

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda														
Date:	Thursday 4 October 2018														
Time:	10.00 am														
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU														
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice Chairmen David Roach and Andrew Smith</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (12)</u></td> <td style="vertical-align: top;">Carol Bull Mike Chester Terry Clements Robert Everitt Paula Fox</td> <td style="vertical-align: top;">Susan Glossop Ian Houlder Alaric Pugh Peter Stevens</td> </tr> <tr> <td style="vertical-align: top;"><u>Charter Group Members (2)</u></td> <td style="vertical-align: top;">David Nettleton</td> <td style="vertical-align: top;">Julia Wakelam</td> </tr> <tr> <td style="vertical-align: top;"><u>Haverhill Indys Member (1)</u></td> <td style="vertical-align: top;">John Burns</td> <td></td> </tr> <tr> <td style="vertical-align: top;"><u>Indendent (non-group) Member (1)</u></td> <td style="vertical-align: top;">Jason Crooks</td> <td></td> </tr> </table>			<u>Conservative Members (12)</u>	Carol Bull Mike Chester Terry Clements Robert Everitt Paula Fox	Susan Glossop Ian Houlder Alaric Pugh Peter Stevens	<u>Charter Group Members (2)</u>	David Nettleton	Julia Wakelam	<u>Haverhill Indys Member (1)</u>	John Burns		<u>Indendent (non-group) Member (1)</u>	Jason Crooks	
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<p>SITE VISITS WILL BE HELD ON THURSDAY 27 SEPTEMBER 2018 AT THE FOLLOWING TIMES (please note all timings are approximate):</p> <p>The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:</p> <p style="text-align: right;"><i>Cont. overleaf...</i></p>															

1. **Planning Application DC/18/1222/OUT - Land East of 1 Bury Road, Stanningfield, IP29 4RS**
Outline Planning Application (all matters reserved) - 9no. dwellings
Site visit to be held at 9.50am

2. **Planning Application DC/18/1017/FUL - Hill View Works, Simms Lane, Hundon, CO10 8DS**
Planning Application - 5no. dwellings with 5no. garages and new vehicular access (following demolition of existing industrial buildings)
Site visit to be held at 10.30am

3. **Planning Application DC/18/0897/HH - Moat Farm, Wickhambrook Road, Hargrave, IP29 5HY**
Householder Planning Application - detached cartlodge
Site visit to be held at 11.00am *(to be followed by a short comfort break stopover at West Suffolk House approx. 11.30-11.40am)*

4. **Planning Application DC/18/1010/FUL - Land Adjacent To Forge Cottage, Blacksmith Lane, Barnham, IP24 2NE**
Planning Application - 1no. dwelling with associated external works
Site visit to be held at 12noon

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

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

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

Material Planning Considerations

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

2. Material Planning Considerations include:

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

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

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

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:

- Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests set out in the National Planning Policy Framework (paragraph 206). This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

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

Resources, Legal and Democratic) (or Officers attending Committee on their behalf);

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
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- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with the Planning Practice Guidance.

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

Agenda

Procedural Matters

Part 1 – Public

- | | <i>Page No</i> |
|---|-----------------|
| 1. Apologies for Absence | |
| 2. Substitutes
Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member. | |
| 3. Minutes
To confirm the minutes of the meeting held on 6 September 2018 (copy attached). | 1 - 10 |
| 4. Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds
Report No: DEV/SE/18/033

Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces | 11 - 72 |
| 5. Planning Application DC/18/1017/FUL - Hill View Works, Simms Lane, Hundon
Report No: DEV/SE/18/034

Planning Application - 5no. dwellings with 5no. garages and new vehicular access (following demolition of existing industrial buildings) | 73 - 88 |
| 6. Planning Application DC/18/1222/OUT - Land East of 1 Bury Road, Stanningfield
Report No: DEV/SE/18/035

Outline Planning Application (all matters reserved) - 9no. dwellings | 89 - 102 |

Cont. overleaf...

- 7. Planning Application DC/18/0635/FUL - 9 St Olaves Precinct, Bury St Edmunds** **103 - 112**
Report No: **DEV/SE/18/036**
Planning Application - Change of use from Use Class A1 (Retail) to Use Class A5 (Hot Food Takeaway) and installation of an Extraction System
- 8. Planning Application DC/18/0897/HH - Moat Farm, Wickhambrook Road, Hargrave** **113 - 124**
Report No: **DEV/SE/18/037**
Householder Planning Application - detached cartlodge
- 9. Planning Application DC/18/1010/FUL - Land Adjacent To Forge Cottage, Blacksmith Lane, Barnham** **125 - 136**
Report No: **DEV/SE/18/038**
Planning Application - 1no. dwelling with associated external works
- 10. Planning Application DC/18/1543/HH - 9 Darcy Close, Bury St Edmunds** **137 - 146**
report no: **dev/se/18/039**
Householder Planning Application - First Floor Extension to Front Elevation - Revised Scheme of DC/18/0476/HH

(Members of the Development Control Committee are reminded that there will be no post-Committee training seminar following the meeting.)

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 6 September 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

John Burns

Susan Glossop

Carol Bull

Ian Houlder

Mike Chester

David Nettleton

Terry Clements

Peter Stevens

Jason Crooks

Julia Wakelam

Substitutes attending:

Sara Mildmay-White

In attendance:

Trevor Beckwith

37. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt, Paula Fox and Alaric Pugh.

38. **Substitutes**

Councillor Sara Mildmay-White attended the meeting as substitute for Councillor Alaric Pugh.

39. **Minutes**

The minutes of the meeting held on 5 July 2018 were received by the Committee as an accurate record, with 13 voting for the motion and with 1 abstention, and were signed by the Chairman.

