

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda																
Date:	Thursday 1 February 2018																
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>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> <p><u>UKIP Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Jason Crooks</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Haverhill Indys Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Burns</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		David Nettleton	Julia Wakelam	Jason Crooks		John Burns	
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Substitutes:	<p><u>Conservative Members (5)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Griffiths</td> <td style="width: 33%;">Peter Thompson</td> </tr> <tr> <td>Sara Mildmay-White</td> <td>Frank Warby</td> </tr> <tr> <td>Richard Rout</td> <td></td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Diane Hind</td> <td style="width: 33%;"></td> </tr> </table> <p><u>UKIP Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Barry Robbins</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Haverhill Indys Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Tony Brown</td> <td style="width: 33%;"></td> </tr> </table>	John Griffiths	Peter Thompson	Sara Mildmay-White	Frank Warby	Richard Rout		Diane Hind		Barry Robbins		Tony Brown					
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<p>SITE VISITS WILL BE HELD ON THURSDAY 25 JANUARY 2018 AT THE FOLLOWING TIMES:</p> <p>The coach for Committee Members will depart West Suffolk House at 9.30am and will travel to the following sites:</p>																	

1. Planning Application DC/17/2235/HH - 29 Thistledown Drive, Ixworth, IP31 2NH

Householder Planning Application - Two storey rear extension (following demolition of existing conservatory)

Site visit to be held at 10.00am

2. Planning Application DC/17/1487/FUL - Station Yard, Station Road, Barnham, IP24 2PT

Planning Application - 1no. industrial storage building (B8)

Site visit to be held at 10.30/10.45am

3. Planning Applications DC/17/1763/FUL & DC/17/2606/VAR - Nunwick Farm, Rede Road, Whepstead, IP29 4SS

DC/17/1763/FUL - Planning Application - Construction and part retention of a single storey outbuilding to provide garaging and storage associated with the residential occupation of the site

DC/17/2606/VAR - Planning Application - Variation of Condition 9 of DC/15/0426/FUL (Planning Application - Change of use of land from agriculture to domestic use) to read "The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied"

Site visit to be held at 11.15/11.30am

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

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

Material Planning Considerations

1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.

2. Material Planning Considerations include:

- Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
- Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
- The following Planning Local Plan Documents

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

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

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

reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.

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

Notes

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

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

Agenda

Procedural Matters

Part 1 – Public

Page No

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 14

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

4. Planning Applications DC/17/1763/FUL & DC/17/2606/VAR - Nunwick Farm, Rede Road, Whepstead

15 - 44

Report No: **DEV/SE/18/002**

DC/17/1763/FUL - Planning Application - Construction and part retention of a single storey outbuilding to provide garaging and storage associated with the residential occupation of the site

DC/17/2606/VAR - Planning Application - Variation of Condition 9 of DC/15/0426/FUL (Planning Application - Change of use of land from agriculture to domestic use) to read "The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied"

5. Planning Application DC/17/1487/FUL - Station Yard, Station Road, Barnham

45 - 64

Report No: **DEV/SE/18/003**

Planning Application - 1no. industrial storage building (B8)

6. Planning Application DC/17/2235/HH - 29 Thistledown Drive, Ixworth

65 - 76

Report No: **DEV/SE/18/004**

Householder Planning Application - Two storey rear extension (following demolition of existing conservatory)

- 7. Planning Application DC/17/2276/FUL - 11 Hardwick Lane, Bury St Edmunds** **77 - 88**
Report No: **DEV/SE/18/005**
Planning Application - 1no. dwelling
- 8. Planning Application DC/17/2482/FUL - Land North of Willow Tree Farm, Mill Road, Brockley** **89 - 100**
Report No: **DEV/SE/18/006**
Planning Application - 2no. dwellings with associated vehicular access and copse area

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 7 December 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

John Burns
Jason Crooks
Susan Glossop
Ian Houlder
David Nettleton

Alaric Pugh
Andrew Smith
Peter Stevens
Julia Wakelam

352. Apologies for Absence

Apologies for absence were received from Councillors Terry Clements, Robert Everitt, Paula Fox and Ivor McLatchy.

353. Substitutes

No substitutes were declared at the meeting.

354. Minutes

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

2 November 2017 (Special Meeting):

The minutes of the Special Development Control Committee meeting held on 2 November 2017 at 10.00 am were confirmed as a correct record and were signed by the Chairman

2 November 2017:

The minutes of the meeting held on 2 November 2017 at 2.00 pm were confirmed as a correct record and were signed by the Chairman.

(At this point there was a short unintentional adjournment as the presentation equipment had failed. A member of staff attended to resolve the issue and the meeting reconvened).

355. **Planning Application DC/17/1765/RM - Western Part of the Suffolk Business Park Extension, Bury St Edmunds**

Reserved Matters Application – Submission of details under DC/16/2825/OUT – the means of appearance, layout, scale and landscaping for 2no. industrial/logistics buildings (B8 with ancillary B1a offices), together with associated car parking, service yard and landscaping as amended by plans and details received.

The application had been referred to the Development Control Committee because the Council had a financial interest in the land.

The Reserved Matters application sought consent for layout, scale and appearance and on plot landscaping. The application also sought consent for two large storage and distribution buildings (B8) that would have ancillary B1 offices to serve the principle B8 use, with car parking, cycle storage, yard space and Heavy Goods Vehicle (HGV) parking, turning and unloading areas. The description of the two buildings were listed in paragraph 2 and 3 of the report.

The two proposed units would operate in isolation from each other and would be served by separate accesses which were approved as part of the new internal road that was being constructed. Each unit would have an entrance for the main car park and pedestrian access and there would be a separate entrance for HGV vehicles.

The application had been amended since submission as outlined in paragraph 5 of the report.

Representations had been received from Bury St Edmunds Town Council and Rushbrooke with Rougham Parish Council who were both in support of the application.

Speakers: Mr Neil Osborne (Agent) spoke in support of the application.

Members commended the Case Officer for producing a clear and high quality report.

Given that the application was considered a signature development along the A14 that would showcase the entire business park, it was suggested that Members would have liked to have seen elevations that would be visible from the A14 in order to obtain an understanding of what it would look like from the view of travelling down the highway.

Whilst Members' were generally in support of the application, the following concerns were raised:

- The applicant had submitted a Building Research Establishment Environmental Assessment Method (BREEAM) statement and achieved

a standard of 'Very Good', however Members would have liked to have seen a standard of 'Excellent' achieved.

- The amount of light pollution that was generally produced from industrial estates.
- The amount of on-site parking available to manage the loading and unloading of multiple HGVs to ensure that they do not have to park off-site.

The case officer responded to the comments and concerns raised:

- The achievement of 'Excellent' for the BREEAM statement was deemed as unrealistic by the applicant due to the speculative nature of the proposal and other factors outside of their control. The developer had proposed that they would include other enhancements included in the BREEAM statement.
- An environmental statement was submitted at the application's outline stage that included conditions that future occupiers of the site would have to comply with to reduce the impact of light pollution.
- A sufficient amount of on-site parking had been provided for HGVs as well as electrical charging points that would allow the vehicles to be loaded and unloaded without having to have the engine switched on.
- A 30 metre landscape buffer had been included in the application to soften the visual impact of the development from the A14.

One Member queried whether there would be a sufficient amount of on-site facilities available for HGV drivers to which the Case Officer explained that the internal layout was yet to be confirmed, however they would raise the point with the developer in an effort to ensure that these would be provided.

Councillor Peter Stevens proposed 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 the vote being unanimous, it was resolved that

Decision

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

1. List of approved plans
2. Building SP205 to be limited to a gross floor area of 19,122m²
3. Building SP150 to be limited to a gross floor area of 13,617m²
4. Details of the internal layout for building SP205 to be submitted and approved in writing by the Local Planning Authority (LPA) before the building is first brought into operation. The approved details shall be implemented.
5. Details of the internal layout for building SP150 to be submitted and approved in writing by the LPA before the building is first brought into operation. The approved details shall be implemented.
6. No storage of materials or waste shall occur on land north of the front elevation (car park) of either building hereby approved unless otherwise agreed in writing with the LPA.

7. Details of the finished floor level of the yard area, including the gradients for the docking areas shall be submitted to and approved in writing by the LPA before building SP205 is first brought into operation. The approved details shall be implemented.
8. Details of the finished floor level of the yard area including the gradients for the docking areas shall be submitted to and approved in writing by the LPA before building SP150 is first brought into operation.
9. Details of all fences, gates and walls as shown on the submitted details shall be submitted to and approved in writing by the LPA before the building SP205 is first brought into operation. The agreed details shall be implemented.
10. Details of all fences, gates and walls as shown on the submitted details shall be submitted to and approved in writing by the LPA before the building SP150 is first brought into operation. The agreed details shall be implemented.
11. Prior to either building being first brought into use, details of two cycle stands that will serve each unit hereby approved (four in total) that will be available to visitors shall be submitted to and approved in writing. The agreed details shall be implemented before the building they serve is first brought into use.
12. Details of the external materials to be used on building SP150 shall be submitted to and approved in writing by the LPA prior to development commencing on site. The approved details shall be implemented.
13. Details of the external materials to be used on building SP205 shall be submitted to and approved in writing by the LPA prior to development commencing on site. The approved details shall be implemented.
14. A certificate of demonstrating that building SP150 has gained a BREEAM 'Very Good' status to be submitted.
15. A certificate of demonstrating that building SP205 has gained a BREEAM 'Very Good' status to be submitted.
16. Landscape details hereby approved to be implemented within the first planting season after building SP205 is first brought into use.
17. Landscape details hereby approved to be implemented within the first planting season after building SP150 is first brought into use.
18. The hereby approved tree protection fencing shall be implemented prior to construction starting on either building hereby approved or at such time that shall be previously approved in writing by the LPA.
19. The measures detailed in section 4 of the Biodiversity Survey, James Blake November 2017, JBA16_181 ECO 13, shall be implemented in their entirety.
20. The aftercare and management plan, which includes management prescription for the landscaping, shall be implemented.
21. Parking, manoeuvring and unloading areas to be made available for building SP205 before the building is first brought into use.
22. Parking, manoeuvring and unloading areas to be made available for building SP150 before the building is first brought into use.

356. **Planning Application DC/17/1047/OUT - Former Howard Community Primary School, St Olaves Road, Bury St Edmunds**

Outline Planning Application (Means of Access to be considered) – Redevelopment of site to provide up to a maximum 79 no. residential units (Class C3) and a new community centre also incorporating a replacement Carousel Children’s Centre (Class D1) with associated parking, open space, landscaping and infrastructure.

The application was referred to the Development Control Committee because St Edmundsbury Borough Council were one of the applicants and owned part of the site.

The application site included the former Howard Community Primary School and the Newbury Community Centre. The school had closed in August 2016 as part of the wider implementation of Suffolk County Council’s School Organisation Review and became surplus to education requirements as the children had been transferred to the larger Howard Middle School site. The site had been earmarked by Suffolk County Council for residential development that would help forward-fund the implementation of other essential education projects in the County and improve the quality of infrastructure and meeting an increased demand for places.

The Newbury Community Association had a longstanding objective to rebuild the adjoining Newbury Community Centre to overcome the deficiencies of the existing building and provide a range of flexible meeting space that was better suited to meeting current demand and would enable a greater range of activities and services to be offered.

The application had been amended to increase the maximum quantum of development from 70 dwellings to 79 dwellings, 30% of which would be classed as affordable housing.

Attention was drawn to the supplementary report that had been circulated in respect of this item which corrected a typo in paragraph 26 of the report and included an amendment to the Officer’s recommendation.

In addition to the supplementary report, the Case Officer informed Members of the following amendments that had also been made to the report:

- Reference to the replacement of the community centre in paragraph 64 of the report had been removed;
- Proposed condition two on page 52 of the report;- for clarification the reserved matters listed were in relation to the community centre and nursery building;
- Additional conditions were proposed related to vehicular access, surface treatments and phasing the construction of the community centre and nursery building.

Representations had been received from two local residents who were in support of the application, however did raise concerns related to potential noise and light disturbance from the proposed community centre. A request was also made to install lockable gates on the car park entrance.

Speakers: Mr Colin Ross (Agent) spoke in support of the application.

Members commended the scheme presented before them and stated that they would like to ensure that if approved, the developer would deliver no less, in terms of quality and the quantum of affordable housing, than what was proposed in the application. The Case Officer confirmed that planning conditions and the Section 106 agreement would secure what had been proposed in the application.

In response to a Member's query, the Case Officer explained that the replacement Carousel Children's Centre would be incorporated within phase one of the replacement Community Centre building.

A concern was raised in relation to the proposed vehicular access point located at the Eagle Walk end of the development as a Member considered it unsafe due to the reduced visibility associated with being located on a sharp bend. It was suggested by the Member that the vehicular access point could be re-located towards the centre of the proposed development where visibility would be improved and a raised pedestrian crossing would already be in place. It was acknowledged that the location of the car park within the layout could be reviewed at reserved matters stage but it was made clear that the location of the access points formed part of the consideration of the current outline application and Suffolk County Council as the Highways Authority had raised no objections to the application in terms of highway safety.

It was suggested by one Member that at the reserved matters stage of the application the developer could consider installing a sprinkler system in the proposed community centre building as a fire safety feature.

Councillor Julia Wakelam proposed that the application be approved, as per the amended 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 **APPROVED** as per the amended Officer recommendation of approval subject to Officers' agreeing the final wording/variation of the Section 106 Legal Agreement under delegated authority to secure financial contributions towards enhanced education and library provisions, improvements to existing playing fields in the area, and the provision of 30% affordable housing. This would be subject to the following conditions:

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority (LPA) before the expiration of three years from the date of this permission. The development hereby permitted shall not be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission; or

- ii. The expiration of two years from the final approval of the reserved matters; or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the LPA before any development begins and the development shall be carried out as approved.
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 LPA.
4. Prior to the commencement of development application details of a surface water drainage scheme will be submitted to, and agreed in writing by, the LPA. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved outline drainage strategy by Rossi Long Consulting (ref:- SK02 Rev P3 dated 03/08/17). Details of the scheme 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 drawings of the main aspects of surface water drainage system (including an impermeable area plan).
 - 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 shall only be used where they do not pose a threat to groundwater. There shall be at least 1.2 metres of unsaturated ground between the base of the device and the groundwater table.
 - v. Proposals for water quality control – Demonstration of adequate treatment for surface water shall be submitted. SuDS features should demonstrate betterment to water quality due to the site being in a Source Protection Zone.
 - vi. If individual soakaways are being used they will be at least five metres away from any foundation (or more depending on strata).
 - vii. Infiltration devices should aim to have a half drain time of less than 24 hours.
 - viii. Modelling of any pipe network in the one in 30 year rainfall event to show no above ground flooding.
 - ix. Topographic plans shall be submitted depicting all safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a one in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.

- x. 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.
 - xi. 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.
5. The development 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 LPA 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 LPA. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.
 7. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
 - i. A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - ii. The results of a site investigation based on i. and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii. Based on the risk assessment in ii., an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii. is submitted and approved, in writing, by the LPA. The long term monitoring and maintenance plan in iii. shall be updated and be implemented as approved.

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

approval from the local planning authority. The remediation strategy shall be implemented as approved.

8. Before any part of the development is occupied 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 LPA. 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 LPA showing the means to prevent the discharge of surface water from the development into 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. 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 LPA.
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.
12. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of part two class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
13. 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 LPA. The scheme of investigation shall include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation

- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
 - vii. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the LPA.
14. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the LPA, in accordance with the programme set out in the Written Scheme of Investigation approved under condition one and the provision made for analysis, publication and dissemination of results and archive deposition.
15. Each dwelling proposed with dedicated off-street parking shall be provided with an electric vehicle charge equipment charge point prior to its first occupation. Details of the electric vehicle charge equipment to be installed at the site shall have first been agreed in writing with the LPA. All charge points shall be provided within at least two metres of the associated designated parking space.
16. The new vehicular accesses shall be laid out and completed in all respects in accordance with Drawing No. HBS-DR-A001 Rev. P4; and with an entrance width as shown and made available for use before the development is commenced. Thereafter the access shall be retained in the specified form.
17. Prior to the access hereby permitted being first used, the approved access onto St Olaves Road shall be properly surfaced with a bound material for a minimum distance of 10m metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
18. Prior to the demolition of the existing community centre building and Carousel Children's Centre building, the replacement Community Centre hereby approved shall be completed and ready for occupation.

357. Planning Application DC/17/2237/HH - Tamarisk, 4 Barrow Hill, Barrow

Householder Planning Application – (i) Single storey side extension including attached garage (demolition of existing garage) and (ii) replacement of existing flat roof over rear extension with pitched roof.

(Councillor Ian Houlder declared a non-pecuniary interest as his daughter owned the property next door to the site. He remained in the meeting for the consideration of this item).

The application had been referred to the Development Control Committee because the applicant was an employee of St Edmundsbury Borough Council.

The application sought planning permission for the construction of a single storey side extension including attached garage, following the demolition of existing garage and the replacement of existing flat roof over single storey rear extension with a pitched roof. The proposed single storey side extension

would extend 5.5 metres from the side elevation of the existing dwelling and measure a maximum of 13.7 metres in length and 5.4 metres in height.

A query was raised as to whether the Council had any policy in place that stipulated that the height of an extension had to be subservient to the ridge height of the host property. The Service Manager (Planning – Development) confirmed that usually it was preferable for an extension to be subservient to the host property, however for this particular application it was considered acceptable by Officer's that the ridge height of the proposed extension would be level to that of the host property, particularly given the modest scale of the host dwelling.

One Member was particularly concerned about the extension of the bungalow when there was already a shortage of smaller bungalows suitable for older residents in the Borough. In response to this Members stated that the application should be determined on its own merit and it was considered that the proposal would significantly improve the design and quality of the existing property.

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

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 conditions:

1. Time limit
2. Compliance with plans

358. **Planning Application DC/15/2151/OUT - Great Wilsey Park, Little Wrattling**

Outline Application (Means of Access to be considered) – Residential development of up to 2,500 units (within use classes C2/C3); two primary schools; two local centres including retail, community and employment uses (with use classes A1/A2/A3/A4/A5, B1 and D1/D2; open space; landscaping and associated infrastructure.

(Councillor John Burns declared a non-pecuniary interest as he lived in close proximity to the application site but remained in the meeting for the consideration of this item).

Planning application DC/15/2151/OUT had been considered by the Development Control Committee on 2 March 2017 and planning permission had been granted subject to the applicant entering a Section 106 agreement to secure essential infrastructure. Members were informed that progress towards signing the Section 106 agreement was proceeding well.

The application had been bought back to the Committee because the applicant sought permission to adjust the implementation period from three years to five years for commencement of development and from 10 years to 15 years for the submission of details. The reasoning behind the request was explained by the Case Officer as follows:

- The application site was still owned by a private individual and not a development company therefore the land would need to be marketed before any development could commence.
- The Officer's decision to suggest a period of submission of details to 10 years was made in line with smaller strategic sites previously considered around Bury St Edmunds and Haverhill, however given that the scale of the proposed development was much larger than those in comparison it was unlikely that all details would have been submitted by the 10 year time limit.

The Case Officer also reminded Members that at the Committee meeting on 2 March 2017, delegated authority had been given to Officers' to consider alternative access to the site from that which had been proposed from Chalkstone Way. The Officer explained that this had been difficult due to issues related to land ownership, however those issues had now been resolved and the amendment had been made. Some objections had been received, however they related primarily to the scale of development and not the details of the alternative access.

Speakers: Mrs Marion Farrant spoke on behalf of Kedington Parish Council on the application
Councillor John Burns spoke on the application as the Ward Member for Haverhill East

Members were generally in support of the request, however in light of recent requests from Central Government for Local Councils to build an increased amount of houses in a shorter period of time, a suggestion was made by one Member to hold at least one part of the development site to the original agreement to ensure the development does not delay the Council's obligation to build more houses.

The Case Officer responded to the suggestion and explained that if any part of the site was held to the original agreement of three years then a situation could arise similar to that had been experienced on the nearby North West Haverhill strategic site where development had to commence by March 2018. This proved difficult due to problems the developer had been facing in relation to the amount of time it had taken to complete the transfer of land ownership, the submission of details for the site and approval of Highways drawings from Suffolk County Council. If development did not commence within three years then the planning permission would expire and the developer would have to reapply, therefore extending the time period for commencement to five years would prevent that from happening and it was not considered that it would impinge on early development of the site.

Following on from the concern raised, clarity was sought as to whether approval of extending the implementation periods could be subject to any forthcoming legislation that would require the Council to support an accelerated delivery of housing. The Service Manager (Planning –

Development) explained that it would not be able to be included as a condition that the applicant would have to adhere to because it was not a material planning consideration. If any such legislation came into effect after approval had been granted it would not override the decision to extend the implementation periods.

Other Members sympathised with the concern that had been raised however stated that they would not want the quality of the proposed development to be compromised by the pressure of having to adhere to a short time scale for commencement.

In response to a Member query, the Service Manager informed the Committee that extending the implementation periods would not have any negative impact on the Council's five year land supply.

The Case Officer confirmed that the implementation period of five years for commencement of development would come into effect the day planning permission was issued and the Section 106 agreement was signed.

Councillor David Roach proposed that the amendment sought be approved, as per the Officer recommendation, and this was duly seconded by Councillor John Burns.

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

Decision

The amendment sought be **APPROVED**.

The Meeting concluded at 11.40 am

Signed by:

Chairman

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/002

Development Control Committee 1 February 2018

Planning Applications DC/17/1763/FUL & DC/17/2606/VAR – Nunwick Farm, Rede Road, Wepstead

Date	25.08.2017 /	Expiry Date:	EOT until
Registered:	19.12.2017		08.02.2018 /
			13.02.2018
Case Officer:	Dave Beighton	Recommendation:	Approve Both Applications
Parish:	Wepstead	Ward:	Chedburgh

Proposal: DC/17/1763/FUL - Planning Application - Construction and part retention of a single storey outbuilding to provide garaging and storage associated with the residential occupation of the site

DC/17/2606/VAR - Planning Application - Variation of Condition 9 of DC/15/0426/FUL (Planning Application - Change of use of land from agriculture to domestic use) to read "The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied".

