

Development Control Committee



Forest Heath
District Council

Title:	Agenda		
Date:	Wednesday 4 October 2017		
Time:	6.00 pm		
Venue:	Council Chamber District Offices College Heath Road Mildenhall		
Full Members:	<div><div><div>Chairman</div><div>Vice Chairman</div></div><div><div>Rona Burt</div><div>Chris Barker</div></div></div> <div><div><div><u>Conservative Members (10)</u></div><div><u>West Suffolk Independent Members (2)</u></div><div><u>UKIP Members (2)</u></div></div><div><div>David Bowman</div><div>Ruth Bowman J.P.</div><div>Louis Busuttil</div><div>Simon Cole</div><div>Andrew Appleby</div><div>Roger Dicker</div></div><div><div>Stephen Edwards</div><div>Brian Harvey</div><div>Carol Lynch</div><div>Louise Marston</div><div>David Palmer</div><div>Peter Ridgwell</div></div></div>		
A SITE VISIT WILL BE HELD ON MONDAY 2 OCTOBER 2017 AT THE FOLLOWING TIME: No coach is to be provided for this site visit, Members are requested to make their own way there and to car share wherever possible. Planning Application DC/17/1211/HH - Hill House, 2 Falmouth Avenue, Newmarket, CB8 0NB Planning Application - Extension to the existing garage, garden and bin store to form a store and 4 bay open cartlodge Site visit to be held at 10.00am			
Substitutes:	Named substitutes are not appointed		
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:	Five Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

**DEVELOPMENT CONTROL COMMITTEE:
AGENDA NOTES**

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

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

Material Planning Considerations

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

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

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

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

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

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

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

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

Notes

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

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

Agenda

Procedural Matters

Part 1 - Public

1. Apologies for Absence

2. Substitutes

3. Minutes

1 - 6

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

4. Planning Application DC/17/0717/FUL - Land at Beck Lodge Farm, St Johns Street, Beck Row

7 - 22

Report No: **DEV/FH/17/035**

Planning Application - 12 no. dwellings with associated access, open space, storage and parking facilities

5. Planning Application DC/17/1356/FUL - Old Harris Farm House, Harris Farm, Burnt Fen Turnpike, Burnt Fen

23 - 32

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

Planning Application - 1no. Agricultural storage barn

6. Planning Application DC/17/1277/HH - 23 Mill View, Gazeley

33 - 40

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

Householder Planning Application - (i) Construction of new roof to provide space for first floor accommodation (ii) new porch

7. Planning Application DC/17/1211/HH - Hill House, 2 Falmouth Avenue, Newmarket

41 - 52

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

Planning Application - Extension to the existing garage, garden and bin store to form a store and 4 bay open cartlodge

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Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 6 September 2017 at 6.00 pm at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

Andrew Appleby	Stephen Edwards
David Bowman	Brian Harvey
Ruth Bowman J.P.	Carol Lynch
Louis Busuttil	Louise Marston
Simon Cole	David Palmer
Roger Dicker	Peter Ridgwell

253. Chairman's Announcement

The Chairman informed all members of the public in attendance that they were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

254. Apologies for Absence

There were no apologies for absence.

255. Substitutes

There were no substitutes present at the meeting.

256. Minutes

The minutes of the meeting held on 2 August 2017 were unanimously received as a correct record and were signed by the Chairman.

257. Planning Application DC/16/0866/VAR - Motocross Circuit, Hayland Drove, West Row (Report No: DEV/FH/17/032)

Variation of Conditions 5 and 6 of F/2001/768 to extend the opening hours (as per Planning Statement submitted with this application) to allow for continued use of land as motocross track on a permanent basis and variations to conditions

This application was referred to the Development Control Committee because the applicant was related to a Forest Heath District Councillor and in light of the Parish Council having raised objections, which were contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 69 of Report No DEV/FH/17/032.

The Committee was advised that in addition to Mildenhall Parish Council, objections had also been received from neighbouring Isleham Marina Parish Council and East Cambridgeshire District Council.

As part of his presentation the Principal Planning Officer made reference to the long and complex planning history of the site.

Two minor inaccuracies were highlighted within the report; a small typographical error in Paragraph 3 and clarification that a reference within Paragraph 60 to a table in Paragraph 44 should have read Paragraph 53.

Members were advised of the following updates since publication of the agenda papers:

- Mildenhall Parish Council had confirmed that they continued to object to the application;
- Isleham Parish Council had provided an image showing the proximity of the application site to the village, in light of which they continued to uphold their objection;
- An Environmental Health Officer from East Cambridgeshire District Council had submitted a further response stating that they did not object to the temporary planning permission recommended subject to monitoring being undertaken;
- Several further representations had been received from residents of Isleham Marina, all of which raised concerns/issues cited in previously received submissions;
- A letter had been received from a holiday let owner in Isleham Marina who raised specific concerns on the perceived detrimental impact the application would have on their business. Within the representation the date of 25 March 2017 was cited as a date on which the disturbance from the motocross circuit was particularly significant. However, the Case Officer advised the Committee that on investigation he had established that the motorcross circuit had not operated on that date, but the neighbouring Mildenhall Stadium had, which was likely to have been the source of the noise in question;
- Correspondence had been received from the solicitors of the neighbouring residential property 'Fenland' (the complex related legal history of which was made reference to in Paragraphs 3 and 4 of the report). They objected to the application on the basis of the Supreme Court's ruling, however, Planning Officers had sought legal advice and were continuing to recommend the application for approval.

Speakers: William Taylor (neighbour) spoke against the application
Cliff Bastick (operator of the motocross circuit) spoke in support of the application

Councillor David Bowman raised questions with regard to the monitoring of the vehicles. The Senior Public Health and Housing Officer present drew attention to conditions 7 and 8 within the report and explained that the test results were undertaken by the track operator. However, the Council would assemble active monitoring in receipt of a complaint.

The Service Manager (Planning – Development) explained that the conditions in question could be expanded to request that the applicant regularly submitted their vehicle test results to the Local Authority.

Councillor Bowman also asked if the Sunday operating hours (as outlined in condition 5) could be amended to start at 10:00 as opposed to 09:00. The Case Officer confirmed that it could be delegated to Officers to discuss this matter with the applicant as it could have a business impact.

Councillor Bowman then moved that the application be approved, inclusive of the amendment to require the regular submission of the vehicle test results to the Council and to request that the Case Officer undertake discussions with the applicant with regard to potentially amending the hours of operation on a Sunday to commence at 10:00 (as opposed to 09:00). This was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with 13 voting for the motion and with 1 against, it was resolved that

Decision

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

1. Temporary planning permission to March 2019
2. Permission shall be for Mildenhall Moto-Cross Limited only, and shall not enure for the benefit of the land.
3. Development restricted to the use of the land as an off-road motor cycle track only
4. Events and practises on site to be supervised at all times either by Mildenhall Moto-Cross Limited, or by their nominated representative, in accordance with the Auto Cycle Union code of practice and/or handbook
5. The motocross track shall only be used in accordance with the following restrictions
 - (i) All Saturdays and Sundays throughout Sep-May (inclusive), 09:00 - 18:00. Every other Sunday throughout June-Aug (inclusive), 09:00 - 18:00. Three Saturdays can be requested during June-Aug (the date will be previously agreed in writing with the local planning authority and not less than one months prior notice shall be given.) Officers to undertake discussions with the applicant to discuss the possibility of commencing operation on a Sunday at 10:00 as opposed to 09:00.
 - (ii) Tuesday and Thursday practice days 09:00 – 16:00. Jan-Dec.
 - (iii) As per ACU (Auto Cycle Union) and HSE guidance group riders will be restricted to 45 riders for the main track.
 - (iv) On request, as per current approval, sound reports will be supplied to ensure the db levels are kept to a minimum. (i.e. no more than 85db per hour average).

6. Other than to call emergency services or to announce the commencements of a race, no tannoy system shall be used on the site.
7. All vehicles using the track shall comply with current Auto Cycle Union noise regulations.
8. Random testing of individual motorcycles shall be undertaken on all days that the track is in use and test results shall be kept by the track operator and submitted for examination by the Local Planning Authority at regular intervals – to be prescribed.
9. The level of noise emitted from the site shall not exceed Leaq85db over a time period of 1 hour at the boundary of the site.

On conclusion of this item Councillor Louise Marston left the meeting at 6.34pm.

258. Planning Application DC/16/2063/FUL - Land West of Hamilton Road, Newmarket (Report No: DEV/FH/17/033)

Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works

This application was referred to the Development Control Committee as it was a significant proposal in connection with the horseracing industry in Newmarket and raised issues of more than local importance.

A Member site visit was held prior to the meeting. Newmarket Town Council raised no objection and Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 91 of Report No: DEV/FH/17/033, with delegation being sought within the recommendation for Officers to agree the final wording of the conditions.

The Principal Planning Officer drew attention to a minor typographical error on page 1 of the report where the report's recommendation should have been shown as being for approval, subject to conditions (rather than 'seeking further information').

The Case Officer spoke on the 'planning balance' considered in respect of this application. It was the Officer's opinion that any adverse impacts were outweighed by the benefits brought about by the scheme.

Speaker: Mr Nick Patton (applicant) spoke in support of the application

Councillor Simon Cole spoke at length in opposition to the application. He made specific reference to the archaeological importance of the site and raised concerns in relation to the impact the scheme would have on the landscape.

Councillor David Bowman made reference to the recommendation for four year temporary permission. In his opinion there was no reason to deviate from the three year 'norm' temporary permission usually recommended by Officers for applications. Accordingly, he proposed that the application be approved, as per the Officer recommendation, but with an amendment to change the four year temporary permission to three years. This was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 6 voting for the motion, 4 against and with 3 abstentions it was resolved that

Decision

Planning permission be **GRANTED** subject to the completion of a S106 legal agreement to secure funding for the off-site water supply network mitigation, and subject to the following conditions:

1. 3 year planning permission
2. Materials (final details of construction and finishing to bridge construction and boundary treatments)
3. Construction and Environmental Management Programme (CEMP) to be submitted and agreed. This will include ecological protection measures during construction.
4. Landscaping – full schedule of planting and timetable for implementation to be submitted and agreed prior to commencement of development.
5. Arboricultural method statement and tree protection plan to be submitted and agreed.
6. 10 year management plans for all new and existing habitats including: existing woodland, new woodland, tree belt to the northeast, chalk grassland, new and existing hedgerows to be submitted and agreed
7. Details of habitat creation for chalk grassland, woodland and hedges to be submitted and agreed
8. Construction and site preparation (including deliveries) restricted to between 07:30 and 18:00 hours Mon to Fri, and 08:00 and 13:00 Saturdays.
9. No development shall take place within the whole site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. Completion of off-site water supply network mitigation pre-commencement
11. Off-site highway works (improvements to Hamilton Road / Exning Road) to be submitted and agreed prior to commencement of development
12. All HGV traffic movements subject to a deliveries management plan to be submitted a minimum of 28 days before delivery of any materials
13. Daily disposal of horse waste and secure storage whilst on site
14. Details of proposed de-watering scheme to be submitted to and agreed in writing pre-commencement
15. Details to a Groundwater Monitoring Plan to be submitted to and agreed pre-commencement
16. No investigation boreholes to be undertaken with prior approval of the Local Planning Authority
17. Ecological mitigation to be implemented in full in accordance with agreed details

With Officers being given delegated authority to agree final wording/variation of the above conditions.