40. **Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds (Report No: DEV/SE/18/028)**

(Councillor Sara Mildmay-White declared a local non-pecuniary interest in this item as she was a Partner Governor representing St Edmundsbury Borough Council on the West Suffolk NHS Foundation Trust's Council of Governors. She would remain in the meeting and would take part in the debate and voting thereon.)

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

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel at the request of a Ward Member (Moreton Hall).

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused.

As part of her presentation the Senior Planning Officer provided the following updates:

- Attention was drawn to the 'late papers' which were issued as a supplement to the agenda papers and which set out **amended reasons for refusal** that now formed the Officer recommendation;
- Members were advised that the Agent for the applicant had handed the Officer, immediately prior to the Committee meeting, a **letter of support from Healthwatch Suffolk**;
- In respect of Paragraph 9 of Report No DEV/SE/18/028, the Committee was informed that **the Highways Authority had since confirmed that they continued to object to the application** and remained concerned at the level of on-street parking the proposal could cause.

In conclusion, the Case Officer explained that the Planning Authority had given great weight to the provision of Community Dental Services within the community but the degree of harm that could potentially be caused by the severe impact of parking on the highway outweighed this benefit.

Speakers: Ms Alison Reid (CEO Community Dental Services) spoke in support of the application
Councillor Trevor Beckwith (Ward Member: Moreton Hall) spoke in support of the application
Mr Richard Sykes-Popham (agent) spoke in support of the application

Councillor Julia Wakelam opened the debate by asking if it would be possible to condition the application to restrict usage to the specific service provider and/or time limit the life of any permission.

In response, the Service Manager (Planning – Development) explained that it would be possible to limit use of the premises to a specific provider although she would not recommend the use of a time limit; which would be difficult to justify and could affect the viability of the application.

A number of Members voiced support for the application in light of the service it would provide to the local community, however, some of the Committee also agreed with the difficulty in accessing the site via any other method aside from a motor vehicle.

Councillor David Nettleton stated that he did not agree with the access restrictions discussed. He pointed out that Moreton Hall had excellent foot and cycle path connections and that an additional bus stop could be requested to service the facility.

Accordingly, he proposed that the application be granted, contrary to the Officer recommendation of refusal and inclusive of the condition to limit usage to the applicant, and this was duly seconded by Councillor Peter Stevens.

The Service Manager (Planning – Development) explained that in light of the objection raised by the Highways Authority the Committee’s Decision Making Protocol would be invoked in order to allow time for Officers to produce a risk assessment in respect of the application.

This would also enable the Case Officer to work with the applicant/agent in order to facilitate a car park management plan and to establish what other sites had been considered for the service, alongside the identification of any relevant case law.

Councillor Peter Stevens, supported by some other Members of the Committee, spoke against the use of the Decision Making Protocol and wished to take a vote on approval of the application.

The Service Manager (Planning – Development) and the Lawyer in attendance jointly advised Members that it was not within their gift to determine if a risk assessment was required; in line with the Decision Making Protocol where the Committee wished to overturn a recommendation and the decision was considered to be significant by Officers a final decision on the application would be deferred to allow associated risks to be clarified.

Accordingly, Councillor Mildmay-White proposed an amendment that Members be minded to approve the application, contrary to the Officer recommendation of refusal and inclusive of the condition to limit usage to the applicant, and this was duly seconded by Councillor John Burns.

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

Decision

Members be **MINDED TO APPROVE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** and inclusive of the condition to limit usage to the applicant.

The application was therefore **DEFERRED** in order to allow a risk assessment to be produced and for the Case Officer to work with the applicant/agent in order to facilitate a car park management plan and to establish what other sites had been considered for the service, alongside the identification of any relevant case law.

41. **Planning Application DC/18/0863/FUL - 19 Hillside Road, Bury St Edmunds (Report No: DEV/SE/18/029)**

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

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel at the request of a Ward Member (Moreton Hall).

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused.

As part of his presentation the Senior Planning Officer provided the following updates:

- Attention was drawn to the 'late papers' which were issued as a supplement to the agenda papers and which set out an **additional condition requested by the Highways Authority in respect of cycle storage**;
- Members were advised that **late comments had been received from the West Suffolk Economic Development Team**, these were read out to the Committee and which outlined concerns with regard to the impact the application could have on the operation of existing neighbouring businesses due to the potential overspill parking that was likely to take place.

In conclusion, whilst it was recognised that the Highways Authority had not objected to the application, Officers remained concerned at the impact the application could have in relation to parking in the area.

The Case Officer further explained that, whilst the applicant had stated that during the evening his patrons could use the parking spaces of neighbouring businesses who did not operate during this time, this had not been formalised with the other owners and could therefore not be regulated or guaranteed by the applicant.

Speaker: Councillor Trevor Beckwith (Ward Member: Moreton Hall) spoke in support of the application

Prior to opening the debate, the Chairman raised concern that the Officer had not received a consultation response from the Economic Development Team until such a late point in the application's proceedings. The Service Manager (Planning – Development) agreed to pick up this matter and raise internally with the Officers concerned.

Councillor David Nettleton proposed that the application be deferred in order to allow time for the applicant to explore and develop an appropriate car park management plan. This was duly seconded by Councillor Peter Stevens.

The Service Manager (Planning – Development) explained that, alongside a car park management plan, a deferral would allow time in which to establish which other sites the applicant had considered, to receive updated comments

from the Highways Authority and Economic Development and to gain further details such as a proposed floor plan; in light of the application before the Committee being in outline form.

Councillor John Burns spoke in support of the proposed deferral and stressed the importance, as a fellow gym owner, of establishing parking provision with neighbouring owners.

(Councillor Peter Stevens questioned as to whether Councillor Burns needed to declare an interest in light of his personal ownership in this respect and the Lawyer present advised that this was not necessary.)