Site: Nunwick Farm, Rede Road, Wepstead

Applicant: Mr David and Owen Brown

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 applications and associated matters.

CONTACT CASE OFFICER:

Dave Beighton
Email: dave.beighton@westsuffolk.gov.uk
Telephone: 01638 719470

Background:

Application DC/17/1763/FUL is referred to the Development Control Committee following consideration by the Delegation Panel. It had been referred to the Delegation Panel at the request of Ward Member Councillor Mike Chester.

Application DC/17/2606/VAR does not otherwise require consideration by the Development Control Committee but has been presented at the same time noting the wider interest in application DC/17/1763/FUL.

A site visit is scheduled to take place on Thursday 25 January 2018.

The Parish Council have no objection to either application, both of which are recommended for APPROVAL.

Proposal:

1. **DC/17/1763/FUL** - Planning permission is sought for the construction and part retention of a single storey building for use incidental to the enjoyment of the dwelling on site that is presently under conversion within an existing barn.
2. The application has been subject to an amended description during its consideration. The application was originally described as –

Planning Application - Construction/retention of 1no. small barn as a domestic outbuilding associated with the residential occupation of the large barn.
3. Concerns were raised that the description as originally consulted upon was inaccurate, and that such had the potential to lead to confusion amongst interested parties. There is an element of the original building standing and this will be retained and incorporated as a component of the new development so the revised description at the top of this report properly reflects this, albeit this change did not otherwise change the substance of the proposal, rather it simply clarifies in a more accurate way its nature. In any event, and in order to ensure no prejudice to interested parties, a full reconsultation process was undertaken, including with the Parish Council and through the posting of a new site notice, for a further period of 21 days. This revised description was the only change, with no amendments undertaken to the submitted plans or supporting documents.
4. The building is single storey in scale. To the west the proposal contains a two bay garage, whereas to the eastern end the building proposes a toilet, plant room, and a single room used for purposes incidental to the enjoyment of the dwellinghouse presently under conversion with the larger former agricultural building on the site.
5. **DC/17/2606/VAR** – Planning permission is sought to vary the wording of condition 9 of DC/15/0426/FUL. As originally worded this condition read as follows-

The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the relevant dwellings occupied.

Reason: The development is only acceptable in connection with the development approved under DC/15/0029/PMBPA2.

6. The revised wording sought by the applicant is as follows -

The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied.

7. The rationale behind this submission is explained in more detail below.

Site Details:

8. The site is located within the countryside, outside of the Whepstead Conservation Area. There is a listed building (Black Horse Cottage) on the opposite side of the road to the proposals and other dwellings in the immediate vicinity of the site. The site is set back from the road behind a hedge.

Planning History:

Reference	Proposal	Status	Decision Date
DC/14/1351/PMBP A	Prior Approval Application - (i) change of use of two agricultural buildings to two dwellinghouses (Use Class C3) (ii) associated operational development	Prior Approval Required	15.09.2014
DC/15/0029/PMBP A2	Prior Approval Application - (i) change of use of two agricultural buildings to two dwellinghouses (Use Class C3) (ii) associated operational development	Application Granted	05.02.2015
DC/15/0426/FUL	Planning Application - Change of use of land from agriculture to domestic use	Application Granted	28.04.2015
DCON(A)/15/0029	Discharge of conditions 3 and 4 (land contamination) of DC/15/0029/PMBPA2	Application Refused	26.05.2015
DCON(B)/15/0029	Discharge of Conditions for Condition 1 (Facing and Roofing Samples), 2 (Boundary Treatment), 3 (site investigation scheme), 4 (verification report) 5 (remediation strategy), 7 (Surface	Application Granted	19.01.2016

	Water) and 8 (Manoeuvring and Parking details) of DC/15/0029/PMBPA2		
DCON(A)/15/0426	Discharge of Conditions application for Condition 2 (Soft Landscaping), 3 (Hard Landscaping), 4 (Boundary Treatment), 5 (Contamination), 6 (Refuse and Recycling Bins) of DC/15/0426/FUL	Application Granted	19.01.2016
SE/04/3092/P	Planning Application - (i) Change of use and alterations of two farm buildings to offices (Class B1 Business use); and (ii) provision of surface car parking (following demolition of single storey piggery) and alterations to existing vehicular access (resubmission) as amended by (1) letter and drawing nos. 2276/2C and 3B received 19th November 2004 indicating (i) alterations to conversion proposals for main barn; (ii) demolition of piggery building; (iii) reduction in office floor space within single storey cart shed (2) letter received 12th November 2004 confirming use of buildings as offices	Application Granted	09.03.2005
SE/04/2017/P	Planning Application - (i) Change of use and alterations of three farm buildings to Class B1 (Business) use; and (ii) provision of surface car parking and alterations to existing vehicular access	Application Withdrawn	01.07.2004
E/89/2525/P	Outline Application - Dwelling, garage and access	Application Refused	06.09.1989
E/76/1791/P	ERECTION OF ONE PRIVATE DWELLING	Application Refused	23.06.1976

Consultations:

DC/17/1763/FUL

- 9. Conservation Officer:** No objection.
- 10. Environmental Health – Contaminated Land:** No objection. Comments made in relation to the ongoing implementation of the conversion of the larger barn which are not material to the assessment of this proposal.
- 11. Development Implementation and Monitoring Officer:** The site area would trigger 30% affordable housing but only if the combined floor space exceeds 1000sq metres. *Officer Note – the proposal is for a building for use incidental to the enjoyment of the dwelling being constructed on site. In this context, consideration of affordable housing is not necessary.*
- 12. Environmental Health – Public Health and Housing:** No objection.

Representations:

- 13. Whepstead Parish Council** – The Parish Council voted to accept the application on the condition that a S106 agreement be imposed to restrict the use of the small barn so that it can never be converted to a small dwelling. *Officer Note – a s106 agreement is not necessary to control this, since such a change of use requires planning permission, meaning the LPA has control in the event that such a change of use ever did take place without planning permission first having been granted.*
14. The Parish Council reconfirmed this position in their response to the reconsultation on the amended description.
- 15. Neighbour representations** - This proposal was subject to a revised description part way through the consideration process. As a result the consultation period was extended by a further 21 days to take account of this revised description, albeit the proposal itself has not changed. As a result of this extended consultation period a total of 11 letters of objection were received across both consultation periods, which make the following summarised comments –
- The wording of this latest planning application remains mis-leading. The incidental reuse of a handful of beams does not constitute part-retention. *Officer Note – Officers are satisfied that the description is sound, and reasonable, and a full re-consultation was effected on the revised description. Please see report below – the building is partially a new build, noting the removal of significant elements of the former building, and partially a conversion / retention, noting that significant parts of the former building are retained.*
 - The structures are new, it is not therefore part retention but new construction. *Officer Note – see point above.*
 - The building is larger than the original footprint. *Officer Note – This matter is assessed in the main report.*
 - The proposed development is situated upon agricultural land. How is a planning application of a residential nature being considered upon

designated agricultural land? *Officer Note – See report below. The planning unit has the benefit of a consent for the change of use from agricultural to domestic use. Officers consider, on the balance of probability, and as a result of the implementation of the conversion of the larger barn, that this change of use consent has been implemented but, even if it has not, it remains extant and capable of implementation and is therefore a material fall back in either scenario.*

- The development clearly contravenes a large number of policies in the Development Plan, including DM1, DM2, DM13, DM15, DM17, DM22, DM25, DM26, DM27, DM28 and DM33. *Officer Note – See Report.*
- The development is inconsistent with Policy CS3 and CS4 as well as paragraphs 58, 60, 61 and 64 of the NPPF. *Officer Note – See Report.*
- The development is an unacceptable feature within a special landscape area and is also within clear view of the Whepstead Conservation Area.
- The development is located in close proximity to listed building and has an adverse effect upon its setting. *Officer Note – see main report.*
- There is no material change in planning considerations since previous applications were refused. *Officer Note – there have been no refusals for any previous domestic outbuildings at the site. The relevance of any previous refusals for dwellings at the site is not material to the assessment of this proposal.*
- This development will create an undesirable precedent. *Officer Note – Policy DM24 allows for the provision of development related to a domestic dwelling. The 'precedent' for such development is already established through adopted policy.*
- Consider that the development is unsustainable contrary to Policy DM1 and should be located within a settlement boundary. Any occupiers of the development will need to be car borne and the distance between the application site and schooling etc is too far. *Officer Note – this is not an application for a new dwelling, where such considerations would of course be relevant. This is a proposal for a domestic outbuilding within the curtilage of a lawfully consented dwelling. Consideration of locational sustainability is not therefore relevant.*
- This is sporadic development in the countryside unrelated to agriculture. *Officer Note – the development is a domestic outbuilding on a site that contains a lawfully implemented building presently being converted to a dwelling, on a site that benefits from an implemented (or at least extant, in the alternative) consent for a change of use from agriculture to domestic use.*
- The development fails to respect the local landscape character and the character of the adjacent built development. *Officer Note – See report below.*
- The development will adversely affect views into and out of the Conservation Area. *Officer Note – See report below.*
- The development has a clear line of sight overlooking existing residential property and has an adverse effect upon residential amenity. *Officer Note – see report below. The building is single storey, with no windows above ground floor level. Officers are satisfied that the proposal will not lead to any material loss of amenity.*
- The development does not comply with Policy DM24. It fails to respect the scale and design of existing dwellings and is overdevelopment of the curtilage. *Officer Note – See report below.*
- It is unacceptable as it is not reasonably integrated into the use of the original dwelling. *Officer Note – See report below.*
- The size of the building is too large for the site. *Officer Note – See Report.*

- The proposal is outside of the settlement boundary. *Officer Note – See Report.*
- Whepstead is an infill village only. *Officer Note – this is not a proposal for a dwelling.*
- CS1 restricts development in the countryside. *Officer Note – See Report.*
- The development is not needed to house a key worker in the countryside. *Officer Note – the proposal is not for a dwelling.*
- The proposal will have an adverse effect upon the special landscape area, contrary to the provisions of Policy DM13. *Officer Note – See Report.*
- The proposal is an unacceptable and incongruous feature. *Officer Note – See Report.*
- The policy fails to comply with Policy DM27. *Officer Note – Policy DM27 relates to housing in the countryside. This is not a proposal for a dwelling.*
- The proposal fails policies DM28 and DM33. *Officer Note. This is not a proposal for a dwelling. See officer report below.*
- The proposal is not in keeping with the character and design of existing property. *Officer Note – See Report.*
- In Vision 2031, development of this nature is precluded. *Officer Note – See Report.*
- There is no development on the eastern side of Rede Road. There is no need to compromise the development structure of a whole village for the construction of a domestic outbuilding. *Officer Note – See Report.*
- This would be spasmodic development in the open countryside. *Officer Note – See Report.*
- Raise apparent inconsistency with a development elsewhere in Fornham. *Officer Note – that development was for a dwelling where none had previously existed. This proposal is for a domestic outbuilding, supported by Policy DM24, within the curtilage of a building under conversion to a dwelling. It is materially different therefore.*
- There is no occupation at present of the larger barn. *Officer Note – it is for that reason that this application is not submitted as a ‘HH’ householder application. Conversion of the larger building is however well advanced.*
- Calling this a small barn is a misnomer. *Officer Note – this is the reference used by the applicant on their plans. It is not repeated in the description of the proposal.*
- There is no need for a further bathroom within the outbuilding. *Officer Note – See Report.*
- The land is contaminated. *Officer Note – resolution of this matter was required through conditions imposed on the prior notification approval.*
- *The Authority should be enforcing against this. Officer Note – enforcement action is discretionary.*
- A ‘crystal palace’ is out of character. *Officer Note – it is assumed this comment relates to the larger barn, which has the benefit of a prior approval for conversion to a dwelling, and is not part of this application.*

16. Additionally, five letters of support have been received, which between them raise the following comments –

- Confirm support for the proposal.
- As residents of Whepstead for the past 35 years living a little further along Rede Road from Nunwicks Farm, my husband and I have watched development of this site with interest and as such would like to fully support the above application.
- I would like to register my full support for this application.

- This project needs completion and the stop start nature so far is disappointing as I feel it
- will be a great asset to the village once complete.
- We note that the footprint of this building is pretty much the same as the original.
- The majority of the original building appears to have been retained.
- We think that the part at the western end that has been removed would have been very difficult to retain because it had been in a very poor state of repair for a long time.
- The impact of this building on us and our property is negligible. When the hedges and trees are in full leaf, we can't see it. Even in winter, we can still barely see it because of our thick yew and pyracantha hedge. The building is also lower (in altitude) than us which further reduces the impact.
- The building is to become a garage and store, not residential. Buildings like this exist all over the village.
- We do not feel that we have been misled by the expression "construction and part retention...." It is as plain as a pikestaff that this accurately describes the application.
- We have noted from the information published on your website about this application, that far from it being opposed by a large number of local residents, there are only four properties whose occupiers have written to you, two of which are not local. Trying to spin this as opposition by a large number of local residents does not cut it, and we object to the implication (as the only property in the vicinity apart from Nunwick Farm itself), of us being part of this fabricated/spurious 'large number'.
- If this application is approved, the odds of you encountering stiff local opposition are probably close to zero unless there is a vexatious litigant, and if that is the case, we feel that the Council has every right to defend its position with all resources available to them.
- We have not seen amongst the correspondence any coherent reason why this application should be refused.
- From our observations, the work being carried out across the road from us will vastly improve the amenity of the village and we (the local residents) will all gain from it.
- In short, we have no objections to this application and hope that the Council approves it.
- As a Whepstead resident I fully support planning applications DC/17/2606/VAR and DC/17/1763/FUL at Nunwicks Farm Barns, Rede Road, Whepstead. My wife and I walk past the site on a regular basis and in my view, there is no doubt that what was a rather scruffy and neglected site will be greatly enhanced once the building works are complete.

17. All responses are available to view in full on the West Suffolk website using the links at the foot of this report.

DC/17/2606/VAR

18. Whepstead Parish Council - *At a meeting of the Whepstead Parish Council on January 3rd, the planning application DC/17/2606/VAR for Nunwick Farm was discussed.*
It was also noted that the Development Control Committee have rescheduled a meeting to discuss Nunwick on February 1st.

Three councillors voted in favour of supporting the application on the basis that it would be very difficult to put, what appears to be, no more than one acre of land to agricultural use. There were four abstentions.

19. Suffolk County Council Highways - The Highway Authority has no objection to the proposed variation of Condition 9 of planning permission DC/15/0426/FUL.

20. Environment Team - Thank you for consulting the Environment Team on the above application. We have no comment on or objection to the proposals.

21. Neighbour Representations – Three letters of representation have been received (two objections and one in support) which make the following comments

- *I would like to strongly object to this planning application.*

Why? Well, with normal planning applications, plans are passed and then the house is built. Not so with Nunwick Farm.

The applicants have erected an unlawful residential development on agricultural land. Then, with help from St Edmundsbury Borough Council, they have submitted a retrospective planning application to seek legitimacy. (Officer Note – the dwelling under construction is not unlawful, see report)

This application is the latest in a string of failures by the planning department of St Edmundsbury Borough Council. My family were never notified or consulted upon DC/14/1351/PMBPA. (Officer Note - However regrettable, this fact is not material to the consideration of this proposal).

DC/17/1763/FUL is to be put before the Development Control Committee, and remains unresolved since August 2017. DC/17/2606/VAR should not be entertained until this has been resolved and exposed by a proper committee. (Officer Note – noted and agreed, and it is for this reason that these proposals are presented for consideration together).

DC/15/0029/PMPBA2 is received, processed and passed in three efficiency busting days, supposedly under non-material amendments to permitted development. (Officer Note – this is not relevant to the consideration of this application. There is no requirement to consult on applications for Non Material Amendments).

Permitted development, and the supposed rights afforded to it, have allowed one solitary planning officer to operate as judge, jury and executioner of a highly controversial planning site that dates back to the 1960s. My family's amenity of their home has been destroyed. (Officer Note – this is not material to the assessment of this proposal).

Thank you St Edmundsbury Borough Council for your complicity in this destruction .

- *I strongly object to this application for the following reasons:*

The council acted unlawfully in not notifying adjoining neighbours of the original application DC/15/0426. (Officer Note – this is not material to the assessment of this proposal).

The council also acted unlawfully in not notifying adjoining neighbours of the connected application DC/15/0029. (Officer Note – this is not material to the assessment of this proposal).

The council also failed to notify the parish council of application DC/15/0029. The parish council objected to earlier proposals. (Officer Note – this is not material to the assessment of this proposal).

The development does not fulfil the Class Q legislation and is therefore unlawful. The reasons include:

i) the site not being in sole agricultural use as part of an established agricultural unit on the relevant date of 20th March 2013.

ii) the development does not constitute a conversion but rather a rebuild. The extent of the works involved go a very long way beyond what could reasonable be considered a conversion. The development is in all practical terms starting afresh with only modest help from the former agricultural building.

iii) paragraph 105 of the planning practice guidance states in relation to Class Q that "it is not the intention of the permitted development right to include the construction of new structural elements for a building". This development includes significant new structural elements and therefore involves a degree of rebuild and is not a conversion. (Officer Note – this is not an application under Class Q of the GPDO, it is an application for planning permission for the change of use of the land from agricultural to garden land. The provisions of the GPDO are not relevant therefore).

The company commissioned by the council to produce two structural engineer reports was working with / for the applicant at the time the second report was commissioned. They are therefore conflicted. The reports cannot be relied upon. The council should commission new reports from a truly independent source. (Officer Note – the Authority has no concerns about the integrity of the advice received in this regard).

The unlawful development destroys the residential amenity of our family home. Over ten floor to ceiling windows on the south side and a five metre wide by six metre wide glass atrium on the west side directly overlook our house and garden. This is unnecessary, obscene and intrusive. Despite conditions, the council did not invite the applicant to place screening between the properties. (Officer Note – this is not relevant to the consideration of this proposal, although as an aside, the development being implemented is not unlawful).

The Local Government Ombudsman has found fault with how the Council have processed these applications. The council should now do the right thing and reject the original applications. (Officer Note – the Authority has accepted its failings in failure to notify in relation to earlier proposals. However, that is not now relevant to the assessment of this present proposal).

For these reasons, it is recommended that this amendment along with the original applications should be rejected and enforcement action commenced to remove the unlawful development. (Officer Note – as advised, the conversion of the building to a dwelling is not unlawful, and in any event this matter is not material to the assessment of this present proposal.)

- *We have been instructed on behalf of Stuart Hill a local resident to lodge a formal objection to the Application to Vary Condition 9 of the above Application. The ninth condition ought not to be varied or removed. There was a good planning reason for imposing the planning condition on the original planning permission of 2015. The reason stated:-*

"The development is only acceptable in connection with the development approved under DC/15/0029/PMBPA2".

There have been no changes in material planning considerations between 2015 and 2017. The reason stated for the condition remains valid. The condition cannot therefore be removed nor varied.

Please therefore refuse the application for the variation of the condition.

We understand that the application must be referred to the Development Control Committee owing to a referral request from the Ward Councillor.

- *As a Whepstead resident I fully support planning applications DC/17/2606/VAR and DC/17/1763/FUL at Nunwicks Farm Barns, Rede Road, Whepstead. My wife and I walk past the site on a regular basis and in my view, there is no doubt that what was a rather scruffy and neglected site will be greatly enhanced once the building works are complete.*

22. **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:

23. Joint Development Management Policies Document:

- Policy DM1
- Policy DM2
- Policy DM5
- Policy DM13
- Policy DM15
- Policy DM17
- Policy DM22
- Policy DM24
- Policy DM25
- Policy DM26
- Policy DM27
- Policy DM28
- Policy DM33

24. St Edmundsbury Core Strategy December 2010

- Policy CS3
- Policy CS4

Other Planning Policy:

25.National Planning Policy Framework (2012) and core principles.

Officer Comment:

Site Context

26.Before consideration of the merits it is important to understand the nature of these proposals.

27.As noted in the revised description, the application under DC/17/1763/FUL is for the part construction and part retention of a building for use incidental to the enjoyment of the dwelling presently under conversion within the 'large' barn on the site.

28.The outbuilding proposed sits on a similar footprint to a former building of similar scale. Part of this former building was removed and has been replaced whereas part of this proposal utilises an element of the former building. It is for this reason that the application is considered to be a part retention of that building, with elements of new construction, as the following photograph shows.



29.The left of this photograph shows the western end of the building, with new floor, foundations, stud work and supporting steels apparent. This is plainly not a conversion. On the other hand, the right hand side of this photograph shows the eastern end, which includes the original roof of the building, including internal structural elements, as the following picture shows.



30. In any event, this is a proposal for an incidental domestic outbuilding. As a result, even if it were considered that no elements of the former building were retained (which is strongly disputed, and as the photographs above clearly show) the planning considerations would not be materially different, with the effect upon character, appearance and amenity being principal considerations, all of which are assessed robustly below.
31. The 'larger' barn on site benefits from a prior notification approval to convert to a dwelling (as in fact did the smaller barn which is now the subject of this application). This is in the process of being implemented. Enforcement investigations relating to the conversion of such concluded that the larger barn was being 'converted' in accordance with the provisions of the regulations and the provisions of the approval granted. It should be noted that this is contextual to these present decisions but is not material.
32. At the same time as the conversion of the larger barn was being investigated, investigations in relation to the 'smaller' barn revealed that significant removal and provision of additional structural elements had taken place. This smaller barn had previously also been granted a prior notification approval for conversion to a dwelling under the same consent as the larger barn. The view reached in relation to this was that the smaller barn building could not be considered a 'conversion' and that any consent for change of use to a dwelling could therefore no longer be effected.
33. In response, the site owner has elected to seek permission to construct and part retain (where relevant) this structure for use for purposes incidental to the enjoyment of the further dwellinghouse being lawfully implemented within the larger former agricultural building on site.
34. The smaller barn was originally considered capable of conversion under Class Q. However the developer chose to introduce new structural elements to the barn and also to remove existing structural elements, thereby rendering this a breach of planning control as no longer being a 'conversion' within the provisions of the GPDO. However, this failure to correctly implement the smaller barn as a dwelling does not contradict, affect or otherwise invalidate the conversion of the larger barn to a

dwelling. Where there is no conflict between them, developers are able to implement individual elements of a wider proposal at their discretion.

