

Development Control Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Wednesday 7 March 2018									
Time:	6.00 pm									
Venue:	Council Chamber District Offices College Heath Road Mildenhall									
Full Members:	<p style="text-align: center;">Chairman Rona Burt</p> <p style="text-align: center;">Vice Chairman Chris Barker</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (10)</u></td> <td style="vertical-align: top;">David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole</td> <td style="vertical-align: top;">Stephen Edwards Brian Harvey Carol Lynch Louise Marston</td> </tr> <tr> <td style="vertical-align: top;"><u>West Suffolk Independent Members (2)</u></td> <td style="vertical-align: top;">Andrew Appleby</td> <td style="vertical-align: top;">David Palmer</td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Members (2)</u></td> <td style="vertical-align: top;">Roger Dicker</td> <td style="vertical-align: top;">Peter Ridgwell</td> </tr> </table>	<u>Conservative Members (10)</u>	David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole	Stephen Edwards Brian Harvey Carol Lynch Louise Marston	<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell
<u>Conservative Members (10)</u>	David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole	Stephen Edwards Brian Harvey Carol Lynch Louise Marston								
<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer								
<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell								
<p>A SITE VISIT WILL BE HELD ON MONDAY 5 MARCH 2018 AT THE FOLLOWING TIME:</p> <p style="text-align: center;">Planning Application DC/17/1176/FUL - Straw Barn Farm, Dunstall Green, Ousden Planning Application - 1no dwelling Site visit to be held at 10.00am</p>										
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 online here:

<https://planning.westsuffolk.gov.uk/online-applications/>

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 Council Core Strategy 2010
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Local Plan Policies Map 2015
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' website:

<https://www.westsuffolk.gov.uk/planning/upload/Guide-To-Having-A-Say-On-Planning-Applications.pdf>

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 set out in the National Planning Policy Framework (paragraph 206). 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)
 - 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 the Planning Practice Guidance.

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

- | | <i>Page No</i> |
|--|----------------|
| 1. Apologies for Absence | |
| 2. Substitutes | |
| 3. Minutes | 1 - 4 |
| To confirm the minutes of the meeting held on 3 January 2018 (copy attached). | |
| 4. Planning Application DC/18/0129/FUL - Belle Vue, Newmarket Road, Barton Mills | 5 - 12 |
| Report No: DEV/FH/18/003 | |
| Planning Application - (i) Front Porch, (ii) 1no. Workshop and carport and (iii) Private access road | |
| 5. Planning Application DC/17/1176/FUL - Straw Barn Farm, Dunstall Green, Ousden | 13 - 24 |
| Report No: DEV/FH/18/004 | |
| Planning Application - 1no dwelling | |

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Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 January 2018** 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 Busuttill	David Palmer
Simon Cole	Peter Ridgwell
Roger Dicker	

278. **Apologies for Absence**

Apologies for absence were received from Councillor Louise Marston.

279. **Substitutes**

There were no substitutes present at the meeting.

280. **Minutes**

The minutes of the meeting held on 6 December 2017 were unanimously received as a correct record and were signed by the Chairman.

281. **Planning Application DC/16/2726/FUL - 2 Park Avenue, Newmarket (Report No: DEV/FH/18/001)**

Planning Application - 1no. dwelling as amended by plans received 21st June and 4th July revising design and 27th October revising parking layout

This application had been referred to the Development Control Committee by the Delegation Panel following call-in of the application by Councillor Robin Millar (Ward Member).

Newmarket Town Council had raised objections to the application. The Planning Officer clarified that these objections had not been withdrawn by the Town Council despite amendments having been made to the scheme since

first submission. A further eight representations had also been received from neighbouring properties citing objection to the development.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 42 of Report No DEV/FH/18/001.

As part of his presentation the Planning Officer drew attention to how the proposed dwelling was designed to be partially cut into the ground in order to reduce the impact on the surrounding dwellings.

The Committee was also advised that the Highways Authority had not objected to the application due to the level of additional highway use that was likely to be generated from the property being minimal.