259. **Planning Application DC/17/1388/HH - 3 Kingsway, Mildenhall
(Report No: DEV/FH/17/034)**

Councillor Louis Busuttil declared a pecuniary interest in this item and withdrew from the meeting as he was the applicant of the item seeking determination.

Councillors David Bowman, Ruth Bowman and Brian Harvey declared non-pecuniary interests in this item being close personal friends, as well as colleagues, of the applicant.

Householder Planning Application - Two storey side extension

This application was referred to the Development Control Committee in the interests of transparency because the applicant was a Forest Heath District Councillor and a Member of the Development Control Committee.

Mildenhall Parish Council had made comments in support of the application which Officers were recommending for approval, subject to the conditions set out in Paragraph 16 of Report No DEV/FH/17/034.

The Case Officer clarified as part of his presentation that the application site was approximately 10m from the boundary of the Conservation Area.

Councillor Carol Lynch moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Simon Cole.

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

Decision

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

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

The meeting concluded at 7.11 pm

Signed by:

Chairman



Forest Heath
District Council

DEV/FH/17/035

Development Control Committee 4 October 2017

Planning Application DC/17/0717/FUL - Land at Beck Lodge Farm, St Johns Street, Beck Row

Date 18/04/2017 **Expiry Date:** 18.07.2017 (EOT
Registered: agreed to 06.10.2017)

Case Gary Hancox **Recommendation:** Grant
Officer:

Parish: Beck Row **Ward:** Eriswell & The Rows

Proposal: Planning Application - 12 no. dwellings with associated access, open space, storage and parking facilities

Site: Land at Beck Lodge Farm, St Johns Street Beck Row

Applicant: AJV Designs Ltd
Agent: Adi Puplampu - Tony Oldfield Architects Ltd

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Gary Hancox
Email: gary.hancox@westsuffolk.gov.uk
Telephone: 01638 719258

BACKGROUND:

This application is referred to the Development Control Committee as it represents a departure from the development plan.

The application is recommended for conditional **APPROVAL** following completion of a Section 106 agreement.

APPLICATION DETAILS:

1. The application is made in full and seeks permission for a residential development of 12 dwellings (9 open market and 3 affordable) including a mix of single storey and two storey properties. Access to the site would utilise an existing vehicular access off St John's Street and provide for an internal estate road, parking and pedestrian and cycle access. A planting and landscaping scheme is also included with the proposal.

AMENDMENTS:

2. The scheme has been amended following responses from consultees and representations made, resulting in a revised layout, improved house types and materials.

SITE DETAILS:

3. The application site is located on the eastern side of Beck Row, on the southern side of St Johns Street. It lies to the east of the defined settlement boundary for Beck Row. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1.
4. The site occupies a rectangular parcel of land which measures approximately 0.4 hectares in size. It comprises a large open field which varies only slightly in topography. There is an existing access to the site from St Johns Street, at its northern side. Whilst the site is designated as agricultural land, officers understand that it has not been farmed in recent years. As a consequence, the site has developed the characteristics of a self-naturalised grassland, and shows signs of developing towards scrub woodland.
5. To the west of the site is No. 34 St Johns Street, a detached dwelling which is set back from and fronts St Johns Street. To the east is The Granary, Beck Lodge Farm and associated buildings. Adjoining land immediately to the south of the site is within the ownership of the applicant, and comprises agricultural land and buildings associated with Beck Lodge Farm.
6. To the north of the site, and on the opposite side of St Johns Street lies Aspal Close Local Nature Reserve (LNR).
7. The northern boundary of the site runs parallel to St Johns Street and comprises established mixed boundary vegetation. The eastern boundary of the site is a mix of brick wall and timber fencing. The western boundary comprises an evergreen hedge. The southern boundary is open.

8. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 ('little or no risk of flooding').
9. The application site forms part of a site SA11(D), allocated for the development of up to 24 dwellings in the Proposed Submission Site Allocations Local Plan (January 2017). This follows on from the granting of outline planning permission for up to 24 dwellings on a slightly larger 0.6 hectare site.

APPLICATION SUPPORTING MATERIAL:

10. The application is accompanied by the following documents:
 - i. Application forms and drawings – including location plan and proposed site layout plan.
 - ii. Planning Statement
 - iii. Preliminary Ecology Appraisal
 - iv. Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement
 - v. Phase 1 Environmental Risk Assessment
 - vi. Flood Risk Assessment

PLANNING HISTORY:

11. DC/14/1745/OUT – outline application for up to 24 dwellings – Approved March 2016.

CONSULTATIONS:

12. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received:
13. **West Suffolk Strategic Housing – Support.** it will meet our CS9 policy to deliver 30% affordable housing on site. The development also achieves our policy on tenure as stated within the Affordable Housing SPD of 70% Affordable Rent and 30% intermediate Housing.
14. **West Suffolk Environmental Health - No objection.** Recommends planning condition relating to contaminated land, should planning approval be forthcoming.
15. **Natural England – No objection.**
16. **SCC Highways – No objection.** Recommends conditions/informatives.
17. **Suffolk County Council Planning Obligations – No objection. Comments.** Request contributions towards primary and secondary school (£36, 543) and pre-school provision (£6, 091).
18. **Suffolk County Council Archaeological Services – No objection.** Recommends planning conditions relating to the implementation of an agreed programme of archaeological investigation.

19. **Suffolk County Council, Flood and Water Manager – No objection.**
20. **Environment Agency – No objection.** Recommends planning conditions relating to contamination.
21. **MOD Safeguarding – No objections.**

REPRESENTATIONS:

22. Beck Row Parish Council – Support.
23. Local Residents – None received.

POLICIES:

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

Forest Heath Core Strategy 2010

Policies

- **CS1:** Spatial Strategy
- **CS2:** Natural Environment
- **CS3:** Landscape Character and the Historic Environment
- **CS4:** Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **CS5:** Design Quality and Local Distinctiveness
- **CS6:** Sustainable Economic Development and Tourism
- **CS7:** Overall Housing Provision (sub-paragraph 1 only)
- **CS9:** Affordable Housing Provision
- **CS10:** Sustainable Rural Communities
- **CS13:** Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

- **DM2** – Creating Places – Development Principles and Local Distinctiveness.
- **DM5** – Development in the Countryside.
- **DM6** – Flooding and Sustainable Drainage.
- **DM7** – Sustainable Design and Construction.
- **DM10** – Impact of Development on Sites of Biodiversity and Geodiversity Interest.
- **DM11** – Protected Species.
- **DM12** – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- **DM13** – Landscape Features.
- **DM14** – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- **DM20** – Archaeology.
- **DM22** – Residential Design.
- **DM41** – Community Facilities and Services.
- **DM46** – Parking Standards.

Other Planning Policy

Supplementary Planning Documents

25. The following Supplementary Planning Documents are relevant to this planning application:
- National Planning Policy Framework
 - National Planning Practice Guidance

Emerging Development Plan Policy

26. **Proposed Submission Site Allocations Local Plan (January 2017):** Policy SA1: Settlement Boundaries. Re-assessed settlement boundaries are defined on the Policies Map. The policy states "Planning permission for new residential development, residential conversion schemes, and replacement of an existing dwelling with a new dwelling(s) will be permitted within housing settlement boundaries where it is not contrary to other planning policies."
27. The Proposed Submission Single Issue Review of Core Strategy Policy CS7 and Proposed Submission Site Allocations Local Plan (Regulation 19) were approved for consultation and submission at Council in December 2016. The Regulation 19 consultation period commenced on 10th January and closed on 13th March 2017.
28. Whilst these documents have not been through examination they are the Council's proposed policies and have now been submitted, so the weight to be attached to them has changed from moderate to significant and therefore carry significant weight in the decision making process.

OFFICER COMMENT:

Principle of Development

29. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
30. Although the site is outside the current settlement boundary, it benefits from an outline planning permission for up to 24 dwellings where the principle of development contrary to the development plan has been established. In doing so, it was concluded that the residential development of this parcel of land would not be out of context, having regard to existing residential development to the immediate west and east. It was also acknowledged that the landscape character will change irreversibly in the long term as a result of the development proposals. The extent of the visual impact of the proposed

development on the landscape is considered acceptable, given that the site is generally well screened. This limits visual impacts to glimpsed views.

31. A second important consideration is that the site is within an emerging site allocation with an extant planning permission (SA11(D) in the Proposed Submission Site Allocations Local Plan, January 2017). These are both material considerations that carry significant weight and indicate that the principle of development as a departure from normal planning policy in this case is acceptable.
32. The remaining issues to be considered in this application are:
 - Design, layout and appearance
 - Drainage
 - Amenity
 - Ecology
 - Planning obligations

Design, layout and appearance

33. The overall approach to the design and layout of the scheme has attempted to create contemporary designed dwellings, but reflective of its edge of village location within an area where the traditional built form predominates. Having regard to its neighbouring properties, the proposed dwellings include hipped roofs, smaller single storey structures (carports) and are of a mixed scale including single storey and two storey. A simple layout is proposed which allows for landscaped parking areas, access to the field to the rear of the site, and the retention of the significant existing trees and vegetation to the frontage of the site.
34. Proposed materials are reflective of some of the traditional farm buildings in the area, and the use of dark stained boarding as well as brick is considered appropriate within the context of the site. The use of flint detailing to some of the single storey buildings and boundary walls has regard to the appearance of other buildings in the area. The retention of the vegetation to the frontage of the site helps to soften the visual impact of the development within the street scene. An area of open space (445 sqm), or approximately 11% of the development site, is proposed at the site entrance, which will also benefit the street scene in this regard.
35. The previous permission for 24 dwellings on a site 0.2 hectares larger would have resulted in a development density of 40 dwellings per hectare (dph). This current scheme, albeit within a smaller site, reduces this density to 30 dph, which is considered to be a more appropriate density for the area.
36. The layout of the scheme has been amended taking into account the comments of the Police Architectural Liaison Officer, which has resulted in the removal of a central car port building and the change in boundary treatments to the front of the site. Internal parking areas are now better overlooked, acting as a deterrent to criminal behavior.
37. The scheme as now amended successfully creates a sense of place, reflective of the character and appearance of the area, and accords with Joint Development

Management Policies DM2 and DM22 in this regard.

Drainage

38. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
39. The Framework also offers advice in respect of pollution and land instability, and states that planning decisions should ensure that new development is appropriate for its location. It also confirms that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
40. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Schemes (SUDS) into all new development proposals, where technically feasible.

