

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title:</b>	<b>Agenda</b>																								
<b>Date:</b>	<b>Thursday 6 September 2018</b>																								
<b>Time:</b>	<b>10.00 am</b>																								
<b>Venue:</b>	<b>Conference Chamber West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU																								
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Jim Thorndyke</p> <p style="text-align: center;"><b>Vice Chairmen</b> David Roach and Andrew Smith</p> <p><u>Conservative Members (12)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Carol Bull</td> <td style="width: 33%;">Susan Glossop</td> <td style="width: 33%;"></td> </tr> <tr> <td>Mike Chester</td> <td>Ian Houlder</td> <td></td> </tr> <tr> <td>Terry Clements</td> <td>Alaric Pugh</td> <td></td> </tr> <tr> <td>Robert Everitt</td> <td>Peter Stevens</td> <td></td> </tr> <tr> <td>Paula Fox</td> <td></td> <td></td> </tr> </table> <p><u>Charter Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Nettleton</td> <td style="width: 33%;"></td> <td style="width: 33%;">Julia Wakelam</td> </tr> </table> <p><u>Haverhill Indys Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Burns</td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table> <p><u>Independent (non-group) Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Jason Crooks</td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>	Carol Bull	Susan Glossop		Mike Chester	Ian Houlder		Terry Clements	Alaric Pugh		Robert Everitt	Peter Stevens		Paula Fox			David Nettleton		Julia Wakelam	John Burns			Jason Crooks		
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<p><b>SITE VISITS WILL BE HELD ON THURSDAY 30 AUGUST 2018 AT THE FOLLOWING TIMES (please note all timings are approximate):</b></p> <p><b>The coach for Committee Members will depart West Suffolk House at 9.30am and will travel to the following sites:</b></p> <p style="text-align: right;"><b>Cont overleaf...</b></p>																									

**1. Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds**

Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces

~AND~

**Planning Application DC/18/0863/FUL - 19 Hillside Road, Bury St Edmunds**

Planning Application - Change of use from B1/B8 Business/Storage and Distribution to D2 Assembly and Leisure - Personal training and Martial arts unit

**Site visit to be held at 9.45am**

**2. Planning Application DC/18/0829/OUT - Land Adjacent to the Old Parsonage, The Street, Fornham St Martin**

Outline Planning Application (Means of Access to be considered) - 1no dwelling

**Site visit to be held at 10.15am**

**3. Planning Application DC/18/1013/HH & DC/18/0795/LB - 7 Bury Road, Hengrave, Bury St Edmunds**

Householder Planning Application - 1no. Dormer Window

**Site visit to be held at 10.30am**

**Interests – Declaration and Restriction on Participation:**

Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.

**Quorum:**

Six Members

**Committee administrator:**

**Helen Hardinge**

Democratic Services Officer

**Tel:** 01638 719363

**Email:** [helen.hardinge@westsuffolk.gov.uk](mailto: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

<b>Forest Heath District Council</b>	<b>St Edmundsbury Borough Council</b>
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)
<b>Emerging Policy documents</b>	
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> |
|---|----------------|
| <b>1. Apologies for Absence</b>   |                |
| <b>2. Substitutes</b><br>Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.   |                |
| <b>3. Minutes</b><br>To confirm the minutes of the meeting held on 5 July 2018 (copy attached).   | <b>1 - 8</b>   |
| <b>4. Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds</b><br>Report No: <b>DEV/SE/18/028</b><br><br>Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces | <b>9 - 26</b>  |
| <b>5. Planning Application DC/18/0863/FUL - 19 Hillside Road, Bury St Edmunds</b><br>Report No: <b>DEV/SE/18/029</b><br><br>Planning Application - Change of use from B1/B8 Business/Storage and Distribution to D2 Assembly and Leisure - Personal training and Martial arts unit                        | <b>27 - 40</b> |
| <b>6. Planning Application DC/18/0829/OUT - Land Adjacent to the Old Parsonage, The Street, Fornham St Martin</b><br>Report No: <b>DEV/SE/18/030</b><br><br>Outline Planning Application (Means of Access to be considered) - 1no dwelling  | <b>41 - 54</b> |
| <b>7. Planning Application DC/18/1013/HH &amp; DC/18/0795/LB - 7 Bury Road, Hengrave, Bury St Edmunds</b><br>Report No: <b>DEV/SE/18/031</b><br><br>Householder Planning Application - 1no. Dormer Window   | <b>55 - 66</b> |

**8. Planning Application DC/18/0841/TPO - 18 Orchard Way, Horringer 67 - 74**

Report No: **DEV/SE/18/032**

TPO033(1976) - Tree Preservation Order - 2no. Sycamore (T1 and T2 on plan and within area A1 on order) - fell

***(On conclusion of the agenda Members of the Development Control Committee will receive a training seminar where Officers will deliver an update on planning appeals.)***



# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Development Control Committee** held on **Thursday 5 July 2018** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

**Chairman** Jim Thorndyke

**Vice Chairmen** David Roach and Andrew Smith

Carol Bull

John Burns

Mike Chester

Terry Clements

Paula Fox

Susan Glossop

Ian Houlder

David Nettleton

Alaric Pugh

Julia Wakelam

32. **Apologies for Absence**

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

33. **Substitutes**

There were no substitutes present at the meeting.

34. **Minutes**

Councillor David Nettleton made reference to Minute No 31 and the reference therein to the "Lawyer" who provided legal advice to the June meeting.

The Lawyer who was in attendance advised Councillor Nettleton that the job title was indeed correct and outlined the reasoning for this.

The minutes of the meeting held on 7 June 2018 were then received by the Committee as an accurate record, with 12 voting for the motion and with 1 abstention, and were signed by the Chairman.

35. **Planning Application DC/18/0561/VAR - Land North West of Haverhill, Ann Sucklings Road, Little Wratting (Report No: DEV/SE/18/026)**

**Planning Application - Variation of condition 1 of DC/16/2836/RM to enable drawing PH-125-03C to be replaced with 040/P/102 and PH-125-04C to be replaced with 040/P/101 and add plan 040/T/152A for the additional 24no. garages for the Reserved Matters Application**

**- Submission of details under outline planning permission SE/09/1283/OUT - The appearance, layout, scale, access and landscaping for 200 dwellings, together with associated private amenity space, means of enclosure, car parking, vehicle and access arrangements together with proposed areas of landscaping and areas of open space for a phase of residential development known as Phase 1**

This application had been deferred from consideration at the Development Control Committee on 7 June 2018 in light of the concerns raised by Members with regard to the garages proposed; with particular regard to the internal dimensions, which fell below the minimum width allowed in the Suffolk Guidance for Parking.

The item was deferred in order to allow Officers additional time in which to work with the applicant in order to clarify the garage provision.

The application had been originally referred to the Development Control Committee because Haverhill Town Council objected.

The Principal Planning Officer advised that following the June meeting amended plans for the garages had been submitted by the applicant. The garages were now designed to have an internal width of 3000mm at the narrowest point between the brick piers and 3225mm for the remainder of the width. The width between the door-frame was 2428mm and the internal length 6000mm.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 31 of Report No DEV/SE/18/026. The Committee were advised that the conditions listed within the report were the full conditions stipulated as part of the scheme's previously granted approval, with a minor amendment to reflect the Section 73 application seeking determination.

Speaker: Mr Stuart McAdam (applicant) spoke in support of the application

Councillor Julia Wakelam expressed disappointment that it had not been possible to include electrical vehicle charging points as part of the scheme.

The Case Officer explained that this would have needed to have been secured at the outline stage of the application and, indeed, for future applications this would be the case. The Officer also remarked that as time moved on the market was likely to start to dictate this provision, in the same way that prospective purchasers had requested garages from the developer.

Councillor Carol Bull pointed out that future owners of the properties would have been able to have constructed garages as part of the Permitted Development rights associated with the properties. As such, she considered it an advantage for the garages to be constructed en bloc by the developer as this would ensure a uniform of design.

Councillor John Burns expressed a degree of satisfaction at the amendments which had been made to the garages' internal dimensions.

Henceforth, he proposed that the application be approved as per the Officer recommendation.

This was duly seconded by Councillor Alaric Pugh and with 12 voting for the motion and with 1 abstention, it was resolved that

### Decision

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

1. Approved Plans and documents

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

2. Phasing – Pre-commencement

Prior to the commencement of development (excluding clearance, ground investigation, remediation, archaeological and ecology works) within Phase 1, details of phasing of development of Phase 1 shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include, but not limited to, the phased delivery of roads and footways, including the re-alignment of Haverhill Road and associated roundabout, and their connections to the surrounding highway network in relation to the phasing for the delivery of homes within Phase 1. Development shall be undertaken in accordance with the Phasing details agreed, unless a variation to the approved details is first agreed in writing with the Local Planning Authority.

3. Surface Water Drainage – Pre-commencement

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year +CC storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved FRA and will include the following:-

- i) Dimensioned plans illustrating all aspects of the surface water drainage scheme (including an impermeable areas plan).
- ii) Modelling shall be submitted to demonstrate that the surface water discharge to the receiving watercourse, up to the 1 in 100yr +CC rainfall event, will be restricted to  $Q_{bar}$  or 2l/s/ha for the critical storm duration.
- iii) Modelling of the surface water drainage scheme to show that the attenuation features will contain the 1 in 100yr+CC rainfall event. Proposed open basins within POS will not exceed a max water depth of 0.5m during same event.
- iv) Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
- v) Topographic plans shall be submitted depicting all safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
- vi) Proposals for water quality control – A SuDS management train with adequate treatment stages should be demonstrated which allows compliance

with water quality objectives, especially if discharging to a watercourse. Interception Storage will be required within the open SuDS.

vii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

viii) Arrangements to enable any Surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.

#### 4. Surface Water Drainage management – Pre-above ground construction

No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

#### 5. Materials – Pre-above ground construction

Notwithstanding the details previously submitted, no above ground construction of the dwellings hereby approved shall take place until details of the facing and roofing materials to be used in respect of each plot have been submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved details.

#### 6. Design Detailing – Pre-above ground construction

Prior to any above ground construction taking place, details of the windows, door reveals, sills and headers and bargeboards for each plot shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed with the Local Planning Authority the details shall be in the form of elevations drawn to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2. The works shall be carried out in complete accordance with the approved details.

#### 7. Boundary Treatments – Pre-above ground construction

No above ground construction shall take place until details of the siting, design, height and materials of boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved walling and/or fencing shall be constructed or erected before the first occupation of the dwelling to which it relates is first occupied and thereafter retained in the form and manner installed.

#### 8. Parking – Prior to occupation

The space/spaces shown for the purpose of garaging and/or car parking shall be provided and available for the intended purpose prior to the first occupation of the dwelling to which it relates is first occupied.

For plots 3, 4, 40, 80 and 101 the additional hard standing area shown on the approved plans and associated 6 x 4 ft shed shall be provided prior to the first occupation of those dwellings.

#### 9. Retention of Parking Spaces and Garages

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) the space shown within the curtilage of any dwelling for the purpose of garaging and/or car parking shall be retained solely for the garaging and/or parking of private motor vehicles and for ancillary domestic storage incidental to the enjoyment of the associated dwelling and shall be used for no other purpose. No development shall be carried out in such a position as to preclude vehicular access to those car parking spaces

#### 10. Cycle storage – Prior to first occupation

Secure, covered and accessible cycle storage shall be provided and available for use prior to the first occupation of the dwelling to which it relates is first occupied. The storage shall be provided in accordance with details previously submitted to and agreed in writing by the local planning authority.

#### 11. Visibility Splays - internal access roads

Before any access is first used, clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

#### 12. Visibility Splays - junctions with main roads

Before any access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

#### 13. Bin Storage

Appropriate areas shall be provided for storage of Refuse/Recycling bins shall be provided, in accordance with details submitted to and agreed in writing with the local planning authority, before the first occupation of any of the dwellings to which it relates is first occupied and thereafter retained in the form and manner installed.

#### 14. Estate Road Layout - details

Prior to any above-ground construction, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

#### 15. Estate Road layout implementation

No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

#### 16. Crossing Points

Prior to the commencement of development, details of two formal crossing points (to be either signals or zebra crossing) on main road running between the north and south parcels of development shall be submitted to and agreed in writing with the local planning authority. The crossing points shall be fully

implemented in accordance with the agreed details in accordance with a timetable agreed in writing with the local planning authority.

#### 17. Noise Internal – prior to occupation

Prior to occupation of the proposed dwellings, the noise mitigation measures, as stated within the Noise Survey and Acoustic Design Advice Report, Issue No. 2, prepared by the FES Group and dated the 15 May 2017, shall be implemented to ensure that the internal ambient noise levels within each dwelling, with windows closed, do not exceed an LAeq (16hrs) of 35 dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00, in accordance with the current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.