Following further discussion, Councillor Jason Crooks proposed an amendment in that the application be approved, contrary to the Officer recommendation of refusal, due to the Highways Authority not having raised an objection in relation to parking and in light of the fact that the application could be conditioned to restrict usage to the applicant.

Councillor Nettleton therefore withdrew his motion for deferral and Councillor Stevens, instead, seconded the motion for approval.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked in this case as Officers did not consider a risk assessment to be required.

The Case Officer then outlined relevant conditions for the application, in addition to the condition to restrict operation to the applicant, the cycle storage condition requested by the Highways Authority and a condition with regard to a car park management plan (all as previously discussed).

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

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL**, subject to the following conditions:

1. Time limit
2. Approved drawings
3. Personal permission
4. Hours of use
5. Cycle storage
6. Transport plan

(On conclusion of this item the Chairman permitted a short comfort break. Councillor Ian Houlder left the meeting at 11.52am and did not return when the meeting was reconvened.)

42. **Planning Application DC/18/0829/OUT - Land Adjacent to the Old Parsonage, The Street, Fornham St Martin (Report No: DEV/SE/18/030)**

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

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel in light of the Parish Council not objecting to the scheme which was contrary to the Officer recommendation.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused.

As part of his presentation the Senior Planning Officer provided the following update:

- Attention was drawn to the 'late papers' which were issued as a supplement to the agenda papers and which set out **amended reasons for refusal** that now formed the Officer recommendation together with **additional information in respect of Tree Preservation Orders and the host dwelling being defined as a Non-Designated Heritage Asset**.

Speaker: Mrs Elizabeth Shea (applicant) spoke in support of the application

(In addition to her three minute speech to the Committee, Mrs Shea also made reference to an email of support she had in her possession and requested to make comment on the planning application process; the Chairman advised her that she was not able to address Members in respect of these matters outside of the public speaking provision.)

Councillor Peter Stevens spoke in support of the application and stated that the settlement boundary had, in his opinion, been drawn in the wrong place in that it did not include the curtilage of The Old Parsonage; only the property itself.

He therefore proposed that the application be approved, contrary to the Officer recommendation of refusal, due to the limited impact the scheme would have both on the Non-Designated Heritage Asset (host dwelling) and on the view/appearance of the area. This was duly seconded by Councillor David Roach.

Considerable further discussion took place by the Committee, some of whom argued that the settlement boundary had been deliberately drawn in order to prevent applications of this nature.

A number of Members raised concern at the partial demolition of the host dwelling's garden wall to facilitate a new access. In response, the Case Officer explained that the wall was not listed or located within a conservation area meaning the access provision works could be carried out under Permitted Development rights.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked in this case as Officers did not consider a risk assessment to be required. The Case Officer then outlined relevant conditions for the application.

Upon being put to the vote and with 7 voting for the motion and with 6 against, it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL**, subject to the following conditions:

1. Time limit for reserved matters
2. Details of reserved matters
3. Limit floor space to 1000sqm
4. Construction hours
5. Acoustic insulation of dwelling
6. Access details
7. Bound materials
8. Surface water discharge
9. Visibility splays
10. Gates
11. Water use limits
12. Details of tree protection measures

43. **Planning Application DC/18/1013/HH & DC/18/0795/LB - 7 Bury Road, Hengrave, Bury St Edmunds (Report No: DEV/SE/18/031)**

Householder Planning Application - 1no. Dormer Window

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

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 17 of Report No DEV/SE/18/031.

Objections to the application had been received from the Parish Council and one immediate neighbour (Pigeon Cottage).

As part of his presentation the Senior Planning Officer provided the following updates:

- Since publication of the agenda, **amended drawings had been submitted containing minor corrections to some dimensions** which the Officer drew attention to;
- The recommendation set out at Paragraph 17 of the report contained an error and should have read "*It is recommended that planning permission **and Listed Building Consent** be approved...*".

Lastly, the Case Officer reminded the Committee that whilst work to the property commenced before the planning application was submitted, this was subject to a separate enforcement investigation and was not a relevant consideration in respect of Members' determination of the application.

Speakers: Mrs Janet Davies (neighbour) spoke against the application
Councillor Susan Glossop (Ward Member: Risby) spoke on the application and advised those present that she would remain in the meeting but would abstain from voting on the item
Mr Warwick Lowe (applicant) spoke in support of the application

Councillor Julia Wakelam proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens who remarked upon the intimate relationship between historic properties such as host dwelling and its neighbours.

(Councillor Stevens, in the interests of transparency, also advised the meeting that he had had a similar type of application approved in respect of his own property which was likewise an historic cottage.)

During further discussion questions were posed to Officers in respect of the applicant's reference (in his three minutes public speaking address) to the window being intended as an escape route and his comments in respect of the pre-application advice he received from the Planning Authority.

The Service Manager (Planning – Development) explained that emergency egress in relation to the dormer window would be addressed as part of the Building Regulations and was not a planning application consideration, likewise the pre-application consultation made reference to was also not a matter for consideration as part of the application's determination.

Councillor Sara Mildmay-White asked if consideration had been given to conditioning the window to use obscure glazing, in light of the overlooking concerns cited by the neighbour. The Case Officer explained that the proposal was considered acceptable without.

Upon being put to the vote and with 8 voting for the motion, 4 against and with 1 abstention, it was resolved that

Decision

Planning permission and Listed Building Consent be **GRANTED** 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 approved plans and documents.
- 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.

(Councillor Carol Bull left the meeting at 1.20pm on conclusion of this item.)

44. **Planning Application DC/18/0841/TPO - 18 Orchard Way, Horringer (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

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

Representations had been received from both immediate neighbours; one in support and one in objection to the proposal.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 15 of Report No DEV/SE/18/032.

The presenting Officer drew attention to the comments contained within the report from the Council's Arboricultural Officer, who considered the proposed works to be acceptable subject to the provision of two replacement trees.