Flood Risk/Sustainable Drainage Systems (SuDS)

41. The application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development.
42. The application submission included a Flood Risk Assessment (FRA). The FRA states that the proposals would not have an adverse impact on flood risk or drainage related issues. The proposed development is less than one hectare. Therefore, in line with current government guidance on Standing Advice it is necessary to consider land drainage issues.
43. In line with the surface water runoff hierarchy, the preferable means of disposal for surface water is via infiltration or re-use. The underlying bedrock geology is of the Grey Chalk Subgroup and is sufficiently permeable that infiltration can be used as a means of drainage. Permeable paving will therefore be used on all private access and parking areas, with roof areas of the proposed dwellings draining to individual soakaway systems such as ringed soakaways located within rear gardens. The adoptable highway will use traditional trapped systems such as trapped gullies provided in line with Local Highway Authority requirements before discharging to a soakaway system located within the public open space.
44. Suffolk County Council as the lead local flood authority, have assessed the proposed drainage scheme for the site, and following various minor amendments, are now content that the scheme is appropriate for the site. The scheme is considered to accord with Joint Development Management Policy DM6 in this regard.

Foul Drainage

45. The application site is located in an area which is served by the public foul sewer. No objection to the development proposals has been raised by Anglian Water, subject to the recommendation of a planning condition regarding the details of the foul drainage strategy for the site.

Ecology

46. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy Policy CS2 which sets out in greater detail how this objective will be implemented. Joint Development Management Policy DM12 all developments to take account of biodiversity and either mitigate for, improve and/or monitor as appropriate.
47. The application site is not located within any designated or protected sites, however Aspal Close Nature Reserve is situated on the opposite side of Aspal Lane and is a County Wildlife Site.

Habitats Regulations Assessment

48. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of habitats and Species Regulations 2010 (as amended). Natural England, in consultation correspondence, has previously advised that an Appropriate Assessment is not required. Natural England have again raised no objection this application.

Ecology

49. The site is situated on the edge of the Breckland District and is adjacent to areas of known high ecological interest. A Preliminary Ecological Appraisal accompanies the planning application. This maps the existing habitats on site and notes the value of trees and scrub for both birds and bats.
50. Specialist surveys have been undertaken in respect of reptiles. This identifies that there is a low risk of the proposed construction adversely affecting reptiles, and makes appropriate recommendations for mitigation. In terms of the suitability of the site for invertebrate populations, a consultant entomologist has visited the site to appraise the habitats. This concluded that the invertebrate interest of the site is very low.
51. The Ecological Appraisal and Reptile Survey proposes recommendations which can be secured by way of planning condition. In accordance with consultation advice received, conditions have also been recommended to ensure protected species are safeguarded.

Trees

52. The application site contains three mature trees within the south-western corner. Along the northern boundary are a number of trees which form an attractive frontage along St John's Street. These provide a significant natural

screen for the development and contribute towards the character of the site and its surroundings. The retention of these trees as part of the development is highly desirable for both amenity and biodiversity reasons.

53. A Tree Survey report and Arboricultural Impact Assessment was submitted as part of the application documentation. This identifies the removal of a number of trees, shrubs and self seeded saplings, and pruning of a number of trees, the details of which can be secured by condition. As concluded during the determination of the previous outline application there are no arboricultural constraints that would preclude the development of the site.
54. On the basis of the above evaluation, officers are of the opinion that the development proposals would not have an unacceptable impact on the nature conservation value of the application site, or impact on Aspal Close Nature Reserve. Subject to the implementation in full of recommended mitigation and enhancement measures (which can be secured through relevant planning conditions), the proposed development is considered to satisfactorily address ecological issues and accords with Joint Development Management Policy DM12.

Amenity

55. The site is only directly bound by neighbouring dwellings to the east and west. The layout has taken account of the amenity of no. 34 St Johns Street, and there are no windows directly overlooking the property. The dwelling to the front of the site adjoining this neighbour is single storey, again avoiding overlooking issues. Appropriate separation distances have been afforded to Beck Lodge Farm itself and there will be no significant loss of amenity to the two dwellings on this site.
56. Consideration has also been given to future occupiers of the proposed dwellings and the scheme achieves appropriate and acceptable amenity levels.
57. The application is considered to accord with Joint Development Management Policy DM2 in this regard.

Section 106 Planning Obligation Issues

58. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
59. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

Affordable Housing

60. The application proposes 3 of the dwellings as 'affordable', which represents 30% of the total number of units to be provided on the site. This achieves the 30% target set out in Policy CS9 of the Core Strategy and can be secured through a S106 legal agreement.
61. The Council's Housing Officer, in consultation advice, has confirmed support for the scheme and the provision of 30% of affordable housing on the site. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider will be secured through the S106 planning obligation.

Education

62. The local catchment schools are West Row Community Primary School and Mildenhall College Academy. There are currently forecast to be sufficient surplus places available at the catchment secondary school serving the proposed development. However, there is currently forecast to be no surplus available at the catchment primary school serving the proposed development. In terms of primary school provision SCC would therefore be seeking full contributions to provide additional facilities for the 3 pupils arising at a total cost of £36,543.
63. The scale of contributions is based on cost multipliers for the capital cost of providing a school place, which are reviewed annually to reflect changes in construction costs.
64. Pre-school provision. The Education Bill 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education for all disadvantaged 2 year olds. From these development proposals Suffolk County Council have indicated a need for 1 pre-school pupil at a cost of £6,091. SCC would request a capital contribution of £6,091 (2017/18 costs). This is justified as there is a current local deficit of places. This will be spent on providing additional items of lending stock plus reference, audio visual and homework support materials to mitigate the impacts of the proposed development on the local library service.

Libraries

65. The proposed development will place additional demands on the local library service. Suffolk County Council has advised that each house is expected to generate the need for 2.8 library items per annum (Suffolk standard level of stock per 1000 population is 1,174, CIPFA Library Survey 2015). The average cost of library stock in Suffolk is £5.66 per item. This includes books and physical non-book items, like spoken word and music CDs, and DVDs, as well as daily newspapers and periodicals. This gives a cost per dwelling of 2.8 items x £5.66 = £16 per dwelling. This scheme would therefore support a contribution of 12 dwellings x £16 per dwelling = £192.
66. The requests for developer contributions as described above will ensure

improvements to existing infrastructure within Beck Row and the local area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified. The previous outline permission secured similar obligations through a S106 legal agreement, and a fresh S106 legal agreement for this revised full application has been drafted and is ready for completion.

67. Other matters

Archaeology

68. The proposed development lies within the historic settlement core of Beck Row, opposite a post medieval church. There is therefore high potential for encountering evidence of early occupation at this location. The County Archaeological Officer, in consultation correspondence, has advised that there is high potential for the discovery of important hitherto unknown heritage assets of archaeological interest within the application site.
69. In accordance with the advice offered, a condition can be secured to ensure a scheme of archaeological investigation. This would accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.
70. Officers have considered the application proposals in the context of the impact on the historic environment. Subject to the recommendation of appropriate archaeological conditions as described above, the proposal would not cause significant harm to the historic environment.

CONCLUSIONS AND PLANNING BALANCE:

71. As set out in paragraph 29 - 31 there are material considerations that carry sufficient weight to indicate that the principle of development as a departure from normal planning policy in this case is acceptable. The remaining detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

RECOMMENDATION:

72. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to provide affordable housing, an affordable housing contribution, primary school contribution, pre school contribution, and libraries contribution, and the following conditions:
1. 3 year time limit
 2. Compliance with approved plans.
 3. Archaeology – investigation and post investigation assessment.
 4. Contamination – further investigative work if found.
 5. Foul water disposal details.
 6. Surface water drainage details: SuDs management plan.

7. Construction management plan.
8. Details of boundary treatment.
9. Samples of materials.
10. Detailed scheme of hard and soft landscaping.
11. Tree protection.
12. Details of tree works for retained trees.
13. Detailed Arboricultural Method Statement and Tree Protection Plan.
14. Recommendations of Ecological Appraisal and Reptile Survey to be implemented.
15. Provision of fire hydrants.
16. Waste minimisation and recycling strategy.
17. Details of access
18. Parking/manoeuvring to be provided prior to occupation
19. Ecological mitigation
20. Water consumption

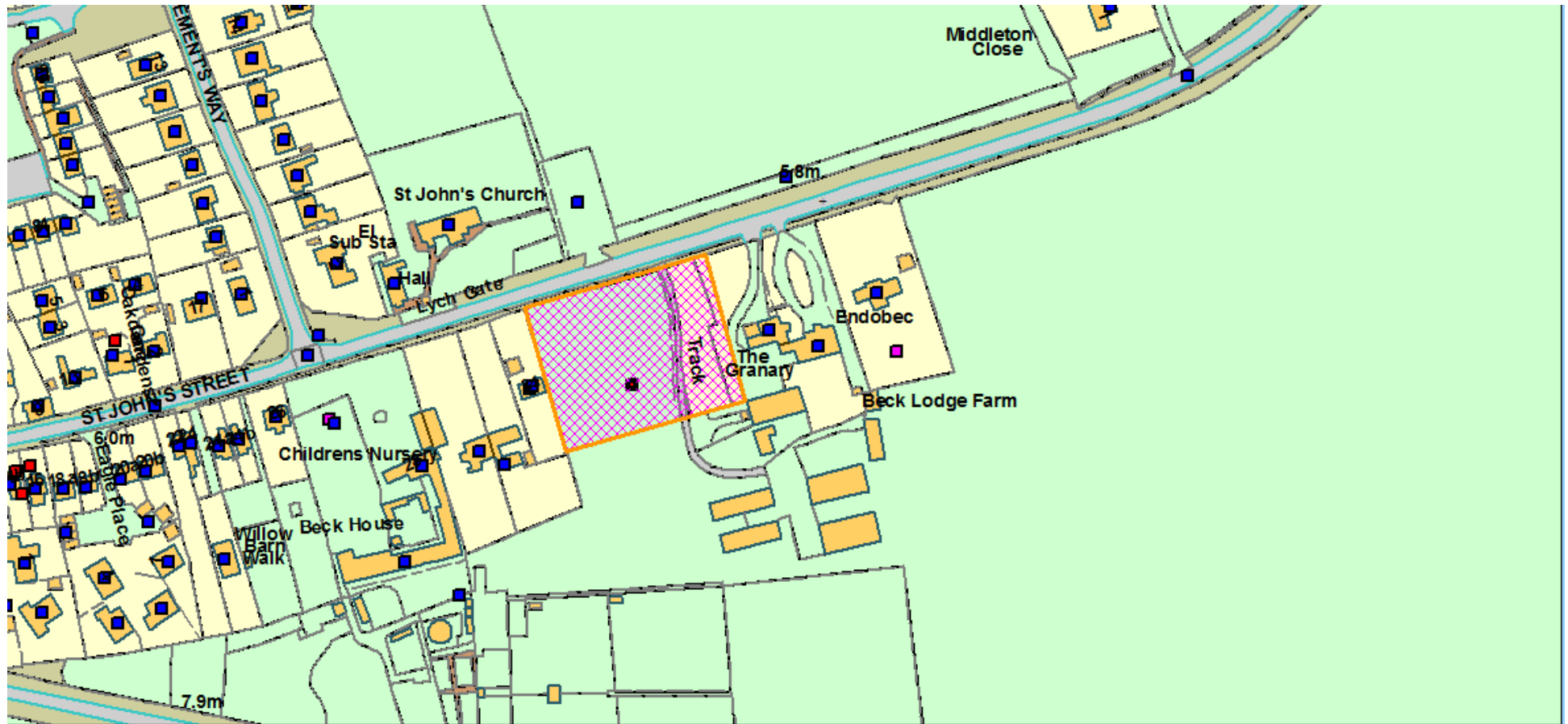
Documents:

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=ONXA2OPDFY200>

DC/17/0717/FUL

Land At Beck Lodge Farm, St Johns Street, Beck Row



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DEV/FH/17/036

Development Control Committee 4 October 2017

Planning Application DC/17/1356/FUL – Old Harris Farm House, Harris Farm, Burnt Fen Turnpike, Burnt Fen

Date Registered:	24.07.2017	Expiry Date:	23.10.2017
Case Officer:	Jonny Rankin	Recommendation:	Approve Application
Parish:	Beck Row	Ward:	Eriswell and the Rows
Proposal:	Planning Application - 1no. Agricultural storage barn		
Site:	Old Harris Farm House, Harris Farm, Burnt Fen Turnpike		
Applicant:	Mr Jonathan Waters		

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 as the applicant is related to a Forest Heath District Councillor.