35. In this light, the proposal under DC/17/1763/FUL is best considered as a proposal for an outbuilding for uses incidental to the enjoyment of a dwellinghouse (the larger barn presently under conversion) on land (assuming a concurrent approval of DC/17/2606/VAR and a subsequent implementation) benefitting from use as a garden.
36. This is the context under which DC/17/1763/FUL will be assessed. Any matters relating to the conversion of the larger barn are not relevant, noting the view of Officers, following detailed enforcement investigations, that such a conversion is taking place correctly, in accordance with Class Q. This proposal is also assessed in light of the fact that the smaller barn is no longer capable of conversion to a dwelling and this element of the Class Q consent is in effect extinguished. As advised, this does not detract from the ability of the site owner to implement still the conversion of the larger barn, as is ongoing.
37. Furthermore, the fact that the conversion of the larger barn is not complete at the time of writing does not detract from the ability of the Authority to consider this proposal as an outbuilding for use for purposes incidental to that dwelling in the larger barn. The conversion is at an advanced stage, and detailed assessments have concluded that there is no breach of planning control. If for any reason (and this is not anticipated) the larger barn is never fully converted and occupied, then this present proposal, whilst physically capable of implementation, would not be able to be used without representing a breach of planning control, noting that in such a scenario, there would be no host building for it to be used incidental to the enjoyment of. This would be a risk of the developer in choosing to implement any such approval in advance of completion and occupation of the dwelling under conversion within the larger barn.
38. In relation to application DC/17/2606/VAR the previous site history is relevant to the context of this proposal. The planning unit benefits from a permission granted in 2015 to change its use from agricultural to domestic use. This consent was limited by condition such that it could not be implemented until such time as the dwellings (Note, plural) approved under the prior notification had been converted and occupied. It became apparent therefore that there was a technical conflict in that the change of use to domestic land under DC/15/0426/FUL could not now be implemented in those terms since both of the dwellings can no longer be provided.
39. It was for this reason that DC/17/2606/VAR was submitted. Consideration of this VAR proposal does not re-open the principle of the development, rather it can only be assessed against the reason why the condition was imposed in the first instance. If approved, it would allow the change of use of the wider land within the site to take place under DC/15/0426/FUL once the dwelling presently under conversion within the larger barn has been completed and occupied.

DC/17/1763/FUL

40. Turning to the planning merits of DC/17/1763/FUL in this light, Policy DM33 permits the re-use of buildings in the countryside and DM28 permits the re-use of such, subject to meeting the criteria within the policy, for residential purposes. However, DM33 only relates to the re-use of buildings for employment purposes, tourist accommodation, recreational uses, community facilities, or residential use where justified in accordance with DM28. DM33 is not therefore relevant to this proposal. Additionally, DM28 is not relevant either since the proposal is not for 'residential' purposes, rather it is proposed for use incidental to the enjoyment of an already approved residential dwelling.
41. Turning to other policies listed by third parties, in particular Policies DM22, DM25, DM26, and DM27, these are not considered relevant to the assessment of this proposal. Policy DM22 relates to residential design but this is not a 'residential development proposal'. Policy DM25 relates to extensions to domestic gardens within the countryside. This Policy was assessed when consideration was given to the garden use of land at this site but is no longer relevant to this proposal, albeit will be considered later in relation to the 'VAR' application. Policy DM26 relates to agricultural and essential workers dwellings and Policy DM27 relates to housing in the countryside and neither relate to this proposal for a domestic outbuilding within the curtilage of a dwelling
42. Furthermore, on a strict interpretation of Policy DM24 it is not relevant either. DM24 relates to development within the curtilage of a dwellinghouse, which the proposal is not (noting that the 'curtilage' of the dwelling in the larger barn as approved through the provisions of the GPDO is tightly defined as an area no greater than the footprint of the building) and only where that dwelling is located within a settlement boundary, which the application proposal is not. Within the countryside, DM24 only covers alterations or extensions to an existing dwelling. The proposal is not an alteration or extension, is not within any curtilage and, in any event, it is moot if, at present, there is an 'existing' dwelling. However, Officers consider that the spirit and intention of DM24 remains relevant in relation to proposed development within what will be (assuming approval and subsequent implementation of DC/17/2606/VAR), the wider garden area of the dwelling under conversion within the larger barn, whether or not that dwelling is within a settlement boundary.
43. In particular, DM24 seeks, inter alia, to protect the character of the host dwelling, the character and appearance of the site, not lead to over development of the curtilage and to not adversely affect amenity. All of these matters are sound planning considerations that would fall for consideration under a general assessment against Policy DM2 in any event. DM5 relating to development in the countryside is also relevant noting the general provisions of that Policy to protect the countryside from unsustainable development.
44. The proposed structure is modest in scale relative to the plot size and to the host dwelling, and will not lead to overdevelopment of the otherwise generous curtilage. In design terms it is considered intrinsically unobjectionable, appearing as a subservient and modestly scaled domestic outbuilding serving the wider plot and dwelling under conversion.

45. The plans indicate the use of a terracotta clay pantile for the roof and painted timber boarding to the walls to match the larger barn. This is considered appropriate, and can be controlled via the 'compliance with plans' standard condition.
46. The proposed building is set back within the site, behind a hedge along Rede Road. Views into and through the site are available but the building will be seen within its context as being visually appropriate, and appearing as a domestically scaled and subservient outbuilding serving the wider planning unit. The provision of a subservient building within the curtilage of a dwelling for incidental domestic purposes such as parking, storage, or as hobby or games room for example, is in principle a common and readily supportable development concept.
47. The barns are not listed and are located some distance from the Conservation Area. There is a listed building opposite but the proposed development will not adversely affect the setting of the listed building due to the modest scale of the proposal and the separation distances, as well as the intervening vegetation and road.
48. On this basis the effect of the proposal upon the character and appearance of the area, including as a special landscape area, is not considered objectionable. The wider impact upon the countryside as a result of this outbuilding can be considered appropriate. In reaching this conclusion it is noted that the building proposed may, or may not, be on a different and / or larger footprint than the former building which it partially replaces.
49. The building is single storey with no accommodation above ground floor level. Regardless, even if there were windows within the roof space of the proposed structure it is not considered that this would raise any material issues of amenity at third party property, given the generous stand off distances, and no conditional control on such in relation to restricting permitted development rights is considered necessary. The use of the building will be incidental to the enjoyment of the dwelling under conversion. It is not considered that any effects arising from its use, for example vehicle comings and goings, would affect the amenities of any third party properties to any material extent.
50. Any subsequent use of the building for purposes that are not incidental to the enjoyment of the host dwelling at the site may trigger a material change of use of the building and in such a case, enforcement action could be considered. It would not ordinarily be appropriate to impose a condition limiting the use of the building therefore, since control would already exist through the use of enforcement powers if necessary and expedient. However, in this case, and to remove any doubt or confusion, and noting that the conversion of the 'host' dwelling is not yet completed, it is considered reasonable to impose a condition that limits use of the building to purposes incidental to the enjoyment of the dwelling under conversion within the 'large' barn.
51. The elements of the barn to be retained previously had the benefit of a prior notification approval for conversion. Consideration of any biodiversity related matters must be made in this light. No concerns relating to such were raised at the time of the approval of the prior notification, and it is

not considered that this should otherwise preclude development as presently proposed.

52. There are no trees or other landscape features that will be adversely affected by this proposal.
53. In assessing this matter the Authority is also of the opinion that the planning policy statement on Green Belt protection and intentional unauthorised development which came into force on 31st August 2015 must be considered material.
54. The consent that exists in relation to this part of the site was a conversion of an existing building. By any objective measure the works undertaken without the benefit of permission go some way beyond this, as is discussed above. This was an error made by the developer and the LPA asserts that this indicates intentional unauthorised development. The nature of the works undertaken do not fall within the parameters, in the opinion of the LPA, of development which might otherwise have been undertaken by mistake, or in ignorance, noting how, in effecting a 'conversion', significant parts of the smaller barn were removed and replaced in their entirety. The only conclusion that can be drawn in this position therefore is that the development that this application is now seeking to retain is 'intentional unauthorised development'.
55. In presenting this matter the ministerial statement (reference HCWS423) advises that *'the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.'*
56. The materiality of this statement in the balance of considerations is a matter for the decision maker. In the opinion of the LPA the development undertaken on this site can be considered as nothing other than intentional unauthorised development, noting the circumstances. It follows consequentially that weight against this proposal must therefore be attached to this fact in the balance of considerations. However, noting the conclusions reached above with regards to the acceptability otherwise of the proposal, it is not considered that the weight to be attached to this conclusion should be of such weight so as to justify a refusal of planning permission.
57. The standard time limit condition will still be required notwithstanding that this proposal is partially for the conversion of an existing building, noting that structural elements are proposed that are not presently completed.

DC/17/2606/VAR

58. As set out above, the assessment of this application does NOT call for a reassessment of the principle of the development. Rather, consideration must only relate to the matters for which a change is requested. In this case, the condition as worded on the extant consent seeks to ensure that the change of use to garden land only takes place once both dwellings have been occupied. The condition was imposed in the interests of clarity,

to ensure that the change of use only occurred in conjunction the residential conversion of the two former agricultural buildings. This was considered reasonable, in order to prevent the implementation otherwise of a garden area in an area where no dwellings existed.

59. Noting that the condition presently requires both dwellings to be occupied, and noting that the dwelling previously proposed within the smaller building is no longer capable of implementation, the condition at present effectively prevents the implementation of the change of use of the wider site to garden land. Officers consider that this is largely a technicality, noting the reason expressed above for the condition. However, consideration must still be given to whether there has been any change in circumstances that might otherwise be material to the matter. Plainly, the failure to 'convert' the smaller building to a dwelling, leaving the site with a single dwelling rather than two may be considered material and requires careful assessment.

60. In this regard Officers remain of the view that the proposal is acceptable, notwithstanding this changed circumstance. The wider site is generous, but it remains easily defensible to all existing plot boundaries, with well-defined edges. It is not considered that the proposed garden area otherwise now sought to serve only the dwelling in the larger barn will otherwise be excessive, not least when assessed against the provisions of Policy DM25. DM25 allows garden extensions in the rural area where they are small and unobtrusive and which do not adversely affect the character and rural amenities of the site and wider countryside. In this case, whilst the overall extent of area to be used for garden purposes relative to a single dwelling could not necessarily be judged to be small, it is well enclosed and otherwise unobtrusive. In this regard, any conflict with DM25 based on the size of the area cannot be considered sufficient reason to withhold consent, noting the wider lack of harm.

61. On this basis, it is considered that the requested revised wording to condition nine is acceptable and that permission should be granted. Because this is a new planning permission it must reimpose any previously relevant conditions, amended where necessary to reflect any matters already agreed in the meantime. The previously imposed condition in relation to boundary treatments is no longer necessary since these details have been agreed pursuant to the original PMBPA approval so this is not included. This permission also cannot allow for an extended time frame for implementation. Other than the revised wording to condition 9, other previously imposed conditions are proposed to be re-imposed on this fresh consent.

Conclusions:

62. The principle of the provision of a domestically scaled incidental outbuilding within the garden of a dwelling (as will be the case assuming the approval and subsequent implementation of the permission under DC/17/2606/VAR) is satisfied in spirit by Policy DM24 and does not conflict with the in-principle provisions of Policy DM5 or the design and appearance considerations set out in Policy DM2. The proposal will not affect residential amenity nor will it adversely affect the character and appearance of the site or area, including the Whepstead Conservation Area. There will be no effect upon any listed buildings, nor upon any

biodiversity interests. Any weight to be attached to the fact that this is intentional unauthorised development is modest and insufficient to outweigh the policy support and other material considerations noted above. Accordingly, as a matter of balance, the proposal under DC/17/1763/FUL is considered acceptable.

63. In relation to the DC/17/2606/FUL there is no reason to withhold consent. The reason for the condition was to prevent implementation of the garden land approval where there was no dwelling for it to serve. The revised wording has the same effect, albeit linking it to the occupation of the now single dwelling within the larger former agricultural building on site. There are no visual or amenity concerns arising from this proposal otherwise.

Recommendation:

64. **DC/17/1763/FUL** - It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. Time limit.
2. Compliance with plans.
3. Building to be used for purposes incidental to the enjoyment of the dwelling under construction within the large' barn on the site.

65. **DC/17/2606/VAR** - It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 28th April 2018.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The soft landscaping shown on drawing 2276/102 Revision D shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: Landscaping of the site goes to the heart of the permission and to ensure therefore that the appearance of the development is enhanced.

3. The hard landscaping shown on drawing 2276/102 Revision D shall be implemented within six months from first occupation (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: Landscaping of the site goes to the heart of the permission and to ensure therefore that the appearance of the development is enhanced.

4. The development shall proceed in accordance with the contents of the letter dated 20th April 2015 (ref KO/46348) and The Remediation Method

Statement dated November 2015 (ref 46348), both documents produced by Richard Jackson Ltd.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation method statement referred to above has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

5. The bin storage area shown on drawing 2276/102 Revision D shall be implemented before first occupation and thereafter retained.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

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

Reason: In the interests of road safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1 Class E and Part 2 Class A - B of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.

Reason: To ensure that the satisfactory appearance and amenity of the development/locality is maintained.

8. The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied.

Reason: The development is only acceptable in connection with the development approved under DC/15/0029/PMBPA2.

Documents:

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

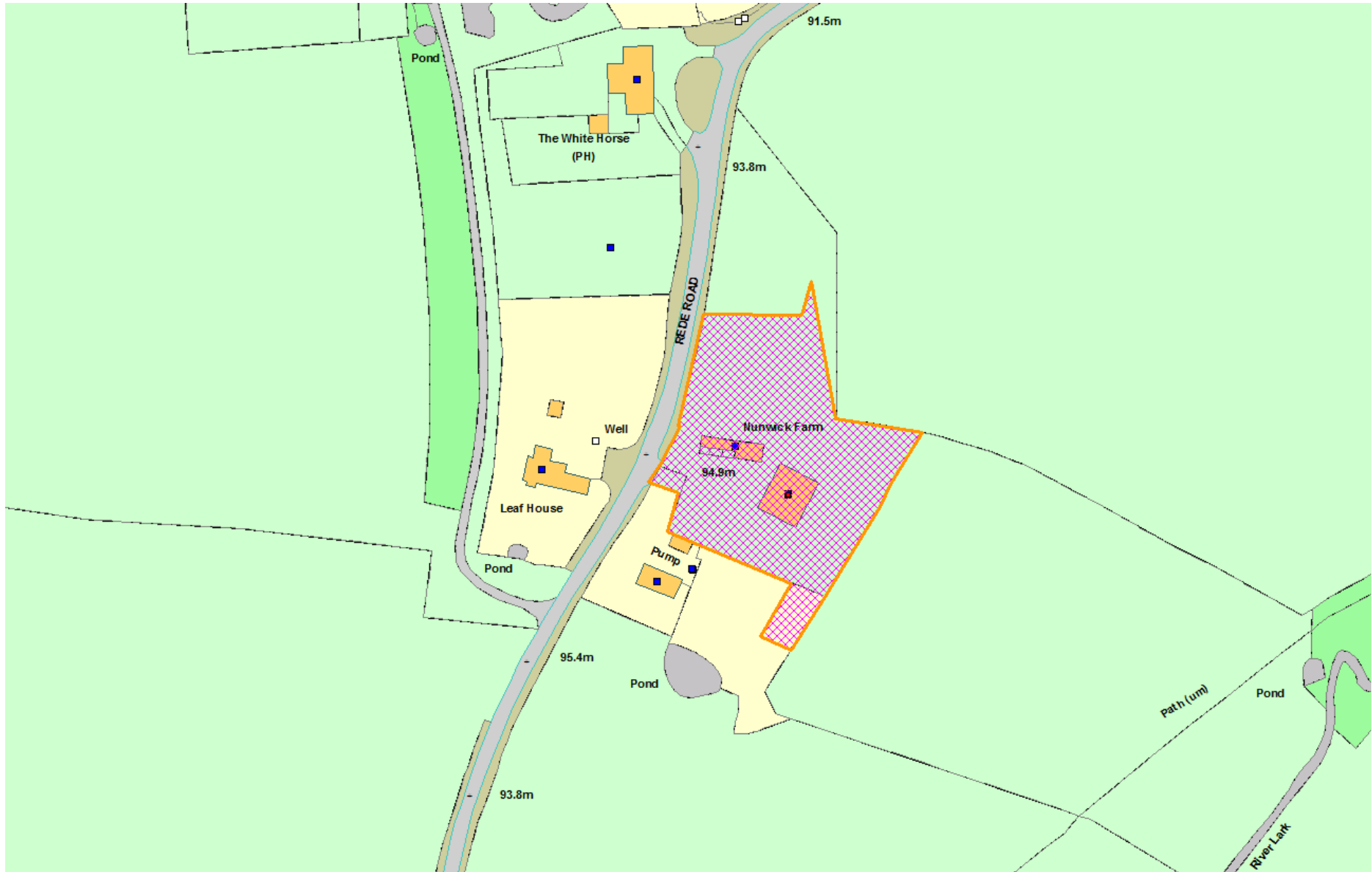
DC/17/1763/FUL

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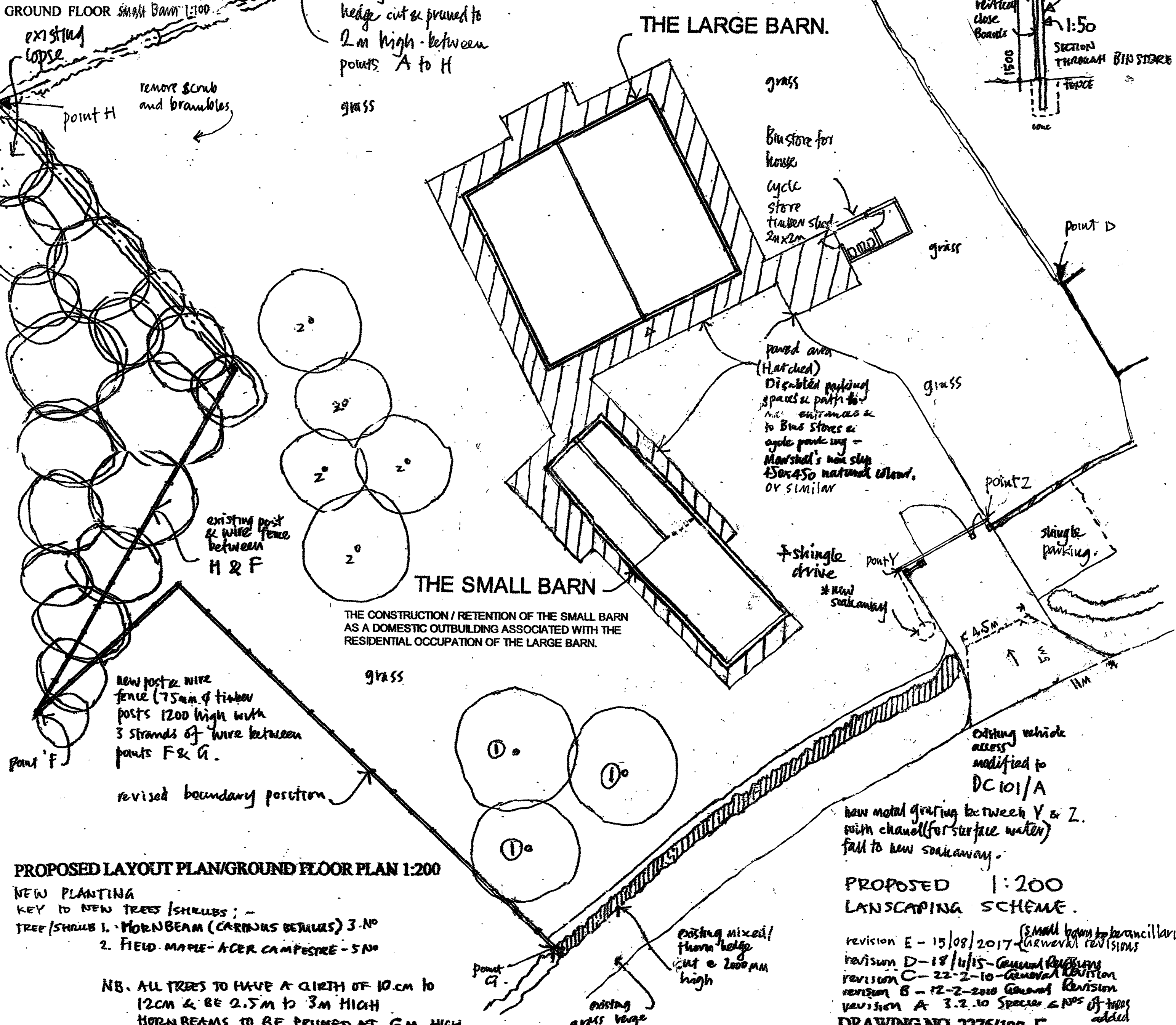
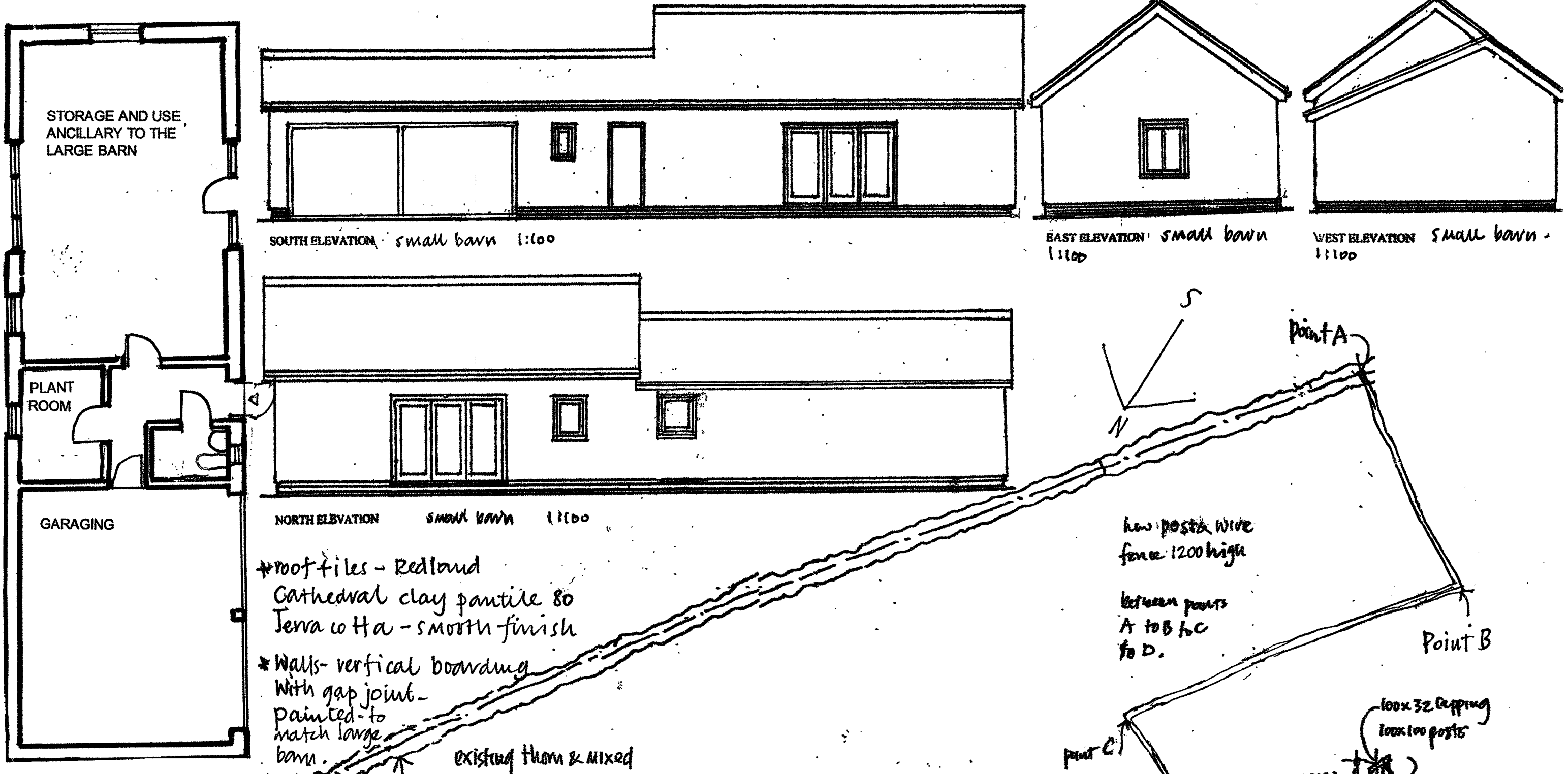
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PROPOSED LAYOUT PLAN/GROUND FLOOR PLAN 1:200