Speaker: Edward Babington (applicant) spoke in support of the application

Councillor Stephen Edwards (Ward Member) stated that he did not consider the proposal to be overdevelopment and he could see no material planning reasons to refuse the application. Henceforth, he proposed that the application be approved, as per the Officer recommendation.

Councillor Roger Dicker spoke in support of the amendments the applicant had made to the scheme following discussions with the Planning Authority and seconded the motion for approval.

Councillor Carol Lynch raised questions with regard to the consultation undertaken in respect of the application. In response, the Planning Officer confirmed that all relevant consultees had been written to both on receipt of the original application and following each of the amended plans.

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

Decision

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

1. 01A – 3 year time limit
2. 14FP – Accordance with approved plans
3. Material samples to be submitted
4. Finished floor levels to be submitted
5. Details of boundary treatments to be submitted and retained
6. Permitted development rights removed
7. Construction hours between 08:00 and 18:00 Mon-Fri and 08:00 and 13:30 Sat only
8. Acoustic insulation to appropriate levels
9. Parking and Manoeuvring areas to be retained

282. **Tree Preservation Order TPO/026(2017) - 77 Queensway Mildenhall
(Report No: DEV/FH/18/002)**

Members were advised that a Tree Preservation Order (TPO) was made on one tree on the land belonging to 77 Queensway, Mildenhall. The TPO was made on 6 November 2017 and was served to protect one Walnut tree.

The Principal Planning Officer explained that the TPO was made as the tree was a prominent feature in the vicinity and was of high amenity value; particularly as it was one of only a few mature trees in the area.

One objection had been received from the owner of the tree. The reasons for the objection had been considered by Officers and were addressed within Report No DEV/FH/17/002; in conclusion, Officers were continuing to recommend that the TPO be confirmed.

Councillor Ruth Bowman (Ward Member) made reference to the administrative oversight outlined in Paragraph 7 of the report. Whilst this was unfortunate, Councillor Bowman was in support of the TPO and moved that it be confirmed, as per the Officer recommendation. This was duly seconded by Councillor Simon Cole.

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

Decision

The report be noted and Tree Preservation Order TPO/026(2017) be **CONFIRMED**.

The meeting concluded at 6.14 pm

Signed by:

Chairman

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Forest Heath
District Council

DEV/FH/18/003

Development Control Committee 7 March 2018

Planning Application DC/18/0129/FUL – Belle Vue, Newmarket Road, Barton Mills

Date 23/01/2017 **Expiry Date:** 20/03/2017

Registered:

Case Charlotte **Recommendation:** Grant

Officer: Waugh

Parish: Barton Mills **Ward:** Manor

Proposal: Planning Application - (i) Front Porch, (ii) 1no. Workshop and carport and (iii) Private access road

Site: Belle Vue, Newmarket Road, Barton Mills, IP28 6BJ

Applicant: Mr Jonathan Waters – Victoria Stanley Ltd

Agent: Mr Craig Farrow – TAB Architecture

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 Development Control Committee consider the attached application and associated matters.

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application is referred to the Development Control Committee as the applicant is related to the Leader of the Council. The application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for the erection of a front porch canopy, consisting of a pitched roof above timber posts, a three bay car port with the third bay enclosed to form a workshop/store. The building would measure 11.3 x 5.8 with an eaves height of 2.3 metres and a half hipped roof with a ridge height of 4.7 metres.
2. Planning permission has already been gained for vehicular access to the site, this application seeks consent to further the driveway to connect with the proposed garaging.

Site Details:

3. Planning permission has previously been gained for conversion of the agricultural building on the site to a dwelling, under a prior notification application. The works involved are ongoing with the dwelling not yet complete, hence why this application is full and not in the form of a householder application. The site itself is positioned behind three other dwellings with various outbuildings and a boundary wall providing separation. Newmarket Road runs to the East with open countryside to the north.