Councillor David Nettleton proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Sara Mildmay-White.

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

Decision

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

The meeting concluded at 1.23pm

Signed by:

Chairman

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DEV/SE/18/033

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 4 October 2018

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

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

Telephone: 01638 719456

Committee Report DC/18/0721/FUL

Section A – Background:

1. This application was deferred from consideration at the Development Control Committee meeting on 6th September 2018. Members resolved that they were minded to grant planning permission contrary to the officer recommendation of refusal. At this point, the risk assessment protocol was invoked requiring the further reporting of this matter before a decision is able to be made.
2. A Committee site visit was undertaken on 30 August 2018. At the subsequent Development Control Committee meeting on 6th September 2018 Members were minded to approve the application in light of the service it would provide to the local community. However, some of the Committee remained concerned about parking provision and that the location is not suitable for the proposed use. Members suggested to include a condition to limit usage to the applicant and agreed that deferral would also allow for a Car Park Management Plan to be submitted, to establish what other sites had been considered for the service and why they had been dismissed, and also for officers to consider whether it was appropriate to append a temporary condition to any decision should Members determine to approve the application.
3. The purpose of this report is to provide an update on additional information received as well as a risk assessment for Members in accordance with the Decision Making Protocol, which sets out the potential risks that might arise should planning permission be granted for the development.
4. The previous officer report for the 6th September 2018 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.

Proposal:

5. Please refer to Working Paper 1, Paragraphs 3 and 4 for a description of the proposal.

Application Supporting Material:

6. Please refer to Working Paper 1, Paragraph 5 to 11 for details of the information submitted with the application and supporting materials.

Site Details:

7. Please refer to Working Paper 1, Paragraphs 12 and 13 for a description

of the site and surroundings.

Planning History:

8. Please refer to Working Paper 1, Paragraph 14 for a summary of the relevant planning history.

Consultations:

9. Please refer to Working Paper 1, Paragraphs 15 for a summary of consultation responses received.

Representations:

10. Please refer to Working Paper 1, Paragraph 16; no third party comments have been received.

Policy:

11. Please refer to Working Paper 1, Paragraphs 17 for a list of policies and guidance that have been taken into account in the consideration of the application.

Officer Comment:

12. Please refer to Working Paper 1, Paragraphs 24 to 44 for the officer assessment of the proposals.

Section B - Update:

SCC Highways:

13. Following the submission of the applicant's Transport Technical Note and supporting statements from the NHS and CDD, a further response from Suffolk County Council Highways was received on 17.09.2018 to clarify the recommendations for refusal detailed in their response of the 26th June. Please refer to Working Paper 2:
14. Existing use: SCC Highways only accepted the reduced parking provision below the recommend level in the Suffolk Guidance for Parking for the existing use because of the specialist nature of the dentistry and because the permission was granted for this use only, as agreed with the applicant.
15. However, with regards to the Technical note submitted by the applicants, Suffolk County Council as Highway Authority question the methodology and note that on the basis of the surveys submitted it can be assumed that there will be occasions with all 13 staff on-site. It is also indicative that that the location does not attract sustainable trips from its staff. Para 2.3 sets out that *"It has been confirmed by the operator of the site that the surveys recorded conditions that were*

typical of the dental practice". If this was compared to a standard TRICS assessment of a dental surgery (based on the criteria used in the applicants TRICS assessment of the clinic) the peak car parking at the site is greater, which may indicate a site that is more car based than those within TRICS.

16. Community Healthcare Facility: The applicants have used TRICS to assess the healthcare use using the category Health – Clinics and applied to the proposed 12 full time employees. This equates to a peak accumulation of ten vehicles. Suffolk County Council as Highway Authority identified inaccuracy here, and assume that the peak is actually at least 11 cars. Assuming that 5 of the vehicles are patients and 13 members of staff, this equates to 7 staff travelling sustainably, which has been indicated as unlikely given the results above for the dental surgery. As above the TRICS assessment for the dental facility underestimated the car parking demand.
17. Total Site: SCC Highways observe that the applicants have used two methods for the total site.

Method 1: Survey + TRICS for 12 employees

According to their assessment this results in a peak occupancy of 22 vehicles. For 31 spaces this equates to 71% occupancy. With obviously more capacity if you were to assume 36 spaces.

Method 2: 25 Employees

According to the applicant's assessment this results in a peak occupancy of 19 vehicles. For 31 spaces this equates to 61% occupancy. With obviously more capacity if you were to assume 36 spaces.

The applicants go on to state that a maximum of 10 patients are likely to attend specific group therapy sessions, but that even if they all were to drive, the car park would still operate within capacity, which assuming that method 2 is accepted, then would be correct for both 31 and 36 car parking spaces, but assuming method 1 is accepted would only be correct for 36 spaces.

18. **Suffolk County Council as Highway Authority conclude that the methodologies above assume a significant, and unrealistic, amount of sustainable travel, which the existing use survey shows is not the case, and which officers consider highly unlikely in the circumstances of this site for the reasons already explained.**
19. Car Parking Provision: Suffolk County Council as Highway Authority note that the level of car parking provision has been justified based on correspondence with the NHS which states the following:
"I am aware that the planning authority is concerned about the provision of sufficient parking at Saxon House. You may be aware that in general terms, NHS England supports reimbursement for a maximum of 3 parking spaces per clinical room for primary care facilities for which

we reimburse rental costs. I understand that the guidance currently being applied is for four spaces per treatment room. NHS England's view is that due to the type of services being delivered at this facility 3 parking spaces per treatment room will be sufficient."

The applicants state that 2 disabled persons bays, which equate to 5.56% (36 bays) of the provision is acceptable, this is unevidenced. Suffolk Parking Guidance states that for Medical Centres:

"Dependent on actual development, on individual merit, although expected to be significantly higher than business or recreational development requirements".