The application is recommended for **APPROVAL**.

Proposal:

1. Planning permission is sought for 1no. Agricultural storage barn with a footprint of 45.7m x 25m with a height to the eaves line of 7.4m and 10.8m to the ridgeline of the pitched roof.

Site Details:

2. The application site is a farm accessed via Burnt Fen Turnpike and situated within the Countryside and Flood Zone 2 / 3.

Planning History:

3. Reference	Proposal	Status	Received Date	Decision Date
F/75/351	Conversion of existing garage to dwelling accommodation and erection of new garage	Application Approved	30.05.1975	25.07.1975
F/80/382	Agricultural workers bungalow and garage	Approve with Conditions	30.04.1980	25.06.1980
F/79/829	Two agricultural dwellings and two garages.	Approve with Conditions	04.01.1980	29.02.1980

Consultations:

4. Burnt Fen Internal Drainage Board - The Board's system does not have the residual capacity to accept direct discharges. All surface water discharges are required to be limited to the Board's greenfield run-off rate of 1/11/s/ha. Under the Board's Byelaws, all new discharges require the prior consent of this Board. This is in addition to any planning permission granted for the site.

5. Suffolk County Council Floods - Currently SCC Flood & Water Management recommend a holding objection as the drainage strategy is not acceptable and does not meet national (NPPF & BS8582) and local standards. The site is located within an Internal Drainage Board who have strict rules regarding surface water disposal to their watercourses. Usually the IDB set a discharge rate of 1.1l/s/ha. Currently the proposed discharge rates are not acceptable and this could lead to increase in flood risk downstream which is in contravention of the NPPF. Drainage strategy should be amended to suit the IDB local standards. SCC recommend that the site provides betterment by discharging the existing and new development together at a restricted rate of 5l/s to suit the IDB and also not cause blockages within flow control devices. Attenuation storage shall have to be amended and SCC advise the use of open basins as per the current proposal. An initial estimate of between 355m³ and 461m³ of storage is required based on a contributing area of 0.77ha for the 100yr+20% storm event.
6. Environment Agency - We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). The IDB should therefore be consulted. We have no objection to the proposed development on flood risk grounds.
7. Natural England - Statutory nature conservation sites - no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Representations:

8. Beck Row Parish Council – no comments received

Policy:

9. Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM13 Landscape Features

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS3 - Landscape character and the historic environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Other Planning Policy:

10. National Planning Policy Framework (2012).

National Planning Practice Guidance.

Officer Comment:

11. The issues to be considered within this application are:

- Landscape and Visual Impact
- Highway Safety
- Residential Amenity
- Biodiversity
- Flood Risk

Landscape and Visual Impact

12. The proposed agricultural storage barn would be adjacent to existing, comparably sized agricultural buildings on the site and would be read in conjunction with the existing barns and agricultural units. The store would therefore appear in the context of the existing farmstead, as opposed to being an isolated structure in the landscape. Whilst a large building, the store is considered to be of a typical scale and form for its function and there are structures of a similar size and appearance in close proximity. The barn is in the lea of the existing building and tree-lined Farmhouse when viewed from the west and the A1101 looking across Burnt Fen offering screening. Beyond the application site is a second farmstead accessed via the same access track offering a comparable background and in keeping with the loose pattern of farmsteads / agricultural buildings in the area. Given the nature of the proposal and this existing context, the building is not considered to have an adverse impact on the surrounding landscape.

Highway Safety

13. The submitted Design and Access Statement confirms the proposal will utilise the entrance/exit currently on site via the A1101, the vehicles which are proposed to be stored are already onsite and on an area of hardstanding. Accordingly, the proposal will not result in a significant increase in traffic at the site or require any alterations to the existing road network and no concerns have been raised by County Highways.

Residential Amenity

14. The nearest dwelling to the site is the Harris Farm farmhouse at approximately 80m to the west, this property will not receive views of the proposed barn given the intervening vegetation and existing agricultural buildings. Given this separation distance and screening the proposal is not considered to give rise to any adverse amenity issues.

Biodiversity

15. The site falls within a SSSI Impact Risk Zone, however, no objections to the proposal have been received from Natural England. It is not anticipated that the proposal would have a harmful impact on biodiversity interests in this case.

Flood Risk

16. The Environment Agency have no objection in respect of Flood Risk and refer to the relevant Internal Drainage Board thereafter. The Burnt Fen Internal Drainage Board requires a run-off rate of 1/11/s/ha. Suffolk County Council Floods have responded reiterating the requirement for the same discharge rate as the Burnt Fen Internal Drainage Board. Further comments are awaited from the Internal Drainage Board and a verbal update will be provided at committee.

Conclusion:

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

Recommendation:

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

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

Informatives:

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 could be approved without negotiation or amendment so there was no need to work with the applicant.

Documents:

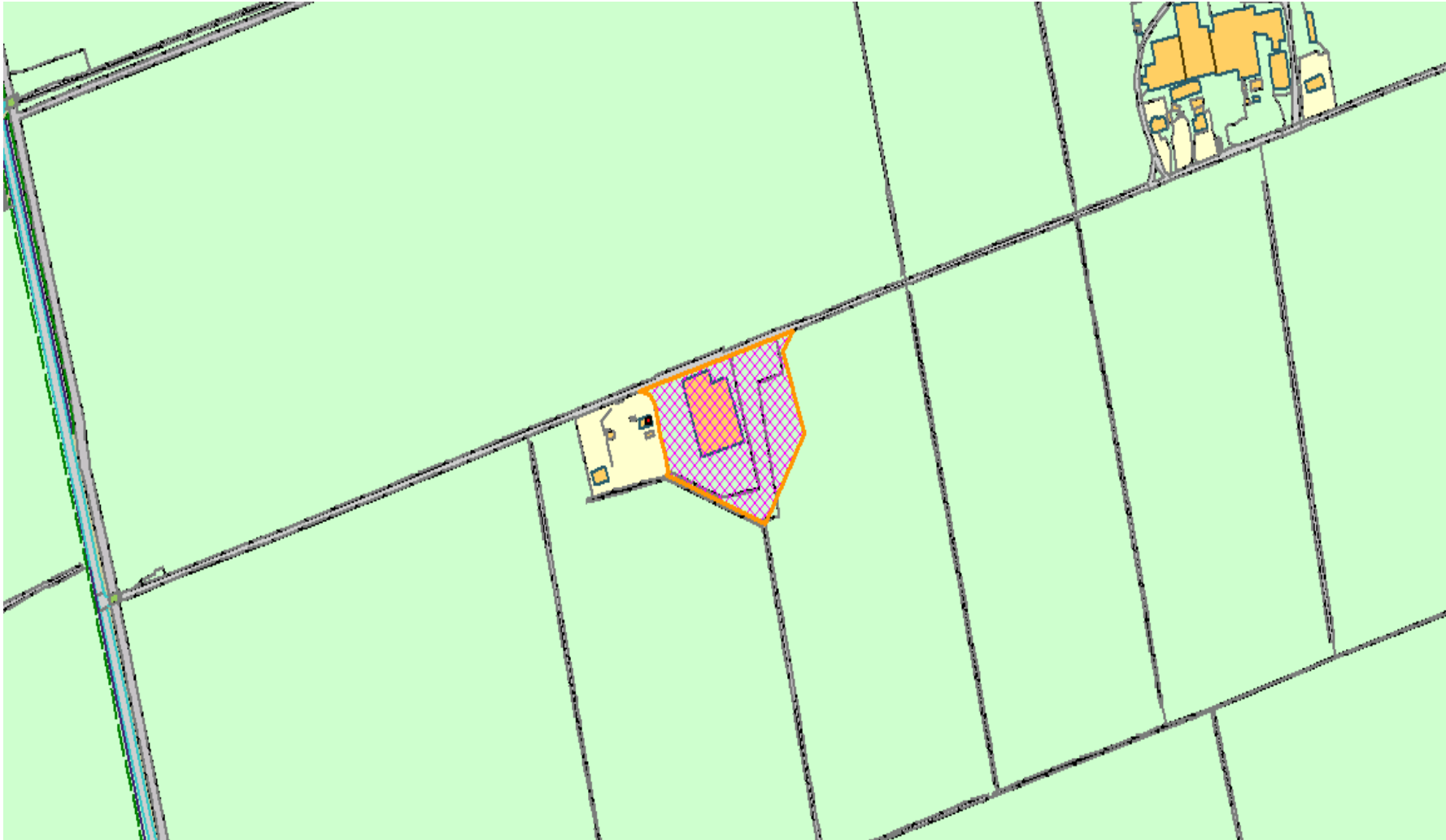
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSD036PDHPT00>