Planning History:

4. DC/16/0242/FUL - Planning Application - Single storey extensions to existing barn conversion (as approved under DC/15/1402/PMBPA) as amended by email, design and access statement revision A and drawing nos. TAB189-01 Rev B and 10 Rev A received on 22nd March 2016 removing annexe - Granted
5. DC/15/1402/PMBPA - Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014- (i) Change of use of agricultural building to dwellinghouse (Class C3) to create 1 no. dwelling (ii) associated operational development - Granted

Consultations:

6. Public Health and Housing: No comments received. Response to be reported verbally at Development Control Committee.
7. Barton Mills Parish Council: No comments received. Response to be reported verbally at Development Control Committee.

8. Highway authority: No comments received. Response to be reported verbally at Development Control Committee.

Representations:

9. No representations received.

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:

10. 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 or extensions to dwellings, including self-contained annexes and development within the curtilage)

11. Forest Heath Core Strategy 2010

- Policy CS5 (Design Quality & Local Distinctiveness)

Other Planning Policy:

12. National Planning Policy Framework (2012)

Other Considerations

13. Town and Country Planning (General Permitted Development) (England) Order 2015

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Neighbours

15. Policy DM24 states that alterations and extensions to dwellings including development within their curtilage, when located in the countryside, shall be subordinate in scale and proportion to the original dwelling, respect the design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the dwelling curtilage. Furthermore, CS5 states that proposals should recognise and address key features of the area and/or building.

16. In this case, the porch and outbuilding are modest in scale and incorporate traditional features. The single storey nature and open cart lodge design of the outbuilding, combined with the use of matching materials ensure it is sympathetic and respectful to the host dwelling. The curtilage is sufficient to accommodate the additions without over-

development occurring and it is considered that the proposed outbuilding and porch are of an appropriate design, scale and form as to respect the character of the dwelling and the wider area.

17. Whilst the outbuilding is located close to the boundary with no. 43 to the west, this boundary is comprised partly of an existing outbuilding and partly a wall and as such, given the height and roof shape, it is considered there will be no adverse impact on neighbouring amenity by virtue of loss of light, overlooking or overshadowing.

18. The driveway proposed will allow access to the garaging in front of the dwelling. The vehicular access from Church Lane has already been approved and will not change as a result of this application. On this basis, there are no objections in terms of highway safety.

Conclusion

19. In conclusion, the principle and detail of the development is considered to comply with relevant development plan policies and the National Planning Policy Framework and the proposal is recommended for approval.

Recommendation:

20. It is recommended that planning permission be **APPROVED** with the following conditions:

1. 01A - Development to commence within 3 years
2. 14FP - Development to be in accordance with approved plans