NEW PLANTING
KEY TO NEW TREES / SHRUBS :-
TREE / SHRUB 1. HORNBEAM (CORNUS BETULUS) 3 NO
2. FIELD MAPLE - ACER CAMPESTRE - 5 NO

NB. ALL TREES TO HAVE A GIRTH OF 10 CM TO 12 CM & BE 2.5 M TO 3 M HIGH
HORNBEAMS TO BE PRUNED AT 6 M. HIGH.

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PROPOSED 1:200 LANDSCAPING SCHEME.

revision E - 15/08/2017 (small barn to ancillary) (General Revisions)
revision D - 18/11/15 - General Revisions
revision C - 22-2-10 - General Revisions
revision B - 12-2-2010 General Revision
revision A - 3.2.10 Species & NPS of trees added

DRAWING NO 2276/102.E

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DC/17/2606/VAR

Rede Road, Whepstead



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The White Horse
(PH)

93.8m

REDE ROAD

Well

Leaf House

Pond

Pump

95.4m

Pond

Page 43

93.8m

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DEV/SE/18/003

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

1 February 2018

Planning Application DC/17/1487/FUL – Station Yard, Station Road, Barnham

Date Registered:	09.10.2017	Expiry Date:	08.01.2018
Case Officer:	Britta Heidecke	Recommendation:	Approve Application
Parish:	Barnham	Ward:	Bardwell
Proposal:	Planning Application - 1no. industrial storage building (B8)		
Site:	Station Yard, Station Road, Barnham		
Applicant:	Mr P Rackham		

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:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background:

The application, being for major development, has been referred to the Development Control Committee because the Parish Council have objected to the proposal contrary to the Officer recommendation of APPROVAL.

A site visit is proposed to take place on Thursday 25 January 2018.

Proposal:

1. The application seeks permission for the construction of an industrial storage building (B8) with a floor area of approx. 2430sqm, to meet local demand for modern storage facilities. The building is 78m long x 30m wide with an eaves height of 8m and a ridge height of 11m and has been designed to cater for modern industrial and storage requirements. The cladding is proposed to be of Goosewing Grey roof & wall panels with Olive Green trims & doors.
2. The application has been submitted on a speculative basis, with no specific end user in mind at this stage. On this basis the Authority must consider the worst case scenario in terms of possible impacts arising from noise and highway related impacts etc.
3. The application has been amended to omit the initially proposed B2 mixed use. The proposed site plan has been amended in response to consultation response from the Highways Authority. The building has also been moved 2m east to enable additional planting along the western boundary. A revised landscape scheme has been submitted in response to the comments from the Landscape and Ecology Officer.

Application Supporting Material:

- EXISTING AND PROPOSED PLANS
- DESIGN AND ACCESS STATEMENT
- TOPOGRAPHICAL SURVEY
- BIODIVERSITY SURVEY AND REPORT
- FLOOD RISK ASSESSMENT AND SURFACE WATER DRAINAGE STRATEGY
- LANDSCAPE ASSESSMENT
- CONTAMINATION REPORT
- CONTAMINATION REPORT UPDATE
- AMENDED LANDSCAPE SCHEME
- TRAFFIC REPORT PART
- MARKETING LETTER (Sensitive)
- SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT

Site Details:

4. The application site forms part of the existing rural employment site at Station Yard, Barnham, immediately south of Station Road (C633) and approx. 0.5km west of the village settlement boundary. The site is surrounded by farmland interspersed with tree belts and small woods. A Public Right of Way (PROW) runs along the western side boundary. North Farm, with its associated dwelling, is located some 130m south-west of the application site. Some rural dwellings are located on the opposite side of Station Road and east of the application site, all in excess of 200m.

Planning History:

5. There are various applications in relation to the wider site going back to the 1970s, but none directly relevant to the determination of this application.

Consultations:

Below is a brief summary of the consultation responses received.

Parish Council:

6. Object due to an unacceptable increase in traffic noise and movements, detrimental to residential amenity and the environment and also impact on visual amenity.

Environment Team:

7. Initial objection due to insufficient information being submitted in regards to contamination. Objection removed following submission of further information. Suggest informative and a condition to secure electric vehicle charging points. (These form part of the approved plans and Sustainable Design and Construction Statement.)

Public Health and Housing

8. Initially requested a noise assessment and details of any proposed sound proofing for the original proposal for B2/B8 use as there are dwellings adjacent to the proposed site which may be impacted by this development.
9. The amended application for 1no. industrial storage building (B8) use will have no industrial processes other than storage, therefore a Noise Assessment is not required. No objections subject to standards conditions.

Suffolk Wildlife Trust:

10. No comments received.

Ecology and Landscape Officer:

11. The proposal has been screened for HRA. The conclusion was that the proposal will not have a likely significant effect on any European site, and can therefore be screened out from any requirement for further assessment. The proposal is unlikely to harm nature conservation interests subject to conditions.
12. Initially did not consider the proposed screen planting would sufficiently mitigate the identified visual impacts of the scheme and is not a proportionate response. Suggested that any revised landscape proposals should have regard to the type of landscape feature and tree species characteristic of this area.
13. Following amendments to the landscape scheme has no objection subject to conditions. The Landscape and ecology officer has no objection to the scheme in terms of ecology issues subject to implementation of the recommendations made in the ecology survey submitted in support of the application and precautionary site clearance and management of the site to avoid harm to amphibians.

Environment Agency:

14. Have no comment to make on this application. Provide general advice to the applicant.

Planning Policy and Specialist Services:

15. Support the principle. Identify issues and suggest amendments in line with other consultee responses.
16. Identify issues in terms DM7 and request the submission of a Sustainable Design and Construction Statement. Planning Policy confirmed that subject to a condition requiring compliance with the statement's commitments, then the proposal goes as far as practicable towards addressing Policy DM7 at the present time. The Travel Plan aspirations should be appropriately secured by a later submission prior to occupation, ideally through s106 to enable monitoring in perpetuity.

Environment & Transport – Highways

17. Requested a speed survey to establish actual speeds and requirement for visibility splays. Based on the survey and amended proposal raised no objection to the proposal subject to conditions. Confirmed that HGV movements should be restricted to 10% of the current HGV traffic flow, meaning any additional HGV movements connected with this development, should not cause the total HGV's on Station Road to increase by more than 10% of its current total. The traffic surveys undertaken by the applicant show an average of 422 HGV movements in an Eastbound direction over 2 days. Equating to 42 daily movements, or 3.5 hourly movements.

Natural England

18. No objection. Considers that the proposed additional development in this location will be unlikely to lead to a significant effect on stone curlews for the reasons set out in the submission. They further state that the proposal is unlikely to have a significant effect on any European site providing mitigation is included to address potential disturbance during the construction period. Due to the type of application, the proposal is also not likely to have a significant effect on Breckland SAC. This application is in close proximity to Breckland Farmland Site of Special Scientific Interest (SSSI) and Thetford Heaths SSSI. Natural England is satisfied that, providing the above mitigation is included and the proposed development is carried out in strict accordance with the details of the application, as submitted, that it will not damage or destroy the interest features for which these sites have been notified.

Rights Of Way Support Officer SCC

19. No comments received.

Ramblers Association

20. No comments received.

Environment Team

21. No objection based on the additional Phase 1 report submitted. Recommend informative.

SCC Flood and Water Team

22. No objection subject to conditions.

Representations:

23. Three letters of objection have been received from nearby residential properties. These can be read in full as part of the electronic file online. The comments raised can be summarised as follows:

- Highways issues due existing road constraints and due to increased traffic
- Visual impact and loss of visual amenity to residential properties and the PROW
- Proposed building is out of proportion when compared to existing buildings
- Loss of residential amenity by reason of traffic noise or potential future B2 use
- Potential contamination issues
- Parking provision
- Justification for the proposal
- Adverse impact on property in terms of shadow cast

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:

24. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating places
- Policy DM6 – Flooding and Sustainable Drainage
- Policy DM7 – Sustainable Design and Construction
- Policy DM10 - Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 - Protected Species
- Policy DM12 - Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 - Landscape Features
- Policy DM14 - Protecting and Enhancing Natural resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM44 - Rights of Way
- Policy DM45 - Transport Assessments and Travel Plans
- Policy - DM46 - Parking Standards

25. St Edmundsbury Core Strategy December 2010

- Policy CS2 – Sustainable development
- Policy CS9 – Employment and Local Economy
- Policy CS13 - Rural areas

26. Rural Vision 2031

- RV1: Presumption of sustainable development
- RV4: Rural Employment Areas

Other Planning Policy:

27. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Visual Amenity (landscape impact, PROW)
- Ecology
- Residential Amenity
- Highways considerations

- Other matters (Flood risk, Sustainable design and construction, HSE major hazard sites, Contamination)

Principle

29. The application site is an allocated rural employment site, referred to as RV4(E) 'Station Yard, Barnham' in the Rural Vision 2031. Proposals for B1, and B2 and B8 uses where appropriate, will be permitted within rural employment areas providing that space requirements, parking, access, landscaping and general environmental considerations can be met. Therefore the proposed new building for B8 use is acceptable in principle, subject to other planning policies.

Amenity and landscape impact

30. The site is located within a Special Landscape Area (SLA) as identified in the St Edmundsbury Borough Council Core Strategy. The landscape character type identified in the Suffolk Landscape Character Assessment is Estate Sandlands, which is part of the Brecks.

31. Policy DM13 Landscape Features states (inter alia) that:

These areas, and other valued landscapes such as The Brecks and the Stour Valley (subject of a management and delivery plan through the Dedham Vale AONB and Stour Valley Project) have, by reason of their landform, historic landscape importance and/or condition, a very limited capacity to absorb change without a significant material effect on their character and/or condition. However, individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact.

(...)

Where any harm will not significantly and demonstrable outweigh the benefits of the proposal, development will be permitted subject to other planning considerations.

32. In accordance with policy DM13 the proposals are supported by a Landscape Statement (July 2017 Rev A) and a scheme for soft landscaping.

33. The original landscape scheme indicated, in addition to the existing hedge, the planting of five additional trees on the western boundary of the site (species and size not specified).

34. The proposed building would be larger in footprint and higher than the existing buildings and would have the following visual impacts:

- it would be visible and prominent to users on Elveden Road (viewpoints 1 and 2 of the Landscape Statement);
- it would be overbearing on the PRoW 124-006 for the section where the path passes immediately adjacent to the site (page 15, viewpoint 3);
- it would be visible from the south approaching the site on the PRoW 124-006 (viewpoint 4); and
- it would be glimpsed across the fields from PRoW 124-005 (although there is no illustration of this).

35. The landscaping scheme has been amended subsequent to the comments from the Council's Landscape and Ecology Officer, who concluded that the *'level of planting would not sufficiently mitigate the identified visual impacts of the scheme and is not a proportionate response'*. Any harm was considered to be exacerbated by the proximity of the proposed building to the boundary, and by its overall scale, in particular its length facing the boundary in such close proximity.
36. The building has been moved 2m east and the revised proposals include additional shrub planting and a tree screen to the western boundary of the proposed new building, which wraps around the southern part of the building to help screen it from the south. The tree screen will be a mix of appropriate native trees including Hornbeam, Birch, Scots Pine and Sweet Cherry.
37. In regards to the PROW which borders the application side to the west, the impact of the new building will mainly be limited to the section where the path passes immediately adjacent to the site. This will in time be reduced by the mitigation planting and cannot be considered to adversely affect the character of the RoW as a whole, either once planting has established or even at the outset immediately following planting, and thus the proposal would not be contrary to policy DM44 Rights of Way.
38. It is acknowledged that the proposed shrub and tree screen will take time to establish and particularly in winter the proposed development will not be completely concealed. In this context therefore it can be concluded that any adverse visual impact will be more significant at the outset, albeit diminishing over time as the landscaping matures. However, it is also material that the proposed building, albeit of a larger scale, will be seen in the context of the existing industrial buildings within the wider allocated rural employment site. It will be of a utilitarian design, and plainly of a substantial scale, exacerbating the initial adverse visual impact. However, muted colours are proposed for the external cladding, in order to assist the building to blend in with the surroundings.
39. It is Officers view that in this context, the proposed soft landscaping will in time adequately mitigate the effects of the new building, notwithstanding its utilitarian scale and form. On this basis the proposals are not considered to have such an adverse effect on the visual amenities of the area so as to justify refusal. As such the proposals are considered to comply with policy DM2 and DM13 in terms of its visual impacts.

Ecology

40. The application site is within 400m of Breckland Farmland SSSI and Thetford Heath's SSSI, and therefore well within the 1.5km stone curlew constraints associated with Breckland Special Area of Conservation (SAC), and therefore has the potential to affect their interest features.
41. However, Natural England considers that the proposed additional development in this location will be unlikely to lead to a significant effect on stone curlews for the reasons set out in their submission. Natural England state that the proposal is unlikely to have a significant effect on any European site or damage or destroy the interest features for which these sites have been notified, providing the proposed development is carried out in strict

accordance with the details of the application, as submitted, and subject to mitigation to address potential disturbance during the construction period.

42. The Council, as competent authority have screened the proposal for Habitats Regulation Assessment (HRA). The screening conclusion is that if the construction period is undertaken outside of the stone curlew breeding season (March to the end of August), the proposal will not have a likely significant effect on any European site, and can therefore be screened out from any requirement for further assessment. This can be controlled by condition.
43. There is also one body of standing water in the north-west corner of the application site, some 100m to the north of the part of the site for the proposed building and separated by an existing building and hard standing.
44. The application is supported by an Ecology Survey. This found that the pond at present is of poor health but confirmed the presence of adult Great Crested newts, considered to be a result of breeding 10 – 15 years previously when the pond was in good health. There was however no sign of newt larva, smaller or other species. The report concludes that the proposed development will not adversely affect the overall situation with regards to viability of the species as this section of land has no particular importance of habitat to GCNs.
45. The Ecology Survey includes ecological mitigation and enhancements. The Landscape and ecology officer has considered this and has no objection to the scheme subject to their implementation and precautionary site clearance and management of the site to avoid harm to amphibians, which is recommended by condition.
46. Policies CS2, DM10, DM11 and DM12 of the Core Strategy and Joint Development Management policies seek to conserve and enhance biodiversity through the assessment of the impact of the development and the provision of mitigation. The information submitted with the application has demonstrated that the impact on protected sites and species is unlikely to be significant and is capable of mitigation and enhancement through the imposition of conditions. As a result the proposal is compliant with the policies listed above.

Residential Amenity

47. The proposal has been amended from B2/B8 to B8 industrial storage only. Therefore, with no industrial processes other than storage the proposal is not likely to result in noise nuisance, over and above noise arising from loading and unloading and associated vehicles movements within and to and from the site. Public Health and Housing have no objection to the proposal and subsequently removed their request for a Noise Assessment.
48. Any future change of use to B2 would require planning permission which would enable re-consideration of noise impacts and to secure appropriate noise insulation if required.
49. The nearest dwelling is North Farm (> 130m). The separation between the proposed building and any surrounding dwellings is such that the building would not result in any adverse impact by reason of overshadowing, loss of outlook, noise or vibration associated with any activity at the site. Impact in terms of vehicle movements and any impacts arising this is discussed in more detail in the paragraphs below.

Highways matters

50. The C633 Station road is subject to a Traffic Regulation Order (TRO) restricting the HGV movements along this road. Therefore any HGV movements at this site must be in accordance with this TRO. However, whilst the road is a rural C class road and only suitable for HGVs in one direction, it is principally a road accepted for use by HGVs.
51. Policy DM45 requires the submission of a Transport Assessment for major developments appropriate to the scale of development and the likely extent of transport implications. The footnote in the policy refers for thresholds to Appendix B, Department for Transport Guidance March 2007, Guidance on Transport Assessment. Whilst this Guidance has now been withdrawn the advice was that for B8 development *no assessment* is required for a floor area under 3000sqm. Between 3000-5000sqm floor area would require a Transport Statement and over 5000sqm a Transport Assessment. A Transport Assessment was therefore not reasonably required.
52. However, the proposed storage building is of a speculative nature and the future occupants are not known at this stage. The expected traffic volume is therefore not certain.
53. Due to the constraints of the local highway network, to prevent unacceptable numbers of HGV movements and to limit the potential for any unacceptable impacts on residential amenity by reason of traffic noise generated from the proposed development, the number of HGVs associated with the new development will need to be restricted by condition.
54. The traffic survey submitted in support of the application established an average of 542 HGV movements over a 24 hour period over three days in November 2017. Between the hours of 7am and 7pm there were 421 HGV movements. In discussion with the Highway Authority in terms of impacts on the local road network and in the interest of residential amenity HGV movements should not increase by more than 10% as a result of the proposed development in order to ensure that the impacts remain acceptable.
55. On that basis HGV movements shall be restricted to 42 per day between the hours of 7am and 7pm. A condition will secure that a log shall be kept by the site management of all HGVs entering and leaving the site associated with the development. Officers do not consider such an increase to severely impact on the highway nor to result in unacceptable impacts on residential amenity, such that it could justify a refusal on these grounds.
56. The amended proposal omits B2 use and is for a B8 industrial storage building only. Subsequently 27 parking spaces, 12 cycle parking spaces and 2 powered two-wheel vehicle parking spaces are proposed. This meets the parking standards in accordance with policy DM46.
57. The proposal would utilise the existing access of Station Road. The traffic survey in support of the application established actual speeds at the site and subsequent required visibility splays. SCC Highways are satisfied that adequate visibility can be achieved on land owned by the applicants or Highways.

58. Additionally, Suffolk County Council as Highway Authority have requested some carriageway widening for an extra 1.5m width for at least 50m, which is likely to be the more congested area. This is to protect the verge from damage from overrun which may otherwise cause a dangerous drop off on the carriageway edge/s. This can be secured by condition.

59. Based on the above, the proposal is not considered to have a severe impact on the Highway such that would otherwise justify refusal. SCC Highways have raised no objections subject to conditions.

Sustainable design and construction

60. The area proposed exceeds 1000sqm and as such policy DM7 (sustainable design and construction) will require the development to achieve BREEAM Excellent.

61. The application is supported by a Sustainable Design and Construction Statement to demonstrate that in this case the exceptions set out in policy DM7 apply. The Statement outlines measures incorporated in the design and construction of the building to enhance its sustainability and reduce its carbon use, including the use of materials manufactured locally, energy efficiency measures and the submission of a travel plan prior to the first occupation of the building. This would consider travel movements during operation and can form a condition of approval.