#### 18. Noise External – Prior to occupation

Prior to occupation of the proposed dwellings, the noise mitigation measures, as stated within the Noise Survey and Acoustic Design Advice Report, Issue No. 2, prepared by the FES Group and dated the 15 May 2017, shall be implemented to ensure that the noise level within the external amenity areas of each dwelling do not exceed an LAeq of 50 dB (A), in accordance with the current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.

#### 19. Tree Protection - pre-commencement

Notwithstanding the details previously submitted, no development shall commence until an updated Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

1. Measures for the protection of those trees and hedges on the application site that are to be retained,
2. Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
3. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless the prior written consent of the Local Planning Authority is obtained for any variation.

#### 20. Soft Landscaping – Pre-above ground construction

Notwithstanding the details previously submitted, no above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a final scheme of soft landscaping for the site drawn to a scale of not less than 1:200, to include details of on plot planting and planting within the SUDS Basins. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be

replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

36. **Planning Application DC/18/0476/HH - 9 Darcy Close, Bury St Edmunds (Report No: DEV/SE/18/027)**

**Householder Planning Application - First floor extensions to front and rear**

This application was referred to the Development Control Committee as the applicant was employed by St Edmundsbury Borough Council.

Bury St Edmunds Town Council raised no objection, however, one of the Ward Members (Moreton Hall) raised concerns together with three neighbouring residents.

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 26 of Report No DEV/SE/18/027.

The Case Officer explained that Members had requested that a sunlight analysis be carried out whilst at the site visit. Henceforth, this had been undertaken and was included in the Officer's presentation and showed that the proposed scheme would have very little impact.

Speaker: Mr Lionel Thurlow (agent) spoke in support of the application

The Chairman advised the meeting that a number of Committee Members had received an email the evening prior to the meeting from a neighbouring resident at 8 Sutton Close who objected to the application. The comments within the email largely reiterated those made in previous submissions and which the Officer had summarised at Paragraphs 11 and 12 of the report.

It was established that not all of the Committee had received the email due to the lateness on which it was sent, accordingly, the Chairman agreed for it to be read out to the meeting by the Case Officer.

Councillor David Nettleton spoke upon the value of the site visit that was undertaken and voiced concern at the impact the application would have on neighbouring residents.

Accordingly, he moved that the application be refused, contrary to the Officer recommendation of approval, on the basis of the proposal being overbearing and the unneighbourly impact on residential amenity.

Councillor Carol Bull concurred with the reason for refusal and seconded the motion.

The Service Manager (Planning – Development) explained that the reason for refusal could have the relevant policy appended to it and the decision making protocol need not be invoked.

Upon being put to the vote and with 8 voting for the motion, 2 against and with 3 abstentions it was resolved that

Decision

Planning permission be **REFUSED CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL** for the following reason: the scheme being overbearing and the unneighbourly impact on residential amenity.

The meeting concluded at 10.42am

**Signed by:**

**Chairman**

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/028

## Development Control Committee 6 September 2018

### Planning Application DC/18/0721/FUL – Saxon House, 7 Hillside Road, Bury St Edmunds

<b>Date Registered:</b>	09.05.2018	<b>Expiry Date:</b>	04.07.2018
<b>Case Officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Bury St Edmunds	<b>Ward:</b>	Moreton Hall
<b>Proposal:</b>	Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces		
<b>Site:</b>	Saxon House, 7 Hillside Road, Bury St Edmunds		
<b>Applicant:</b>	Mr St Clair Armitage - Community Dental Services		

#### **Synopsis:**

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

#### **Recommendation:**

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

#### CONTACT CASE OFFICER:

Britta Heidecke

Email: [britta.heidecke@westsuffolk.gov.uk](mailto:britta.heidecke@westsuffolk.gov.uk)

Telephone: 01638 719456

## **Background:**

**The application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel at the request of Ward Councillor Peter Thompson (Moreton Hall).**

**A site visit is scheduled to take place on Thursday 30 August 2018.**

1. In 2004 Planning permission was granted for a purpose built facility for Age Concern: **SE/04/2489/P** – Erection of two storey Class B1 office building with ancillary healthy living resource facility as amended and supported by letters and drawing received 26th July 2004 relating to the use of the building and indicating revised siting, landscaping and parking provision.

A letter from the agent (9 July 2004) clarified that over 80% of the building would be used by Age Concern as their administrative staff offices with associated canteen, toilet and storage facilities. The building would not be available to members of the public and the use by elderly clients would be strictly controlled by Age Concern who collect all visitors and take them home.

Parking standards at the time required 28 car parking spaces, and these have been provided.

It is clear from the plans and the application that the principle use of the building was as an administrative centre for Age Concern with the ground floor laid out and provided with specialist disabled bathroom and toilets. Planning permission SE/04/2489/P includes condition 5 restricting the use of the premises to be used "only for offices with ancillary healthy living resource facility and for no other purpose whatsoever," and concludes "The healthy living resource facility shall be operated in accordance with the terms as set out in the submitted supporting statement from Age Concern dated 22<sup>nd</sup> July 2004".

2. **In January 2018 DC/17/2406/FUL** - Change of use of Saxon House from office (B1) to dental clinic (D1). Planning permission was granted on 12 January 2018. The permission was limited to a 'personal' use by Community Dental Services for special dentistry care, to restrict the extent of the permission (6 treatment rooms only) and enable the Local Planning Authority to keep the site under review having regard to the exceptional circumstances in which permission has been granted. This permission is extant and at the time of my site visit refurbishment was underway.

## **Proposal:**

3. The application proposes (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces.
4. The specialist dental clinic will operate from the ground floor and the community healthcare facility will operate from the first floor.

## Application Supporting Material:

5. A letter dated 13 April 2018 from NHS England (Midlands and East (East)) supports the application. The letter refers to a great deal of effort being taken to find alternative premises closer to the centre of town following closure of NHS premises in Looms Lane, but how this was unsuccessful. It talks of the benefits of co-locating community healthcare services with dental services, and goes on to say that if planning permission is not granted patients from Bury St Edmunds will have to travel to Newmarket, Ipswich or Cambridge in order to access community healthcare services. The letter concludes by disagreeing with the number of car parking spaces required on site.
6. The Planning Statement submitted by the applicant's agent indicates that the community healthcare services displaced from Blomfield House in Looms Lane have been operating from NHS premises in Hospital Road, various village halls and sports halls and Derbyshire House on Lamdin Road. These are said to be unsuitable for various reasons: Hospital Road - over capacity and poor access and parking provision; village halls - bookings difficult to organise and space far from ideal; and Derbyshire House provides hot desk facilities for admin staff but is operating over capacity.
7. Further details in the form of a revised transport statement, as well as supporting letters from Community Dental Services and the NHA have been received following consideration at the Delegation Panel. These are available to view on the Councils' website.

8. In summary, the transport statement technical note concludes that -

*Given the information presented in this chapter, the car park has been demonstrated to be sufficient to accommodate the operational needs of both uses without the requirement for additional onsite car parking or the potential for on street parking due to a lack of available spaces.*

9. At the time of writing the further view of Suffolk County Council as Highway Authority has not been provided. This will be reported, either in the late papers or verbally as timings dictate.

10. The letter from the West Suffolk NHS Foundation Trust states as follows -

*Since having to move out of Blomfield House in September 2016, the affected community healthcare services have been being delivered from temporary locations which are wholly unsatisfactory for our patients and for our staff and cannot be seen as a permanent solution. West Suffolk NHS Foundation Trust, CDS and NHS England have carried out an extensive search for suitable properties closer to the centre of Bury St Edmunds and have been unable to find any.*

*As a result West Suffolk NHS Foundation Trust is anxious to find a medium term solution which would provide a suitable location and base for the delivery of these essential community healthcare services to our patients and their families.*

*The nature of these services is that the patients attend by prior appointment only and would not result in unplanned attendances all*

*at the same time. As is often the case in this type of facility we hope to be able to house a small number of the community administration support team, thereby providing employment as part of the use.*

*The consequence of this application being refused is that patients from Bury St Edmunds and the surrounding area would have to travel to other parts of Suffolk and have longer waits for the services which we would otherwise deliver from the application site. This is would be detrimental to our provision of healthcare, would be unsustainable, and would make life increasingly difficult for our staff who would have to travel to and from their work along the already overstretched A14.*

*We note that the Agent acting on behalf Community Dental Services has explained why the concerns that have been expressed about pressure on parking provision do not amount to a sufficient reason to reject the application, especially when balanced with the need for the facility.*

*Failure to approve the application will see the provision of vital community healthcare services to Bury St Edmunds severely compromised, and our therapists having to work in a very inefficient way.*

11. The letter from the applicant Community Dental Services concludes as follows –

*This application is crucial for retaining community healthcare services which are currently being provided from unsatisfactory, makeshift premises to the detriment of capacity and quality of care for vulnerable patients. If planning permission cannot be secured, vital community healthcare services will be lost from the Borough altogether.*

#### **Site Details:**

12. The application site is located within Suffolk Business Park, a designated General Employment Area on the eastern edge of Bury St Edmunds. The site lies 2.3km from the town centre. The nearest bus stop is approx. 650m north of the site in Bedingfield Way. A public cycle path runs beyond a tree belt along the western side boundary.
13. The site comprises of a two storey office/ commercial building which benefits from planning permission to change use to a specialist dental clinic. This is currently being implemented. The site is accessed from Hillside Road. To the rear, side and front of the building are currently 31 parking spaces in total. Cycle parking is located to the north of the building. To the north, east and south of the site are other business/industrial units. Further business/industrial units lie beyond the tree belt and cycle path to the west.

**Planning History:**

14.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Received Date</b>	<b>Decision Date</b>
DC/17/1842/FUL	Planning Application - Temporary siting of 2 no. mobile dental surgery units within an area of existing car parking for a period of 4 months	Application Granted	05.09.2017	26.10.2017
DC/17/2406/FUL	Planning Application - Change of use from office (B1) to dental clinic (D1)	Application Granted	13.11.2017	12.01.2018
DC/18/0721/FUL	Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces	Pending Decision	17.04.2018	
SE/05/02685	Planning Application - Variation of condition 5 of planning approval SE/04/2489/P to allow the premises to be used for Acts of Worship by the Kingsgate Church on Wednesday evenings between 19.00 and 21.30 and on Sundays between 09.00 and 14.00 in addition to the uses specified in condition 5 of SE/04/2489/P (amended description 7th December 2005).	Application Granted	02.11.2005	21.12.2005
SE/04/2489/P	Planning Application - Erection of two	Application Granted	11.06.2004	25.08.2004

	storey Class B1 office building with ancillary healthy living resource facility as amended and supported by letters and drawing received 26th July 2004 relating to use of building and indicating revised siting, landscaping and parking provision			
SE/02/2622/P	Planning Application - Erection of 11 no. two storey Class business units and 8 no. industrial/warehouse units with ancillary offices for Class B1, B2 and B8 uses as amended by schedule of approved plans attached to decision notice	Application Granted	03.07.2002	13.12.2002
E/95/1784/P	Submission of Details - Construction of estate roads and drainage works and planting of strategic landscaping to phase A as amended by letter and drawing no.442/12/E received 22 .8.95 indicating increase in overall size of lagoon control chamber further amended by plans received 28/9/95 indicating revisions to proposals	Application Granted	25.05.1995	15.01.1996

E/91/1788/P	Submission of Details - Construction of estate roads, drainage works and landscaping to business/industrial park (Phase I) as amended by letter received 5th August 1991 and accompanying revised plans and by letter received 3rd September 991 and accompanying	Application Granted	14.05.1991	31.10.1991
E/88/1663/P	Outline Application - Use of land for business park/employment area (phases 1 and 2) with construction of vehicular accesses to Orttewell Road and Boldero Road	Application Withdrawn	08.03.1988	17.05.1988
E/87/2725/P	Outline Application - Use of land for Business Park/Employment Area (Class B1 Business and Class B8 Storage or Distribution), with construction of vehicular access as extension to Orttewell Road	Application Withdrawn	16.07.1987	17.05.1988

**Consultations:**

15.

Environment & Transport - Highways

Recommend refusal (see Officer comments below). Comments outstanding on the additional highways Technical Note received on 16<sup>th</sup> August 2018.

NHS England

Support

Town Council

Neither objecting to or supporting the Planning Application.

Ward Members

No comments other than the call in received.

Rights Of Way Support Officer SCC

No objections but suggest informative.

