal: Planning Application - (i) 1no building to include 4no. flats (following demolition of existing dwelling), (ii) new vehicular access and parking, (iii) replacement of existing boundary fences and (iv) insertion of dropped kerb

Site: 5 Francis Close, Haverhill

Applicant: Mr and Mrs Moses - Francis Close Ltd

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Ed Fosker

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application is referred to the Development Control Committee at the request of the Delegation Panel. The matter was presented before the Delegation Panel as the Officer recommendation for approval is contrary to the objection received from Haverhill Town Council.

The application is recommended for **APPROVAL**.

Proposal:

1. Planning permission is sought for the erection of one building to accommodate four flats (following demolition of existing dwelling), new vehicular access and parking and insertion of dropped kerb.
2. This planning application proposes to demolish the existing house and build in its place a small, two storey development of four one bedroom flats. During the course of the application the agent has reduced the width of the building to provide a more harmonious relationship in the setting of the existing site. Also the number of flats has now been reduced from five (4 x 2 bed and 1 x one bed) to 2 x one bed units and 2 x 2 bed units.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Existing and proposed floor plans and elevations
 - Design and access statement
 - Land Contamination Assessment

Site Details:

4. The site lies within the settlement boundary of Haverhill and comprises a modest sized detached chalet bungalow positioned centrally on the site. The west side boundary is a hedge for the length of the front garden, then at the side of the house and along the length of the back garden there is a low chain link fence. The south front boundary has a hedge above a low brick wall. The north-west side boundary has a close boarded wooden fence to the front garden of approximately 1.8m height and a low wooden fence in the rear garden. Francis Close slopes from west to east with the pair of semi-detached dwellings to the western side being at a higher level. The property has an associated garage within a row of garages further along Francis Close (which will provide secure cycle storage as part of this present application).

Planning History:

None.

Consultations:

5. Environment Team: No objection.

6. Public Health and Housing: No objections in principle, however raise concerns for the size of the proposed kitchen/dining/living areas in Flat 1-4 as being too small for the proposed number of occupiers.
7. Highways Authority: Initial comments were a 'holding refusal' based on the following reasons:
 - Insufficient parking
 - Pedestrian safety
 - Re-location of bollard

Representations:

8. Town Council: Objects, based on the following reasons:
 - Overdevelopment of the site
 - Inadequate parking provisions
 - Traffic and highways issues
 - Design- out of keeping with surrounding properties
 - Agree with Public health on concerns for size of flats based on the number of occupiers.
9. Neighbours: There have been 18 letters of objection from neighbouring properties regarding the original plan submitted, 2 letters received do not object but do raise concerns:
 - Parking, particularly in relation to the little proposed parking for the new flats and also the ongoing problem for street parking currently present on the street, which will only get worse by the proposed development.
 - Highways and traffic concerns, particularly in relation to pedestrian access and safety and traffic flow along the narrow road.
 - Noise impact the proposed development site will have on neighbouring properties as the cul de sac currently has a quiet environment.
 - Residential amenity in regards to anti-social behaviour.
 - Design/size of the property, the proposal is not in-keeping with the surrounding properties and is overdevelopment of the site with rear access as the proposal is utilising the full width of the site.
 - Devaluation of property.

Consultations Responses (Post amendments):

- Since the last amendment to the proposed plan to reduce the property to 4 dwellings, a petition of 51 signatures and 3 other individual residents have raised concerns relating to:
 - Parking

- Highways / traffic.
- 1 resident has raised concerns relating to:
 - Size of the proposed development, it is overdevelopment and still has issues for the boundary/rear access
 - Potential noise levels from the development
 - Privacy issues

Consultees (Amended plans):

- **Haverhill Town Council:** Objects to the amended plans based on the previous reasons provided. They believe that no significant changes have been made.
- **Public Health and Housing:** No objections in principle, however raise concerns regarding the size of the proposed dwellings, in particular the kitchen/dining/living areas in all four flats and the second bedrooms in flats 1 and
- **Environment Team:** No objections
- **Highways:** *No objections subject to conditions requiring a construction deliveries management plan, parking manouvering and cycle storage (to be retained).*

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

The proposed new footway is considered important to help reduce conflict between pedestrians and vehicles as much as is possible. Drawing number 1620/PD/07 shows an acceptable location and construction for this footway, however the actual location and construction may depend on existing services and tree roots and will be determined after sufficient site investigation works have been undertaken.

Officer Note – the requested footway improvements are within the adopted highway and can therefore be controlled and provided via a 'Grampian' style condition that prevents occupation unless and until the works have been completed.