Business or recreational standards are in the order of 5 to 6% dependent on the use. 5.56% is not significantly higher than 5% leading to a robust conclusion that the number of disabled spaces is inadequate for the proposed use.

20. Suffolk County Council as Highway Authority further note that;

- The additional 4 parking spaces proposed to the rear of the site (33 to 36) render spaces 5 to 12 inaccessible, and if used would cause additional vehicle movements and staff disruption as staff using the existing spaces would be totally blocked in. Space 32 removes the only passing space on the narrow access to the rear parking leading inevitably to further operational problems as the car park is used.
- The ancillary back office use to support 'community health care professionals' is not detailed until the technical note and supporting information and appears to be an additional use to that initially detailed in the application. Whether or not the proposed facility is to also be a base for these community-based professionals is not made clear, nor is any associated parking for them.

21. **Suffolk County Council as Highway Authority conclude: *'In summary, we do not accept the Technical Note shows the existing level of parking to be sufficient for both proposed and approved uses, and as the application falls so far short of the recommendations in the Suffolk Guidance for Parking and this is not a sustainable location we retain our recommendation of refusal.'***

Car Park Management Strategy:

22.A Car Parking Management Strategy was submitted by the applicant's agent on 13.09.2018. Please refer to Working Paper 3

23.This Strategy explains that the on-site director will be responsible to ensure compliance with the parking management plan. The day to day parking will be managed by the site receptionist.

24.The statement sets out how visitor and staff parking will be distributed and managed. In summary, spaces to the side and front (spaces 13-32) nearest to the entrance, including the accessible bays, will be

allocated to visitors. Upon booking an appointment, visitors to the site will be informed regarding the car park management and where to park if travelling to the site via car. Car parking space 32, located in front of the main entrance will only be used by visitors to the site if all other car parking is unavailable. The parking to the rear (spaces 1-12 and 33-36) will be allocated to staff. Upon arrival into the building, staff that have parked within spaces 33 to 36 (which restrict the use of spaces 1-12) will inform the reception so that they can be identified if required to move. It further explains how staff will be directed to certain parking spaces first, depending on the length of their stay.

25. The strategy also provides some information with regard to minimising staff parking numbers. It states at para 3.10 that *'Staff are actively encouraged to journey to work by foot and cycle. Furthermore, the site operates a car sharing / pooling scheme to enable compatible journeys to be undertaken together. Further notices and encouragement will be provided to ensure that the benefits and savings that can be achieved through car sharing or through sustainable travel are identified.'*

26. Additional information submitted by the applicant's agent:

A statement in regards to site searches and two appendices with email chains between CDS and Norfolk and Suffolk NHS Foundation Trust and CDS and NHS Property Services LTD have been submitted on 18.09.2018. Please refer to Working Paper 4.

27. The statement explains that ***'They [the applicant] did not know, and it would be unreasonable to expect them to have known of the sequential approach to site selection that they might have been expected to adopt. Regardless, a sequential approach was adopted in any case, as this was the most logical way to approach the search. However, understandably in the circumstances, records of the search were not kept. In any case, it should be noted that there is no requirement in planning policy for proposals of this nature to adopt the sequential approach to site selection. Therefore, while it is helpful for the applicant to demonstrate a logical approach to site selection they cannot be expected to satisfy formally the sequential test.'***

28. The statement confirms in its conclusion that *'the available evidence of the site searches undertaken by CDS and SCH is limited'*. In summary the search was undertaken through:

- Various communications with NHS Property Services Ltd and Norfolk and Suffolk NHS Foundation Trust
- Discussions with NHS estates bodies
- Web searches
- Local commercial property agents

29. It is said that Local commercial property agents identified Saxon House for CDS and eventually secured the lease. The same property was discounted by SCH on the basis that it was too large and therefore too expensive for them to occupy on their own.

30. The Statement Concludes:

'While the available evidence of the site searches undertaken by CDS and SCH is limited it is clear that appropriate searches did occur and that a great deal of effort was made to find the most suitable premises for each of the organisations to relocate to.

'The suitability of Saxon House as a premises for CDS has already been accepted by the Council in its approval of planning application DC/17/2406/FUL. However, as has been explained in the current planning application for the site this leaves the upper floor of the building vacant. Given the benefits associated with colocation of similar uses, particularly those as closely aligned as the delivery of specialist healthcare to vulnerable patients (especially where the uses have been co-located previously); the excellent access arrangements available at Saxon House; and the suitability of the premises in terms of facilities, quality and specification; Saxon House automatically ranks highly in terms of suitability when establishing the optimal site for the relocation of SCH.

Due to the position that both organisations were put in owing to the very limited notice they were given of the closure of Saxon House, and the fact that, quite understandably, they had no knowledge of the planning system with respect to sequential site searches, records of the site searches were not kept. The site searches evolved quickly and both parties were in a race against time to find suitable premises. The searches were therefore necessarily forward looking and producing an audit trail was not necessary, nor was it a prudent use of resources at the time.

'Notwithstanding the foregoing, sufficient information has been collated and presented to demonstrate that a logical process was followed and that no sites which were either as suitable as Saxon House or more suitable than Saxon House were available.

'While there is no planning policy requirement for a sequential approach to site selection for the facilities proposed the applicant has demonstrated that the site searches conducted adopted the principles of a sequential search and therefore that, at the time of the completion of the search, Saxon House was the most suitable of the premises available. Indeed, it was the only suitable premises available at the time and, to the best of the applicant's knowledge, remains so.'