Public Health And Housing

Public Health and Housing have no objection to this application.

### **Representations:**

16.No third party comments have been received.

### **Policy:**

17.The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV14 - General Employment Areas - Bury St Edmunds
- Vision Policy BV15 - Alternative Business Development within General Employment Areas
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS11 - Bury St Edmunds Strategic Growth
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM35 Proposals for main town centre uses
- Policy DM41 Community Facilities and Services
- Policy DM46 Parking Standards

### **Other Planning Policy:**

18.The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due



weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM35, DM41 and DM46 and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant DM Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant DM Policy.

19. Paragraph 80 of the revised NPPF, indicates that policies and decisions should help create conditions in which business can invest, expand and adapt, with significant weight being attached to the need to support economic growth and productivity. Noting the support offered within Policy DM30 to ensure wherever possible the protection of employment land unless otherwise shown to be justified, officers are satisfied that there is no material conflict between Policy DM30 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM30.
20. Paragraph 92 of the NPPF indicates that decisions should ensure an integrated approach to considering the location of community facilities and services. DM41 supports the provision of community facilities where they will contribute to the maintenance of sustainable communities. In this regard therefore it is considered that there is a high degree of alignment between the DM41 and the provisions of the NPPF, such that full weight can be given to DM41.
21. Paragraph 105 of the NPPF allows local parking standards to be set, taking into account, inter alia, the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; and levels of local car ownership. The local parking standards adopted in West Suffolk reflect bespoke consideration by the Highway Authority of these matters, and officers remain of the opinion that the provisions of DM46 remain material, are otherwise aligned with the provisions of the NPPF, and that full weight can therefore be given to DM46 in consideration of this matter. As a consequence it is also considered that full weight can be given the provisions of criterion L of Policy DM2, noting the provisions of Para. 108 of the NPPF that seeks to ensure that safe and suitable access to sites can be achieved.
22. Core Strategy Policy CS7 requires all development proposals to provide for travel by a range of means of transport other than the private car in accordance with the following hierarchy:
  - Walking
  - Cycling
  - Public Transport (including taxis)
  - Commercial vehicles
  - Cars
23. It is considered that this Policy aligns sufficiently closely with the provisions of paragraph 102 of the NPPF, which requires opportunities to promote walking, cycling and public transport are identified and pursued, such that weight can be attached to CS7, notwithstanding its age.

## **Officer Comment:**

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

- Principle of Development
- Planning History
- Accessibility
- Highways matters
- Other matters

### *Principle*

25. Policy DM30 seeks to protect employment land and existing businesses. Planning Policy explained in their comments that: 'The starting point of the policy is the question as to whether the non-employment use proposal will have an adverse effect on employment generation. Adverse effects will include loss of designated/allocated B Use Class(es) employment land compromising the ability of the local planning authority to meet job targets set out in the Core Strategy (and Bury St Edmunds and Haverhill Vision documents), and the introduction of inappropriate uses that may fetter the activities of existing neighbouring employment uses and prevent them from expanding or intensifying e.g. through noise, traffic movements, etc. (...)'

26. It is officer's view that the proposal would have an adverse effect because of the loss of designated employment land/premises, and may fetter the activities of neighbouring employment uses through the introduction of traffic movements and insufficient on-site parking.

27. This is not an exceptional case, and the applicants haven't provided any evidence to support the loss of employment space here. Without this evidence criteria a) and b) in DM30, have not been met. Criteria c), d), e) or f) are not considered applicable here. The local planning authority cannot be satisfied that the proposal meets any of the criteria in DM30. On the basis of the above the principle of the proposal is not acceptable.

### *Planning history*

28. Planning history is a material consideration. Whilst planning permission DC/17/2406/FUL - Change of use of Saxon House from office (B1) to dental clinic (D1) is extant, this permission is limited to a 'personal' use by Community Dental Services for special dentistry care, to restrict the extent of the permission and enable the Local Planning Authority to keep the site under review having regard to the exceptional circumstances in which permission has been granted.

29. The circumstances were special insofar as Community Dental Services (CDS) are different from most High Street dentists. They are mostly a 'referral' dental service providing specialist care and expertise to vulnerable patients. Whilst there was some conflict with criteria set out in policy DM30, the proposal was considered to comply with policy DM41 due to the specialist nature of care. The case was also made that patients will only be seen on appointment, most patients will arrive by car/ organised transport and so there was a justification for reduced parking provision in this case. Given there was no harm to highways safety and parking provision, in the planning balance the conflict with policy DM30 was outweighed by the benefits of the scheme.

30. This current application has been submitted on the basis to better utilise the building and provide a permanent base for both CDS and Suffolk Community Healthcare (SCH) following the closure of Blomfield House in late 2017.

#### *Accessibility*

31. This current proposal is not an exceptional case. SCH provide a range of NHS community services for a relatively wide geographical area. Paragraph 4.1.4 of the Planning Statement states that the proposal will help to diversify the employment base of Suffolk Business Park whilst providing an existing community facility ..... local to residents of Moreton Hall” and for this reason they state the proposals “gain support from the policy [DM41]”. Clearly the proposed community healthcare facilities are intended for a geographically far wider area than that of Moreton Hall.

32. Such community services should be located where people can benefit from good public transport and/ or walking access and from linked trips, and not located on employment areas that most members of the community requiring the services would find difficult to access.

33. Policy CS7 states (inter alia) ‘*All proposals for development will be required to provide for travel by a range of means of transport other than the private car in accordance with the following hierarchy:*

- *Walking*
- *Cycling*
- *Public Transport (including taxis)*
- *Commercial vehicles*
- *Cars*

*New commercial development, including leisure uses and visitor attractions, which generate significant demands for travel, should be located in areas well served by a variety of transport modes...’*

34. Consideration of CS7 in the Planning Statement concludes that the site is “therefore well located in terms of sustainable transport”. This is not the case – the location is too distant from the bus stops in Bedingfield Way (650m) to encourage the use of buses (SCC guidance on walking distance from home to bus stops is 400m); walking is only going to be an option for an extremely small number of residents on Moreton Hall.

#### *Highways matters*

35. Policy DM46 seeks ‘*to reduce over-reliance on the car and to promote more sustainable forms of transport. All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.*

*In the town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of car parking may be sought in all new development proposals...’*

36. Suffolk County Council as Highways Authority object to the proposal on the basis that the previous permission with an already reduced parking provision was only acceptable due to the special circumstances and justification. The existing parking spaces therefore are allocated to the ground floor specialist dental practice.
37. This application proposes 5 additional spaces for the 1st floor Community Healthcare provision. The Suffolk Guidance for Parking (SGP) recommends medical centres provide 1 car parking space per staff member (FTE) and 4 spaces per consulting room. The proposed 12 staff members and 5 treatment rooms would therefore require 32 parking spaces. This level of parking takes into account patient arrival, waiting and leaving time.
38. Based on the information supplied and guidance given in the Suffolk Guidance for Parking (SGP) there is a severe under-allocation of on-site parking. This can lead to inappropriate on-street parking which can often be part or fully on the footway causing an obstruction to other road users and a danger to pedestrians.
39. The Highways Authority further note that the proposed additional parking spaces reduces the available manoeuvring space for the existing parking spaces 5 to 12 from the required 6.0m to 4.0m. 4.0m is considered insufficient for safe reversing and turning of cars and would render spaces 5 to 12 inaccessible.
40. Additionally, space 32 reduces the access width to 3.0m throughout, removing the small wider passing place which would allow vehicles entering the site a passing place when encountering vehicles leaving the site. Without this passing space the access would be too narrow to be acceptable for a shared use access.
41. The Highways Authority further queries drawing SAH-MAR-XX-00-DR-A-0150 Rev 2 which shows one treatment as a 'group therapy' room where it can be assumed multiple patients will be on-site at the same time. The transport statement shows 4-5 clinics only with a daily morning and afternoon patient number.
42. The proposed use introduces pedestrians, cyclists but predominantly motorists visiting the premises throughout the day. Whilst the volume of traffic is not itself a problem, parking clearly will be. In this location away from other community/ service/ retail uses where linked trips might take place, and away from any public car parks, the provision of sufficient on-site parking is vital. This area is very congested during weekday working hours with parking on the street and partly on footpaths. This level of new, public parking, would exacerbate this. The proposal therefore fails to comply with policy DM46 and would have an adverse effect on highway safety, contrary to policy DM2 (I) and policies in the NPPF.

#### *Other matters*

43. In addition to the policy position set-out above, authorities and agencies are working on proposals to co-locate public/community uses through the One Public Estate Programme. An example of this is the Mildenhall Hub. There is an adopted Western Way masterplan that provides for the relocation of health and other public services to Western Way under this

programme. Clearly this will take a few years to deliver, but there is no mention of forward planning in the application supporting statement.

### **Conclusion:**

44. The proposal is contrary to policy DM30 and as such is not acceptable as a matter of principle. Whilst there appear to be no suitable alternative premises available at present in a more sustainable location, there are no material considerations to indicate that the application should be determined other than in accordance with the development plan. Whilst the proposal would generate a considerable number of traffic movements, the application site is not well accessible by foot and/or well served by public transport and suitable for linked trips. As such the proposals are contrary to policy CS7. Additionally, the proposal would be harmful to highway safety due to severe under-allocation of on-site parking and a too narrow access for shared use. Accordingly the application is recommended for refusal.

### **Recommendation:**

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

1. The proposal would have an adverse effect because of the loss of designated employment land/premises, and may fetter the activities of neighbouring employment uses through the introduction of traffic movements and insufficient on-site parking. The relevant criteria a) and b) of policy DM30 have not been met. As such the proposal is contrary to policy DM30.

The provision of the service, the need for suitable premises and unavailability of alternative, more sustainable located sites are factors which weigh in favour of the proposal. However, the policy conflict and harm identified above together with the inaccessible location and adverse effect on highway safety significantly and demonstrably outweigh the benefits of the proposal.

2. The proposed community healthcare facilities are intended for a geographically wider area than within walking distance. The site does not benefit from good public transport and/or walking access nor would it benefit from possible linked trips. The proposal therefore fails to comply with policy CS7, which seeks to reduce the need for travel through spatial planning and design, and one of the core principles of the NPPF, which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
3. The proposal includes 5 additional parking spaces where in accordance with the Suffolk Parking Guidance 32 parking spaces would be required for the 12 staff members and 5 treatment rooms. There would therefore be a severe under-allocation of on-site parking. This can lead to inappropriate on-street parking which can often be part or fully on the footway causing an obstruction to other road users and a danger to pedestrians.