62. Subject to a condition requiring compliance with the statement's commitments, the proposal goes as far as practicable towards addressing Policy DM7 at the present time and will comply with the requirements of policy DM45, which for major development requires the applicant to submit a Travel Plan that identifies the physical and management measures necessary to address the transport implications arising from development.

Other matters

63. Other consultation responses around land contamination, flooding, surface water drainage, foul surface water, ground water protection, were not in objection to the scheme subject to standard conditions.

64. Anglian Water commented that the development may lead to an unacceptable risk of flooding downstream as a result of foul water drainage and suggested a pre-commencement condition to secure a drainage strategy to be prepared in consultation with Anglian Water to determine mitigation measures. However, the proposal does not include any water use within the proposed building and as such the condition is unreasonable as there will not be any foul water. In case the need arises in the future a condition will secure that such a strategy shall be submitted prior to the installation of any water supply to the building.

Conclusion:

65. The proposed new building for B8 use is considered an appropriate employment use for Station Yard in accordance with policy RV4(E) in the Rural Vision 2031, CS9 and CS13 of the St Edmundsbury Core Strategy. As such the proposal is acceptable in principle. The benefits arising from the provision of additional employment use weighs significantly in favour of the application. Additionally to the long term employment provisions, the proposal would also

make a modest contribution to the local economy by way of providing jobs during the construction phase.

66. Due to the scale and massing the new building will initially have an impact on the visual amenities of the area. However, policy DM13 also requires that it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.
67. With the retention of the existing hedge along the western boundary and proposed screen planting it is Officers view that in the context of the existing industrial site the amended scheme will adequately mitigate the visual impacts. The harm arising as a result of the proposed development will be limited and diminish over time when the screen planting matures.
68. The impact on highways safety and residential amenity by reason of traffic movements/ noise will be limited by way of condition. Subject to the conditions set out below the proposed development will have no severe impact on the highway and limiting HGV numbers and times will ensure that impact on residential amenity is minimal.
69. The proposal will have no adverse impact on ecology or biodiversity interests and enhancements are recommended and will be secured by condition which will result in a nett gain in terms of ecology, in accordance with policy DM12.
70. The material considerations which weigh in favour of the application are considered to outweigh the limited harm identified above. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

Reference No:	Plan Type	Date Received
1733 3C	Proposed Elevations & Floor Plans	19.07.2017
22050/001 0	Topographic Survey	19.07.2017
2017/28_001 REV A	Landscape plan	02.01.2018
1733 1 I	Site and Location Plan	20.12.2017

- 3 Prior to the installation of any water supply to the building a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. The use of any water installations shall not commence until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

- 4 The strategy for the disposal of surface water (dated October 2017, ref: 22050/802 by Plandescil) and the Flood Risk Assessment (FRA) (dated Oct 17, ref: 22050/FRA&SWDS/Rev0/CS) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

- 5 The [dwelling/building] 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.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory 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.

Reason: required pre-commencement to ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

- 7 HGV movement associated with the building hereby approved shall be limited to 42 per day.

Reason: In the interest of highway safety, residential amenities and amenities of the area.

- 8 HGV movements associated with the building hereby approved shall not occur outside the hours of 7am - 7pm of any day of the week.

Reason: In the interest of residential amenities and amenities of the area.

- 9 On commencement of the use of the building hereby approved the owners/operators of the site shall keep at all times an up-to-date log of all

HGVs entering and leaving the site associated with the building hereby approved which shall include the times and registration of the vehicle entering/leaving the site each day. The Register shall be made available for inspection on demand by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control of the HGV movements associated with the building hereby approved due to the constraints of the local road network and the potential impact on residential amenity from significant increase in HGV movements from the development hereby approved.

- 10 The site preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area.

- 11 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.

Reason: To protect the amenity of the area.

- 12 The vehicular access hereby permitted shall be a minimum width of 7.3 metres for a distance of 15m metres measures from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

- 13 Before the use of the building hereby approved commences details of the areas to be provided for storage 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.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

- 14 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.

Reason: Required pre-commencement to prevent hazards caused by flowing water or ice on the highway.

- 15 Gates shall be set back a minimum distance of 15m metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.

Reason: In the interests of road safety.

- 16 The use shall not commence until the area(s) within the site shown on drawing 1733 1 I for the purposes of loading, unloading, manoeuvring and parking of vehicles for both existing and proposed units and the secure storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

- 17 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5m metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 153 metres in a westerly direction and 164m in an easterly direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

- 18 The carriageway shall be widened to at least 6.5m for at least 50m from the access in an easterly direction.

Reason: In the interests of highway safety, to allow HGVs sufficient room to pass without using the verge and causing danger to other vehicles.

- 19 Construction works must not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, an assessment of the effects of the proposals which must include review of RSPB nest records up to 500m from the site to assess whether birds are likely to be nesting within the distance where they may be disturbed. The assessment should be submitted and agreed in writing prior to commencement of development and any mitigation measures provided in full.

Reason: To ensure that stone curlew are not adversely effected and mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 20 Prior to commencement of the building hereby permitted details for precautionary site clearance and management of the site including a method statement shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented as

approved in writing by the local planning authority.

Reason: Required pre-commencement as relevant to site clearance to avoid harm to amphibians and protected species.

- 21 The works shall be carried out in accordance with the details contained in the Biodiversity Survey by Framlingham Environmental dated 29th June 2017. The enhancement measures shall be implemented in full within 12 month following commencement of the development hereby approved and the area maintained as detailed in the survey thereafter.

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 22 The works shall be carried out and the building operated in accordance with the details contained in the SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT received on 19 Dec 2017.

Reason: To comply with policy DM7 to adhere to the broad principles of sustainable design and construction.

- 23 A Travel Plan as detailed in the SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT received on 19 Dec 2017 shall be submitted to and agreed in writing with the Local Planning Authority prior to the first occupation of the building hereby approved. The approved details shall be implemented prior to the first use of the building and the development shall thereafter be operated in accordance with details agreed in the travel plan unless otherwise approved in writing by the Local Planning Authority.

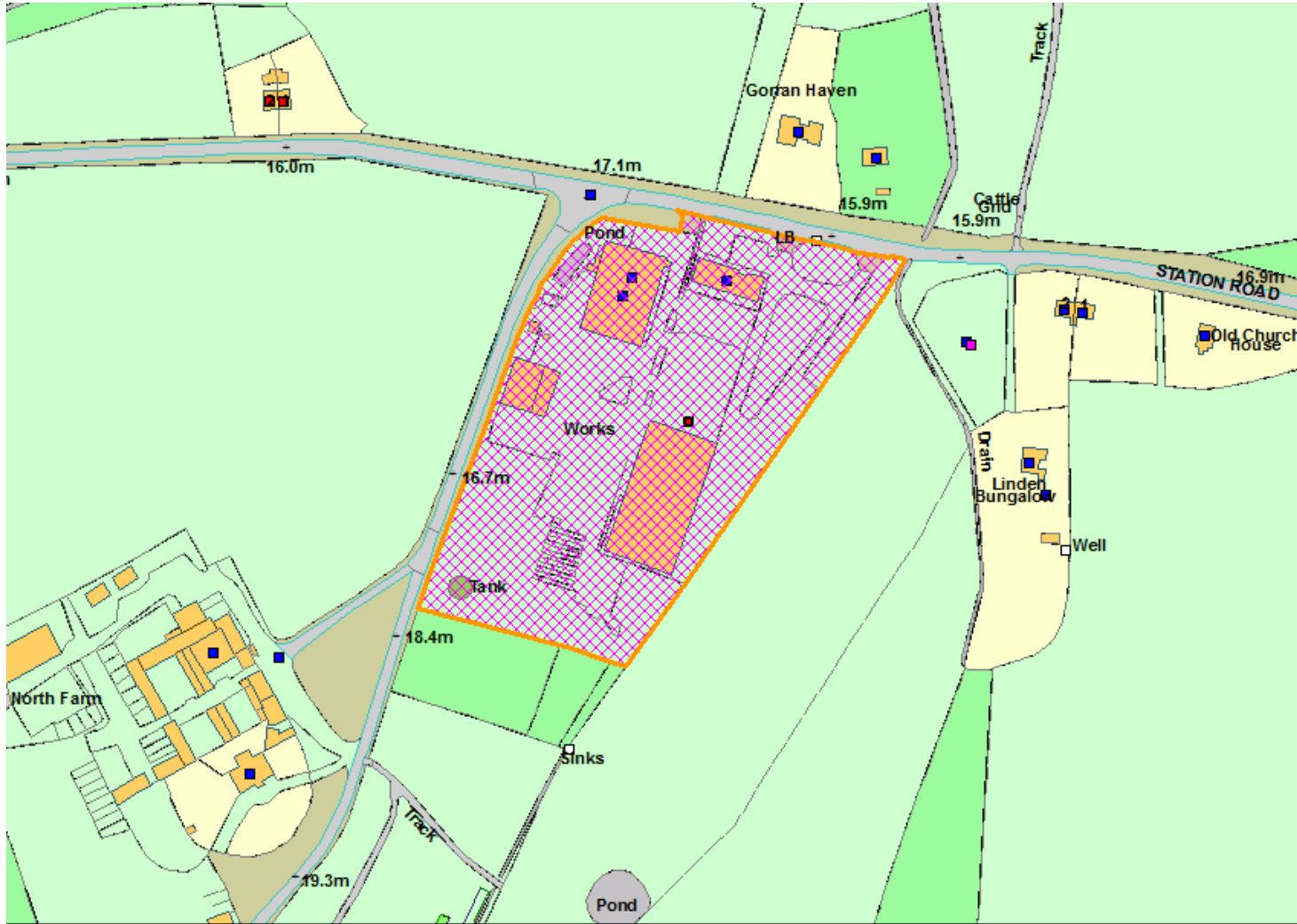
Reason: To comply with policy DM7 to adhere to the broad principles of sustainable design and construction.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/1487/FUL](https://www.framlingham.gov.uk/DC/17/1487/FUL)

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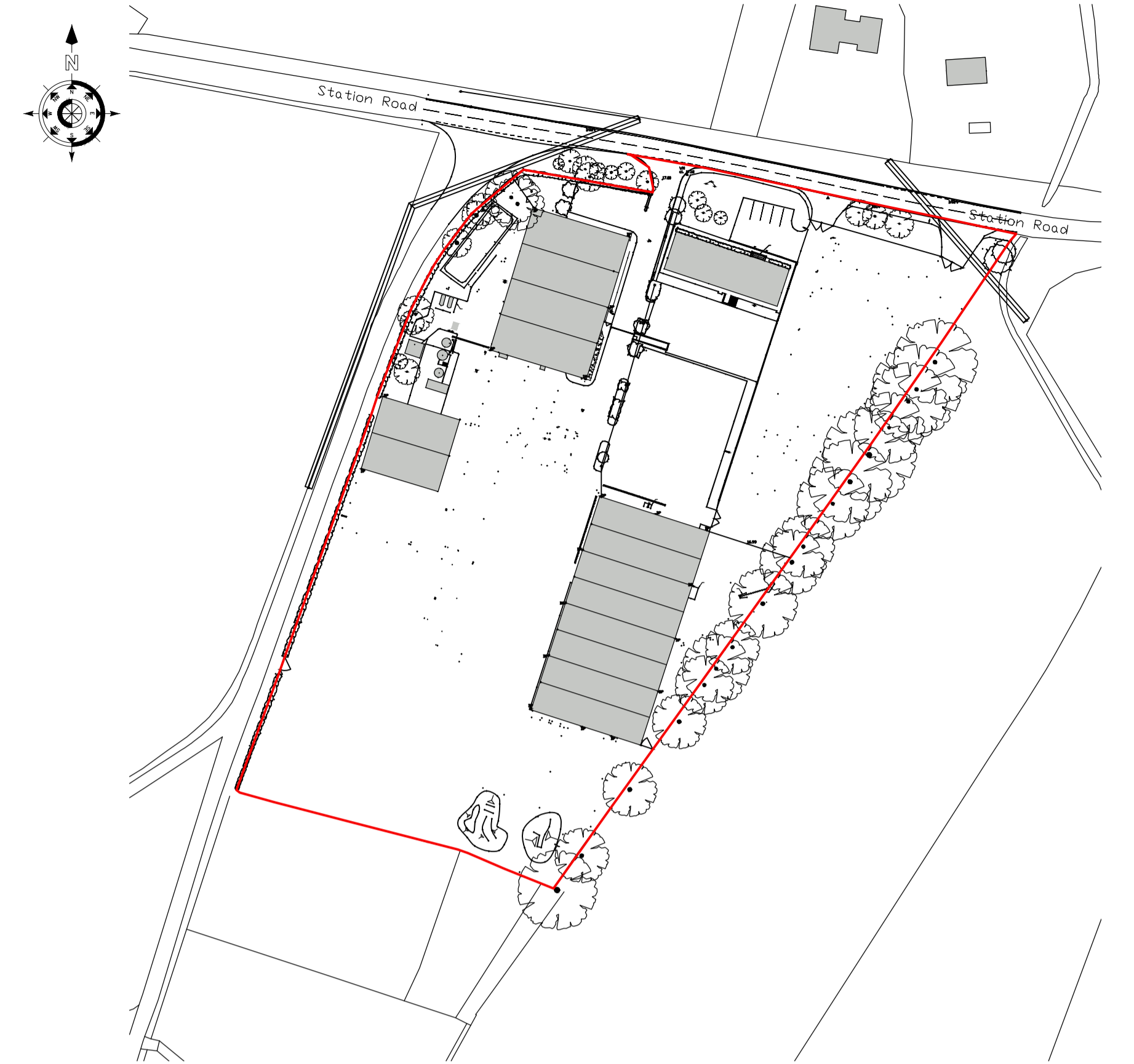
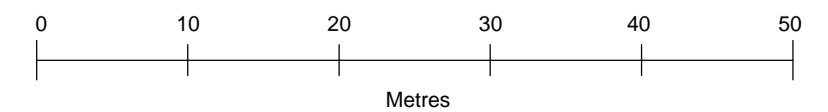
Station Yard, Station Road, Barnham



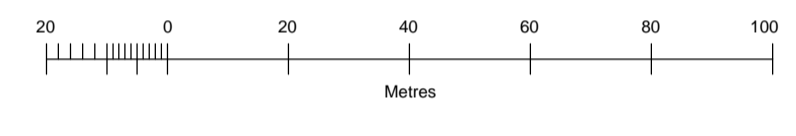
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Proposed Site Plan 1:500



Location Plan 1:1250



No.	Date	Revisions
D	May 17	General revisions.
C	Apr 17	Location plan updated.
B	Mar 17	Site plan updated with survey info.
A	Mar 17	Phase '2' added.

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Site
**STATION YARD
 BARNHAM
 THETFORD
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Project
INDUSTRIAL DEVELOPMENT

Details
**PROPOSED SITE PLAN &
 LOCATION PLAN**

Scale
 1:500 1:1250 @ A1

Date
FEBRUARY 2017

Drawn by
 PJT

Drawing number
1733 1 D

This drawing is copyright. This drawing must not be scaled. Before commencing any work the contractor must set out and check all dimensions.

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/004

Development Control Committee 1 February 2018

Planning Application DC/17/2235/HH – 29 Thistledown Drive, Ixworth

Date Registered:	10.11.2017	Expiry Date:	05.01.2018 (EoT 01.02.2018)
Case Officer:	Jonny Rankin	Recommendation:	Approve Application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	Householder Planning Application - Two storey rear extension (following demolition of existing conservatory)		
Site:	29 Thistledown Drive, Ixworth, IP31 2NH		
Applicant:	Mr & Mrs Wayne Webb		

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:

Jonny Rankin

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is before Members of the Development Control Committee as the Officer recommendation is one of APPROVAL contrary to the objection of Ixworth Parish Council.

The matter was referred to the Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel following receipt of an objection from the Parish Council.

A site visit is scheduled to take place on Thursday 25 January 2018.

Proposal:

1. Planning permission is sought for a two storey rear extension (following demolition of an existing conservatory).
2. The extension has a footprint of 3m x 7.4m with a height to the eaves of 4.8m and 7.2m to the ridgeline of the pitched roof. Decking is also shown on-plan within the rear garden of the application site, the agent has confirmed that this is at ground level and is not proposed to be raised.
3. The application has been amended since submission, at officer request, pulling the extension in from the sides of the property by 1no. brick width (215mm) and has also lowering the ridgeline (from 7.4m to 7.2m in overall height).

Site Details:

4. The application site is a detached dwelling fronting Thistledown Drive and situated within the Housing Settlement Boundary.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/17/2235/HH	Householder Planning Application - Two storey rear extension (following demolition of existing conservatory)	Pending Decision	25.10.2017	
E/88/3207/P	Erection of 70 dwellings and garages with construction of estate roads	Application Granted	27.07.1988	12.01.1989
E/88/3104/P	Erection of 70 dwellings and garages with	Application Granted	18.07.1988	12.08.1989

	construction of estate roads			
E/87/1421/P	Outline Application - Housing development of 70 dwellings as amended by letter dated 19th March 1987 and accompanying revised plan	Application Granted	23.02.1987	09.03.1988

Consultations:

5. None received.

Representations:

6. Neighbour representation:

No. 27 Thistledown Drive

23rd November; *In relation to the above planning application which I received on 16th November 2017, I wish to formally OBJECT and detail the reasons below;*

- a) *The loss of daylight and sunlight - the extension will significantly reduce the available daylight and sunlight to our kitchen, dining room and upstairs bedrooms/office, all of which face the north. The extension will also have considerable impact on the sunlight that we currently receive in our rear garden and patio area, especially in the spring and summer months. We would respectfully request that a full examination of this issue is conducted with reference to the criteria put forward by the Building Research Establishment (BRE) Guidelines, specifically 'Site Layout Planning for Daylight and Sunlight 2011'. Further, in DM 2 of the 'Joint Development Management Policies Document' published in February 2015, as part of the Forest Heath and St Edmundsbury Local Plan, it states on page 7 (g) that any extension should not adversely affect the 'amenities of adjacent areas by reason ofoverlooking, overshadowing, loss of light' which it clearly does. I believe that the section at (d) also applies in relation to how an extension should not involve the loss of gardens which affect the character and appearance of a settlement.*
- b) *'45 degree rule' - I believe that the proposed extension and height of the roof may infringe the '45 degree rule' in relation to my home and would like this matter considered.*
- c) *Adverse effect on the amenity of our property - the rooms at the rear of our house will be impacted with less natural light. In particular the kitchen and dining rooms which we routinely use. The upstairs bedroom nearest the extension is also utilised as an office which we use daily. The lack of natural light will affect adversely our ability to use this this room. The enjoyment and*

use of the patio directly off the dining room, and garden will be severely compromised. The patio area is currently within the morning sun light during spring and summer and allows us to regularly sit outside in the morning and enjoy the amenity. We have spent a considerable sum and invested lots of hard work in making our garden an enjoyable and attractive part of our house. The blocking of this sunlight and daylight will impact on our enjoyment of the property, where we can enjoy nature and view the local wildlife. This is particularly important and poignant for us as my wife currently has an incurable illness and the garden remains a very enjoyable aspect of our residence, which we are very keen to retain. Please see DM2 as detailed above.

- d) *Overdevelopment of the curtilage and overshadowing - the proposed extension would be an over development of the site. There will be significant overshadowing of my property caused by the excessive bulk, proximity to my boundary and intrusiveness of the extension. This is further exaggerated because the property at no 29 (applicant) currently sits approx. 3 metres further back from my house towards the rear boundary, and the other near neighbour at no 31 sits approx. 3 metres further back to towards the rear boundary from no 29, hence this row of houses is not parallel to the rear boundary and is staggered in an almost diagonal line. The effect of this extension will be to produce an 'overlap' of almost 6 metres next to my property, which will consist of an exceptionally long brick wall, two stories high, and a new tiled roof that will run as high as the existing roofline. I am not aware of any other houses within the Thistledown Drive area which have a 2 story rear extension across the width of the rear. Another extension I have seen has a joint 2 story/1 story extension but is not effected by the staggered positioning of the respective neighbours house. This application if successful, would create a precedent which could see other properties in the area significantly expand and produce an inconsistent line of housing with further light and amenity issues which is against Local Plan policy as detailed above under*

DM2. Further, DM24 states that any extensions must 'respect the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in overdevelopment of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties'. I would strongly suggest this proposed extension fails this test.

- e) *Parking/Highways - as part of DM46 (Parking Standards) and the Borough Council policy to reduce over reliance on cars, we are concerned that an increase in house size of this magnitude, will further exacerbate highway safety. The current occupants of no 29 regularly utilise 4 vehicles but have space on their driveway for two. Their garage is not used to park a car, in keeping with most occupants in Thistledown Drive. Although the number of bedrooms will not be increasing, it follows that the property will be much bigger and therefore could accommodate more occupants. Subsequent owners may well have more occupants and the precedent this application creates will encourage others to similarly extend their properties and cause parking/safety issue. There are already large properties on the left side as you enter Thistledown Drive with several occupants where additional cars are routinely parked on the roadside/pavement before the first right hand bend. The*

twisting nature of Thistledown Drive does not lend itself to a surplus of cars parking on the road/pavement where vision is obscured, and potentially will contribute to highways issues.