Policy: The following policies of the Joint Development Management Policies Document 2015 and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

10. Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Water Efficiency
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

11. St Edmundsbury Core Strategy:

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS5 - Design quality and local distinctiveness

12. Haverhill Vision

- HV2 – Housing Development within Haverhill

Other Planning Policy:

13. National Planning Policy Framework (2012)

Core principles

Section 6: Delivering a wide choice of quality homes

Section 7: Requiring good design

14. National Planning Policy Guidance

Officer Comment:

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

- Principle of Development
- Impact on the surrounding area
- Design and Layout
- Residential Amenity
- Highway Safety

Principle of Development

16. This planning application proposes to demolish the existing house and build in its place a small, two storey development of four one bedroom flats. During the course of the application the agent has reduced the width of the building in an effort to provide a more harmonious relationship in the setting of the existing site. Also the number of flats has now been reduced from five (4 x 2 bed and 1 x one bed) to 2 x one bed units and 2 x 2 bed units.

17. The site is within the settlement boundary of Haverhill. On this basis, the site is considered suitable in accordance with the provisions of Policy HV2 and the principle of residential development is therefore acceptable. The proposed development also needs to be considered, amongst others, against policies DM2 and DM22 of the Development Management Policies Document which seeks to ensure that new development does not result in the loss of residential or visual amenity and their layout and design respects the established pattern and character

of development in the locality.

Impact on the character of the area:

18. Good design is important for all development types in all locations. The NPPF makes it clear in paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. New development should achieve a high quality design that enhances the unique characteristics of an area and ensures a better quality of life for people within that area.
19. It is considered that the size, scale, design and materials of the proposed building are very much in keeping with the surrounding area and the property would not appear unlike the existing dwellings. On this basis it is therefore considered that there would be no adverse impact on the character of the area.

Design and Layout

20. Core Strategy policy CS5, Development Management Policy DM2 and the NPPF requires development to be produced to a high standard of design. Local policies state that development should recognise and address characteristics and local distinctiveness of an area as well as producing designs that respect the character, scale, density and massing of a locality. However, the NPPF is clear at para. 60 that planning decisions should not attempt to impose architectural styles or particular tastes with, (at para.59) design policies concentrating on guiding overall scale, density, massing, height, landscape, layout, materials and access of new development.
21. The concerns raised by Town Council and neighbours relate to the overdevelopment of the site and what is considered by the Town Council to be an insufficient amount of amenity space. These concerns are noted, however the Local Authority has no adopted amenity space standards. Furthermore, the ground floor flats have modest gardens associated with them which is more than can normally be expected in a town centre location such as this. Car parking has been accommodated on the driveway to the front of the property. This driveway arrangement with parking at the front is not dissimilar to many of the dwellings in surrounding area. The layout submitted is considered to be in keeping with the surrounding character of development.
22. In terms of design, the two storey pitched roofed building with gabled ended rear projection, two small pitched roofed dormers to the rear and accommodation in the roof space is considered to be suitably domestic in scale and appearance, reflecting the existing houses in the area and echoing the traditional style of the recently built Havebury Association flats nearby on Lower Downs Slade. Materials are red brick cladding for the walls, white UPVC windows and a pantiles on the roof which are not considered out of character with the surrounding dwellings or the wider mixed character area generally.

Residential Amenity:

23. The site has one dwelling to the western side, the carpark to the Rose and Crown public house to the rear, the Council Offices which are separated by some distance to the eastern side, and an area of open space across the highway to the south. The introduction of first floor rear windows and modest dormers are not considered to lead to any more overlooking over and above that which currently exists along Francis Close. The bedroom windows have been positioned away from the boundary to No. 3 Francis Close with an obscure glazed bathroom window closest to the boundary at first floor level. It is not considered that this arrangement will lead to any adverse impact on the residential amenity currently enjoyed by the neighbouring property.

Highway safety

24. Concerns have been raised by neighbours and the Town council with regard to parking problems and highway safety issues, these concerns are noted

However the proposal will provide four car parking spaces for the 2no. two bedroom flats and 2no. one bedroom flats, which is 1no. space per dwelling and retains the garage associated with the property to accommodate secure cycle storage. The front hedge will be removed and it is proposed that a dropped kerb is installed along the front of the site to provide access into the parking spaces. The parking area will have a permeable block paver finish which will limit the amount of surface water run-off on to the highway. An existing bollard is to be relocated to enable the spaces to have greater access. Whilst there would appear to be issues with parking in the wider surrounding area this scheme which is located in a very sustainable location would provide four more off street parking spaces than currently exist.