DC/18/0721/FUL

Saxon House

7 Hillside Road

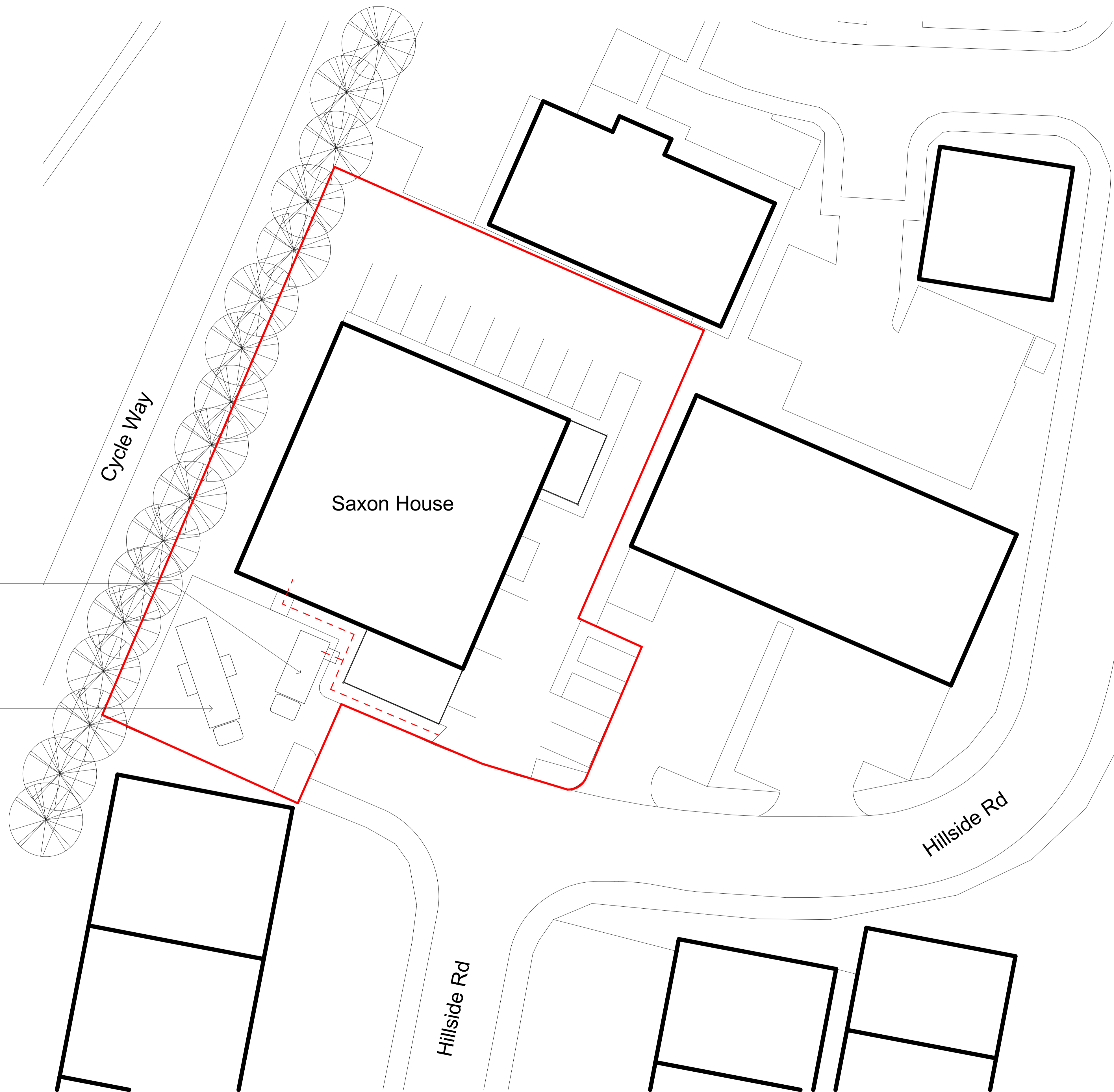
Bury St Edmunds

IP32 7EA



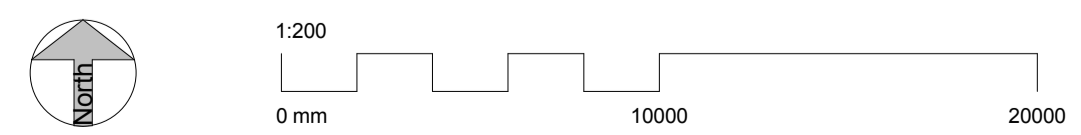
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- Notes
1. Do not scale from this drawing.
  2. All dimensions and levels are to be checked and confirmed on site.
  3. Any discrepancies must be reported to the C.A. immediately.
  4. This drawing is to be read in conjunction with the engineers and all specialist documents and drawings.
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--- Wheelchair Access



Rev	Date	Description	Drawn
<b>Planning</b>			
SCALE [A1]	DRAWN	DATE	CHECKED
1 : 200	RS	01/09/17	NB
DRAWING			
Temporary Surgery Plan			
PROJECT			
Saxon House, Bury St Edmunds			
<b>martindales</b>			
<small>martindales architects ltd,          1a oakington business park          oakington          cambridge          cb24 3dq          t: 01223 202040          w: www.martindalesarchitects.com</small>			
PROJECT		REV	
3293			
DRAWING			
SAH-MAR-XX-00-DR-A-0122			

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/029

## Development Control Committee 6 September 2018

### Planning Application DC/18/0863/FUL – 19 Hillside Road, Bury St Edmunds

<b>Date Registered:</b>	22.05.2018	<b>Expiry Date:</b>	17.07.2018
<b>Case Officer:</b>	James Claxton	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Bury St Edmunds	<b>Ward:</b>	Moreton Hall
<b>Proposal:</b>	Planning Application - Change of use from B1/B8 Business/Storage and Distribution to D2 Assembly and Leisure - Personal training and Martial arts unit		
<b>Site:</b>	19 Hillside Road, Bury St Edmunds, , Suffolk		
<b>Applicant:</b>	Mr Norm Willis		

#### **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:

James Claxton

Email: James.Claxton@westsuffolk.gov.uk

Telephone: 01284 757382

**Background:**

**The application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel at the request of Ward Councillor Peter Thompson (Moreton Hall).**

**Proposal:**

1. The proposal is for the change of use from B1/B8 Business/Storage and Distribution to D2 Assembly and Leisure - Personal training and Martial arts unit.

**Application Supporting Material:**

- Application form
- Parking plan
- Location plan
- Planning statement

**Site Details:**

2. The site consists of a single storey commercial unit with a floor space of approximately 111m<sup>2</sup>, with three car parking spaces associated with its use.

**Planning History:**

3. None relevant

**Consultations:**

4. Highways – No objections

Public health and Housing - No objections

Town Council – Neither Supports or objects the proposal.

Ward Member – Cllr Beckwith in support of application – classes will operate after 7pm when more parking available. Having a unit in use after normal working hours will bring security benefits to other units as they are quite distant from the main thoroughfare's of the estate

**Representations:**

5. Unit 4 Hillside Business park - Support

**Policy:**

6. The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

**Joint Development Management Policies Document:**

DM1 – Presumption in favour of Sustainable Development

DM2 – Development Principles  
DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DM35 – Proposal for main town centre uses.  
DM43 – Leisure and Cultural Facilities  
DM46 – Parking Standards

### **St Edmundsbury Core Strategy December 2010**

CS2 – Sustainable Development  
CS9 – Employment and the Local Economy

#### **Other Planning Policy:**

7. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM1, DM2, DM30, DM35, DM43, DM46, CS2, and CS9, and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy.
8. Policies DM1 and CS2 seek to deliver sustainable development and has a presumption in favour of that, the NPPF sets out in paragraph 10 that at the heart of that frameworks is the presumption in favour of Sustainable Development, therefore it is considered that policies DM1 and CS2 accord with the NPPF and can be afforded full weight.
9. Policy DM2 provides development principles to create places that respect local distinctiveness recognising and addressing the key features and characteristics of an area. Section 12 of the NPPF details advice on how to achieve well-designed places, with paragraph 127 subsection a) specifically identifying the need to ensure that planning policies secure development that *"...will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development"*. It is therefore considered that policy DM2 accords with the NPPF and can be afforded full weight.
10. Paragraph 80 of the revised NPPF, indicates that policies and decisions should help create conditions in which business can invest, expand and adapt, with significant weight being attached to the need to support economic growth and productivity. Noting the support offered within Policy DM30 to ensure wherever possible the protection of employment land unless otherwise shown to justified, officers are satisfied that there is no material conflict between Policy DM30 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM30.
11. DM35 requires proposals for main town centre uses (including D2 uses) that are not in a defined centre and not in accordance with an up to date Local

Plan must apply a sequential approach in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge of centre locations. In the NPPF paragraph 85, specifically subsection b requires planning policies to *"...define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre"*. Additionally paragraph 86 states *"...Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered"*. There is a strong and clear accordance between DM35 and paragraphs 85 and 86 of the NPPF and therefore it is considered that DM35 can be afforded full weight in the decision making process.

12. DM43 seeks to deliver proposals for leisure and cultural facilities that are well connected to existing facilities or settlements in sustainable locations, which would not negatively impact on character of the local area, and would provide parking access to appropriate standards. There is no one paragraph within the NPPF which specifically tackles the same issue, however support is provided for the approach of this policy via several paragraphs within the framework. Paragraph 80 of the revised NPPF, indicates that policies and decisions should help create conditions in which business can invest, expand and adapt, with significant weight being attached to the need to support economic growth and productivity. Paragraph 127 subsection a) specifically identifying the need to ensure that planning policies secure development that *"...will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development"*. Paragraph 102 requires transport issues to be considered from the earliest stages, specifically stating in subsection c) that *"...opportunities to promote walking, cycling and public transport use are identified and pursued"*. Considering the cumulative requirements of each of those paragraphs policy DM43 can be reasonably afforded full weight in the decision making process as it also seeks to deliver proposal that are of the same standard.
13. Paragraph 105 of the NPPF allows local parking standards to be set, taking into account, inter alia, the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; and levels of local car ownership. The local parking standards adopted in West Suffolk reflect bespoke consideration by the Highway Authority of these matters, and officers remain of the opinion that the provisions of DM46 remain material, are otherwise aligned with the provisions of the NPPF, and that full weight can therefore be given to DM46 in consideration of this matter. As a consequence it is also considered that full weight can be given the provisions of criterion L of Policy DM2, noting the provisions of Para. 108 of the NPPF that seeks to ensure that safe and suitable access to sites can be achieved.
14. Policy CS9 sets out the requirements for the provision of employment and local economies, requiring all employment proposals to meet the criteria set out in CS2 which as detailed in this report is considered to fully accord with the NPPF. Section 6 of the NPPF sets out its approach to building a strong

and competitive economy, and paragraph 81 provides a framework around which those policies should be based. Subsections A and B require respectively policies to “..set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration” and “...set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period”. CS9 achieves both of those requirements through identifying areas within which to direct the expansion of local economies within the borough using the settlement hierarchy, and by requiring development to meet local needs. In addition paragraph 82 of the NPPF requires “...Planning policies and decisions should recognise and address the specific locational requirements of different sectors” which CS9 also achieves through identifying locations and by referring to local needs. It is considered that the cumulative requirements of those paragraphs identified in the NPPF are represented by CS9 and therefore that policy can be afforded full weight in the decision making process.

### **Officer Comment:**

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

- Principle of Development – Change of use
- Highways safety

### **Principle of Development – Change of use**

16.The application proposal is for the change of use of an existing commercial building. Policy DM35 identifies several uses that are classed as main town centre uses, of which subsection iv specifically details (inter alia) leisure, culture and D2 uses. The use accords with the thrust of policy DM35; arts, culture, sport and recreation, however whether this is of a value that is inherent to the vitality of the main town centre is limited.

17.DM35 also requires that proposals for main town centre uses that are not in a defined centre and not in accordance with an up to date Local Plan must apply a sequential approach in selecting the site demonstrating that there are no suitable, viable and available sites in defined centres or edge of centre locations. Whilst it was confirmed by the applicant that searches for alternative properties has been completed, no evidence detailing those searches has been provided. Without this information the proposal creates a clear and significant conflict with DM35 and the Local Plan which seek to ensure delivery of development in appropriate locations.

18.Policy DM2 seeks to secure a well designed public realm creating a place where people want to live and work. The relevant sub-sections *h* and *l* have been included below.

*h - not site sensitive development where its users would be significantly and adversely affected by noise, smell, vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented.*

*l - produce designs, in accordance with standards, that maintain or enhance the safety of the highway network*

The proposed change of use and associated works to facilitate this change are not deemed to accord with the thrust of policy DM2. The proposal does not accord with sub-section *h* because it would introduce a personal training and martial arts unit onto a site which is currently being used predominately for B1 and B8 uses. By virtue of the nature of the surrounding businesses, constant access would be required on site to varying types of traffic.

19. Currently to the east of the site is a commercial car repair centre, and associated with these works would be levels of noise, smell, and vibration. The nature of these characteristics could affect the proposed use, through vibration and to an extent smell and noise. Smells associated with vehicle repair could be for example fumes from the storage and use of fuel and oil, fumes produced from welding, and vehicle fumes emitted from running engines.
20. Whilst there are negative impacts created by the existing businesses on the running of the personal training and martial arts unit, consideration must also be given to the negative impacts created by the personal training and martial arts unit onto the existing businesses; those being the limitations it may create on the operation of those existing businesses, for example limiting the scope of existing works which can be carried out on site, because of the effects of vibration, noise, and smell, on the personal training and martial arts unit. This could prejudice the economic viability and competitiveness of those existing established businesses. Similarly those environmental factors may impact on the viability of the personal training and martial arts unit. This would not accord with the thrust of the NPPF in terms of supporting economic growth.
21. Policy BV14 which details the approach to general employment areas, requires (inter alia) that development at Suffolk Business Park comprises of the following uses, a) light industrial, research and office use; b) units for new and small firms involved in high technology and related activities. This would be permitted providing that parking, access, travel and general environmental considerations can be met. As such the change of use to a D2 use would not accord with this policy.
22. Policy DM30 seeks to secure proposals that are positive in terms of creating appropriate Employment uses and protection of Employment land and existing businesses. The policy seeks to ensure this via the submission of appropriate evidence that demonstrates that there is a suitable supply of alternative sites, and that genuine attempts have been made to sell or let the site in its current use and that evidence can be provided of this. In addition the policy seeks to secure proposals that would mitigate existing uses where they create over riding environmental problems that can be addressed through a change of use. No detail has been provided regarding the extent of the attempts made to find alternative sites. Because no specific detail has been provided regarding the marketing of the unit, and a lack of interest or uptake for its current permitted use, the proposal cannot satisfactorily demonstrate that criterion b) of joint management policy DM30 has been complied with. Therefore the change of use for this unit could not be considered appropriate, and would not accord with policy DM30 which seeks to ensure that the Local Authority is able to achieve its employment objectives.