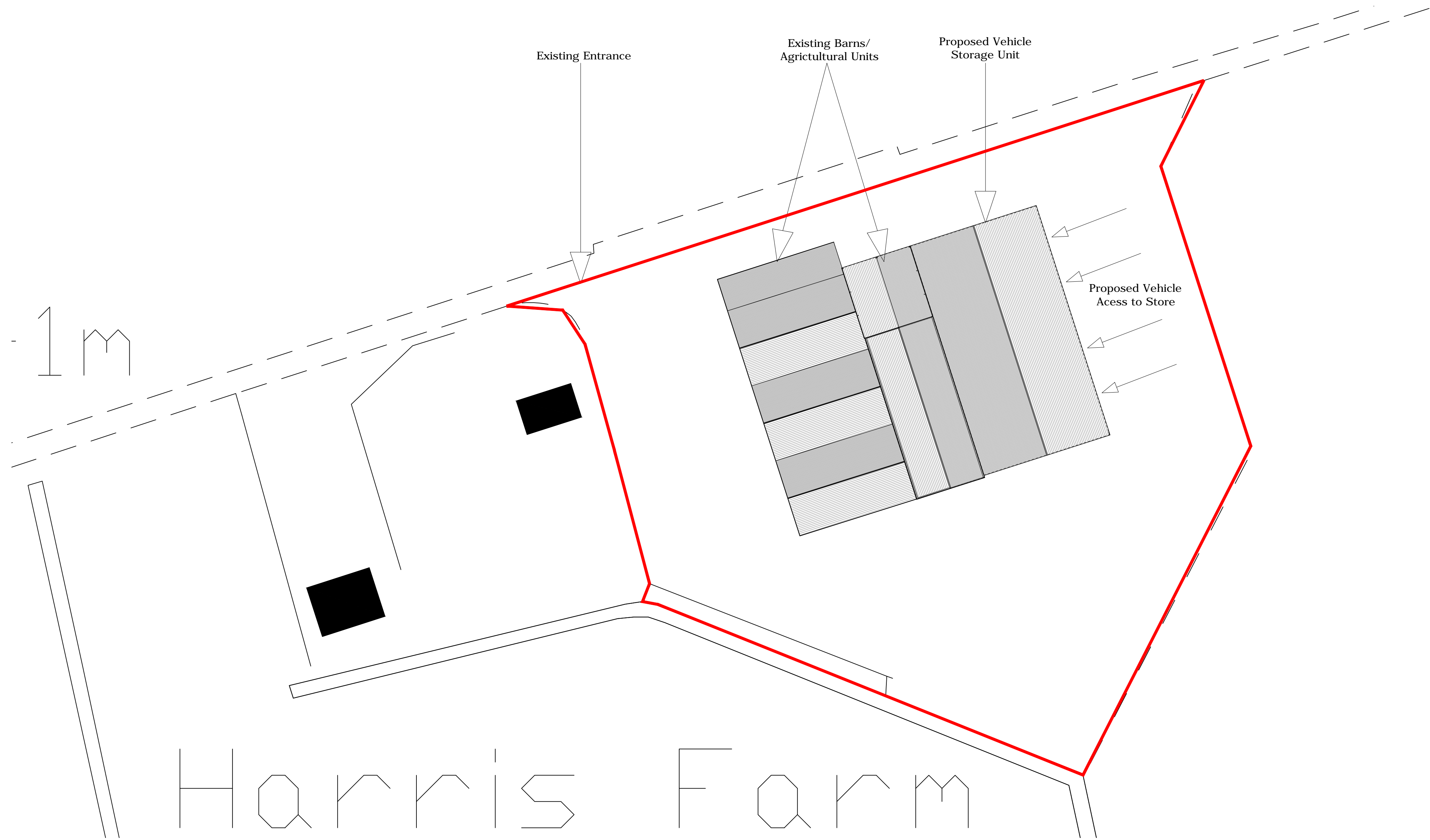
Case Officer: Jonny Rankin Date: 21st September, 2017

DC/17/1356/FUL

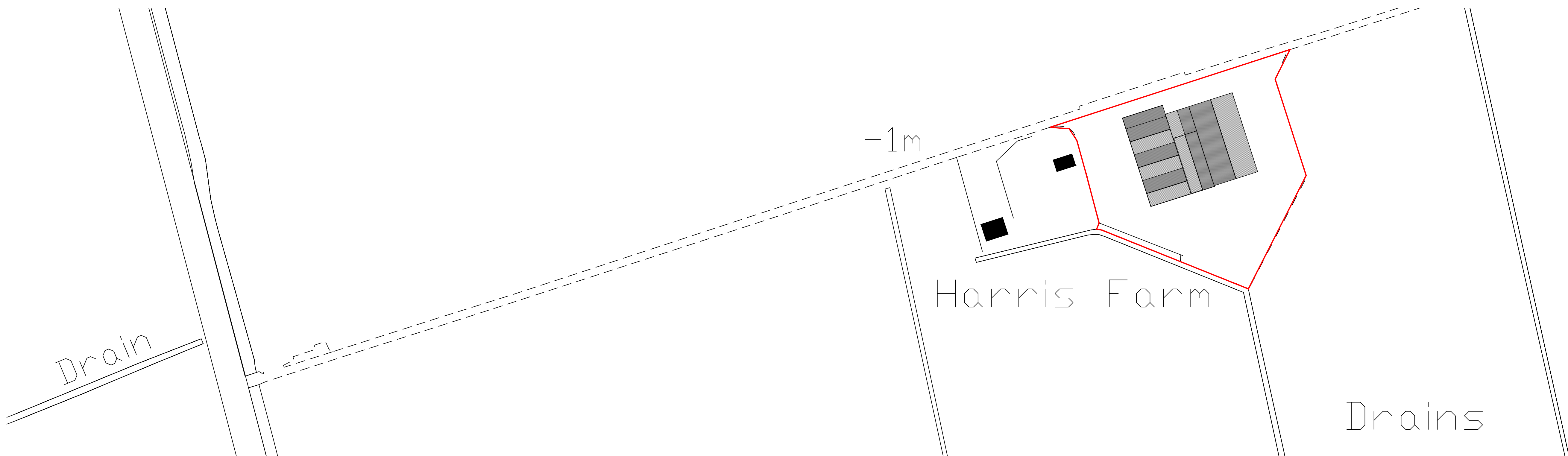
Old Harris Farm House, Harris Farm, Burnt Fen Turnpike



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1:500 Proposed Site Location Plan



1:1250 Proposed Site Location Plan

Rev	Description	Date
1	TAB Architecture tel (01638) 482862 info@tabarchitecture.co.uk Russet Drive, Suffolk, IP28 8GA Rosewood Offices, Cambs, CB7 5QH	
Client	Mr J Waters	
Job title	Harris Farm	
Dwg	Proposed Site Location Plan	
Scale	1:500 & 1:1250	
Drawn	date: June 2017	by: TAB283-03

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DEV/FH/17/037

Development Control Committee 4 October 2017

Planning Application DC/17/1277/HH – 23 Mill View, Gazeley

Date Registered: 19.07.2017

Expiry Date: 13.09.2017

Case Officer: Ed Fosker

Recommendation: Approve

Parish: Gazeley

Ward: Icen

Proposal: Householder Planning Application - (i) Construction of new roof to provide space for first floor accommodation (ii) new porch

Site: 23 Mill View, Gazeley

Applicant: Mr James Wager

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Ed Fosker

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application is referred to the Development Control Committee in the interests of transparency because the applicant is a staff member.

The application is recommended for **APPROVAL**.

Proposal:

1. Planning permission is sought for a new roof to provide first floor accommodation and a new porch. The single storey side porch is 1.11m in depth, 4.05m in width with a maximum height of 2.6m sloping to 2.2m at the eaves. The ridge height of the new roof is an increase of 2.8m giving an overall height of 7.5m at the ridge, sloping to 2.6m at the eaves with two small pitched roof dormers to the roof slopes which serve a bathroom and bedroom, all in materials to match the existing.

Site Details:

2. The application site is a detached bungalow situated within Gazeley and located on the western side of Mill View. The surrounding area is typified by a mix of bungalows, chalet bungalows and two storey detached dwellings. No. 23 itself is set back some distance from the highway and set slightly forward of the two neighbouring dwellings with a strong mature hedge along the front boundary. The property to the northern side is a chalet bungalow and the property to the south is a bungalow which is separated by the distance of the driveways and garages.

Planning History:

3. None.

Consultations:

4. Ward Member – No comments received.

Representations:

5. Parish Council – No objection to the proposal.

Policy:

6. 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 CS5 - Design quality and local distinctiveness

Other Planning Policy:

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

Officer Comment:

8. 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.
9. 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. The roof extension and porch are considered respectful of the character, scale, design and appearance of the existing dwelling and surrounding area.
10. The pitch of the roof has been reduced slightly from 50 degrees to 48 degrees (reducing the ridge height by 0.3m). The agent has also provided a street scene at the request of the case officer which illustrates that the ridge height of the proposal will now only be 0.385m higher than the ridge of the neighbouring property to the northern side.
11. The very modest single storey side porch and increased ridge height (to facilitate first floor accommodation) constitute acceptable additions to the property and given the mixed nature and style of dwellings which make up Mill View, it is not considered that the increased ridge height with small pitched roof dormers would adversely impact on the character of the existing street scene.
12. The proposal is considered acceptable in relation to neighbouring properties, with the closest property (a chalet bungalow to the northern side) having no windows to the flank wall. In addition, the relationship and degree of separation from the bungalow to the southern side, which is positioned at a slightly higher level, is also considered acceptable. The additional window to the rear at first floor level would not lead to any more overlooking over and above that which already exists in the surrounding area and it is not considered that there would be any adverse impact on

the level of residential amenity currently enjoyed by reason of overlooking or overbearing impact.

13. It is noted that the proposal maintains the existing garaging, ample off street car parking and space to manoeuvre.

Conclusion:

14. 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:

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

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

Informative/s:

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 could be approved without negotiation or amendment so there was no need to work with the applicant.

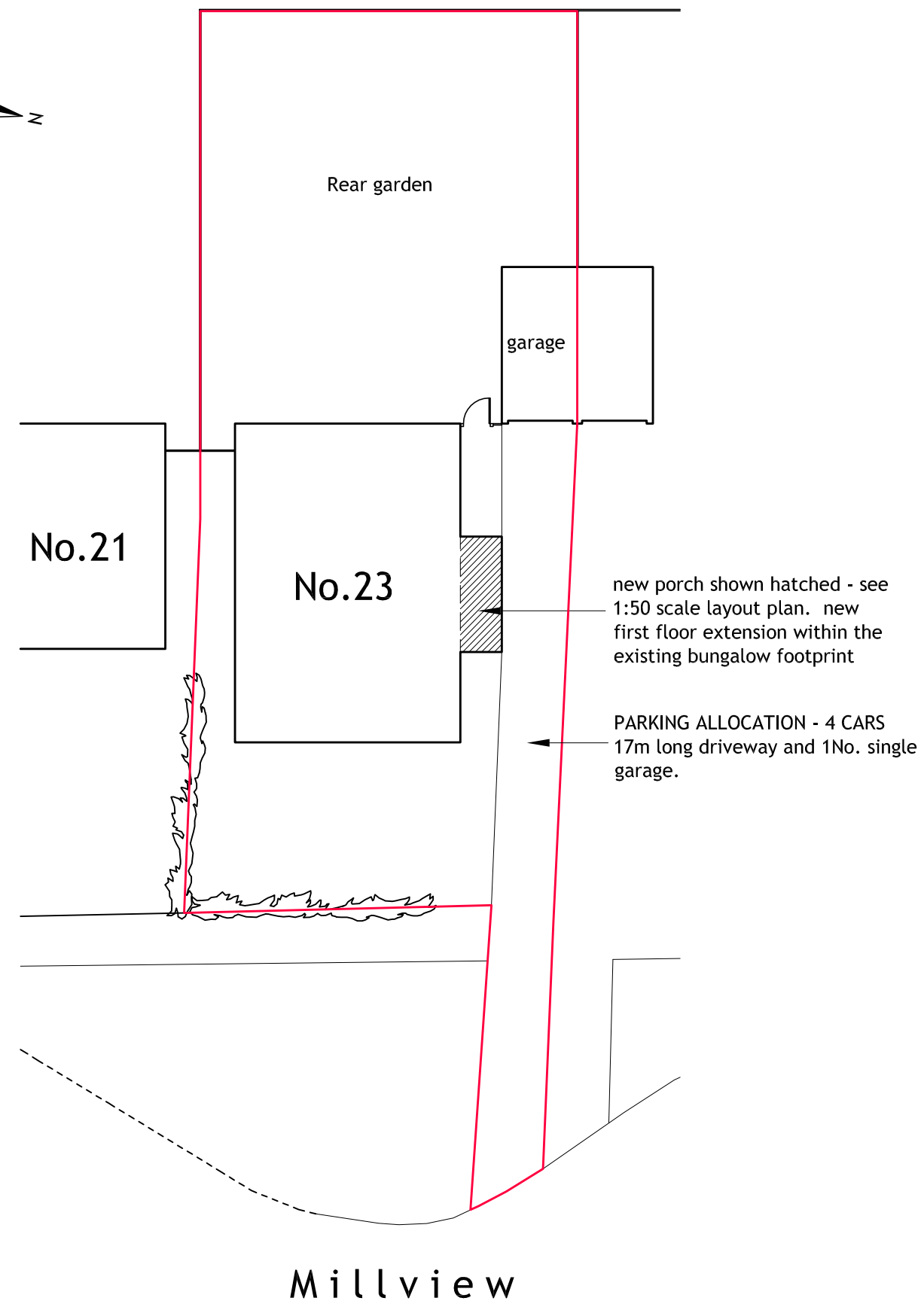
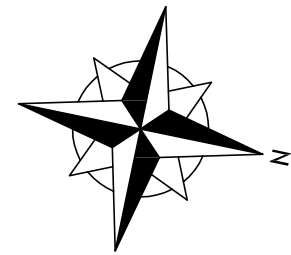
Documents:

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=ORUHEOPDHIU00>

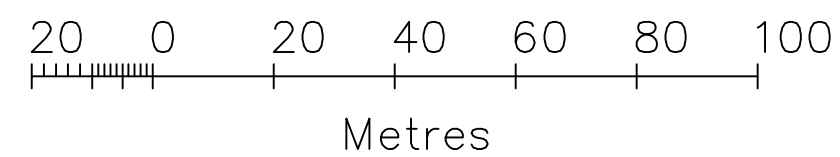


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SITE PLAN 1:200

Stanfords VectorMap



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LOCATION PLAN 1:1250

LICENSE NUMBER OI1135035

REVISIONS			
Rev	Description	Date	By

Neil Cutforth & Associates

Architectural Consultants

1A, CENTURY PARK, LYNN ROAD, CHETTISHAM,
ELY, CAMBRIDGESHIRE, CB6 1SA

Tel: 01353 661212 Fax: 01353 661212

Email: neil@neilcutforth.co.uk

Architectural Services - Local Authority Approvals - Project Management
Extensions - Loft Conversions - Flat Conversions - Housing Developments

Project
FIRST FLOOR EXTENSION TO 23 MILL VIEW GAZELEY
Client
MR AND MRS J WAGER
Drawing Title
SITE AND LOCATION PLANS
Drawing Status
PLANNING

Paper Size	Date	MAY '17	Drg No	Rev
A2	Scale	As Shown	820/17/03	
	Drawn	NMC		



Forest Heath
District Council

DEV/FH/17/038

Development Control Committee 4 October 2017

Planning Application DC/17/1211/HH – Hill House, 2 Falmouth Avenue, Newmarket

Date: 04/07/2017 **Expiry Date:** 29/08/2017
Registered: EOT agreed 7/09/2017

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

Parish: Newmarket **Ward:** St Mary's

Proposal: Planning Application - Extension to the existing garage, garden and bin store to form a store and 4 bay open cartlodge

Site: Hill House, 2 Falmouth Avenue, Newmarket

Applicant: Mr A Clements
Agent: Mr Daniel Aguilar-Agon - Daniel Aguilar-Agon

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Aaron Sands
Email: aaron.sands@westsuffolk.gov.uk
Telephone: 01284 757355

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel, where there were concerns regarding the legitimate use of the site.

A site visit is due to take place on 2 October 2017. The application is recommended for **APPROVAL**.

Proposal:

1. Planning Permission is sought for the extension of an existing cart lodge and store. The proposed extension measures approximately 19.6 metres in depth and 5.5 metres in width with a height of 4.2 metres to the ridge and 2.3 metres at the eaves.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Existing and Proposed Plans and Elevations

Site Details:

3. The site comprises of what appears to be a vet service catering to horses and a number of residential properties. The building is sizeable, and set within a commensurate plot within the settlement boundary of Newmarket. The property is sited along a cul-de-sac, characterised by spacious buildings within large plots. A parking area is located along the south of the site, with an existing garage and store to the front of the site behind an established hedge.

Planning History:

4. F/88/089 – C/use and extension to provide office accommodation and laying out of car park application completed by drawings received 24.2.88. Approved. 05/04/1988.
5. F/2002/457 – Change of use from office to three individual dwellings. Approved. 15/10/2002.
6. F/2007/0953/COU – Change of use from residential to office use (B1). Approved. 14/01/2008.
7. F/2010/0009/HOU – Erection of detached double garage, garden store and bin store (as amended by plans received 02/02/2010). Approved. 25/02/2010

Consultations:

8. Tree Officer: No objection subject to conditions
9. Public Health and Housing: No objection subject to conditions. (*officer note: burning of waste material on site is a matter readily covered by other legislation and it is considered that the condition is not necessary in this instance*)
10. Highway Authority: No objection subject to conditions
11. Town council: Objection on the grounds of excessive scale and dominance and the unjustified removal of three trees

Representations:

12. 2no. representations received incorporating the following points:

- Loss of trees will adversely impact privacy

The following points have also been raised that are not material considerations:

- Access to build the proposal will be required over neighbouring land
- No access will be available to maintain neighbouring property
- The proposal will adversely impact house prices

Access over neighbouring land is a civil issue between the two parties and not a matter that the local planning authority may be involved in.

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

13. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM24 (Alterations and Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage)
- Policy DM46 (Parking Standards)

14. Forest Heath Core Strategy 2010

- Policy CS5 (Design Quality and Local Distinctiveness)

Other Planning Policy:

15. National Planning Policy Framework (2012)

Officer Comment:

16. The issues to be considered in the determination of the application are:
 - Design and Form

- Impact on Trees
- Impact on Neighbouring Amenity

Design and Form

17. Policy DM2 requires that all proposals recognise the key characteristics that contribute to the local distinctiveness of the area and maintain the sense of place created by those characteristics. Proposals should not adversely impact significant street patterns, groups of buildings or open spaces and should respect the character, scale, density and massing of the locality.
18. Policy DM24 requires that proposals respect the character, scale and design of existing and surrounding dwellings and should not result in an overdevelopment of the dwelling curtilage. Policy CS5 requires that all development be of a high quality design to reinforce local distinctiveness.
19. The proposal would result in a sizeable extension of the outbuilding into the site. The property is large, with a generous curtilage that could readily accommodate such an outbuilding. In any event that building appears as a subservient outbuilding by virtue of its height and materials, and would be read as a garage or store against the sizeable host building. The proposal extends into the site, where existing boundary treatment and surrounding development would provide screening. Screening from the planting along the front boundary would be retained and would also screen the proposal. It would not be readily obvious that there is such a sizeable outbuilding except from neighbouring properties, and noting that alterations to private views are not a material consideration, this would not result in harm to the character of the locality. It is therefore considered that the proposal is of a design and form that respects the character of the area and accords with policies DM2, DM24 and CS5.

Impact on Trees

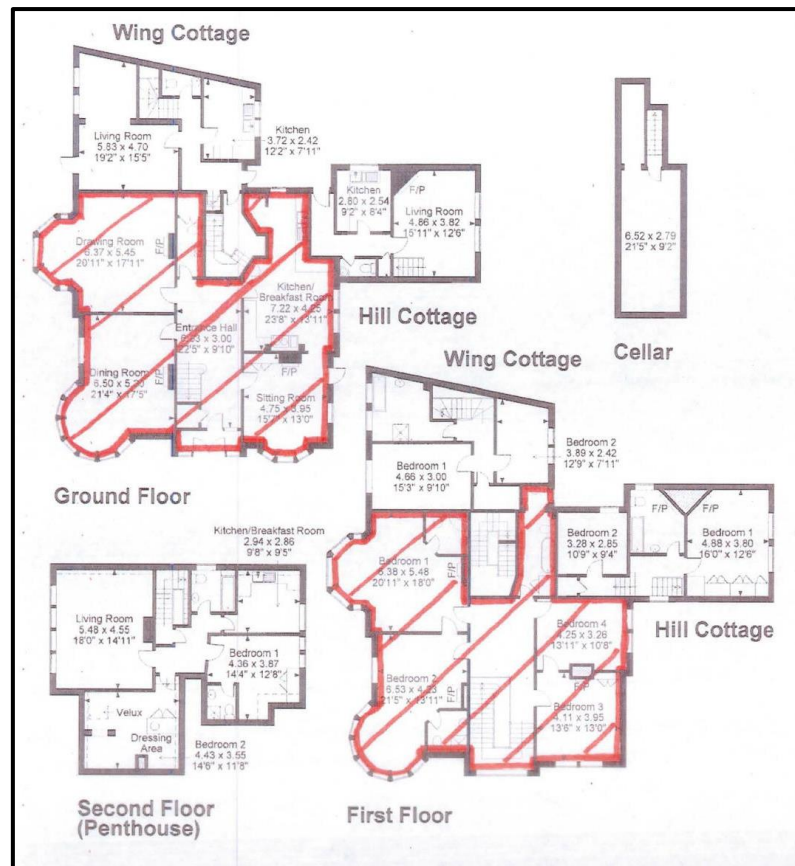
20. The proposal involves the loss of a small number of trees. These trees are not within a conservation area or covered by any tree preservation order and could therefore be removed at any stage. The tree officer has considered that those trees to be removed are of a low quality, and it would not therefore be appropriate to serve a tree preservation order in any event. While he has noted that there should be some mitigation for the loss, it is unclear where that mitigation might be planted. There is limited space towards the front of the site except in front of the host dwelling, where it would obscure an otherwise very attractive façade. There is limited room further back in the site, and any trees planted here would have very little public amenity benefit given the existing planting and built development along the front of the property.
21. While the loss of trees without mitigation is regrettable, it is considered that these trees are not of sufficient amenity value such that their loss would result in a significant detriment to the amenity value and character of the locality. The removal of these trees is therefore considered acceptable.

Impact on Neighbouring Amenity

22. Policies DM2 and DM24 require that proposals do not adversely impact the amenity of neighbouring residences through impacts of noise, smell, overlooking, overshadowing, overbearing or other impacts.
23. The outbuilding would be sited alongside an existing boundary wall, on the other side of which is another deep outbuilding that would provide a barrier between the actual outside space and the proposal. The height of the proposal is such that it would not result in an overbearing impact, being only 2.3 metres in height at the eaves, and not achieving full height of 4.2 metres until approximately 3.8 metres from the boundary. Coupled with the intervening outbuilding in the neighbouring property it is considered that the proposal would not result in an adverse impact to neighbouring amenity.