Section C – Refusal Reasons:

31. The Officer recommendation for this current application remains one of **REFUSAL** for the following reasons:

32. Reason 1:

The proposal is for community healthcare service facilities, a D1 Use,

intended for a geographically wider area than within walking distance. The application site lies 2.3km from the town centre, within an area designated as employment land for B1 and B8 Use Classes in policy BV14(e). 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 to travel through spatial planning and design, and is contrary to policy in the NPPF, notably para 103, 108 and 110 which (inter alia) seek to actively manage patterns of growth to make the fullest possible use of walking, cycling and public transport, and focus significant development in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

Moreover, the intensification of the existing D1 use at the application site, in an inaccessible location where most patients and staff are likely to arrive by car, together with the insufficient on-site parking means that it is considered likely that the use will in turn fetter the activities of existing neighbouring employment uses through additional traffic movements and insufficient on-site parking thus potentially preventing them from expanding or intensifying. As such the proposal will have likely adverse effects on employment generation and is contrary to policy DM30 and policy in the NPPF, particularly paragraph 80, which seeks to ensure that decisions help to create the conditions in which businesses can invest, expand and adapt.

The provision of the service and the need for suitable premises 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.

33. Members are advised to determine whether they consider the proposal would be in an accessible, sustainable location. If it is considered that the development would not be in a sustainable location Members must consider whether there are material considerations to justify the impact of this.

34. Reason 2:

The proposal includes five additional parking spaces where in accordance with the Suffolk Parking Guidance 28 additional parking spaces would be required for the 12 (equivalent full time) staff members and four treatment rooms. There would therefore be a severe under-allocation of on-site parking. This is considered likely to 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.

Furthermore, the proposed additional five parking spaces would reduce the available space for manoeuvring for the existing parking spaces five 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 five to 12 inaccessible. 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.

The proposal therefore fails to provide adequate parking and safe and suitable access for all, contrary to policy DM2 (I) and DM46. And the proposal would have an unacceptable impact on highway safety as a result of significant under provision with parking. As such the proposal is contrary to policy in the NPPF, particularly 105, 108 to 110.

35. Members are advised to determine whether they consider the proposal would have an adverse impact on highways safety and safe access for all. If it is considered that the development would have an adverse impact Members must consider whether there are material considerations to justify this adverse impact.
36. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to grant planning permission for the development proposal, having regard to the conflict with Policy CS7, DM30 and DM46 in this case and the officer recommendation to refuse planning permission. For the reasons set out in this report it remains officers' recommendation that permission be refused. If Members remain minded to approve the application, they must be satisfied that any risks associated with doing so have been properly considered.

Section D – Implications of Granting Planning Permission:

Contrary to Policy

37. Officers consider the development proposed in this case to be contrary to policy CS7, DM30 and DM46. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. The material considerations in this case are the specialist nature of the proposed D1 use.
38. Whilst it is accepted that there were / are no suitable NHS or Council properties available for this use, Officers do not consider that there is sufficient evidence to demonstrate that more sustainable sites are not available. Moreover, the long-term lease agreed by CDS for this building and any subsequent viability issues are not material planning considerations.
39. If Members remain minded to approve the application, they must be satisfied, that based on the evidence provided material planning considerations therefore justify the clear policy conflict with policy CS7, DM30 and DM46. CS7 'Sustainable Transport' seeks to direct commercial developments which generate significant demands for

travel, in areas well served by a variety of transport modes, within an area designated as employment land for B1 and B8 Use Classes in policy BV14(e). DM30 seeks to prevent non-employment uses having an adverse effect on employment generation, and DM46 requires all proposals for re-development, including change of use, to provide appropriate designed and sited car and cycle parking in accordance with the adopted standards at the time of the application.

Highways Issues

40. The Highway Authority have considered the Transport Statement and further Transport Technical Note 1710-70 TN01 dated August 2018 and conclude that the assumptions cannot be used as strong arguments. Whilst flexibility may (in fact must) be applied to the Suffolk Guidance for Parking, this should be based on robust evidence. The existing use on the ground floor has parking below the standard for that use only. This application doubles the use of the site while offering no extra useable parking acceptable to the Highways Authority. The Highway Authority accepted the existing (specialist dentist) based on their specialist use as they provided a detailed account of how the parking provision would work. This Transport Assessment (1710-70/TS/01A dated November 2017) did not include any significant excess of parking and concluded at para 5.24 *'The level of car parking is sufficient for the daily requirements of the dental practice and provides an adequate level of residual capacity to be able to accommodate irregular, short term peaks in use.'*
41. The Highway Authority reiterate that *'concerns with the insufficient parking are that overspill will be on-street which will either obstruct HGV's turning within this industrial area or obstruct the footway, or both. Either obstruction will create a safety issue for all users, particularly pedestrians and more particularly vulnerable users, visually impaired, wheelchair users etc. which is the main clientele of the dentist. There is no nearby public car park and the public bus service is hourly and the nearest bus stop some distance meaning clients with restricted mobility are unlikely to use it.'*
42. The Car Park Management Plan shows that the proposed parking bays may be workable and provides reassurance that the proposed parking spaces on site can be managed for patients and staff, however it provides no comfort that the proposed use would not result in off-site overspill parking with consequential significant harm.
43. On this basis Officers do not consider that the proposal will provide adequate parking for the proposed use, and which consequentially would have an unacceptable impact on highway safety, contrary to Policy DM46 and the relevant provisions of the NPPF.

Knock-on Effects

44. A further risk is the possible knock-on effects upon adjacent sites as the proposal is considered likely to fetter the activities of neighbouring employment uses through the introduction of traffic movements and the consequential effects arising from insufficient on-site parking. The proposal therefore has the potential to adversely impact on existing employment uses and potential future expansions on this designated employment site. Additionally, there is some reputational risk unless effective justification can be given for setting aside this policy conflict, albeit it is recognised that the community benefits of the scheme can be used in this regard as offering some support, in the planning balance.