23. Furthermore policy DM35 requires proposals for main town centre uses, which includes D2 uses, to apply a sequential test in site selection. The applicants have not submitted sufficient evidence to support this use outside of the town centre.
24. In terms of planning balance, weighing the number of jobs supported by the proposal against the impacts of that change of use and the possible resulting prejudice against existing businesses and the jobs that they support, it is not considered that the creation of those new jobs would outweigh the risks to the existing. As such whilst the creation of new jobs could accord with parts of policy DM30, the level to which it does not accord with the policy would outweigh those positives.
25. It is reasonable to conclude that the proposed mix of uses on site would result in adverse effects being imposed on both the existing uses and the proposed, and as such it is considered that the proposal does not accord with the NPPF and policies DM2 and DM30 of the Joint Management policies. Furthermore it would not accord with the Core Strategy Spatial Objective Eco 6 which seeks to secure Sustainable Development in line with the requirements of DM2, delivering employment and supporting the local economy.

### **Highways safety**

26. The highways consultation received 20<sup>th</sup> June 2018 requested confirmation of the floor area for the unit to enable the calculation of required parking spaces. Further information was provided by the applicant detailing the floor space and details of the timings for the use of the unit. The highways authority confirmed in their response on the 11<sup>th</sup> July 2018 that they had no objections to the proposal.
27. However it is the case officer's professional judgement that parking standards cannot be achieved, nor can an appropriate control be achieved through the planning system to ensure that there would be no significant harm to highway safety in the future. The unit in this location has an allocation of 3 parking spaces, adopted parking guidance details specifically for D2 gym uses the need for 1 car parking space per 10 sqm of public space, and 10 cycle stands plus 1 additional cycle space per 10 vehicle spaces. The unit is approximately 111sqms, and would therefore require as a minimum approximately 11 car parking spaces, and approximately 10 cycle stands and an additional cycle space, which the site is not physically able to deliver.
28. From the planning officer's site visit it was apparent that for each unit there is an allocation of approximately three parking spaces, and that cars were parked along the edge of the existing highway, and on the ends of those three parking spaces.
29. It is noted that the additional information provided by the applicant details that during working hours the use would involve one-on-one sessions with clients, which could work with the current provision of three parking spaces. However there are no appropriate controls that could effectively limit the use to those parameters. Where local and national policy require that businesses are not unduly restricted, any conditions imposed would conflict with that requirement and in addition would fail the tests for

conditions as set out in the National Planning Practice Guidance (particularly in terms of enforceability).

30. Outside of main business hours evening classes are proposed; Monday – Thursday, 19:00-22:00; Friday, 18:00-20:00. However, the level of parking available for use with the unit would not increase. Whilst in the evening parking spaces associated with other units may be available for use, there is no formal agreement of this and the long term delivery of this is not guaranteed. This would not accord with policy DM46 which requires the proposal to provide adequate levels of parking, whilst also reducing over-reliance on the car and promoting sustainable forms of transport. As such it is deemed that the proposal does not accord with the requirements of policy DM46.

### **Conclusion:**

31. The proposed change of use would be contrary to local and national policy, creating potential restrictions on the viability of neighbouring businesses. Furthermore it is reasonable to suggest that those existing businesses would also create potential restrictions on the proposed use, which overall would not create a strong and stable local economy. This in conjunction with the case officer's assessment of the lack of parking available on site, would on balance create significant detrimental impacts which could not be overcome with additional information, and is therefore recommended for refusal.

### **Recommendation:**

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

1. The introduction of a D2 use onto a site which is currently being used for a mix of industrial and commercial uses is reasonably anticipated to create negative impacts to those businesses. This is due to the nature of works associated with the existing nearby uses which create a level of noise, smell, and vibration which might reasonably impact negatively and materially on the proposed use. Furthermore, consideration must also be given to the negative impacts created by the proposed use on the existing businesses. Limitations may consequentially be enforced on the operation of those existing businesses, potentially limiting the scope of operations which can be carried out on site due to the effects on the D2 use. This could prejudice the economic viability and competitiveness of those existing established businesses. Furthermore no specific or robust evidence has been provided that confirms a lack of alternative sites are available, or any marketing evidence that demonstrates that the current employment use of the unit is not viable, thereby demonstrating a failure to comply with Policies DM35 and DM30 respectively. This proposal would not accord with the thrust of the NPPF which seeks to support economic growth, nor with locally adopted policies CS2, CS9, DM2, DM30, and DM35.
2. The lack of parking, which does not meet highways standards, would be detrimental to highway safety. This is because it would encourage ad-hoc parking in the vicinity of the site, which may in turn restrict access required by other users and emergency vehicles. This in addition to the lack of cycle storage is likely to discourage users from accessing the site as a pedestrian or cyclist. The proposal would not therefore accord with

policy DM46 which seeks to reduce the over-reliance on the car and promote sustainable forms of transport, nor with the provisions of the NPPF which require a safe and secure access to be provided. Furthermore all proposals including changes of use are required to provide appropriately designed and sited car and cycle parking. The proposal therefore fails to accord with policy DM46 and the provisions of the NPPF.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0863/FUL](#)

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P8EBLYPDG4L00>

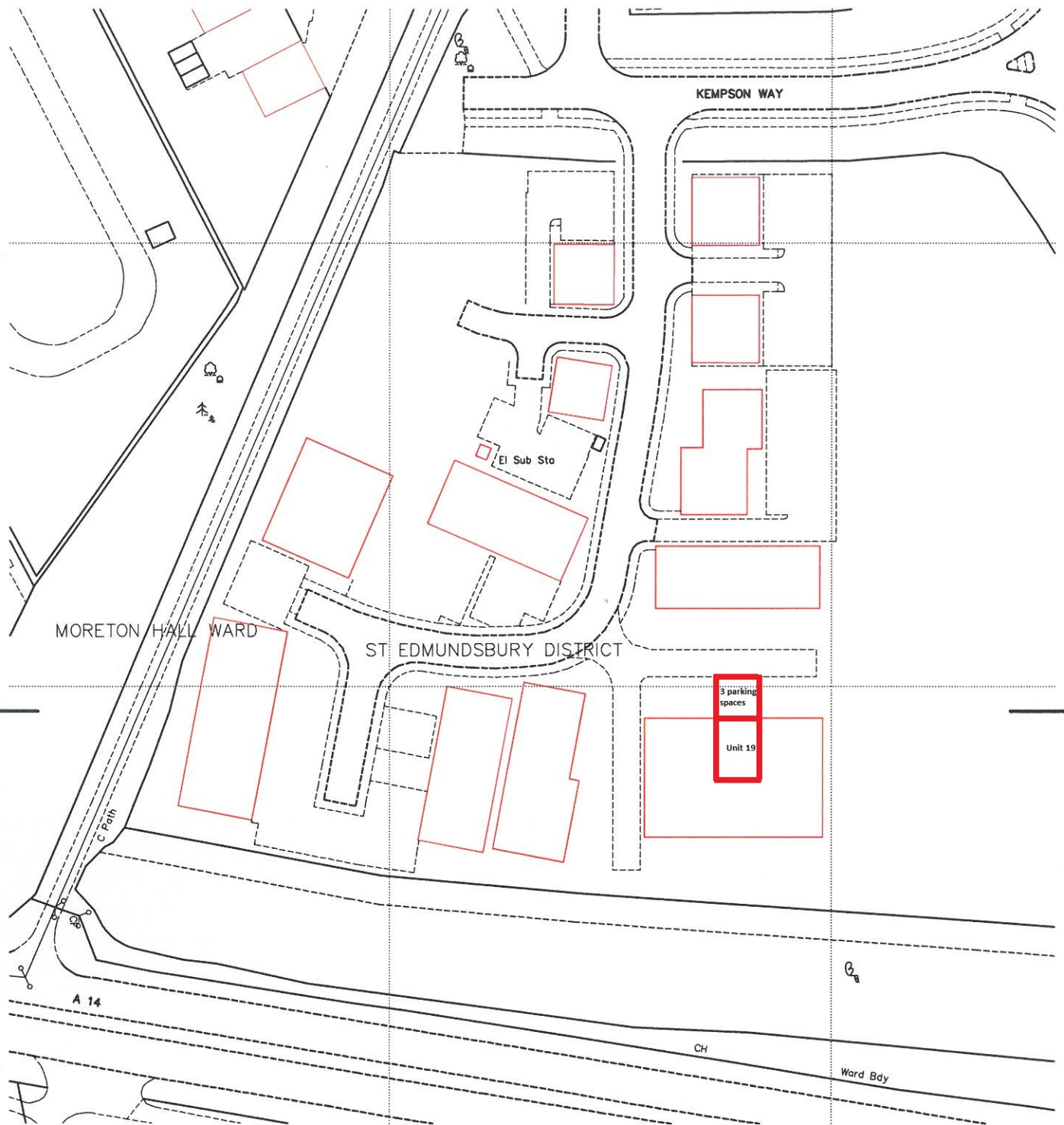
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DC/18/0863/FUL  
19 Hillside Road  
Bury St Edmunds  
IP32 7EA



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Urban Tile: TL8763NE

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1:1250 10/03/05 MSC		OS1 10/03/05 MSC		3276 10/03/05 MSC	
<b>Site Location Plan (inc. proposed units)</b>					
<b>Softlok Business Park Phase III</b>					
<b>Dencora 2000 Ltd</b>					
<b>Chaplin Farrant Limited</b>					
<small>           11 Kempston Road            Norwich NR4 0JF            Tel: 01603 70000            Fax: 01603 70000            Email: info@chaplinfo.com            www.chaplinfo.com         </small>					
<small>           Author: [ ]            Designer: [ ]            Checker: [ ]            Date: [ ]         </small>					

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/030

## Development Control Committee 6 September 2018

### Planning Application DC/18/0829/OUT – Land Adjacent to the Old Parsonage, The Street, Fornham St Martin

<b>Date Registered:</b>	09.05.2018	<b>Expiry Date:</b>	26.07.2018
<b>Case Officer:</b>	James Claxton	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Fornham St. Martin Cum St. Genevieve	<b>Ward:</b>	Fornham
<b>Proposal:</b>	Outline Planning Application (Means of Access to be considered)- 1no dwelling		
<b>Site:</b>	Land Adjacent To The Old Parsonage, The Street, Fornham St Martin		
<b>Applicant:</b>	Mr & Mrs Shea		

#### 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:

James Claxton  
Email: James.Claxton@westsuffolk.gov.uk  
Telephone: 01284 757382

## **Background:**

**The application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel because the Parish Council do not object, contrary to the Officer recommendation of REFUSAL.**

## **Proposal:**

1. Outline permission is sought for the erection of a single dwelling. The means of access is to be considered, which is to be created by removing a section of an existing brick wall. All other matters are reserved, and any other information submitted is indicative only and not capable of being taken into account at this stage, except to otherwise indicate how it might be possible to develop the site.

## **Application Supporting Material:**

Information submitted with the application as follows

- Location Plan
- Design and Access Statement
- Planning Statement

## **Site Details:**

2. The site is located to the south east of the Old Parsonage, Fornham St Martin, and consists of its domestic garden which is located outside of the settlement boundary for Fornham St Martin and for planning proposes is recognised as countryside. To the east of the site is the road known as "The Street" with dwellings located to the east of that, approximately 30 metres from the site. To the south of the site are additional dwellings at a distance of approximately 80 metres.

## **Planning History:**

3. No other relevant planning history

## **Consultations:**

4. Environment Team No objections
5. Heritage No objections

The proposed development is located outside a conservation but sited opposite a listed building. The works will also involve the partial demolition of an historic wall to create a new access. The wall is not listed or located within a conservation area and the works are relatively minor retaining the majority of the long stretch of wall. Whilst sited opposite a listed building the development is set well into the site and will not affect the setting of the listed building the immediate vicinity of which will remain unchanged.

6. Highways No objections, recommend conditions.
7. Parish Council No objections
8. Public Health and Housing No objections, recommend conditions.