25. It is considered that the site which is situated in a town centre location is a very sustainable location for alternative transport options other than car. From the site the occupiers of the proposed flats could walk, cycle or use the regular bus service which is within close proximity. Secure cycle store is provided in the existing garage associated with the property and the occupiers can safely keep their cycles on the site. Also adjacent to the site are two public car parks which could be used for visitors when additional parking may be required.

26. The applicant has agreed to provide a new pedestrian footway on the southern side of Francis Close on the opposite side of the highway to No. 5 which will link to the existing footpath, also the existing bollard at the end of Francis Close is to be re-positioned to provide for parking and manoeuvring space, whilst the footway and bollard lie outside the red line of the planning application these alterations and improvements can be secured by via a 'Grampian' style condition that prevents occupation unless and until the works have been completed.

Biodiversity

27. Policy DM12 states that measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. Legislation protects all wild birds whilst they are breeding, and prohibits the killing, injuring or taking of any wild bird or their nests and eggs. Certain species of bird, including the barn owl, are subject to special provisions; it is an offence to disturb any bird or their young during the breeding season.
28. The site is situated in the town centre but does have a hedge along the front boundary at present. The hedge will need to be removed to allow the parking area to be formed. Any removal of hedges will need to be undertaken outside of the nesting season to limit disturbance to nesting birds. There are two trees on the verge, on the north-eastern boundary of the site, but not within the site. Both trees are to be retained and the building has been positioned to ensure there will be minimal disturbance to the trees. The new building footprint allows the tree roots to be undisturbed and the canopy can be maintained as existing. In order to secure this it is considered necessary to include a condition requiring tree protection measures to be adopted during construction.

Other Issues

29. The effect of this proposal upon the value of third party property is not a material planning consideration.
30. The comments of Public Health and Housing in relation to the size of the properties are noted. The Planning Practice Guidance directs that where a Local Planning Authority wishes to require an internal space standard they should do so by reference in their Local Plan to the nationally described space standard. Members are advised that St Edmundsbury Borough Council have not adopted the nationally described space standards within their Local Plan and accordingly there is no local planning policy requirement for dwellings to meet these standards. Policy DM22 does however require new housing to be fit for purpose and function well, providing adequate space, light and privacy and officers are of the opinion that the dwellings meet this policy requirement.

Conclusion:

31. In considering the application, the merits of the proposal must be balanced against any harm arising. In this case, the design is similar to the surrounding pattern of development, its two storey nature and slightly smaller plot size it is not considered to raise undue concern with regard to scale, parking, amenity space and proximity to boundaries.
32. The proposal would result in four additional flats (2 x two bed and 2 x one bed) which would contribute to the local housing stock and which are located within very close proximity to local services and facilities. On this

basis, it is likely that local businesses would benefit from the dwelling, both during the construction process and from future spending, albeit this will be modest. On this basis, the proposal represents social and economic benefits. In terms of environmental benefits, the building itself is considered appropriate in terms of scale and layout in that it will not be dominant or overbearing in the street scene. It is not considered harmful and on this basis the scheme is considered acceptable subject to the conditions laid out below.

Recommendation:

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

1. Development to commence within 3 years
2. Materials as specified
3. In accordance with plans
4. 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.
5. Hard Landscaping
6. Soft Landscaping
7. Root protection during construction
8. Boundary treatment to be provided prior to occupation in accordance with the details shown on drawing 1620/PD/01B.
9. The removal of hedge to the front boundary of the site must be undertaken outside of the bird nesting season.
Reason: To ensure that wildlife habitats are maintained and are not adversely affected by the development.
10. The bin storage area shown on drawing 1620/PD/01B shall be provided in accordance with these approved details prior to the first occupation of any of the dwellings hereby approved.
11. 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. 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. A survey should be made of the condition of the highway prior to commencement of work and any damage made to the highway during construction shall be made good before first occupation.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas and to ensure no damage is done to the highway infrastructure.

12. Occupation shall not commence until the area(s) within the site shown on drawing 1620/PD/06 for the purposes of manoeuvring and parking of vehicles and secure cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

13. There shall be no occupation of the development hereby approved unless and until the new footway shown on drawing number 1620/PD/07 has been provided.