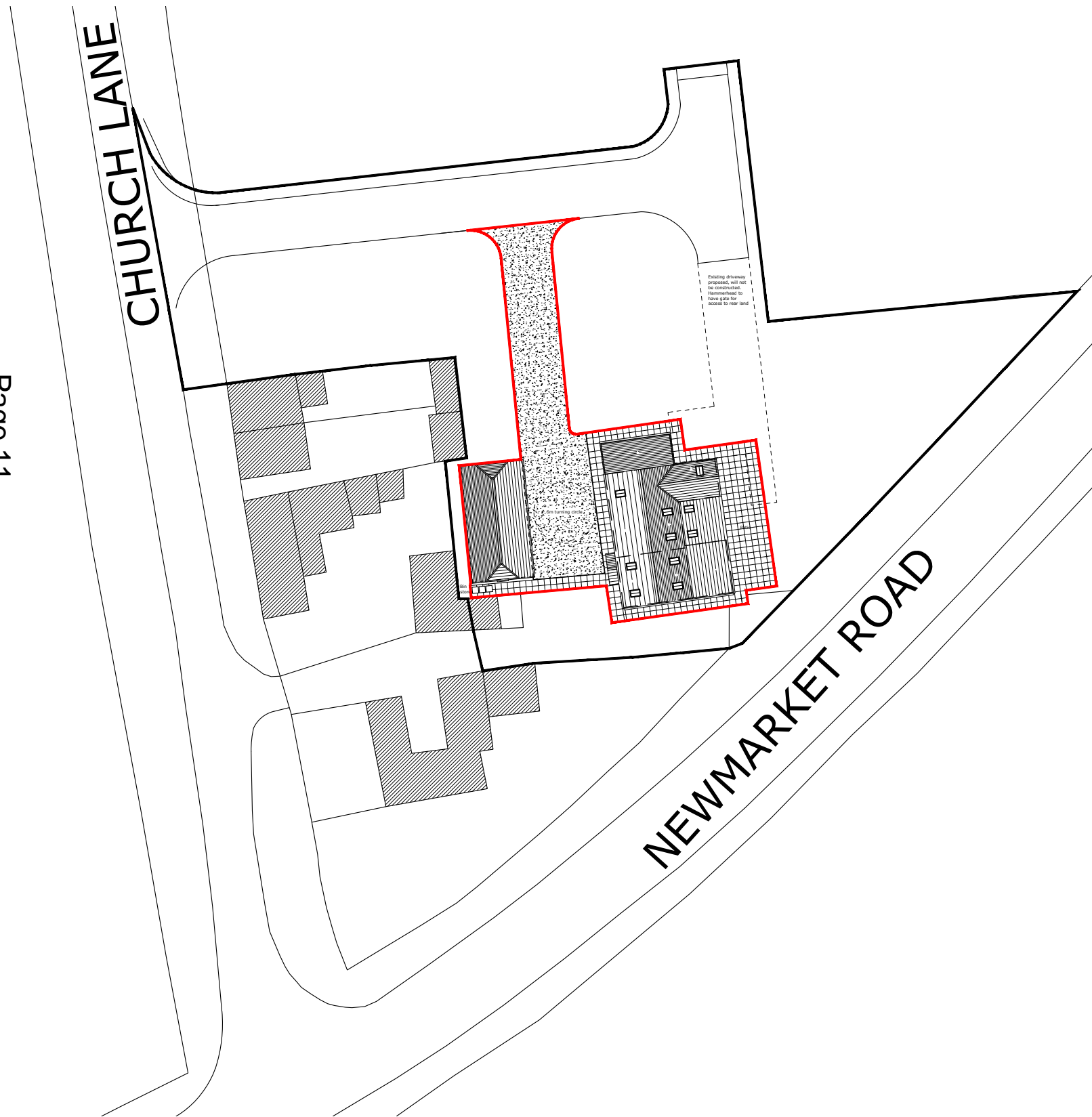
Documents:

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

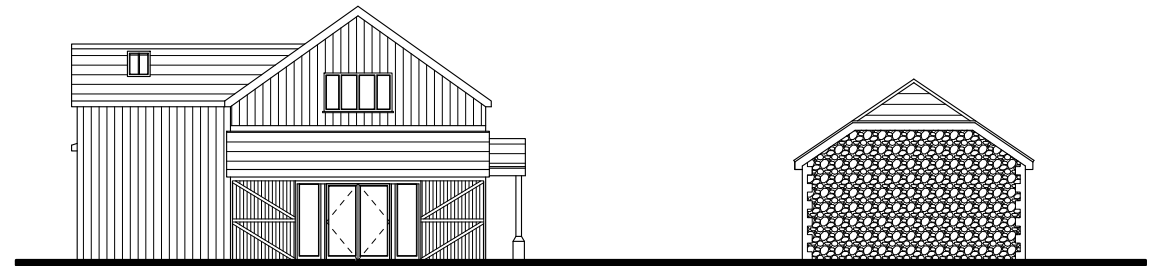
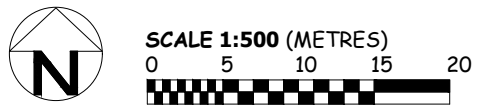
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P2Y46MPDLQB00>