## **Representations:**

9. None received.

**Policy:** The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

### **Joint Development Management Policies Document:**

DM1 Presumption in Favour of Sustainable Development.  
DM2 Creating Places – Development Principles and Local Distinctiveness  
DM5: Development in the Countryside  
DM13 Landscape Features  
DM22 Residential Design  
DM27: Housing in the Countryside

### **St Edmundsbury Core Strategy December 2010**

Policy CS2 (Sustainable Development)  
Policy CS3 (Design and Local Distinctiveness)  
Policy CS4 (Settlement Hierarchy and Identity)  
Policy CS13 (Rural Areas)

### **Other Planning Policy:**

National Planning Policy Framework (2018)

### **Other Planning Policy:**

10. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM1, DM2, DM5, DM13, DM22, DM27, CS2, CS3, CS4 and CS13, and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy.
11. Policies DM1 and CS2 seek to deliver sustainable development and has a presumption in favour of that, the NPPF sets out in paragraph 10 that at the heart of that frameworks is the presumption in favour of Sustainable Development, therefore it is considered that policies DM1 and CS2 accord with the NPPF and can be afforded full weight.

12. Policies DM2 and CS3 provides development principles to create places that respect local distinctiveness recognising and addressing the key features and characteristics of an area. DM22 reiterates that approach seeking to secure proposals that maintain or create a sense of place and or character. Section 12 of the NPPF details advice on how to achieve well-designed places, with paragraph 127 subsection c) specifically identifying the need to ensure that planning policies secure development that is "...*sympathetic to local character and history, including the surrounding built environment and landscape setting...*". DM13 details considerations on Landscape features and avoiding unacceptable adverse impacts on character which is considered to accord with paragraph 127 as detailed in this section. It is therefore considered that policies DM2 and DM22 accord with the NPPF and can be afforded full weight.

13. Policy DM5 assesses development in the countryside and seeks to protect areas designated as countryside from unsustainable development, providing possible exceptions where the proposal is directly related to agriculture or forestry uses, is for affordable housing, or related to equine activities. Policy DM27 allows dwellings in the countryside where they can be achieved following specific characteristics for example within close knit clusters of ten or more dwellings, or where the scale of the development would consist of infilling a small undeveloped plot. Policy CS4 sets out the settlement Hierarchy for the Borough which provides a framework on which DM5 and DM27 are assessed against by identifying where areas designated as countryside are. Policy CS13 reiterates that approach by providing further control over development that is outside of those settlements as identified by CS4. Paragraph 79 of the NPPF details that "...*planning policies and decisions should avoid the development of isolated homes in the countryside...*" providing circumstances where for example dwellings that are for rural workers, or reuse existing heritage assets or redundant buildings, may be considered acceptable. Therefore it is considered that policies DM5, DM27, and CS4 can be afforded full weight as they accord with that paragraph of the NPPF which seeks to deliver rural housing where there is a proven and exceptional need for it, where it does not create isolated dwellings, and avoids delivering it in locations that undermine the character and distinctiveness of the rural scene.

**Officer Comment:**

15. The issues to be considered in the determination of the application are:
- Principle of Development
  - Settlement Hierarchy and Sustainable development
  - Impact on Character
  - Highway safety
  - Residential Amenity
  - Other Matters
  - Parish Council's response.

Principle of Development

16. As confirmed in the planning statement submitted with the application decisions on planning applications are required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to be made in accordance with

development plans unless there are material considerations that indicate otherwise.

17. Fornham St Martin is identified in the St Edmundsbury Core Strategy as an infill village, which is characterised by only having a limited range of services. In these villages, only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted.
18. Reference is made to a previously granted application (reference DC/17/1628/OUT), suggesting that if that site was considered as infill, then this application should be determined in the same manner. It is well established that individual planning applications are not material considerations in the determination of other applications, and that each should be judged on its individual merits.
19. It is also reasonable to consider that this presented argument fails to understand the aim of the policy, which is to allow modest development to support rural economies, within a location that meets a very specific set of criteria where harm would otherwise be limited, but which also restricts sprawl on the edges of those settlements that might otherwise harm the character and landscape or an area or result in a proliferation otherwise of locationally unsustainable development.
20. The National Planning Policy Framework (NPPF) does not define or limit the meaning of the term 'isolated' and neither do adopted planning documents. Using the definition provided by the Oxford English Dictionary as guidance, isolated is defined as: "Placed or standing apart or alone; detached or separate from other things or persons; unconnected with anything else; solitary." However paragraph 79 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. This does not merely relate to the existence or absence of nearby dwellings, but must also be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. This approach is reiterated in Policy CS4 of the Bury St Edmunds Core Strategy (CS).
21. The Council's settlement strategy derives from a detailed understanding of the character of the Borough and the requirement to accommodate growth sustainably. The local policy framework seeking to deliver that strategy has been subject to a rigorous process of evidence gathering, consultation, and examination. It accords with the basic principles of the NPPF, which seeks to secure sustainable development and reduce the need to travel. The principle of development in this case would not accord to the pattern of settlement established in the CS.
22. Paragraph 79 advises that, to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 8 of the Framework sets out the three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development. Policy DM1 follows the thrust of this requirement for sustainability recommending that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

23. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land for the period 2017 – 2022, plus necessary buffer, as detailed in the council's report "Assessment of a five year supply of housing land taking a baseline date of 31 March 2017". The relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development plan.
24. Policies DM1 and RV1 set out the presumption in favour of sustainable development required by all local plans, which the NPPF applies to housing proposals. Sustainable development is the 'golden thread' that runs throughout plan making and decision taking and this 'presumption in favour of sustainable development' is embedded in paragraph 11 of the NPPF, and which applies in two scenarios. Firstly, if the proposal accords with the policies of the development plan support should be given for the proposed development, unless material considerations otherwise indicate development should be refused. Secondly, and on the other hand, this presumption in favour of sustainable development also applies if the development plan is absent, silent, or relevant policies are out of date, in which case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Officers advise that the Development Plan is not silent in this regard and that, as advised, the Council has a sufficient five year housing land supply. On this basis the presumption in favour of sustainable development as set out in the NPPF does not apply.
25. Policy DM2 sets out the principles of development that all proposals should have regard to, and seeks to reinforce place and local distinctiveness as a central tenet in decision making within the Borough. Development should recognise and address the key features, characteristics, landscape character and special qualities of the area, and maintain or enhance the sense of place that these features create, taking advantage of opportunities to restore such features where they have been eroded.
26. The application site is located in designated countryside. Policy CS4 identifies these areas as unsustainable due to the reliance on motor cars to access shops, other facilities or employment. However there is an argument in favour of development for this site as it is serviced by formal footpaths that provide access to public bus services and other services beyond, including within Bury St Edmunds.
27. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside along with the criteria proposals will need to meet and those policies that set out further criteria depending on the type of development. In this instance, policy DM27 sets out those additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are *within* a closely knit cluster, and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semi detached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.
28. The proposal is not within a cluster, and even in its loosest interpretation could not be justified to fall within the definition of closely knit development. It is located on the prevailing edge of a spur created by the host dwelling that juts out from block of existing development with no built development

adjacent to its south east and western boundary. To the south west of the site is an individual stables at a distance of approximately 40 metres. On the opposite side of The Street is a pocket of five dwellings that are located within a separate settlement boundary for Fornham St Martin that extends south. This boundary and the one that the site is located next to create a large open area within which the stable is located. Whilst it is recognised that this space is not afforded protection from national or local level provisions, it is considered that this space forms a significantly import visual gap in the form of development along The Street.

29. Development in this location would erode patterns of development between settlements, and extrude into the countryside. There are appeals on the interpretation of DM27, and in the dismissed appeal referenced APP/E3525/W/17/3177272 the pattern of development was addressed and considered to not accord with the requirements of DM27 for close knit development. In addition it detailed the harm that would arise from the intensification and consolidation of built form, identifying that the development would be highly visible from the street scene due in part to the removal of part of the hedgerow to facilitate the new access. This would have an urbanising effect on the rural character of the area. It is reasonable to consider that the harm for this proposal would be similar because of the open aspect of the adjacent field and the fact that any development would increase the level of pressure for the removal of existing hedgerows. Whilst the location of this proposal and the appeal site reference ending 3177272 are not designated in terms of landscape value, either at national or local levels, the inspector confirms that the proposed development would clearly erode the rural character of the area.
31. This proposal does not comply with policies DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements and clusters. Whilst there is an element of positive weight afforded to the proposal in that it provides access to public services and it would provide an element of positive weight to the vitality of the provision of those services which is in line with CS4, CS13, whether assessed individually or cumulatively, this weight is not considered too outweigh the significant conflict that the proposal creates with DM5 or DM27.
32. There is, consequently, an unequivocal policy conflict and this failure to meet the provisions of the Development Plan indicate that significant weight should be attached to this conflict against the scheme as a matter of principle. Any harm, including matters of detail, as shall be set out below, must indicate refusal, in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
33. The aim of the adopted policies is not to stop all development, but to allow modest development to support rural economies, restricting sprawl on the edges of settlements that might harm landscapes and result in undesirable development.
34. As stated, the Local Authority has a demonstrable five year housing land supply and relevant policies for the supply of housing are considered up to date. On this basis, the presumption as set out within paragraph 11 of the NPPF does not apply and development should be considered in accordance with the Development Plan. Furthermore there are no material considerations that would outweigh that conflict, and the Local Planning

Authority is under no additional pressure to release land that does not accord with adopted plans and policies.

35. The proposal represents an inappropriate and unsustainable development in the countryside. It would erode the character of the settlement and result in ribbon development, with the associated harm that arises from those forms of development. The development fails to accord with policies DM2, DM25, DM27, CS2, CS4 and CS13 and paragraphs 11, 20, and 122 of the NPPF.

### **Impact on Character**

36. Policy CS3 of the Core Strategy requires new development to create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address an understanding of the local context and demonstrate how it would enhance an area. This requirement is detailed further in Policy DM13 (Landscape Features) which states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value.
37. Arguments that the proposal might otherwise be acceptable since it is located near to existing built development could be applied to many cases and could result in significant unplanned and incremental expansion of rural settlements. There is vegetation which may provide a degree of screening to the proposal, however to create an access a clear break in the wall within the street scene is required and however extensive the existing vegetation views into and through the site will always likely be available.
38. In any event, the proposal will have an intrinsic adverse effect upon the character of the area by intruding into this otherwise open countryside setting, to the detriment of the character and appearance of the area, and would have an unwelcome urbanising effect on public views of the locality. This would be the case regardless of the scale or specific position of this dwelling on this site.
39. The proposal would therefore create a significant level of visual intrusion in this rural location, spreading beyond those boundaries enshrined in policy, creating a significant impact so as to cause material harm to the surrounding landscape character, and which would not accord with policies CS3 and DM13, nor with Policies DM2 or DM22.

### **Highway safety**

40. The consultation response for the highways department details no objections to the proposal and makes recommendations for conditions to ensure the proposed access is created to the relevant standards.

### **Residential Amenity**

41. It is reasonable to consider that by virtue of the location of the site, and as scale is a reserved matter, a dwelling on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity, so as to accord with relevant development management policies.



## Conclusion.

42. Some positive weight could be afforded to the proposal due to the location of the proposal in relation to existing development, public services, and the limited amenity impacts this would create, with mitigation afforded through reserved matters. However this is significantly outweighed by the level of conflict with the development plan as a whole, and the supporting Joint Development Management Policies.
43. As stated by the NPPF unsustainable development should be avoided, unless other material considerations in the planning balance equalise the overall principle of proposals. Development within Fornham St Martin could be classed as sustainable, if it accorded with adopted policy then there is opportunity in the balance of considerations for development at this location to be approved. However in this instance the proposal does not accord with any of the adopted policies, and these factors weigh significantly against the proposal.
44. Therefore, and considering that consistency of decision making for applications is key for developers, the Local Authority, and members of the public, the proposal is recommended for refusal as a clear departure from adopted policy.