14. DM7 Water Efficiency. The dwelling hereby approved shall not 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.

Documents:

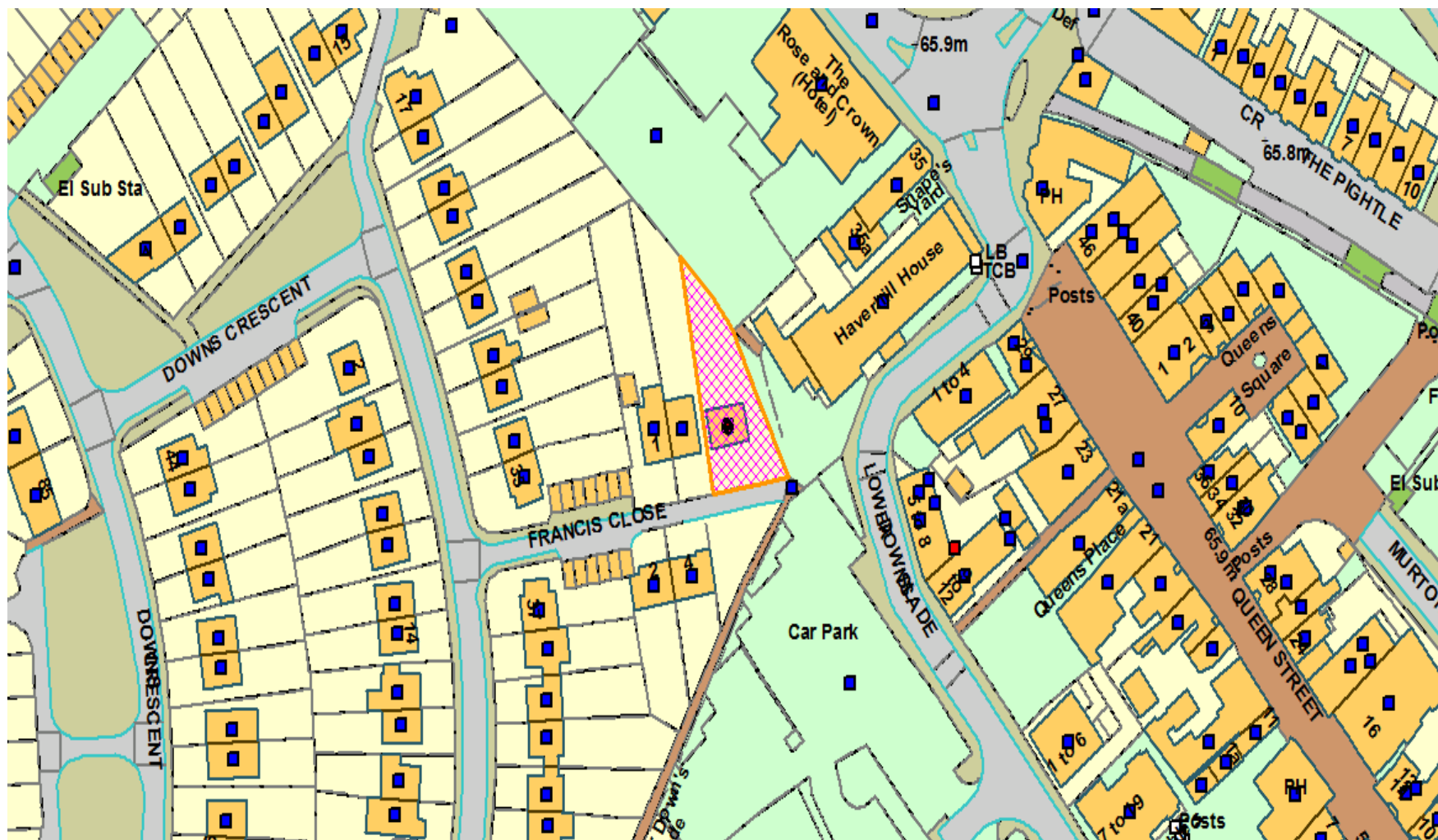
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ON5LT2PDFMC00>