- f) *Boundary Trees - the planning application may have a negative impact on the council owned trees to the rear boundary of the property and associated wildlife. The extension will reduce the light to the trees, potentially effect the root system, and could cause decline to these large trees which may result in their future removal for health and safety reasons. These trees were initially planted to improve the aesthetics of the residential area for all residents to enjoy, and provide a noise barrier against the A1088 which runs directly behind the houses. I would be grateful if this could be considered by the relevant environmental/tree specialist.*

10th December; Further to recent correspondence, this email is my formal OBJECTION to the 'amended' application submitted by the agent in respect of 29 Thistledown Drive which I received on 7th December. All of the reasons in my original objection letter remain unsatisfied. From examination of the revised plans, which appears to have been generated by an email on the 5th December 2017 (noted in the amended plans) the revision consists of a side wall which has moved in by the width of a brick, and the roof line also appears to have dropped by a minimal amount... perhaps 5 centimetres, or the thickness of a roof tile. In your email of 7th December 2017 at 12:54 hours, you stated that this amended plan is as a result of an 'officer request' and that it demonstrates the following;

- 1) 'instils an element of subservience'*
- 2) 'reduces the overall massing'*
- 3) 'improves upon relationship with neighbouring properties'.*

Personally, I find these suggestions very difficult to comprehend. The effect on the amenity of my property, the overshadowing mass, over development of the plot, light, enjoyment of my garden and rear facing rooms etc., is almost exactly the same as the original plan and the amendment almost seems pointless. If one whole floor had been removed, and the roof angle reduced considerably, then I would consider my position, but not when the amendments are so ridiculously small. To suggest that such minimal amendments justifies the above statements from the Planning Office, is in my opinion inaccurate and misleading.

7. Parish Council:

The Parish Council object on the following grounds;

Loss of light to the adjacent property - The large two storey extension will cause loss of daylight to the adjoining property due to the size and structure of the extension.

Overshadowing of Adjacent Property - An extension of this size would cause extensive overshadowing of 27 Thistledown Drive due to the nature of the way the properties are built. The rows of houses do not sit in a row next to each other but are set almost in a diagonal line so this extension will overshadow 27 Thistledown Drive considerably.

Over Development of the Site - not in Keeping with the Estate - A large extension is not in keeping with the style of the estate. The appearance of this extension could adversely effect of aesthetics of the estate.

8. Policy:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

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

Officer Comment:

10. The main considerations in determining this application are:

- Impacts on residential amenity
- Impacts on street scene/character of the area
- Design and Form
- Permitted Development

11. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

12. In the case of this application, the dwelling is located within a curtilage which is able to accommodate the scale of the extension without over-development occurring.

13. No materially adverse impact is considered to arise as a result of the proposal given the small scale of the development. No significant overbearing impact is considered to arise upon the adjacent neighbours no. 27 Thistledown Drive and no. 31 Thistledown Drive as these properties are afforded a 4.5m and 3m separation from the closest point of the proposed extension. In addition there is a stagger between the properties with no. 27 further forward in the streetscene and no. 31 further back. The stagger facilitates as no. 27 will view the extension in the context of the existing massing of the property and the extension will 'in-fill' the existing gap between no. 29 and no. 31 Thistledown Drive. The arrangement between the properties is considered acceptable and routine in respect of housing estates within Ixworth and the wider borough.

There are no immediate properties at the rear of the site that would otherwise be affected.

14. The proposal will not have a significant impact upon the street scene or character of the area as views of the proposed extension from Thistledown Drive will be limited or even non-existent.

15. The proposed development is considered to be of an appropriate scale and design so as to respect the host dwelling.

16. Other matters raised in representation by no. 27 include loss of light, the 45 degree rule, amenity, parking and trees. Loss of light is not considered, in this instance, to be a significant issue as the rear gardens in question are north facing and given the stagger between properties, intervening boundary treatment and separation afforded any loss of light would be minimal and restricted to the first part of the day, if at all, before the sun moves from east through to west. The amenity effects of the proposal have already been assessed above and, on balance, the effect is considered both acceptable and otherwise unremarkable in the context of a housing estate with uniform separation between properties. The proposal does not increase the number of bedrooms, simply the size of the bedrooms to the rear of the property. Accordingly, under County Highways parking standards there is no requirement for addition parking. With regards the Trees to the rear of site these are not within the ownership of the applicant nor are they proximate enough (in excess of 8.5m) to give rise to impacts upon the root system that would cause this authority concern.

17. Of note also is the fall-back position which the applicant has in respect of their homeowner Permitted Development Rights, with the relevant section of the GPDO shown below:

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

18. The extension extends to the rear of the property by 3m and is afforded a stand-off of 8.5m to the rear boundary with no dwellinghouse behind.

19. The proposed application is 1.9m from the boundary with no. 27 Thistledown Drive and 1.7m from the shared boundary with no. 31 Thistledown Drive. Whilst the proposed eaves height is 4.7m, if the application was brought in by a further 10cm (relative to No. 27) and 30cm (relative to No. 31) respectively in would otherwise not require planning permission.

20. Accordingly, the proposal accords with criteria h i and ii of the GPDO and is just beneath the required boundary separation of criteria i. The overall scale of development which could be progressed without the need for permission presents a notable fall-back position when considering this proposal. The agent has confirmed that the applicant would exercise this fall-back position in the event that the planning application was not successful. Proposed materials are shown on the submitted drawings, and are otherwise acceptable.

Conclusion:

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

Recommendation:

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

1. 01A Time Limit Detailed
2. 14FP Approved Plans

Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case pulled the extension in/ lowered ridge.

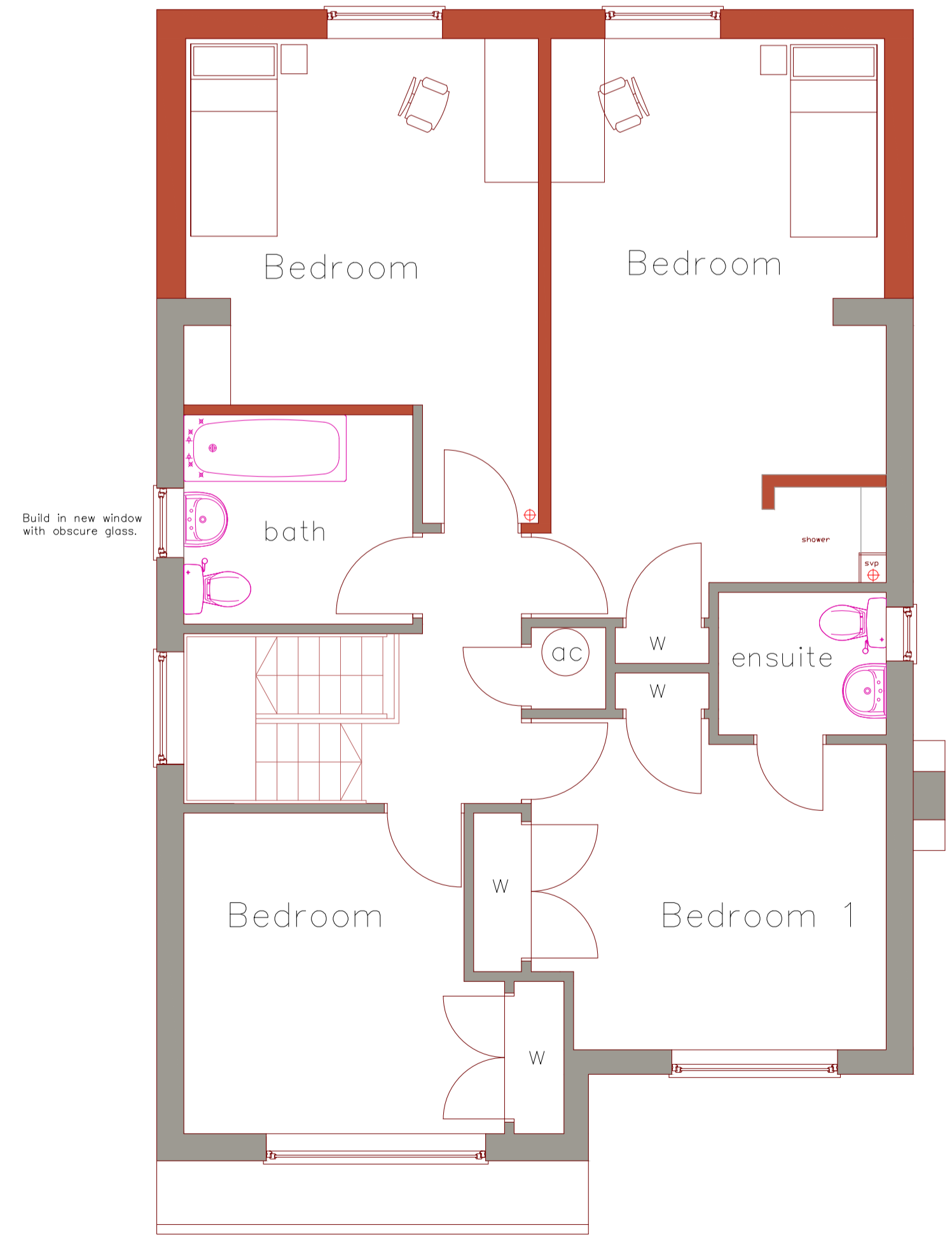
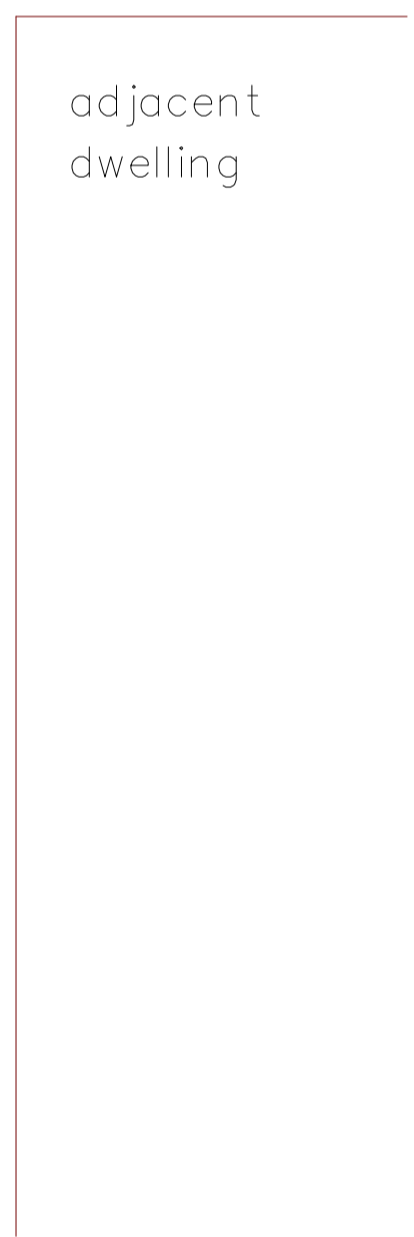
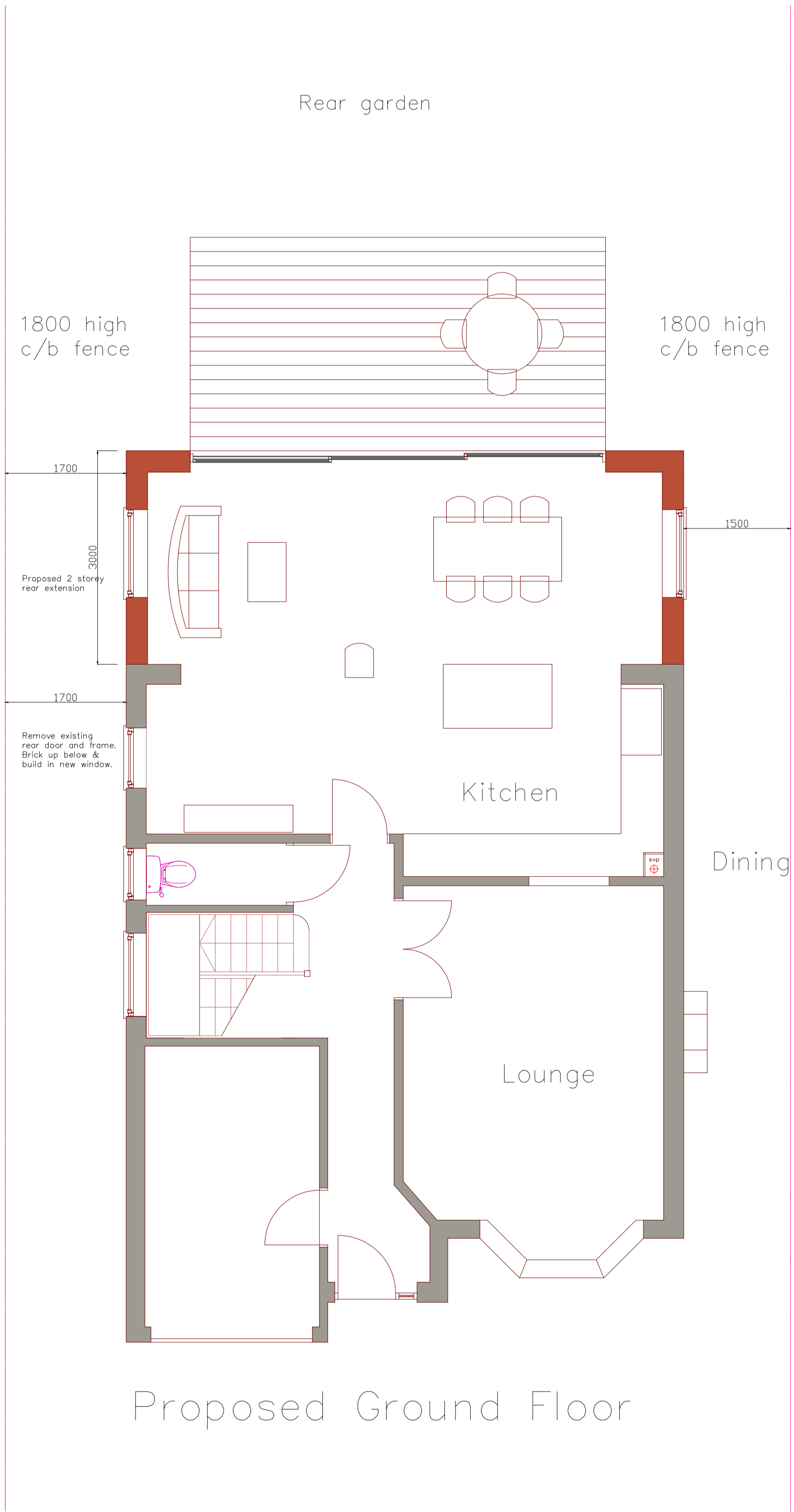
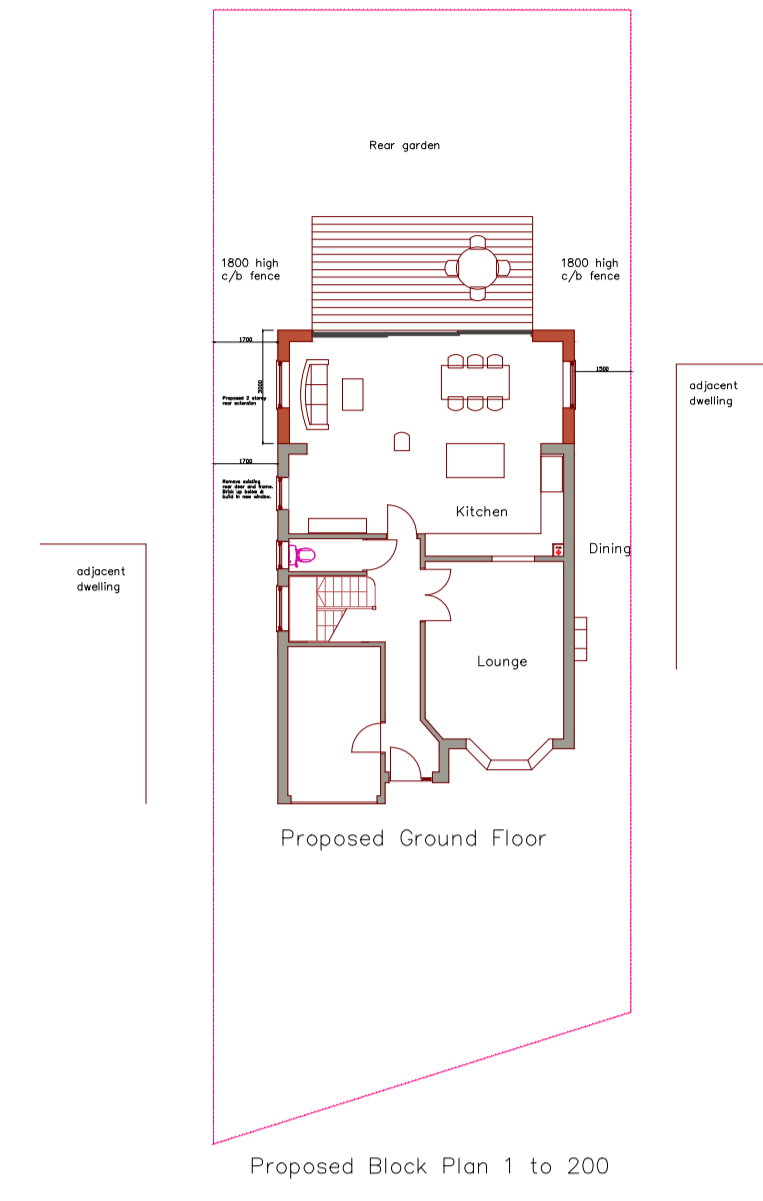
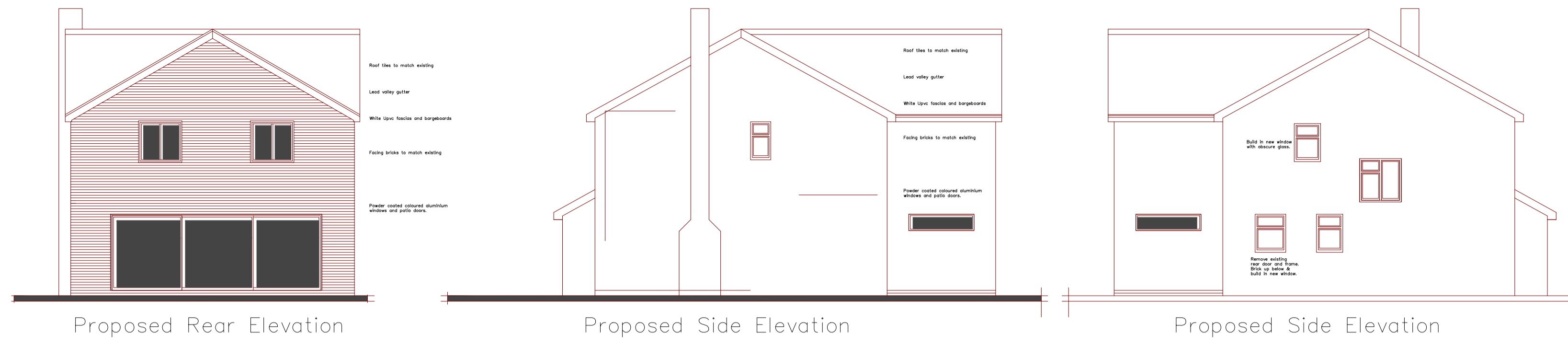
Documents:

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=OYC5IOPDK3S00>



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NOTE: NO DIMENSIONS TO BE SCALED FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE. Whilst every care has been taken in the production of this drawing based on information extracted from site, we do not accept responsibility for any errors discovered.

This drawing is for the sole purpose of forming part of a Planning/Listed Building &/or Building Regulation Application and for obtaining approximate quotations from contractors. This drawing does not show all elements that would be required to complete the building process. It is the contractors responsibility to ensure all work is carried out strictly in accordance with the latest building Regulations/Codes of Practice & that all inspections are carried out by the Local Authority and approvals issued with the relevant completion certificates handed to the Client.

No work to commence until assessment and approval of Party Wall Act with neighbouring/adjoining properties.

Rev.

@ the drawing board

Client
Miles Steeden
@ the drawing board
Job
29 Thistledown Drive
Ixworth
Suffolk
IP31 2NH
Drawing (sheet is A1 size)
Proposed Layout

Scale 1 : 50 Date June 2017
Drawn m.s. Authorised
No. 754-02^C

Rev. A. Internal revisions and changes to roof line
Rev. B. Internal revisions and kitchen door changed to window
Rev. C. Block plan added

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/005

Development Control Committee 1 February 2018

Planning Application DC/17/2276/FUL – 11 Hardwick Lane, Bury St Edmunds

Date Registered:	15.11.2017	Expiry Date:	10.01.2018 (EoT 02.02.18)
Case Officer:	Jonny Rankin	Recommendation:	Refuse Application
Parish:	Bury St Edmunds	Ward:	Southgate
Proposal:	Planning Application - 1no. dwelling		
Site:	11 Hardwick Lane, Bury St Edmunds		
Applicant:	Mr & Mrs D Webber		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Jonny Rankin

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is before Members of the Development Control Committee as the Officer recommendation is one of REFUSAL contrary to the Town Council's no objection.

It has been referred to the Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel since the Town Council had no objection to the proposal, contrary to the Officer recommendation for REFUSAL.

Proposal:

1. Planning permission is sought for 1no. dwelling. A bungalow with integral garage is proposed inclusive on 2no, bedrooms and brick, pantile and UPVC external materials.

Site Details:

2. The application site is a fence and tree lined plot within the residential curtilage of no. 11 Hardwick Lane served by a dropped kerb and including an area of gravelled parking and a residential garden. The site is situated within the Housing Settlement Boundary and bordered by Hardwick Lane to the west and then Wilks Road and the pedestrian footpath to the south.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/16/0171/HH	Householder Planning Application - Single storey rear extension	Application Granted	26.01.2016	24.03.2016
DC/17/2276/FUL	Planning Application - 1no. dwelling	Pending Decision	31.10.2017	
SE/08/1535	Planning Application - Erection of detached garage to side as amended by plans and email received on the 28th November 2008 which reduces the ridge height of the garage and introduces protective fencing.	Application Granted	27.10.2008	09.12.2008
SE/08/1212	Planning	Application	22.08.2008	22.09.2008

	Application - Granted			
	Erection of (i) single storey front extension (ii) front porch and (iii) pitched roof over existing flat roof rear extension			
E/98/2296/P	Planning Application - Granted	Application	15.07.1998	18.08.1998
	Erection of single storey, flat-roofed extension			
E/75/2105/P	ERECTION OF 2 DETACHED DWELLINGS AND GARAGES	Application Granted	16.06.1975	07.08.1975

Consultations:

3. Development Implementation and Monitoring Officer - if the site area on the application form is correct, it is below our CS5 threshold, so no S106 AH requirement.
4. Public Health and Housing - no objection subject to proposed conditions.
5. Environment Team - Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.
6. County Highways - Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below.