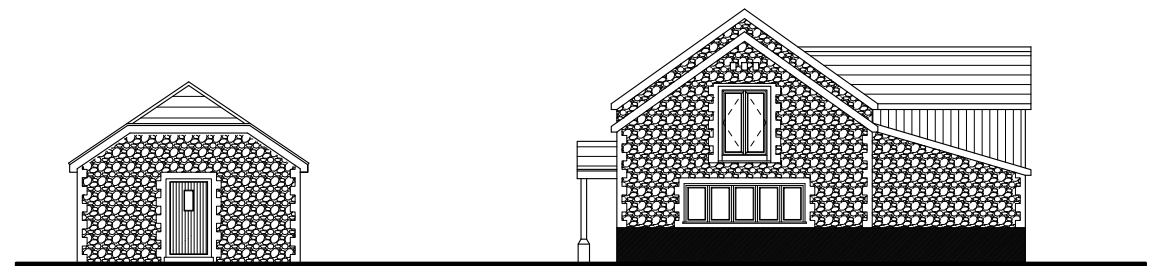
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1:500 Proposed Site location Plan



1:200 Proposed Side Elevation



1:200 Proposed Side Elevation



Rev	Description	Date
	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	: Bell View Barn, Barton Mills	
Drg	: Proposed Site Plan & Site Elevations	
scale	date: Feb 2017	drg. no. TAB315-03

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Forest Heath
District Council

DEV/FH/18/004

Development Control Committee 7 March 2018

Planning Application DC/17/1176/FUL – Straw Barn Farm, Dunstall Green, Ousden

Date 23/06/2017 **Expiry Date:** 18/08/2017

Registered:

Case Aaron Sands **Recommendation:** Refuse

Officer:

Parish: Dalham **Ward:** South

Proposal: Planning Application - 1no dwelling

Site: Straw Barn Farm, Dunstall Green, Ousden, Suffolk

Applicant: Mr & Mrs C Nunn

Agent: Mr Cameron McKenna - C B McKenna

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 Development Control Committee consider 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 from the Delegation Panel, where it was taken because the REFUSAL recommendation of the Officer conflicts with the comments of the Parish Council, who have raised no objection.

Proposal:

1. Planning permission is sought for the erection of two storey dwelling to house an agricultural worker in connection with the existing agricultural business currently on the site. The proposed dwelling measures 13.5 metres in width and 10.5 metres in depth, with a height of 8.2 metres at the ridge and 4.5 metres at the eaves.
2. The application was amended since submission to alter the blue line indicating land under the applicants control (though not formally part of the application), following a query in respect of land ownership.

Site Details:

3. The site forms a section of agricultural land currently used in connection with the agricultural business on the site. The site of the dwelling is located adjacent to the access, with an open field to the north separating the site from Goslings. The site is located within designated countryside for planning purposes.

Planning History:

4. None Relevant

Consultations:

5. Public Health and Housing: No objection subject to conditions (*officer note; burning of waste material is considered to be an unnecessary condition as it is covered by other legislation*)
6. Monitoring Officer: The site is below the relevant thresholds for affordable housing requirements
7. Dalham Parish Council: No objections
8. Environment Officer: No objection subject to informatives
9. Highway authority: Further information requested with regards to visibility splays. Recommend condition following the receipt of those details.

Representations:

- 10.2no. representations received incorporating the following points;
 - Buildings and Land belonging to The Old Rectory, Front Street,

Ousden have been included within this application (*Officer Note: the land in question was not included as part of the application, but was indicated within a blue line that shows land in control of the applicant. This has since been amended*)

- The Old Rectory, Front Street, Ousden has not been included as a consultee (*Officer Note: The Old Rectory is not a property in close proximity to the site, and while it appears they may own land adjoining the applicants own land, that does not adjoin the application site itself*)
- There are a number of windows facing Goslings that would overlook that property
- The field is prone to serious water logging which floods neighbouring garden and provisions should be put in place to limit this
- The air source heat pump should be placed to the south side of the building to prevent noise impacts to neighbouring properties
- Ousden Parish Council should also be consulted, as this area is close to Ousden than Dalham (*Officer note: despite some proximity to Ousden, this area is in Dalham parish and does not sit immediately along the boundary. There is no requirement to consult neighbouring Parish Councils. Similar circumstances in other cases have not resulted in consultations across boundaries.*)

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:

11. 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 DM22 (Residential Design)
- Policy DM26 (Agricultural and Essential Workers Dwellings)
- Policy DM46 (Parking Standards)