## Recommendation:

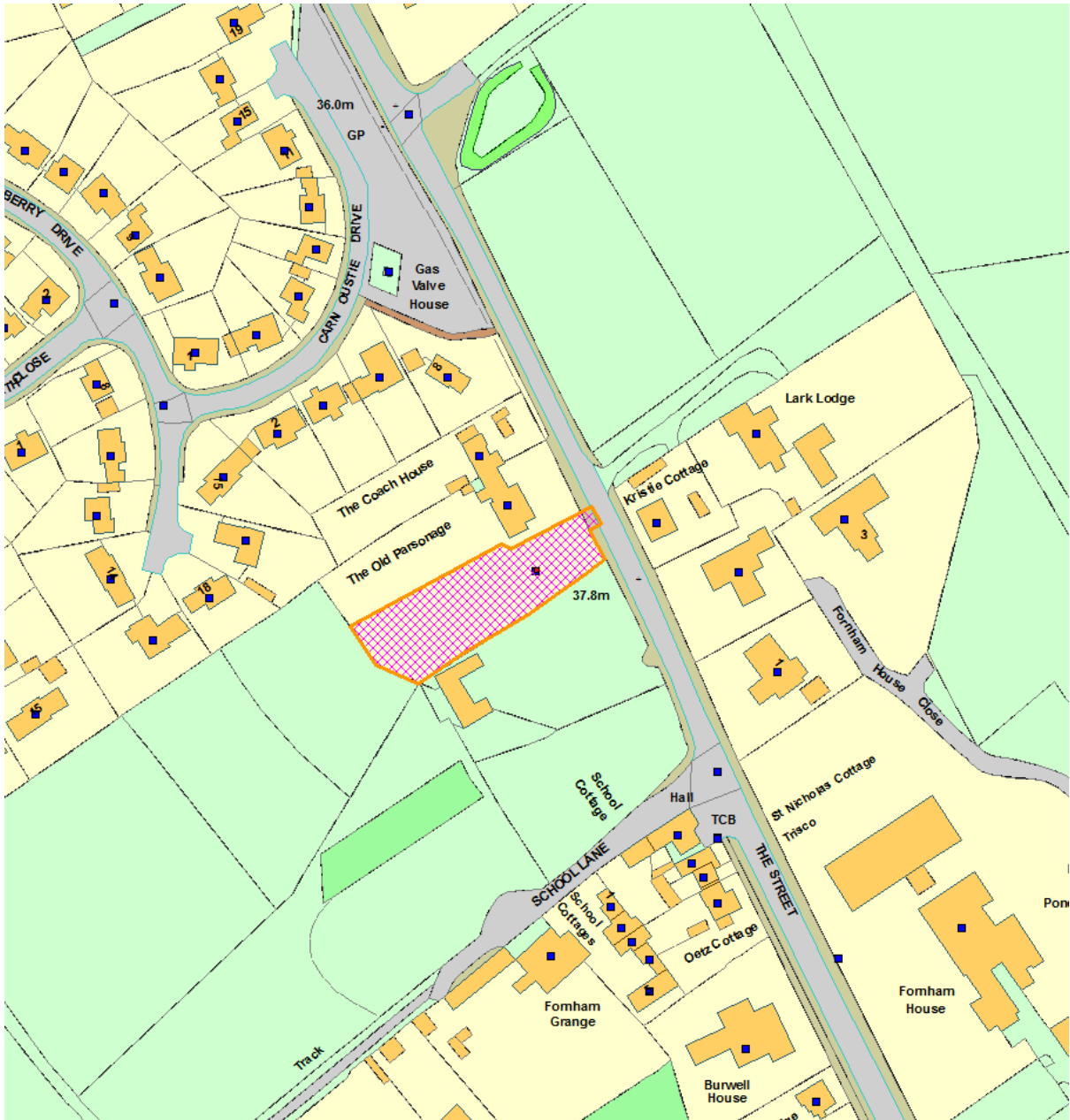
45. It is recommended that planning permission be **REFUSED** for the following reasons:
  1. The proposal is for a dwelling outside the settlement boundary and would fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited on the end of the settlement, and therefore represents a visually unsustainable ribbon development contrary to the above policies of general restraint. By reason of this location the proposal would create a visual intrusion, having an unwelcome urbanising effect on public views of the locality and upon the more loosely grained gap between settlements, creating a significant impact so as to cause material harm to the surrounding character and appearance of the area. Accordingly, the proposal fails to accord with policies DM2, DM5, DM13, DM22, DM27, CS2, CS3, CS4 and CS13 and paragraphs 78 and 79 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

## Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0829/OUT](#)

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P81L2VPD07L00>

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DC/18/0829/OUT

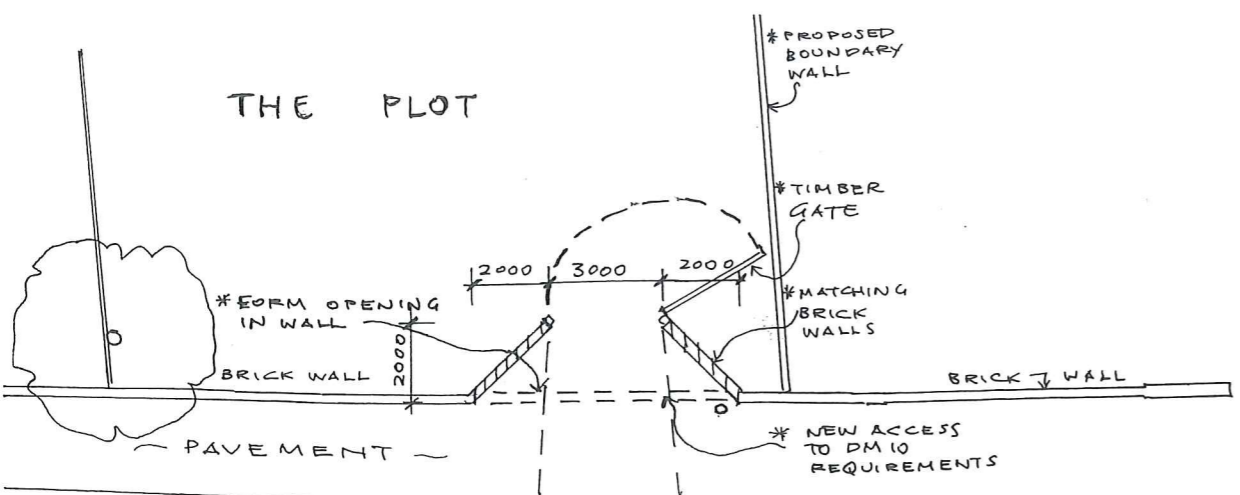
Land Adjacent To The Old  
Parsonage

The Street

Fornham St Martin



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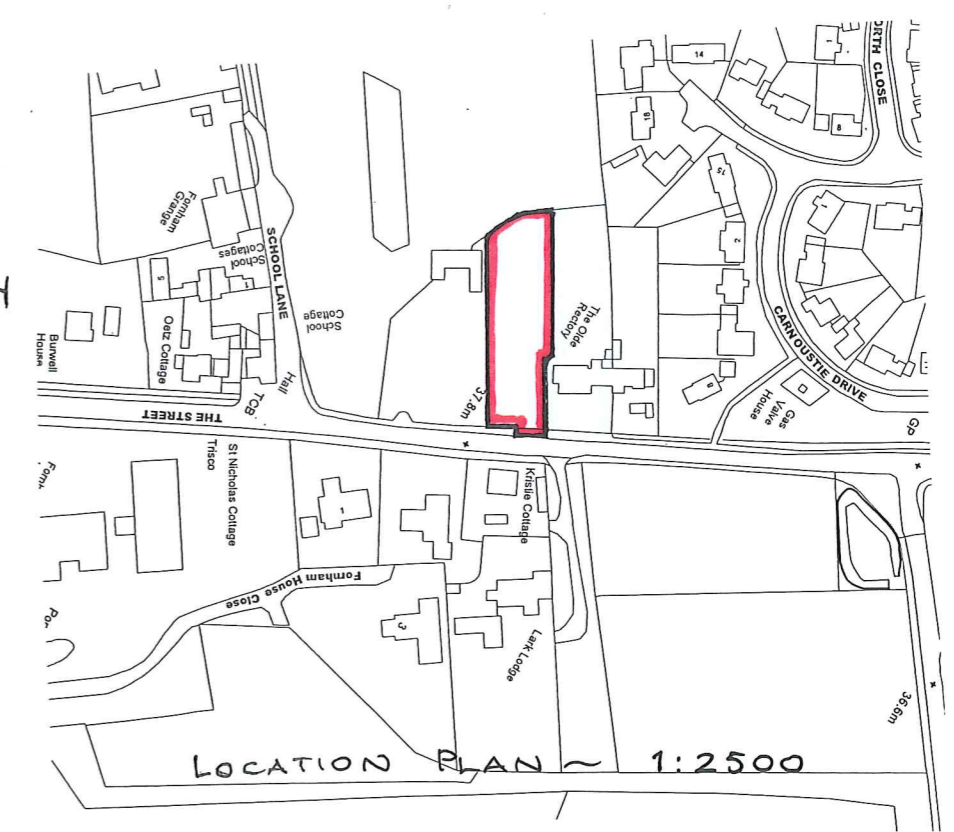
ACCESS PLAN ~ 1:200



VIEW FROM THE STREET ~ 1:200



SITE LAYOUT PLAN ~ 1:500



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Client	MR & MRS SHEA	Scale:	1:500
Project:	PROPOSED DWELLING ADJACENT TO THE OLD PARSONAGE, THE STREET, FORNHAM ST MARTIN	Date:	APRIL 2018
Drawing:	OUTLINE PLANNING	Contract:	4285
		Drz No.	01

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/031

## Development Control Committee 6 September 2018

### Planning Application DC/18/1013/HH & DC/18/0795/LB – 7 Bury Road, Hengrave, Bury St Edmunds

<b>Date Registered:</b>	25.05.2018	<b>Expiry Date:</b>	20.07.2018
<b>Case Officer:</b>	Matthew Harmsworth	<b>Recommendation:</b>	Approve
<b>Parish:</b>	Flempton Cum Hengrave	<b>Ward:</b>	Risby
<b>Proposal:</b>	Householder Planning Application - 1no. Dormer Window		
<b>Site:</b>	7 Bury Road, Hengrave, Bury St Edmunds		
<b>Applicant:</b>	Mr Warwick Lowe		

#### **Synopsis:**

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

#### **Recommendation:**

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

#### CONTACT CASE OFFICER:

Matthew Harmsworth

Email: [matthew.harmsworth@westsuffolk.gov.uk](mailto:matthew.harmsworth@westsuffolk.gov.uk)

Telephone: 01638 719792

## Background:

**The application is before the Development Control Committee following consideration by the Delegation Panel.**

**A site visit is scheduled to take place on Thursday 30 August 2018.**

## Proposal:

1. Planning permission and listed building consent is sought for a first floor dormer window within the thatched roof to the rear elevation of 7 Bury Road, Hengrave. The extent and detail of the dormer window can be viewed on the plans corresponding to the current application.

## Application Supporting Material:

- Application form
- Block plan
- Location Plan
- Proposed elevation and roof plan
- Proposed roof design
- Window Details
- Proposed Floor Plan
- Design and access statement

## Site Details:

2. The site is situated to the north of Bury Road, Hengrave, and the host dwelling is a detached thatched dwelling, which is also a grade II listed building. The site also comprises private amenity areas and is located within a conservation area.

## Planning History:

Reference	Proposal	Status	Decision Date
DC/18/0795/LB	Application for Listed Buildings Consent - 1no. Dormer Window	Pending Decision	
DC/18/1013/HH	Householder Planning Application - 1no. Dormer Window	Pending Decision	

## Consultations:

Parish Council

Object due to works being carried out partially before planning consent sought, overlooking issues, accuracy of the drawings. Also raise the question of whether the dormer is a fire escape and if so then whether a fire safety officer should have been consulted.

Ward Councillor

No comments received

Conservation Officer

No objection subject to suggested condition.



**Representations:**

Pigeon Cottage

**Object**

- The proposal is retrospective.
- The dormer overlooks the private garden of Pigeon Cottage.
- Would be happy to support a dormer on the front elevation.
- Question the accuracy of the drawings.
- Question if the fire service have been consulted.

3. **Policy:** The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design quality and local distinctiveness

National Planning Policy Framework 2012

**Officer Comment:**

4. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM15, DM17, and DM24, and it is necessary to understand how the NPPF deals with the issues otherwise

raised in these policies, and to understand how aligned the DM Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant DM Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant DM Policy.

5. Paragraph 189 of the revised NPPF, states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 of the revised NPPF also states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 193 of the revised NPPF also states that When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Noting the support offered within Policy DM15 to ensure a clear understanding of listed buildings is required for applications affecting a listed building and the development appropriately respects such heritage assets, officers are satisfied that there is no material conflict between Policy DM15 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM15. Furthermore, noting the same NPPF paragraphs and noting the support offered within policy DM17 for the preservation and enhancement of conservation areas, officers are satisfied that there is no material conflict between Policy DM17 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM17.
6. Paragraph 124 of the NPPF indicates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. DM24 requires proposals to respect the character of the local area, no overdevelop the curtilage of a dwelling and not adversely affect the residential amenity of occupants of nearby properties. In this regard therefore it is considered that there is a high degree of alignment between the DM24 and the provisions of the NPPF, such that full weight can be given to DM24.
7. Core Strategy Policy CS3 requires proposals for new development to create and contribute to a high quality, safe and sustainable environment.
8. It is considered that this Policy aligns sufficiently closely with the provisions of paragraph 124 of the NPPF regarding good design being a key aspect of sustainable development in making development acceptable to communities, such that weight can be attached to CS3, notwithstanding its age.