Other Matters

24. Members at Delegation Panel raised concerns regarding the use of the site and whether it was legitimate. At present, the site is used as dwellings and as office space for veterinary service. Officers have reviewed the history of the site and it appears that the uses are legitimate and benefit from planning permission. In 1988 permission was first granted to convert the building in its entirety into office space. Then, in 2002, permission was granted to convert the building into three dwellings. Following that, in 2007, permission was granted for a partial conversion of the dwelling back into office space, covering the first two floors. The image below is from that permission (F/2007/0953/COU), indicating the office space. From the officer's site visit, it very much appears that this is how the building is used.



Approved Floor Plan F/2007/0953/COU. Hatched area to be converted.

25. The outbuilding is located in a parking area that serves both the office accommodation and the dwellings. The agent has further clarified that the building would be mainly utilised by the residents of the site for storage and parking purposes. Officers do consider it likely that there would be some modest overlap in use between the residential and office elements of the site, but there is more than ample parking in the site, and the proposal represents an overall increase in parking and storage serving the site.
26. Some concern was raised regarding the potential use of the building, and whether it indicated a potential change in the functional use of the site, particularly the office accommodation. Case law¹ has held that, in granting permission, it is of great importance to ask what the consequences for the locality would be and what side effects would flow from granting permission. That said, there must be something more than a generalised concern or assertion, i.e. there would need to be some evidence that the use is likely to have an impact. In any event, a material change of use would require planning permission, and action could be taken at that stage as necessary. Officers would not consider that the extension of this outbuilding would set a precedent or otherwise make it difficult to resist such a change of use, as the material differences would need to be assessed in their own right firstly, and against the existing use secondly.

27. A query was raised at the delegation panel regarding the land ownership,

¹ Collis Radio Ltd V Secretary of State for the Environment [1975] JPL 221

and for the avoidance of doubt officers have also confirmed that the applicant is indeed the owner of the site land. The land was sold at one time to a neighbouring property (8 Birdcage Walk), though it had previously been part of the land serving Hill House. That property and the land was then bought by the applicant, who intends to re-unite the historic land with the original building and make use of that land that is currently vacant.

Conclusion:

28. 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:

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

1. 01A – 3 year time limit
2. 14FP – Accordance with approved plans
3. Construction hours only between 08:00 and 18:00 Mon-Fri and 08:00 to 13:30 Sat
4. Parking and manoeuvring area retained
5. Tree protection measures to be agreed and implemented

Documents:

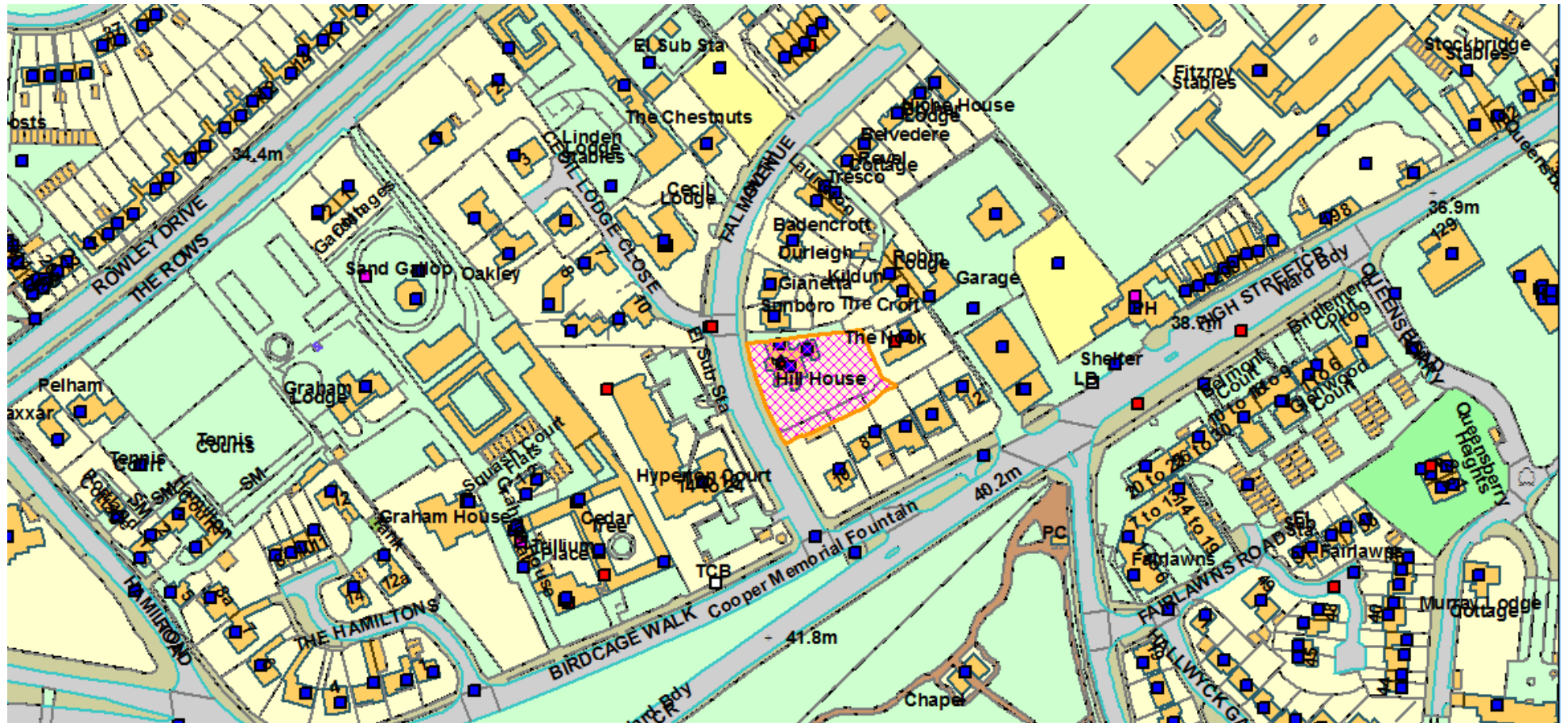
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ORF7D0PDHBG00>

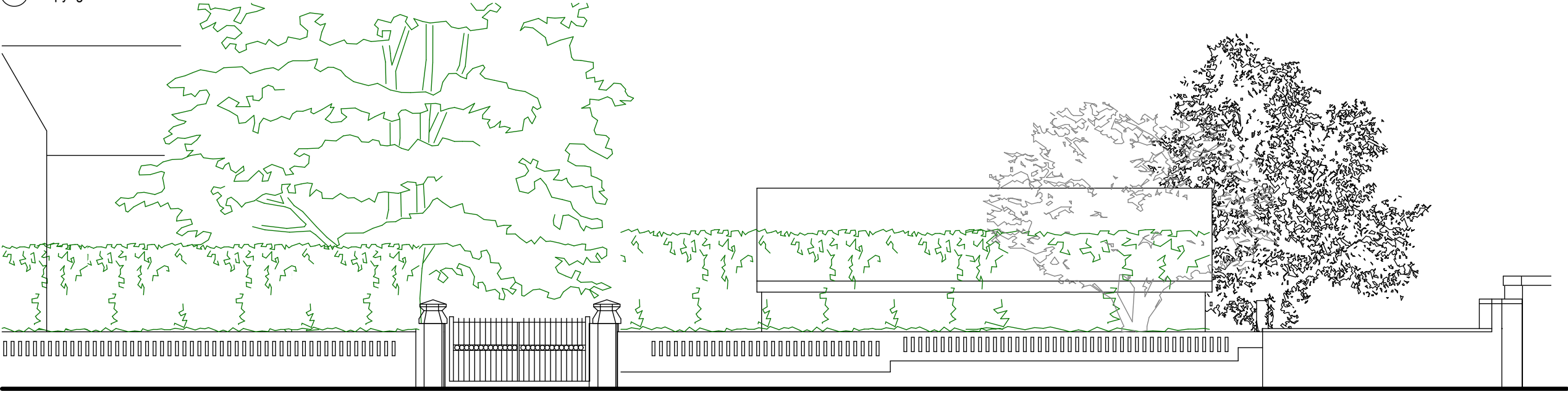
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DC/17/1211/FUL

Hill House, 2 Falmouth Avenue, Newmarket



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existing elevation from Falmouth Ave 1:100