12. Forest Heath Core Strategy 2010

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Natural Environment)
- Policy CS3 (Landscape Character and the Historic Environment)
- Policy CS5 (Design Quality & Local Distinctiveness)
- Policy CS10 (Sustainable Rural Communities)

Other Planning Policy:

13. National Planning Policy Framework (2012)

Other Considerations

14. Town and Country Planning (General Permitted Development) (England) Order 2015

15. Annex A of PPS7 – Sustainable Development in Rural Areas (Withdrawn March 2012)

Officer Comment:

16. The issues to be considered in the determination of the application are:
- Principle of Development
 - Design and Form
 - Highway Safety
 - Impact on Neighbours

Principle of Development

17. The proposal is located within designated countryside and policy DM5 sets out limited provisions for development that may be supported within such locations, including residential development where it also meets the provisions of other policies in the adopted local plan. In relation to this case, policy DM26 sets out the specific considerations for dwellings for an essential worker in connection with a business located in the countryside. That policy requires details that there is a need for a worker to be living at the site, that there are no suitable alternatives and that the business is viable. Proposed dwellings must be of a size commensurate with the needs of the enterprise and should be designed so as to not be visually intrusive into the countryside or adversely impact the character of the area. Development is normally required to be provided through temporary means firstly, such as through caravan or similar structure, for a period of three years.

18. The proposal has submitted information to prove a need for an occupant to live on the site, as well as financial details to show the business is viable. These have been reviewed by consultants, Kernon Countryside Consultants (KCC), appointed by the LPA, but as the information and responses detail sensitive financial information they are not publicly available in accordance with Section 100A(3) and Schedule 12A of the Local Government Act 1972. However, a summary of the information and the response from the consultants follow in paras 18 to 20.

19. In relation to a functional need to live on the site, the applicant's details state a number of reasons, including practicalities, the ability to monitor horses and lambing ewes at the site, security, and insurance. The response from KCC is that the level of operations at the site are smaller scale, and that issues of security were previously noted, in the now withdrawn PPS7, as being insufficient to justify an agricultural dwelling. With regards to lambing ewes, KCC considers that they could be adequately managed by either off-site or seasonal workers. It is noted that PPS7 has been withdrawn, and that policy carries no weight. However, guidance in Annex A of that document also gave indication as to the tests that should be employed in considering dwellings for essential workers, and regard is had to that for guidance purposes only, in line with inspectors decisions (ref APP/X1355/W/15/3139552). On the whole, it is

considered that there is an insufficient need for a worker to live at the site in order to run the business.

20. In relation to financial circumstances the information submitted indicates that it is no longer possible to remain in their existing accommodation. Details of income sources have been provided, which cover both agricultural enterprises and supplemental income from other sources. KCC's assessment of the financial details indicate that the business is financially stable, which would meet part c of policy DM26. However, they also consider that the level of income is sufficient to maintain the current residence or another nearby residence, weakening arguments that there is no alternative accommodation.
21. As part of the assessment of policy DM26, it is also necessary to identify other properties in the surrounding area that could provide alternative accommodation. KCC have also reviewed the search of properties provided by the applicant. The applicant's current property is approximately 2 miles from the site, and searches have been undertaken of properties up to 3 miles, which would cover those properties of a similar distance to the existing. That search has revealed a number of available dwellings in the locality that could provide accommodation, such that there is reduced need to live on the site itself. It is accepted that there does not appear to be residential properties in the village of Ousden itself, and while the justification statement indicates it is not practical or sustainable to live outside the village, that is the current circumstance and the business appears to be acceptably run.
22. It is therefore considered that the proposal would not meet the tests of DM26 in demonstrating a need for an essential worker to occupy the site, with no alternative residential properties in the locality.