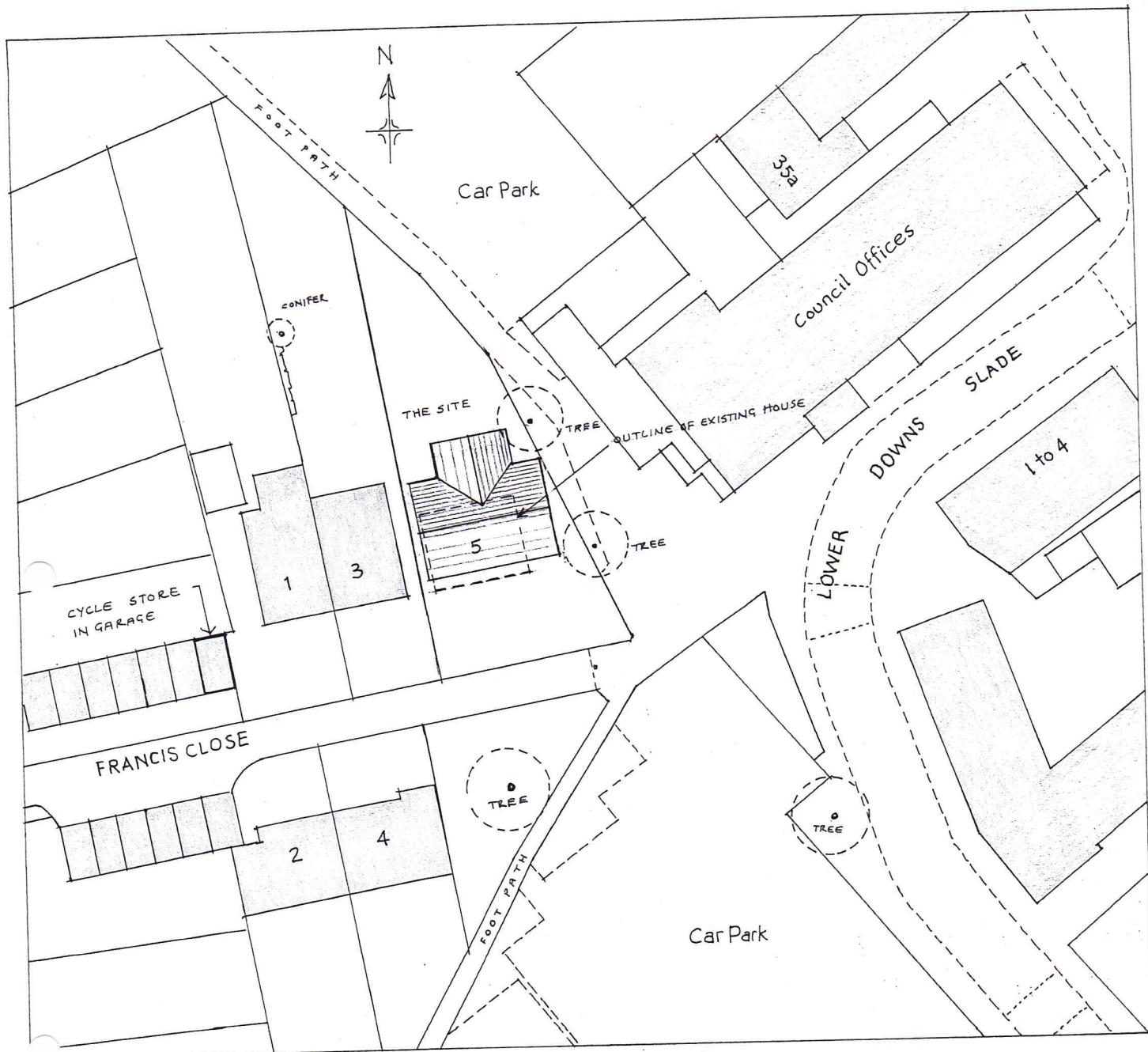
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DC/17/0599/FUL

5 Francis Close, Haverhill



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0 5 10 15 20 25 30m

scale bar 1 : 500

REV. A : BUILDING WIDTH REDUCED FROM 12.0M TO 11.4M
(300MM OFF EACH SIDE)

IMPORTANT NOTE

- THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS ON SITE BEFORE STARTING WORK.
- DO NOT SCALE DRAWINGS.
- REPORT ANY ERRORS OR OMISSIONS TO THE ARCHITECT.
- ALL MATERIALS SPECIFIED ARE TO BE USED IN ACCORDANCE WITH THE MANUFACTURERS GUIDELINES.

RACHEL MOSES · ARCHITECT LTD. BA (Hons). DIP ARCH. RIBA.		SITE	
		5, FRANCIS CLOSE, HAVERHILL.	
THATCH COTTAGE, RADWINTER END, SAFFRON WALDEN, ESSEX, CB10 2UD. Tel. 01799 599 264		TITLE	
		BLOCK PLAN / ROOF PLAN	
SCALE	DATE	DWG. No.	REV.
1 : 500	Jan. '17	1620/PD/11	A

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