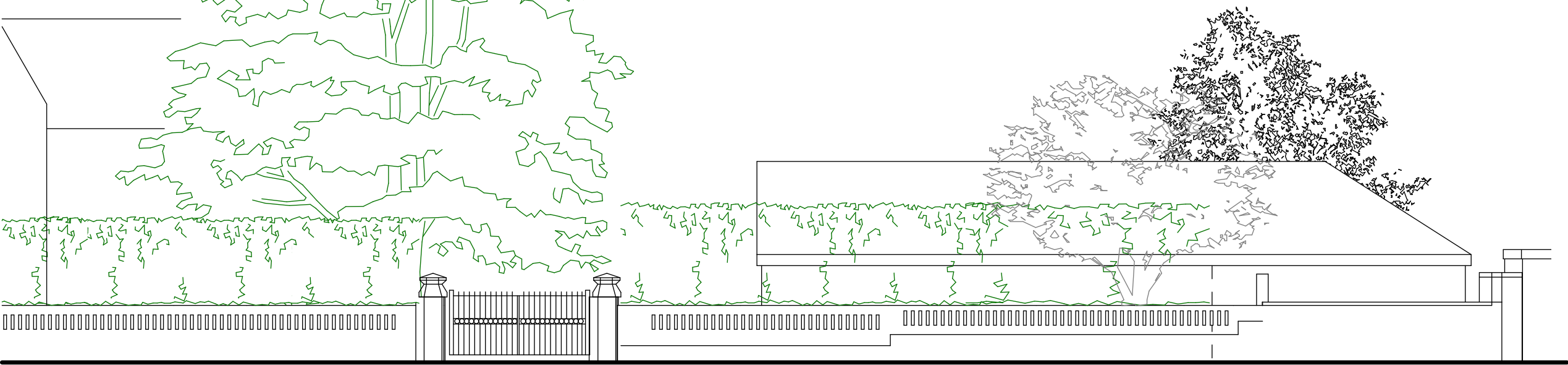
existing rear elevation 1:100



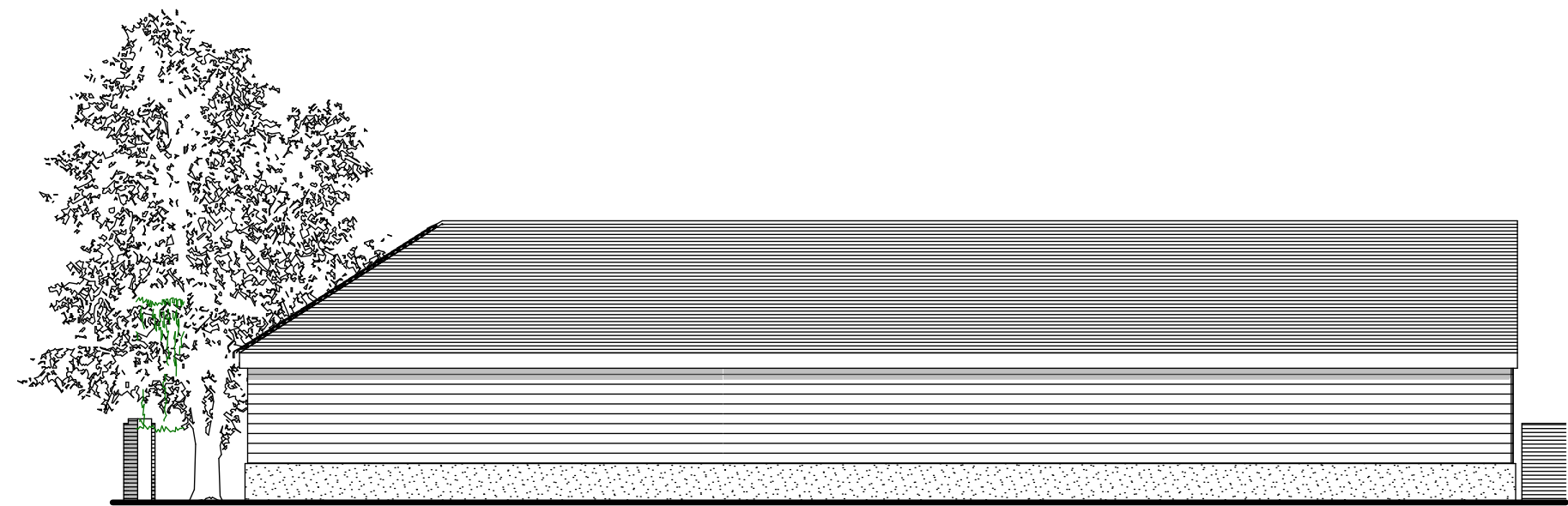
existing side elevation 1:100



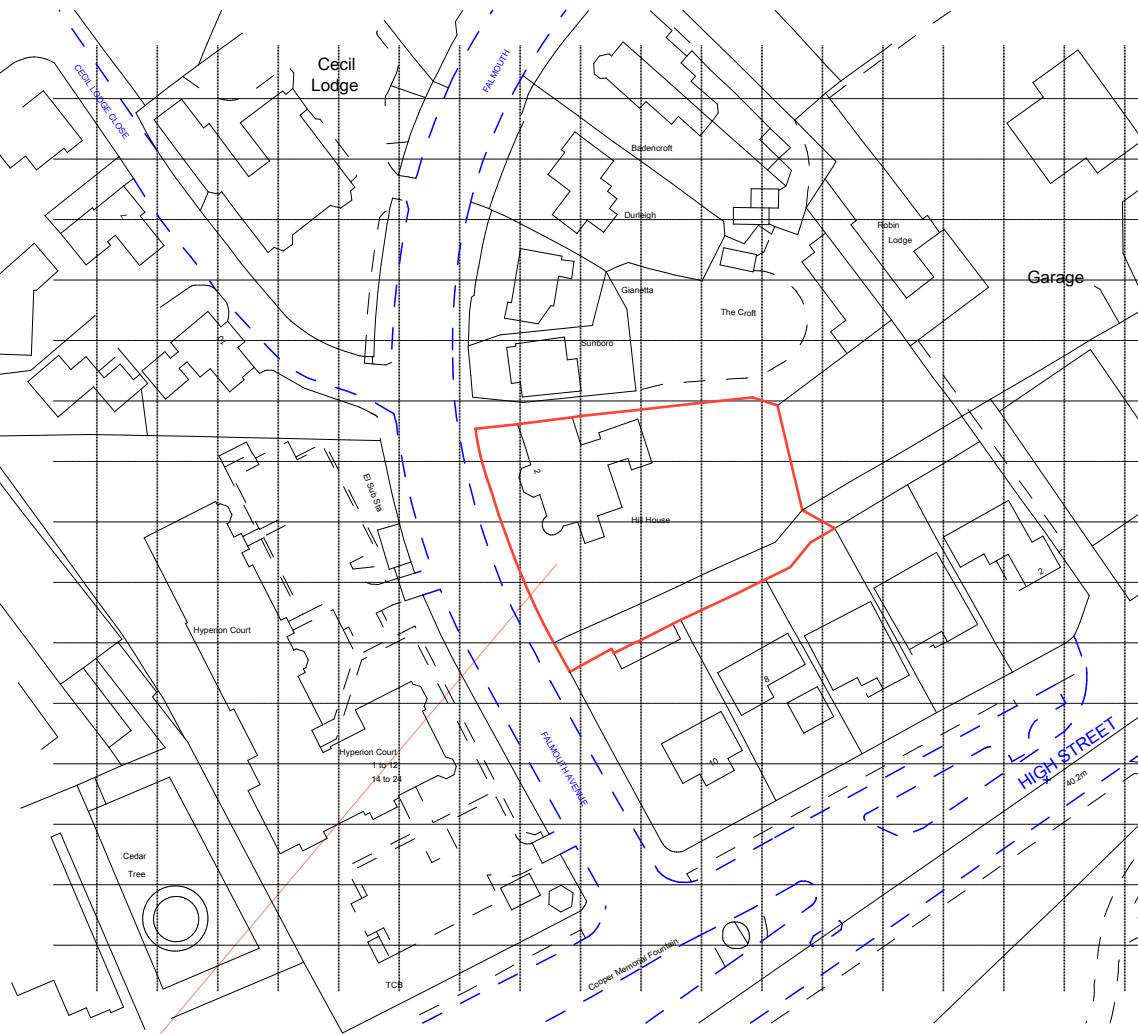
existing front elevation 1:100



proposed elevation from Falmouth Avenue 1:100



proposed rear (south) elevation 1:100

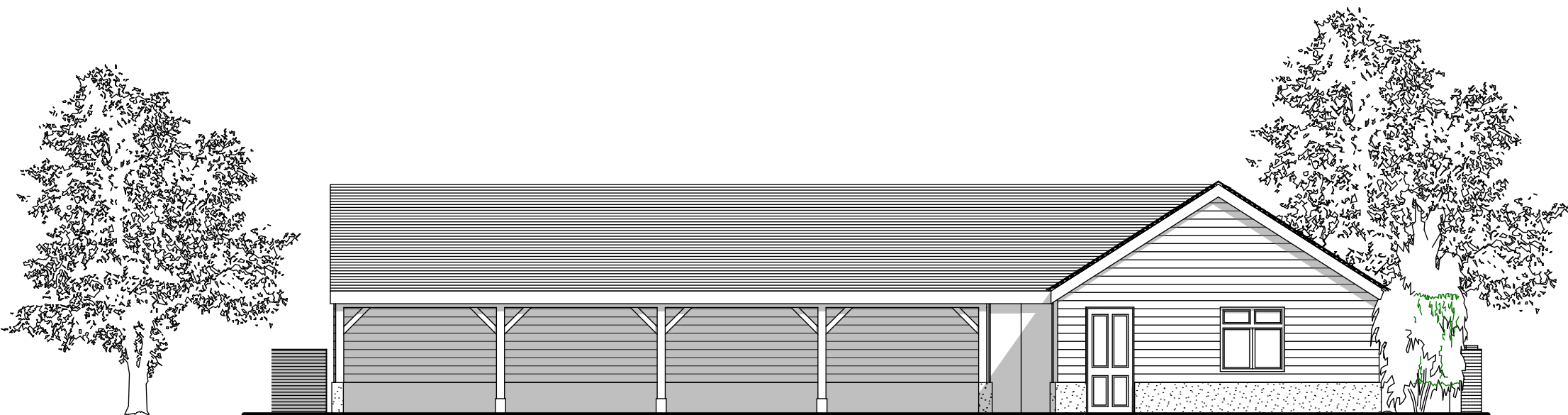


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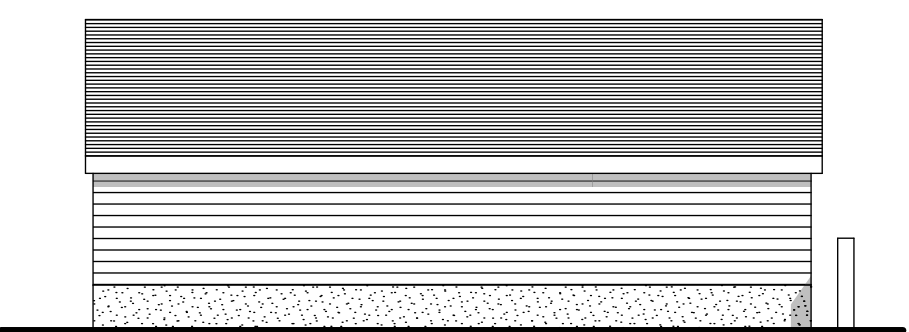
location plan 1:1250



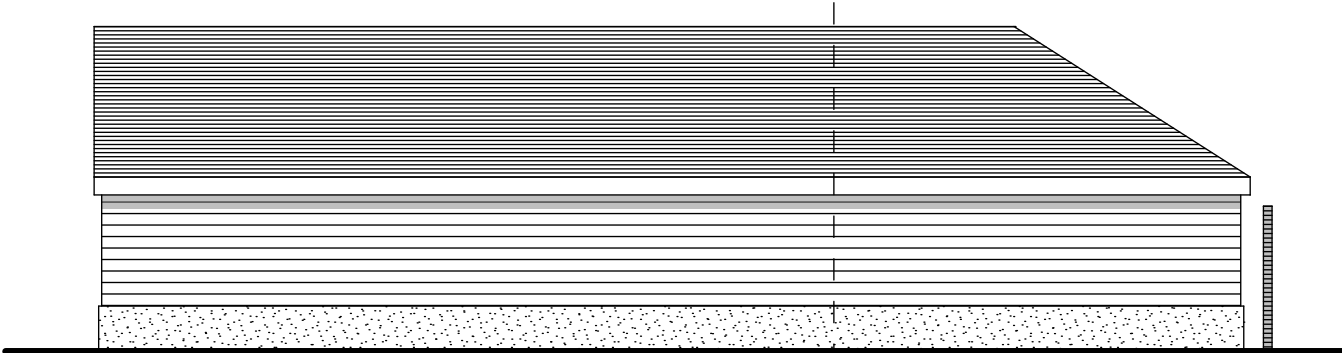
proposed east elevation 1:100



proposed north elevation 1:100



existing west elevation 1:100



proposed west elevation 1:100



block plan 1:500

materials:

walls: dark stained timber boarding over a painted rendered plinth capped in brick to match the existing garage building.
doors: stained timber.
roof: plain clay roof tiles to match existing garage building roof

DANIEL AGUILAR DA(homes) arch DA(arch)
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client: Mr A. Clements
job: proposed stores and cartlodge bays
drawing: existing and proposed elevations and site plans

scale: as shown @ A1	date: May 2017	dm.: da	job no.: A513-17	drg. no.: 01	rev.: PL
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