Design and Form

23. The proposed dwelling is of a reasonably modest footprint, at approximately 100m², and floor space, at approximately 185m². The roof pitch is reasonably steep, such that the height is comparative to many two storey dwellings. However, the site is not isolated in a sense that it is distant from other buildings. The agricultural buildings to the west are visible in longer views, as are surrounding dwellings and outbuildings. Screening exists along the front of the site that would provide some modest mitigation of the lower floors, including the parking and bin storage areas, but the dwelling would be visible, particularly from the north.
24. The character of surrounding properties is mixed, with a variety of forms, scales and designs. Parking is located in front of, but to one side of the dwelling, and so would not be a dominant feature of the property, even in the absence of the screening on site. The proposal would not appear out of character in the locality given the variety, and is somewhat reflective of the style of Goslings to the north, with a similar gable front and an elongated roof slope above part of the dwelling. It is therefore considered

that the proposal is of a design and form responsive to the character of the area, in accordance with policies DM2 and DM22.

Highway Safety

25. Dunstall Green Road is a reasonably straight road in a 30mph zone, though the speed limit increases to 60mph to the north of the site. The applicant appears to have control of the hedge along the roadside to the north of the site. The highway authority has indicated that there appears to be a reasonable prospect that visibility could be achieved along this, and the agent has provided an indicative drawing of visibility splays that would provide visibility of 46m to the south and 90m to the north. Adopted standards require a visibility splay of 90m in a 30mph zone, which would indicate the southern splay is not sufficient.
26. That said, the plan that has been provided would indicate there is some scope for further visibility splays, though these might be outside the control of the applicant. The splays as indicated would meet standards expressed in Manual for Streets, which requires 43m. In addition, it was noted on site that visibility was quite good, even with the vegetation in full bloom, as per the photo below. The plan provided would indicate that, because of the awayward curve of the road, a 90m splay would be achievable through the formation of a splay at 46m, as the remainder of the splay would sit on the edge of the carriageway.



27. The highway authority has not objected to the principle of using this access for the dwelling, which currently serves the business on the site, though requested details of the maximum visibility splays that could be achieved. The highway authority has recommended that the visibility splays be conditioned following the receipt of amended plans and officers consider that highway safety issues could be adequately dealt with through conditions such that it would not give rise to a safety issue.

Impact on Neighbours

28. The proposal dwelling is located some 75 metres from Goslings to the north and 70 metres from Cherry Tree Farm to the south, with the latter also including some intervening planting and outbuildings. While comments have been received in respect of impacts of noise and overlooking the distance is substantial. Now withdrawn practice guidance (Better Places to Live, withdrawn in 2014) indicated acceptable stand off distance of 20 metres was sufficient to mitigate for instances of overlooking, and officers consider that the distance here is more than sufficient to mitigate for impacts of overlooking.
29. Paragraph 5.4.3 of BS8233:2014 notes that noise naturally attenuates as it spreads out and is absorbed and affected by both the air itself and surrounding surfaces, and increased distances would compound the natural mitigation. Notwithstanding the comments of public health and housing, air and ground source heat pumps are made for residential use, there would be a reasonable expectation that they would not be so noisy as to make a residence uninhabitable through impacts of noise, as that would affect the residence they were installed into principally. The distance between the neighbouring property, coupled with intervening vegetation and, in some cases intervening built form, is considered sufficient to mitigate impacts of noise.
30. It is therefore considered that the proposal would not result in an adverse impact on the amenity of neighbouring properties.

Conclusion:

31. In conclusion, the principle and detail of the development is not considered to comply with relevant development plan policies and the National Planning Policy Framework and the proposal should be refused.

Recommendation:

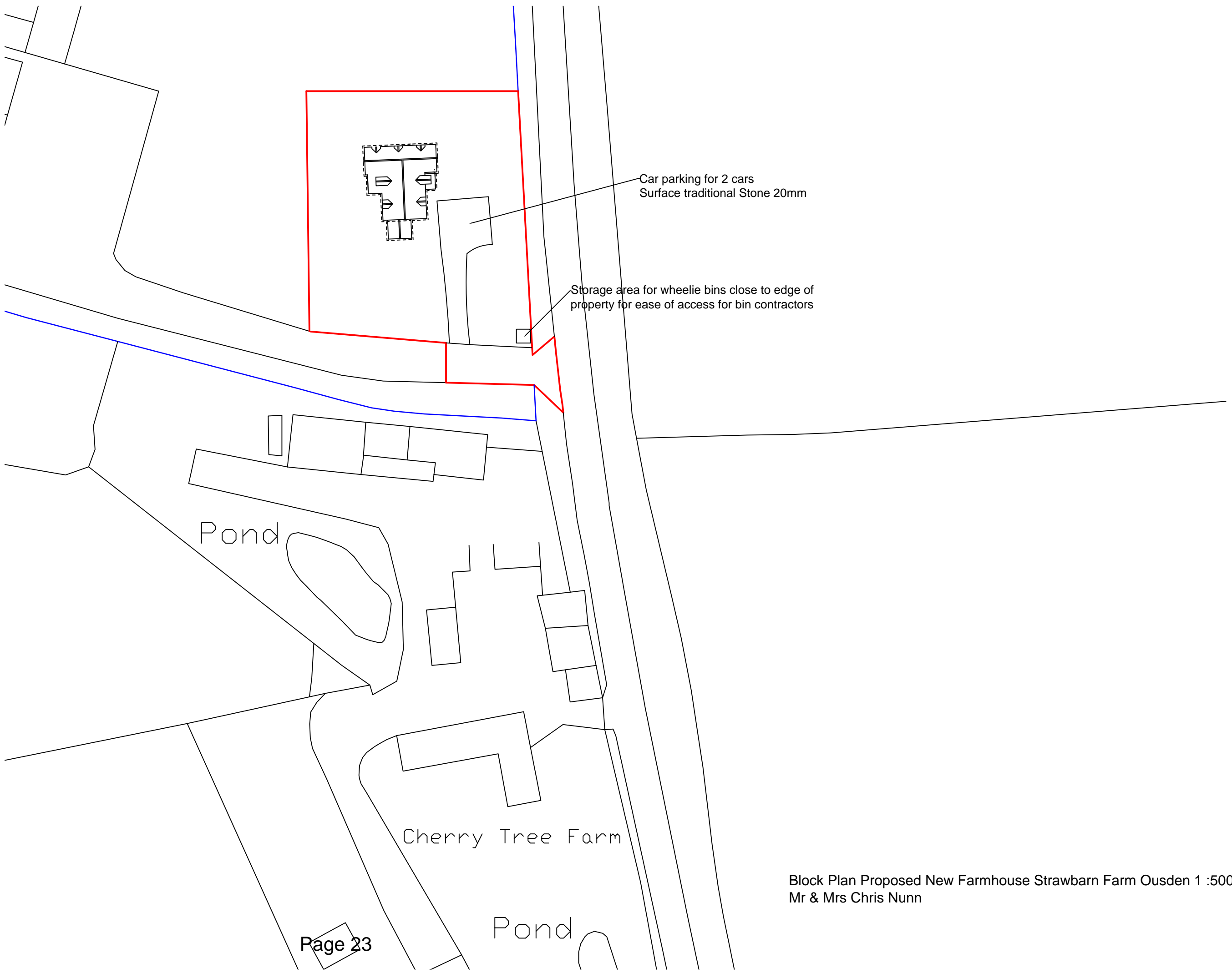
32. It is recommended that planning permission be **REFUSED** for the following reason:
1. Policy DM26 requires that proposals for essential workers dwellings, in this instance an agricultural worker, provide evidence that there is a functional need for a full time permanent worker on the site, that there is a financially viable business, and that there is no other alternative dwellings available elsewhere in the locality. The application has failed to demonstrate that there is a functional need sufficient for the site to be occupied by a full time permanent worker, and while it is accepted that the business is financially viable, there is accommodation in the surrounding area that would appear to be available, at a distance reasonably commensurate with the existing arrangement, and within a suitable price range. The proposal therefore fails to accord with policies DM5, DM26 and paragraph 55 of the NPPF in respect of the requirement to demonstrate sufficient need for the dwelling.

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=OR4PNKPDH7Y00>

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Car parking for 2 cars
Surface traditional Stone 20mm

Storage area for wheelie bins close to edge of
property for ease of access for bin contractors

Pond

Cherry Tree Farm

Pond

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