7. Representations:

9 Hardwick Lane Bury St Edmunds Support

Neighbour representation - 1no. letter of support received.

Town Council - No objection based on information received.

Ward member:

Cllr Chung; *after looking at the plan I have no objection to the proposal.*

Cllr Stamp; *I wish to wholeheartedly support the above planning application by the residents of 11 Hardwick Lane.*

I have visited the site and spent quite some time with Mr and Mrs Webber looking at their plans and trying to understand what it is they are looking to achieve, and what impact that will have on the surrounding area. Helpfully, Mr Webber was able to

show me the exact floor area that would be affected and spent some time walking me around the plot explaining the situation.

I understand you are recommending refusal based largely on interpretation of policy DM2, but I do not believe that to be a valid reason to refuse permission and I would ask that the members of Development Control visit the site and see for themselves what is planned before it comes to committee on the 1st February.

Mr Webber has explained how he bought the plot of land at the back of the site and how in fact the existing house would be sold with a slightly bigger plot therefore than he originally purchased. I do not believe the Webbers would seek to reduce the value of their existing property by selling it with a smaller than expected garden.

I do understand policy DM2 but I believe from the plans I have seen and the visit I made that both the existing house and the proposed new build would still be in keeping with the existing street scene should it be permitted.

In addition to this, the plot is sheltered by a large hedge and the proposed bungalow would not be visible from the road. I also understand that the Webbers have sought your advice and have amended the plans considerably based upon the advice that has been given, demonstrating their willingness to work together to find a solution that is acceptable to the planning authority.

8. Policy:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV2 - Housing Development within Bury St Edmunds
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

9. National Planning Policy Framework.

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Neighbouring Amenity

Principle of Development

11. Policy RV3 states that within the Housing Settlement Boundary for Bury St. Edmunds, planning permission for new residential development will be granted where it is not contrary to other planning policies.
12. The site is located within the Housing Settlement Boundary for Bury St Edmunds and as such the principle of an additional residential dwelling is acceptable. The principle of residential development is also considered entirely appropriate in this location being surrounded by residential development. It is therefore considered a sustainable re-use of land.
13. The proposal comprises a bungalow in the curtilage of no. 11 Hardwick Lane, Policy DM24 states that proposals for alterations and extension to dwellings should not result in the over-development of a dwellings curtilage. In this case, the dwelling is positioned within a curtilage which is able to accommodate a degree of expansion without over-development occurring.
14. As such, the principle of development is acceptable in this location subject to its design, scale, form and impact.

Design and Form

15. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
16. The application site lies within a primarily residential area, surrounded by housing and with a Primary School to the immediate south on the opposite side of the road. Policy DM2 in the Joint Development Management Policies Document 2015, whilst not defining specific sites, seeks to ensure that development does not involve the loss of gardens that make a significant contribution to the character and appearance of a settlement.
17. Policy DM2 states that proposals for all development should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
18. The proposed dwelling is single storey in scale and proposed to fill the width of the plot presenting a side elevation to Wilks Lane. The bungalow is out of

character with the surrounding detached dwellings which are typically two storey with associated outbuildings within generous plots and with retained amenity space to both the front and rear elevations. Furthermore, and importantly, the bungalow is also proposed in a prominent location at the entrance of Hardwick Lane and on a corner plot which presently offers a visual separation and stand-off with landscaping between Wilks Road and the regularised pattern of development on Hardwick Lane (no. 3, 5, 5a, 5b, 7a, 7b, 7c, 9 and 11). The proposed dwelling presents a cramped and contrived over-development of the site, out of character with the prevailing pattern of development in the surrounding area. The identified location for the dwelling is right upon the boundary with Hardwick Lane and thereby fails to respect the character of the existing site of no. 11 Hardwick Lane or the character, scale and spaciousness of the surrounding properties. Other buildings in such close proximity to Hardwick Lane are domestic outbuildings with less of a visually intrusive impact therefore.

19. Accordingly, it is considered that the proposed new dwelling would have a harmful effect on the character and appearance of the area. Therefore, the development would not accord with Policy CS3 of the St Edmundsbury Core Strategy 2010 and Policies DM2 and DM22 of the Joint Development Management Policies Document 2015. Amongst other things, these policies require high quality design that has an understanding of local context and responds to its surroundings. The development would also fail to meet the aims of the National Planning Policy Framework in terms of securing good design that responds to local character.

Impact on Neighbouring Amenity

20. Given the location within the curtilage of no. 11 Hardwick Lane and scale of the proposal the relationship with neighbours is considered acceptable. As such, given the design and scale of the proposed development and the relationship between the neighbouring properties, it is considered that there will be no adverse impact to the neighbouring amenity by virtue of loss of light, overlooking or overbearing as to cause significant harm.

Other Matters

21. There are no other matters that would otherwise preclude the development of this site including in relation to highways access, biodiversity, contamination, flood risk or archaeology. It is also respected that the provision of a dwelling within an otherwise suitable area is also a factor which must be weighed in favour of the proposal. However, this merit is modest in the overall balance.

Conclusion:

22. As such, there is limited, if any, public benefit deriving from the development and which would not be sufficient to outweigh the harm caused by the proposed dwelling.

Recommendation:

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

1. Policy DM2 states that proposals for all development should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

The proposed dwelling is single storey in scale and proposed to fill the width of the plot presenting a side elevation to Wilks Lane, and also in very close proximity to Hardwick Lane. The bungalow is out of character with the surrounding detached dwellings which are typically two storey with associated outbuildings set within generous and spacious plots with retained amenity space to both the front and rear elevations. The bungalow is proposed in a prominent location at the entrance of Hardwick Lane and on a corner plot which presently offers a stand-off and landscaping between Wilks Road and the regularised pattern of development on Hardwick Lane (no. 3, 5, 5a, 5b, 7a, 7b, 7c, 9 and 11). The proposed dwelling presents a cramped and contrived over-development of the site, out of character with the prevailing pattern of development in the surrounding area. The identified location for the dwelling is upon the boundary and thereby fails to respect the character of the existing site of no. 11 Hardwick Lane or the character, scale and spaciousness of the surrounding properties.

The proposed new dwelling would have a harmful effect on the character and appearance of the area. Therefore, the development would not accord with Policy CS3 of the St Edmundsbury Core Strategy 2010 and Policies DM2 and DM22 of the Joint Development Management Policies Document 2015. Amongst other things, these policies require high quality design that has an understanding of local context and responds to its surroundings. The development would also fail to meet the aims of the National Planning Policy Framework in terms of securing good design that responds to local character.

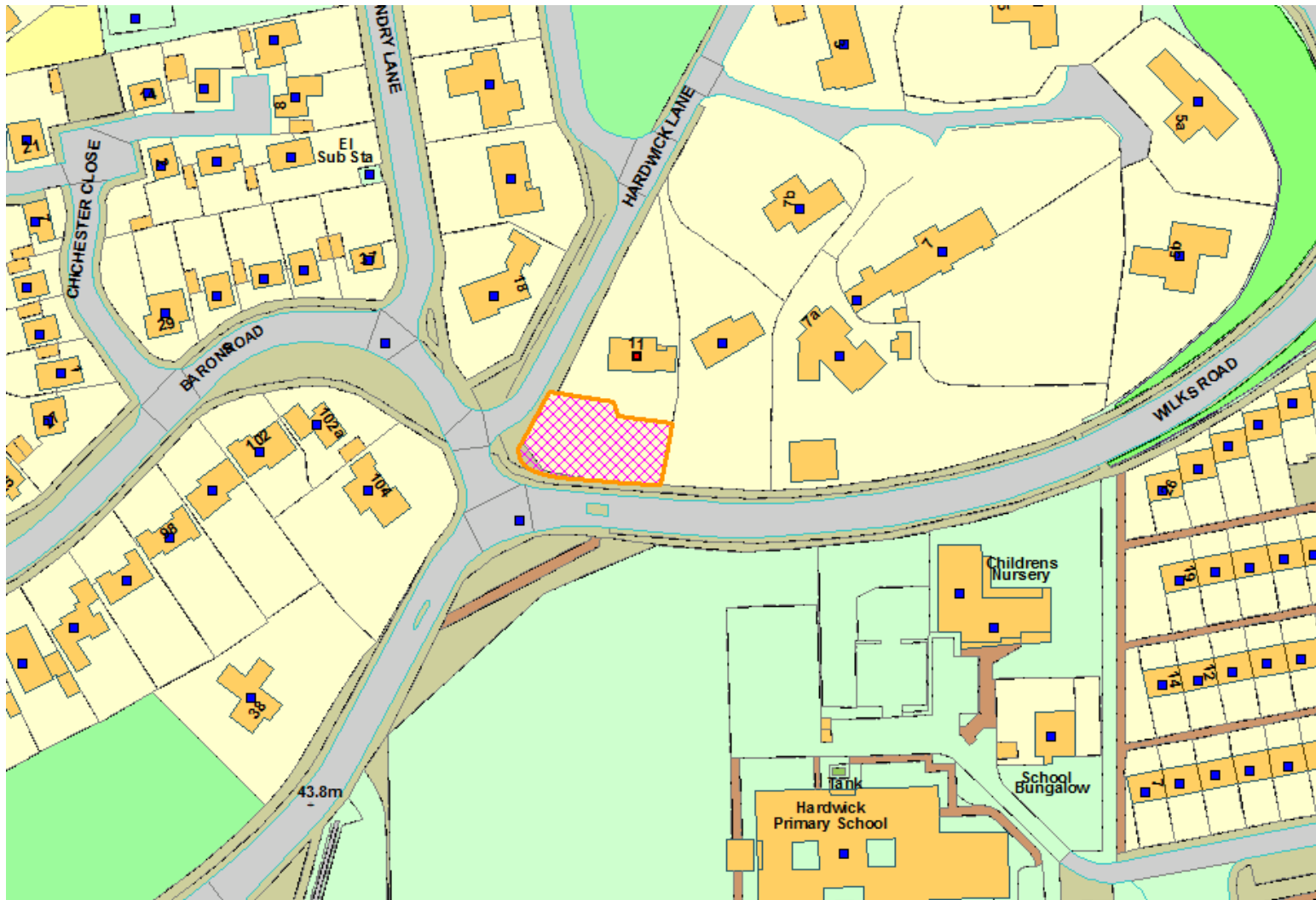
Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application proposals represent a clear departure from policies contained in the Joint Development Management Policies Document 2015 any amendments to the proposals could not address these 'in-principle' objections.

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=OYOF2SPDK7G00>

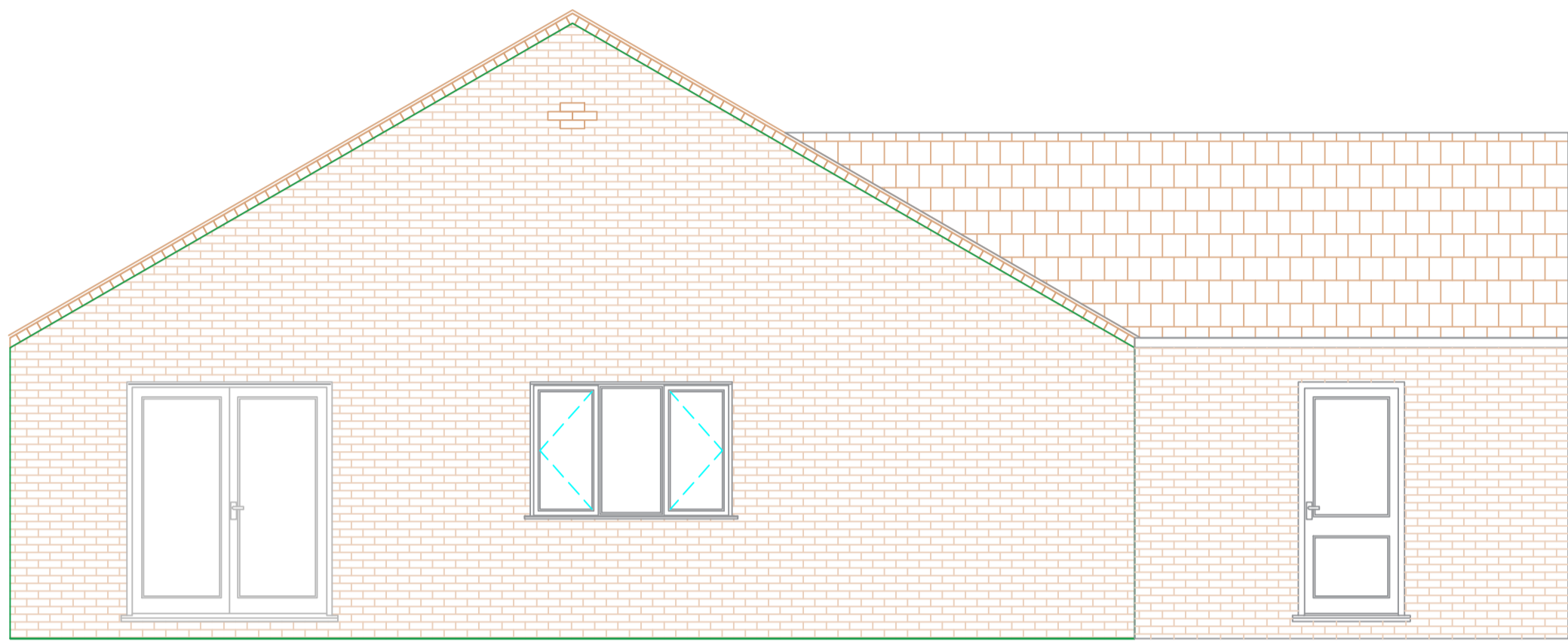


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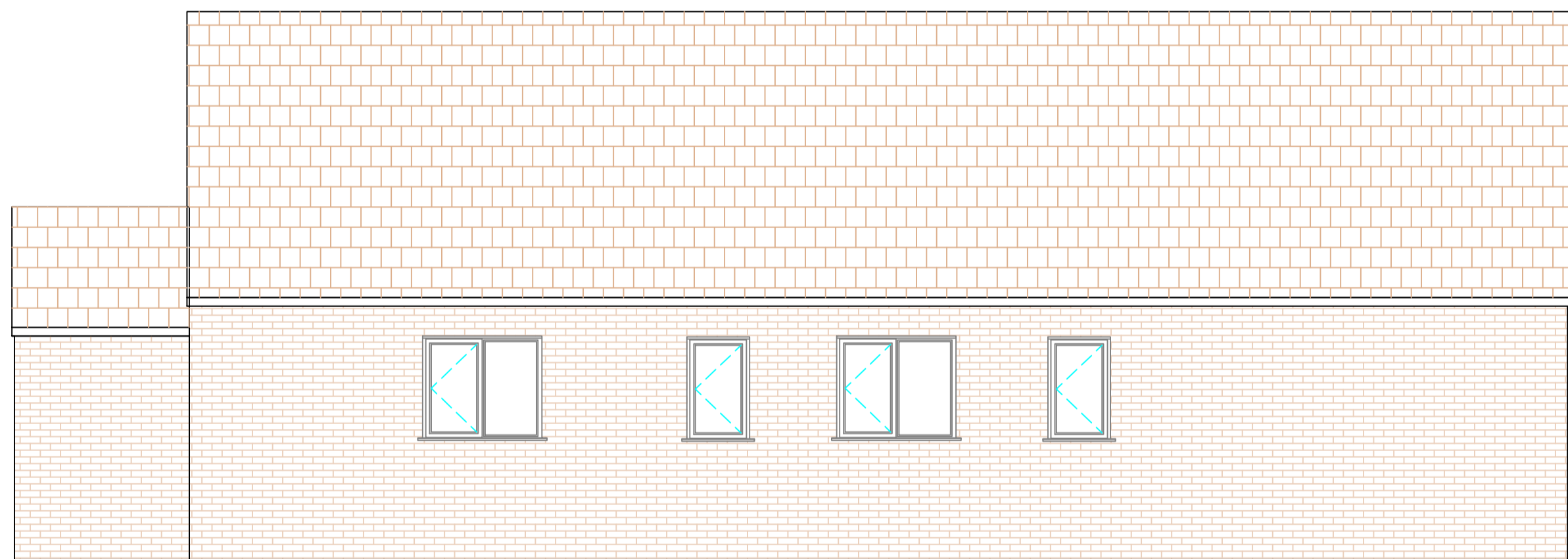
Proposed Front Elevation