9. The main considerations in determining this application are:

- Impacts on residential amenity
- Impacts on the street scene/character of the area
- Impacts on the conservation area
- Impacts on the listed building
- Design and Form

10. 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.

11. The proposed dormer window is of a relatively modest scale and span as currently proposed across the rear of the existing thatched dwelling. As such, the impact upon the character and appearance of the host dwelling and the wider area resulting from the dormer window has been minimised. It is also considered that the development would further facilitate the enjoyment of the host dwelling for modern living, noting that there are presently no windows lighting the first floor.

12. Objections raised from the parish and neighbouring properties with regard to overlooking issues are noted, and this matter has been considered very carefully, including having been viewed from within the neighbouring rear garden that is most likely to be affected. However, with the benefit of multiple site visits from multiple planning officers, including an on site meeting with the applicant and taking into full consideration the position of the proposal, host dwelling and neighbouring dwellings and amenity areas, it is concluded that on balance any overlooking issues are not sufficient to warrant refusal of the application. This is considered on the basis of multiple factors. The arrangement of properties in the vicinity of the host dwelling is somewhat mixed with some overlooking issues already existing as a result of this mixed configuration largely resulting from the historic nature of the dwellings and when they were erected. Taking this in to consideration, while the dormer would overlook some amenity areas of Pigeon Cottage in particular, this dwelling does also benefit from amenity areas that have a significant degree of separation from the proposed dormer window such as to limit the degree of any invasion of privacy resulting from the proposal. It is also the case that amenity could readily be protected by the owners of Pigeon Cottage through the simple provision of landscaping or even planters which would effectively minimise and screen any direct views from the proposed window. Therefore, it is considered that sufficient private amenity areas remain afforded to neighbouring dwellings when considered the current proposal.

13. Regarding the design of the proposal with respect to the listed building and the conservation area, it is considered that the proposal has been sympathetically designed such that no harm results from the proposal on either account such to warrant refusal of the application. This is in accordance with the comments received from the conservation officer.

14. With regards to other concerns raised, it is recognised that work commenced before the planning application was submitted. However the necessary

planning and listed building consent applications have now been submitted satisfactorily and the current applications must therefore be judged on their current merits regardless of this fact. The local planning authority has also reviewed and is satisfied with the accuracy of the drawings submitted as part of the application. In considering the proposal as a fire escape, this factor is a matter to be reviewed at the building control stage rather than as a planning matter and is not therefore relevant to the consideration of this proposal. The fact that the works are retrospective is not a factor that has been given material weight in the planning balance. It is not considered that the works were intentional unauthorised development and, even if they were, it would not be considered that this fact would outweigh the positives of this scheme such that it would otherwise justify a refusal.

15. The development is therefore considered to be in accordance with development plan policies.

**Conclusion:**

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

**Recommendation:**

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

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

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

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
(-)	Proposed Roof Plan	15.05.2018
(-)	Location Plan	15.05.2018
(-)	Window Details	25.05.2018
(-)	Window Details	25.05.2018
(-)	Block Plan	16.05.2018
(-)	Proposed Floor Plans	10.07.2018

- 2 A minimum of seven days' notice shall be given to the Local Planning Authority of the commencement of the removal of any roof rafters resulting from the development;. Opportunity shall be allowed for on-site observations and recording by a representative of the Local Planning Authority or a person nominated by the Authority during any period of work relating to this element of the works and no part of the roof rafters of the building altered or removed by the works shall be removed unless first approved in writing by the Local Planning Authority.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1013/HH](#)

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DC/18/1013/HH

7 Bury Road

Hengrave

Bury St Edmunds

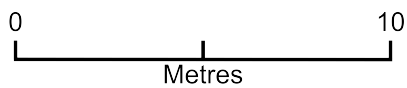
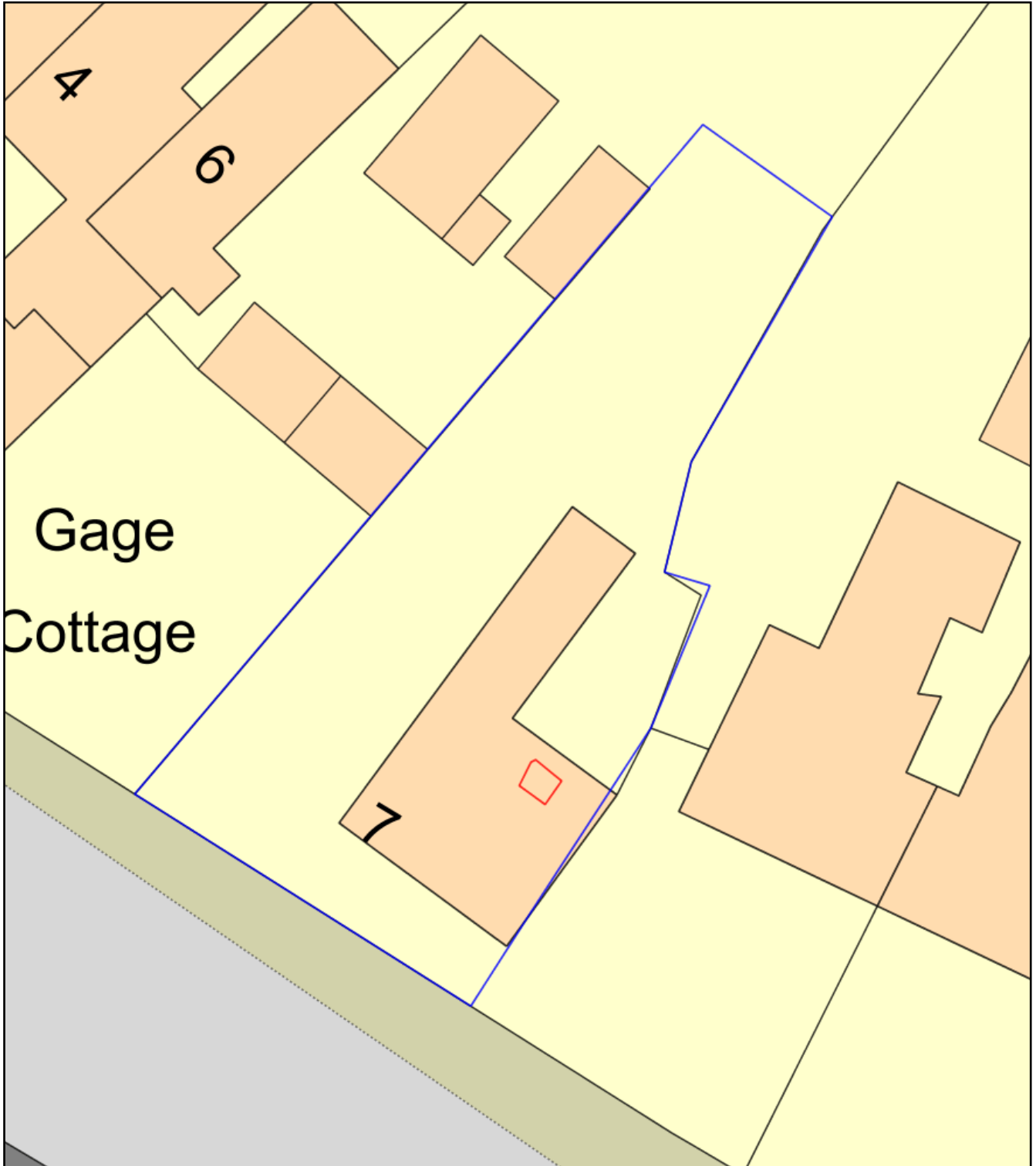
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# Lateran Tye 7, Bury Road



Plan Produced for: Warwick Lowe  
Date Produced: 13 May 2018  
Plan Reference Number: TQRQM18133183622016  
Scale: 1:200 @ A4

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/18/032

## Development Control Committee 6 September 2018

### Planning Application DC/18/0841/TPO – 18 Orchard Way, Horringer

<b>Date Registered:</b>	15.05.2018	<b>Expiry Date:</b>	10.07.2018
		<b>Ext of Time:</b>	03.08.2018
<b>Case Officer:</b>	Karen Littlechild	<b>Recommendation:</b>	Approve
<b>Parish:</b>	Horringer Cum Ickworth	<b>Ward:</b>	Horringer And Whelnetham
<b>Proposal:</b>	TPO033(1976) - Tree Preservation Order - 2no. Sycamore (T1 and T2 on plan and within area A1 on order) - fell		
<b>Site:</b>	18 Orchard Way, Horringer		
<b>Applicant:</b>	Mrs Verrechia		

#### **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:

Karen Littlechild

Email: karen.littlechild@westsuffolk.gov.uk

Telephone: 01638 719450

**Background:**

**This application is referred to the Development Control Committee in the interests of transparency as the applicant is a contracted member of staff employed by the determining authority.**

**Proposal:**

1. Consent is sought to fell 2no. Sycamore trees.

**Application Supporting Material:**

2. Information submitted with application as follows:
- Application form
  - Location plan

**Site Details:**

3. The trees are located within the front garden of 18 Orchard Way and are protected by an area tree preservation order TPO 033 (1976).

**4. Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
SE/13/0756/TPO	TPO33(1976)15 - Tree Preservation Order Application (i) Fell 2 sycamore trees (T5 +T6 on plan) and (ii) Crown lift 4 sycamore trees to 7.3 metres to clear street lights (T1-T4)	Works to TPO Approved	09.08.2013
DC/14/0291/TPO	TPO33(1976) - Tree Preservation Order Application - Fell two Field Maple trees (T2 and T3 on plan, Area A1 of TPO)	Application Refused	14.04.2014
SE/05/02192	TPO33(1976)10 - Tree Preservation Order Application (i) Fell three Sycamore trees (1, 7 & 8), (ii) 30% reduction to four Sycamore trees (2, 3, 4 & 6) and (iii) reduce east fork by 50% and west fork by 30% to one Sycamore tree (5) - all trees within area A1 on Order	Application Granted	03.10.2005

**Consultations:**

5. Arboricultural Officer: No objection, subject to replacement trees.

**Representations:**

6. Parish – No comments received

7. 19 Orchard Way: Objects to the trees being removed for reasons the cited on the application form. The trees are not intrusive and if removed would materially and detrimentally effect the view from my garden.

8. 17 Orchard Way: Supports the application

- The trees are a great nuisance and thousands of winged seed fly everywhere.
- The trees are much higher than the house and look very dangerous.
- Block the sun from my garden.
- Concerns regarding what damage the roots are doing to the drains.

**Officer Comment:**

9. Both trees in this application are located prominently in the front garden of the property and adjacent to the road. As such they have high amenity value, and given their size and stature, also significantly contribute to the verdant character of the wider area.

10. The reasons stated for the proposal are various, but focus on what would be considered relatively minor seasonal nuisance.

11. The trees are two multi stem specimens that are evident historic field boundary trees, likely previously coppiced. There are tight unions with included bark and a degree of slenderness to the stems. While these are not significant factors in the short term, the trees are unlikely to be long term trees.

12. In addition, a cavity is forming at the base of one stem, extending below ground to at least 300mm when probed, from the previous removal of a stem. The remaining stem has responded with reaction growth and root development, and while not likely to be significant in the short term, is certainly a factor that means the tree is unlikely to be retained in the long term. Removal of this one stem would leave the remaining group at high risk of failure, as all stems in this group must be considered together.

13. As such, removal of both trees would be justified in conjunction with two field maple replacements as this would secure a more sustainable long term tree cover and amenity. Whilst these trees have high amenity value, their felling is considered acceptable due to their condition and subject to replacement trees being planted.

**Conclusion:**

14. In conclusion, it is considered that the proposed works are acceptable and in line with good arboricultural practice, subject to the provision of two replacement trees.

## **Recommendation:**

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

1 The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations)

Reason: To ensure the works are carried out in a satisfactory manner.

2 The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.

Reason: To enable the Local Planning Authority to review the situation in the event that the authorised works are not carried out within a reasonable period of time.

3. The 2no. Sycamore trees, the removal of which is authorised by this consent, shall be replaced by 2 x heavy standard Acer campestre, planted within the front strip of the property adjoining the road, and within 4 metres of the road, within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner) and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the amenity of the area following the removal of the tree.

## **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0841/TPO](https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P83TWRPDFZX00)

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P83TWRPDFZX00>



DC/18/0841/TPO

18 Orchard Way

Horringer

IP29 5SF



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