1-50



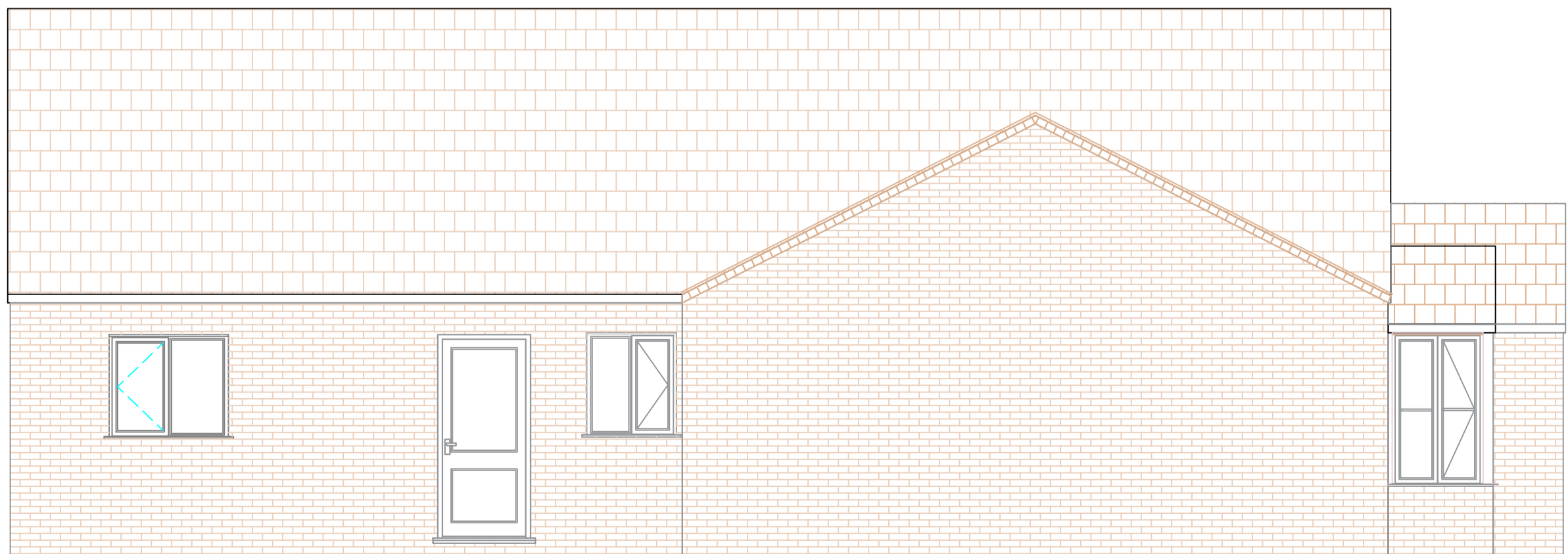
Proposed Rear Elevation

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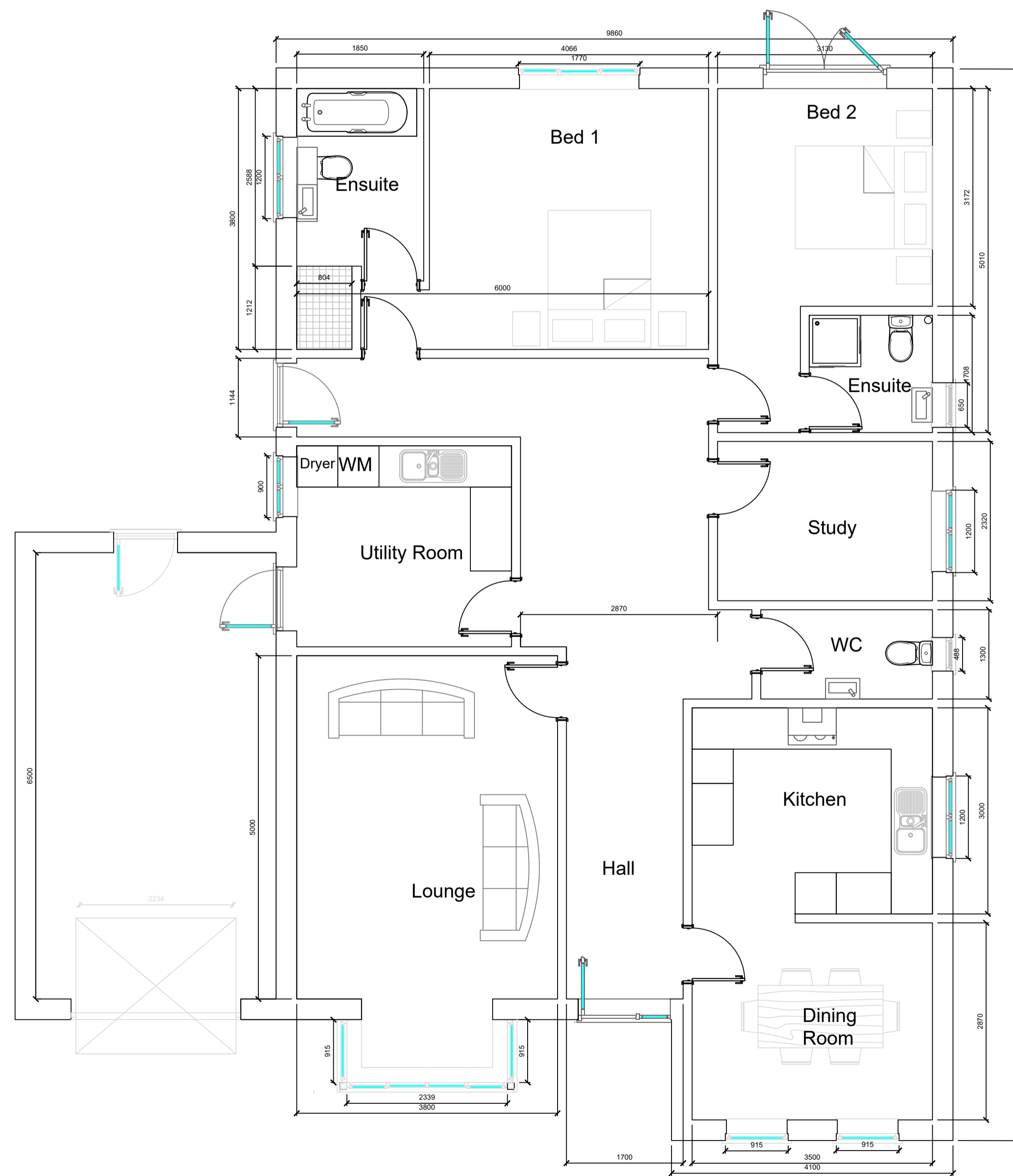
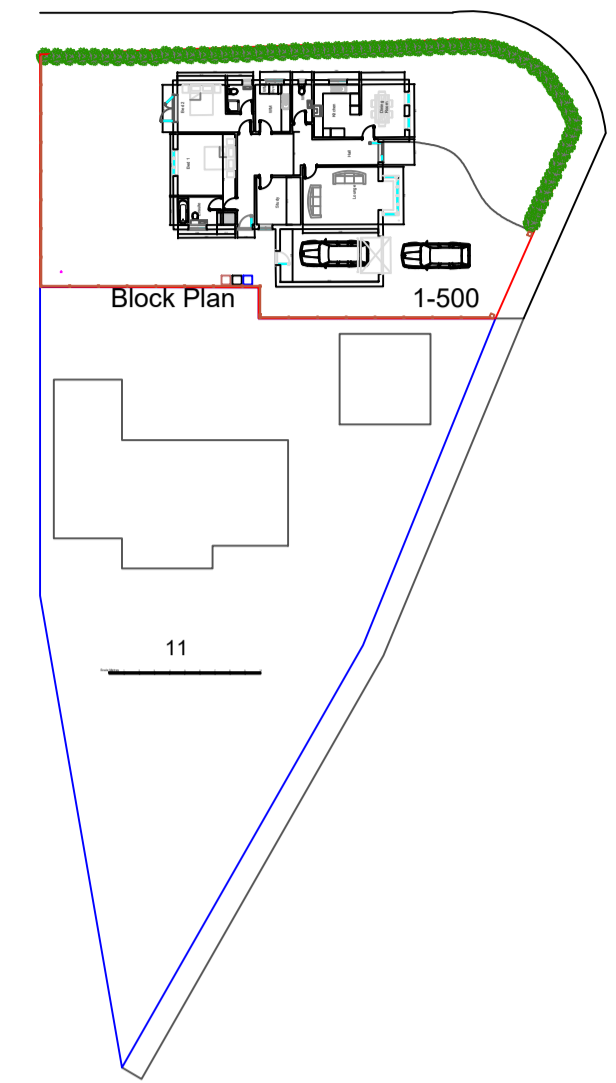
Proposed Side Elevation

1-50



Proposed Side Elevation

1-50



Proposed Layout

1-50



These drawings are for DESIGN purposes only. 2TDB are not liable for unforeseen problems in build. Please DO NOT scale this drawing, dimensions must be checked on site before building works commence & any discrepancies reported.

Suite 3, 62, James Carter Rd, Mildenhall, Suffolk, IP38 7DE

Proposed Layout and Elevations

Land behind 11 Hardwick Lane, Bury St Edmunds IP33 2QF

Mr. & Mrs. Derek Webber

No:	Revision:3	Date:	Date:	10/10/2017
			Scale:	1:50/1:100/1:500
			Drawn By:	WK
			Drawing No:	54-17
			Paper Size:	A1

DEV/SE/18/006

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 1 February 2018

Planning Application DC/17/2482/FUL – Land North of Willow Tree Farm, Mill Road, Brockley

Date: 21/11/2017 **Expiry Date:** 16/01/2017
Registered:

Case Officer: Aaron Sands **Recommendation:** Refuse

Parish: Brockley **Ward:** Cavendish

Proposal: Planning Application - 2no. dwellings with associated vehicular access and copse area

Site: Land North of Willow Tree Farm, Mill Road, Brockley

Applicant: Mr And Mrs C Driver

Agent: Dean Jay Pearce Architectural Design And Planning 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 Delegation Panel consider the attached application and associated matters.

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Background:

This application is referred to the Development Control Committee from the Delegation Panel. It was referred to the Delegation Panel because the Officer recommendation of REFUSAL differs from the formal comments of the Parish Council, and following the request of Councillor Peter Stevens as Ward Member.

Proposal:

1. Planning permission is sought for the erection of two single storey dwellings, linked by the cart lodge and together forming a 'U' shape. The two dwellings together measure approximately 31.6 metres in overall width, and 19 metres in depth, with a height of 2.6 metres at the eaves and 5 metres at the ridge.

Site Details:

2. The site comprises an area of agricultural farmland within designated countryside and situated on the end of the village of Brockley, which, as a whole, has no settlement boundary. There is a large ditch to the front of the site but otherwise the site is open, with no existing soft planting nor any built features.

Planning History:

3. None Relevant

Consultations:

4. Monitoring Officer: No affordable housing contributions are required, as the floor space is below the relevant thresholds.
5. Environment Officer: No objection subject to informatives.
6. Public Health & Housing: No objection subject to conditions (*officer note: burning of waste material is covered by other legislation, and this condition is therefore unnecessary*).
7. Highway Authority: No objection subject to conditions.
8. Parish Council: Support; the plans indicate the development is not within 100m of a pond, but this is incorrect.
9. Planning Policy: The application proposal is not considered to satisfy policies DM5 and DM27 and therefore is not supported by policy.
10. Environment Agency: No comments.
11. Ecology and Landscape Officer: No objection subject to the

recommendations of the ecological survey being conditioned

12. Ward Member (Councillor Stevens): Request application is referred to the delegation panel.

13. Conservation: No objection.

Representations:

14.5no. representations received incorporating the following summarised points;

- The proposal will provide growth with two sustainable and efficient bungalows.
- New dwellings will provide more residents to make the area more vibrant.
- In the future it will support new business and perhaps a shop.
- The biodiversity survey incorrectly indicates the site is not within 200m of significant watercourses.
- There are a range of bats and birds that have been observed near to and in the site.
- The proposal brings new housing into the village which has been lacking for many years.
- The houses are sympathetic to the surroundings.
- The wooded area will increase the amount of wildlife in the area.
- The height should be no higher than neighbouring bungalows.
- There would be no change in water volume into the moat of Willow Tree Farm as the water flows to a point downstream.
- Brockley is in need of properties of this size.
- Brockley is on two school bus routes and existing electricity, phone and water services are in close proximity.

The following comment has been received that is not a material planning consideration. It would be a civil matter between the developer and the owner;

- The mains water supply (for Ashlea) runs under this proposed site

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Forest Heath Core Strategy 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 DM5 (Development in the Countryside)
- Policy DM7 (Sustainable Design and Construction)
- Policy DM11 (Protected Species)
- Policy DM12 (Mitigation, Enhancement, Management and Monitoring of Biodiversity)
- Policy DM13 (Landscape Features)
- Policy DM14 (Protecting and Enhancing Natural Resources, Minimising

- Pollution and Safeguarding from Hazards)
- Policy DM22 (Residential Design)
- Policy DM27 (Housing in the Countryside)
- Policy DM46 (Parking Standards)

16. St Edmundsbury Core Strategy 2010

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

17. Rural Vision 2031

- Policy RV1 (Presumption in Favour of Sustainable Development)

Other Planning Policy:

18. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Protected Species
- Impact on Neighbour Amenity
- Other Matters

Principle of Development

20. This site is located on the end of the main group of dwellings that form Brockley, a settlement designated as countryside by policy CS4, and where policy CS13 goes on to say that development will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside.

21. The proposal is located in designated countryside, and policy DM5 seeks to restrict unsustainable development unless it complies with the relevant policies, in this case policy DM27 that specifically relates to new residential dwellings in the countryside. Development is required to be within a cluster, comprising no more than two semi-detached or a single detached dwelling, within an otherwise continuous built frontage and facing a road. Proposals will not be supported where it harms or undermines a visually important gap that contributes to the character of the area.

22. The proposal is sited on the end of, but also some way detached from, a cluster, and well outside of an otherwise continuous built frontage. There is an individual dwelling to the west of the site, but this is some distance from the main bulk of the village and is notably small scale and otherwise well screened. It is considered therefore that this an 'isolated' dwelling,

physically distinct from the main cluster of Brockley. There is also a significant and otherwise open gap between the end of the proposed development and that isolated dwelling, markedly pronounced by the inclusion of the proposed woodland copse.

23. The site is set at an elevated ground level in comparison to Mill Road, with limited existing planting. As a result it appears prominently as agricultural land, providing a visual gap and open setting to the existing end of the settlement and providing intrinsic countryside public views across the fields in the wider landscape. The proposal would result in two dwellings of a sizeable footprint being located in this area. It would enclose this section of Mill Road with the agricultural buildings to the south and would result in the undermining of the visual gap that indicates the separation between the main cluster of the settlement and the countryside, where development is far more loosely grained and sporadic.
24. The proposal therefore fails to accord with policies DM5 and DM27, resulting in an unsatisfactory urbanisation of the countryside in an otherwise unsustainable location.
25. It is noted that there are economic and social benefits to the proposal, as there would be in any proposed dwelling(s), and that this proposal also includes some habitat benefit from the proposed soft landscaping. Any weight afforded to these benefits, however, would be modest, as they would be limited by the scale of the development. The authority is able to demonstrate in excess of a five year supply of housing land and its policies are therefore up to date and meet the need for housing in the borough. In this context the starting point for consideration must be the Development Plan, which indicates the proposal should be refused for noncompliance with its policies. The modest benefits set out above are not considered sufficient as material considerations to outweigh this conflict with the Development Plan.

Design and Form

26. This area features a range of forms of dwellings, though many are single storey or chalet style bungalows of a more modest scale. The farm buildings to the south of the site are largely single storey, though of a larger overall scale, as is typical of agricultural buildings. The proposed dwellings would be located in close proximity to the existing ditch and the road beyond, and as a pair, would appear very wide within the site. The proximity to the road is reflective of the agricultural development along the southern side of the road. There is an overall mix in the wider area of dwellings, positions within their plot, and in their height and scale.
27. The dwellings proposed are of a sizeable footprint, and the overall scale of them has resulted in areas of boundary planting, such as immediately adjacent the roadside elevation of the eastern plot, being omitted. The result is of two dwellings that would appear even more readily noticeable in this area and it does indicate that there is no adequate attempt to mitigate or minimise the urbanising impacts that these two dwellings would have through additional planting. In this context the scale and in

particular the width of the dwellings proposed does have some compounding adverse effect to the wider urbanising impacts on the countryside that has already been identified above, thereby being contrary of Policies DM2 and DM22.

Impact on Protected Species

28.The application has been accompanied by a survey in respect of Great Crested Newts, which were identified as a potential protected species that might be within the area, given the records of that species and the watercourses nearby. The survey indicates that they are unlikely to utilise the site as the habitat is unsuitable, but precautionary measures are recommended for site clearance works.

29.The survey has been carried out in November, and survey times are recommended between March and October, with November being less likely to be productive and not the peak activity times. That said, the Ecology officer has reviewed the submitted report and consider it is acceptable in this instance in these circumstances. The report includes recommendations that require works to be carried out in such a manner that they would not impact newts that might be occupying the site, and these could be required by condition. Subject to such a condition, the proposal would not result in an adverse impact to protected species on the site and the proposal would comply with policies DM11 and DM12.

Impact on Neighbour Amenity

30.The proposed dwellings are single storey and located some distance from the nearest neighbouring residential property. Boundary planting is proposed that would provide screening, and the proposal is not, therefore, considered to result in materially harmful impacts to the residential amenity of adjoining neighbours.

Other Matters

31.The court judgement submitted with the application documents¹ is noted but irrelevant to determining this application. That judgement was with regards the definition of isolated expressed in the NPPF, and does not overcome the statutory starting point in Section 38(6), that development should be determined in accordance with the development plan. In any event, refusal of this application is not based on matters of isolation, but upon the conflict with the Development Plan and upon the consequential urbanisation of the countryside.

32.Reference has also been made in the application to other recent approvals. One of these approvals, to the south of the site, was with regards to a change of use of land to residential garden land and the provision of an access. However, the overwhelming majority of that site falls within the remit of Babergh District Council, with only the access falling within St Edmundsbury District. The policy circumstances were

¹ Braintree District Council V SSCLG and others 2017 EWHC 2743 (Admin)

therefore such that BDC was determining, predominantly, the proposed change of use, assessing it against their policies. In any event, that was for the change of use of land for residential use, and not for additional dwellings.

33. An application was also referenced further to the east of Mill Road. That site complied with all relevant policy and therefore was approved in accordance with the development plan. It is sited within the cluster, in an otherwise continuous built frontage. The circumstances of that application are materially different to this proposal.

Conclusion:

34. In conclusion, the principle and detail of the development is not considered to be acceptable and not therefore in compliance with relevant development plan policies nor the National Planning Policy Framework.

Recommendation:

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

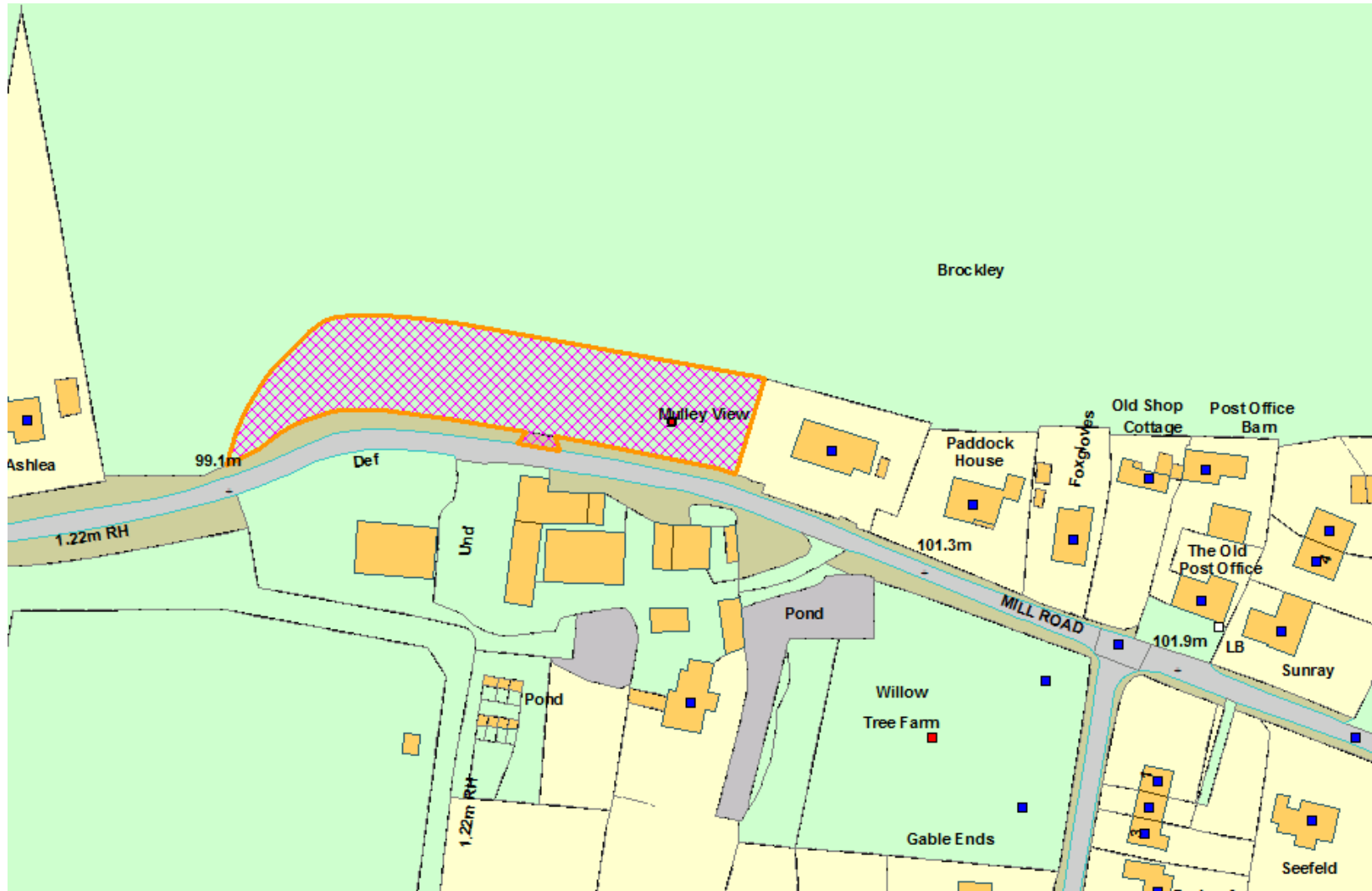
1. The proposal sits on the edge of a cluster of dwellings, extending into the countryside. It is outside a continuous built frontage in a prominent location. The proposal would represent an urbanising and visually intrusive development continuing the built form further into the countryside of an otherwise open and undeveloped site of an overt and intrinsic rural character, and which provides views across the wider landscape. It would therefore fail to accord with policies DM2, DM5 and DM27 and result in an urbanising effect on the rural character of the area in an unsustainable location, contrary also to the provisions of the NPPF and DM22 in relation to securing good design.

Documents:

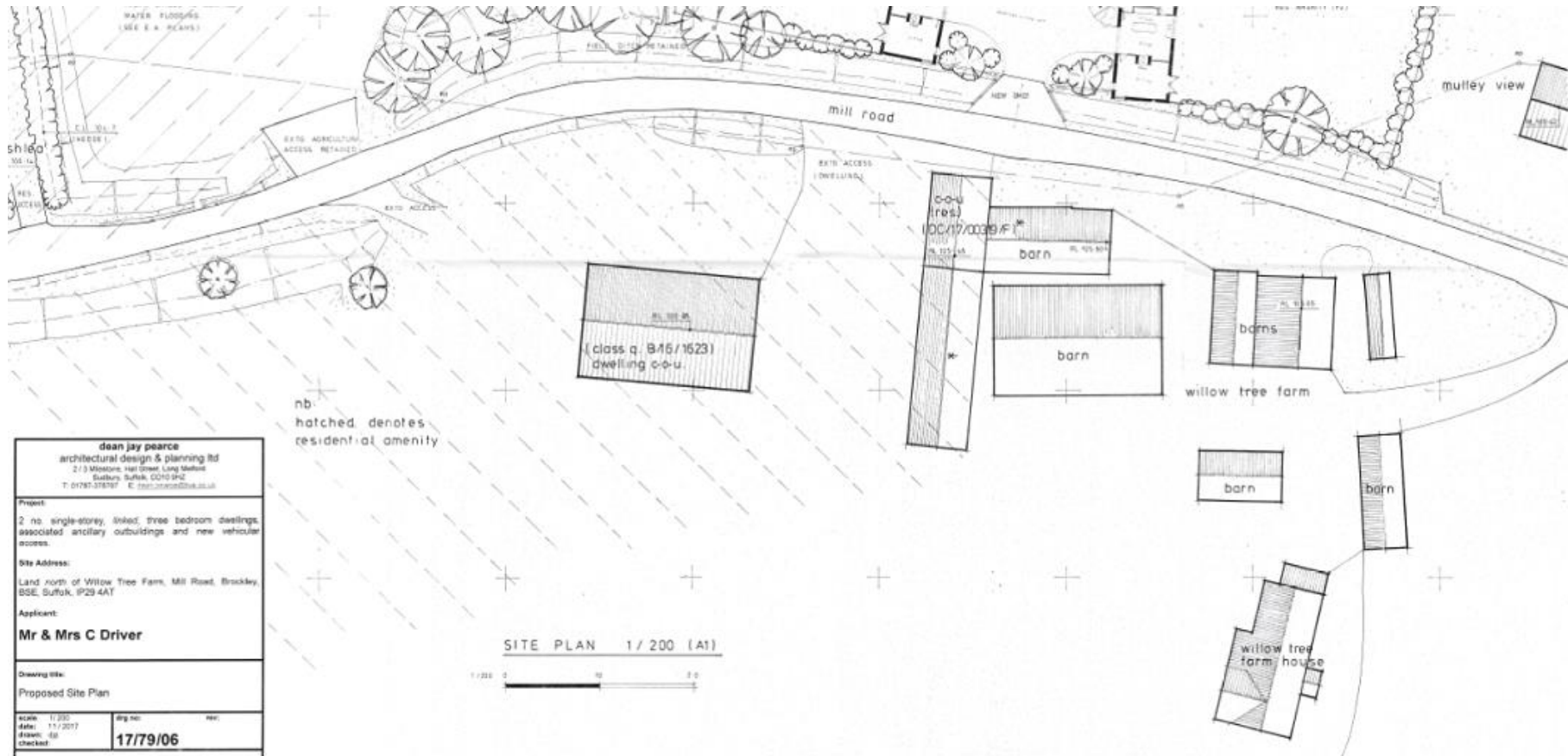
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZPSOBPD04S00>

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