45. Committee suggested Officers explore whether a temporary condition could be attached to any decision should Members determine to approve the application, to allow the medium term use of the site for the proposed use. Conditions generally have to meet the test set out in paragraph 206 of the NPPF and should only be imposed where they are:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

46. Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only, however the NPPG explains that '*A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.*

'Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.'

47. Therefore, if members consider in this case that the material considerations indicate that planning permission should be granted a temporary consent cannot be argued to be necessary. Moreover, a medium term temporary consent for 3 or 5 years could not be justified as a trial run to for example test the impacts on highways safety. Any shorter temporary consent would not be likely to be viable.

Section E – Conclusions:

48. For the reasons outlined above therefore and also set out within the original report to Development Control Committee, Officers have attached great weight to the benefit of the provision of the service and

the need for suitable premises but remain of the view that in the planning balance the combination of issues and harm identified significantly and demonstrably outweighs the benefits of the proposal; the harm being:

- A community use in an inaccessible, unsustainable location;
- Unacceptable adverse impact on highways safety due to severe under provision with parking and;
- Likely resultant knock on effects on adjacent sites and their potential to expand or intensify in the future.

49. In coming to their decision Members must clearly identify whether they consider the proposal complies with the development plan and their reasons for reaching their decision. If it is decided that the proposal does not comply with the policies of the development plan and they wish to approve the application, the material considerations which justify the departure must be identified. Failure to adequately identify the reasons for a decision would adversely impact on the reputation of the Council.

50. Whilst every application must be considered on its own merit, it is also important for the Council to be consistent in its application of policy when determining applications of a similar nature. Failure to provide clear reasons for the decision could expose the Council to the risk and cost of Judicial Review in the High Court and would impact on the ability for the Council to be consistent for other applications of a similar nature. This would also adversely impact upon the reputation of the Council.

51. If applications are not treated equally, in the event that a similar application is refused the applicant would have the right to seek to recover their appeal costs (in full or part depending on the circumstances) from the Council should the Inspector conclude that the Council has acted unreasonably. This would result in financial and reputational implications for the Council.

52. Members should have regard to the attached Working Papers 1, 2, 3 and 4 in reaching their decision.

53. In the event that Members grant planning permission, it is recommended that the reasons for the decision are clearly stated and that the following matters should be controlled by conditions:

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

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

2. Before the first floor use hereby approved commences details of the travel arrangements to and from the site for employees and customers, in the form of a Travel Plan, including monitoring provisions shall be submitted to and approved in writing by the Local

Planning Authority. The approved arrangements shall be implemented before the first floor use hereby approved commences and thereafter adhered to.

Reason: In the interests of sustainable development

3. This permission shall be personal to Community Dental Services (CDS) for special dentistry care and Suffolk Community Healthcare (SCH) and shall not enure for the benefit of the land.

Reason: 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.

4. The number of treatment rooms shall be limited to 6 at ground floor and to 4 at first floor.

Reason: To ensure adequate onsite vehicle parking provision appropriate to the specialist dental and health care being provided.

5. The use hereby approved shall be operated in accordance with the details set out in the Car Parking Management Plan (received 13.09.2018).

Reason: To ensure that sufficient on-site parking for vehicles is provided.

6. The first floor use shall not commence until the cycle parking has been provided in accordance with the details shown on drawing PL01 Rev.A and thereafter the areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient cycle parking is provided and maintained to enable and encourage sustainable travel in accordance with policy CS7.

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

Block Plan - SAH-MAR-XX-00-DR-A-0122

Proposed Ground Floor Plan - SAH-MAR-XX-00-DR-A-0112 REV 8

Proposed First Floor Plan - SAH-MAR-XX-00-DR-A-0122

Parking Layout – PL01 Rev.A

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

Documents:

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



DC/18/0721/FUL

Saxon House

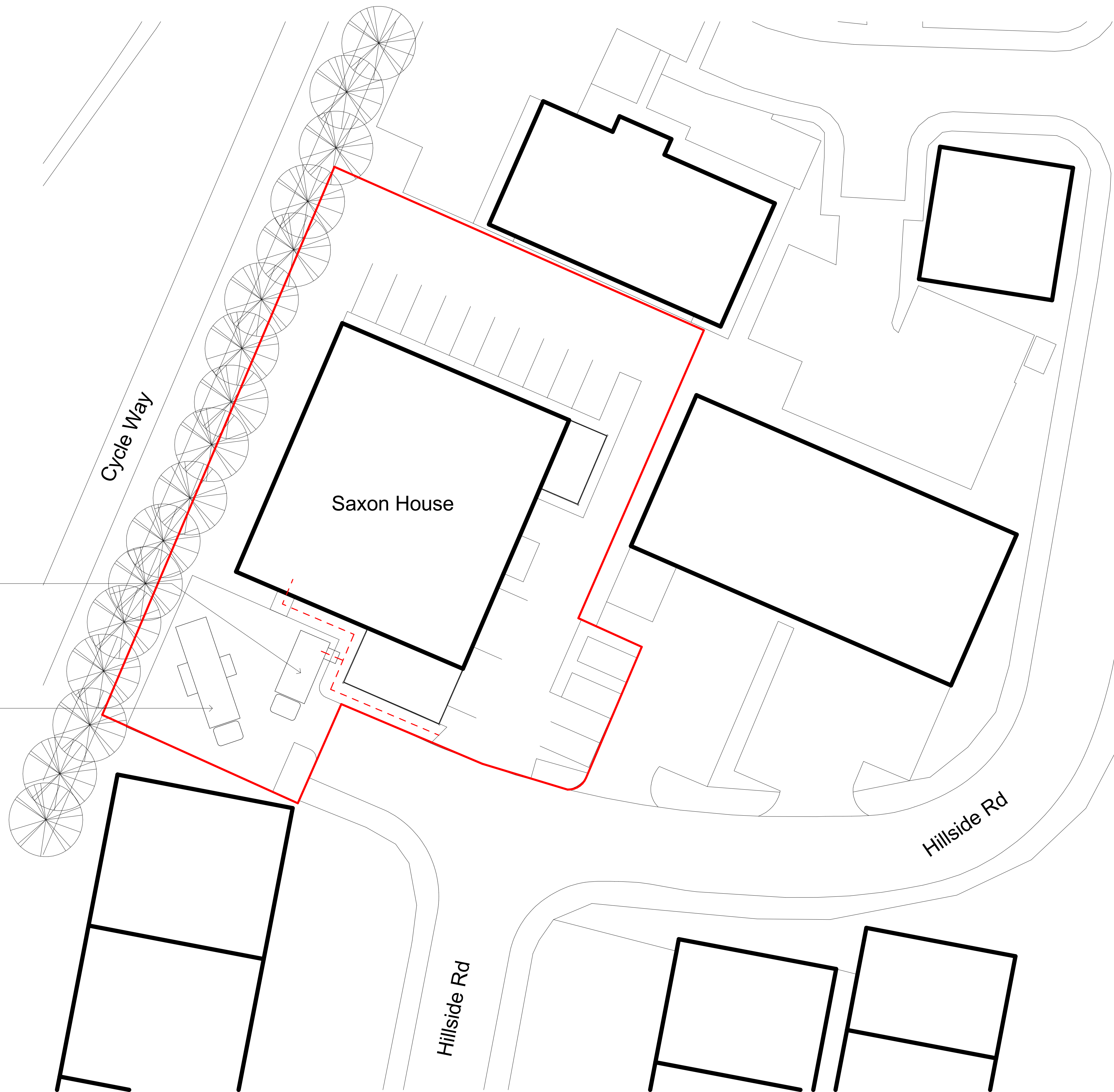
7 Hillside Road

Bury St Edmunds

IP32 7EA

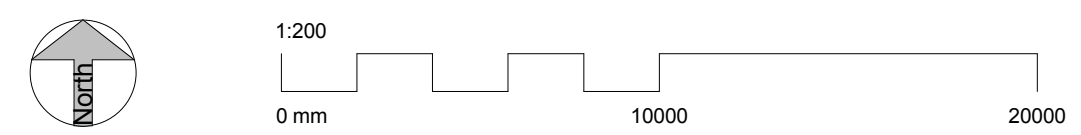


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- Notes
1. Do not scale from this drawing.
 2. All dimensions and levels are to be checked and confirmed on site.
 3. Any discrepancies must be reported to the C.A. immediately.
 4. This drawing is to be read in conjunction with the engineers and all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

--- Wheelchair Access



Rev	Date	Description	Drawn
Planning			
SCALE [A1]	DRAWN	DATE	CHECKED
1 : 200	RS	01/09/17	NB
DRAWING			
Temporary Surgery Plan			
PROJECT			
Saxon House, Bury St Edmunds			
martindales			
<small> martindales architects ltd, 3a 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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**Development Control Committee
6 September 2018**

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

Date Registered: 09.05.2018 **Expiry Date:** 04.07.2018

Case Officer: Britta Heidecke **Recommendation:** Refuse

Parish: Bury St Edmunds **Ward:** Moreton Hall

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

Site: Saxon House, 7 Hillside Road, Bury St Edmunds

Applicant: 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
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 22nd 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.

Reference	Proposal	Status	Received Date	Decision Date
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 16th 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.

Furthermore, the proposed additional 5 parking spaces would reduce the available space for manoeuvring 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. 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.

The proposal therefore fails to provide adequate parking and safe and suitable access for all, contrary to policy DM2 (I) and DM46. And the proposal would have an unacceptable impact on highway safety as a result of significant under provision with parking. As such the proposal is contrary to policy in the NPPF, particularly 105, 108 to 110.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0721/FUL](https://www.planningportal.gov.uk/planning-applications/online-applications/track-application/DC/18/0721/FUL)

Your Ref: DC/18/0721/FUL
Our Ref: 570\CON\1908\18
Date: 17th September 2018
Highways Enquiries to:
Highways.DevelopmentControl@suffolk.gov.uk

WORKING PAPER 2



All planning enquiries should be sent to the Local Planning Authority.

Email: planning.help@westsuffolk.gov.uk

The Planning Officer
St Edmundsbury Borough Council
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

For the Attention of: Britta Heidecke

Dear Britta,

**TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION RETURN DC/18/0721/FUL**

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

LOCATION: Saxon House, 7 Hillside Road, Bury St Edmunds, Suffolk, IP32 7EA

ROAD CLASS:

Notice is hereby given that the County Council as Highways Authority recommends that permission be refused for the reasons detailed in our response of the 26th June. This further response is to clarify this recommendation following the submission of the applicant's Transport Technical Note and supporting statements from the NHS and CDS.

Existing Use

The dental facility was granted permission after information provided by the applicant, extracts are copied here (in italics), which allowed us to withdraw our objection and accept that although the parking provision was below the recommend level in the Suffolk Guidance for Parking for a dentist surgery the specialist nature allowed a reduced parking provision and the permission was granted for this use only, as agreed with the applicant.

"The fact the scheme is meeting a specific need, where patients are generally transported to the surgery rather than using sustainable modes of travel, illustrates it is a specialist service as opposed to a traditional high street dental practice, this is relevant when considering its sustainability credentials"

"Should the case officer be minded to approve the application, we would recommend a condition be imposed limiting the use to CDS only for the purpose of special dentistry care. This would ensure the unit could not in the future be changed to another D class use without appropriate detailed consideration. Restrictions should be placed on the occupation of the unit to ensure the extent of the floor area available for use enables full compliance with the car parking standards"

However, for the Technical note they have undertaken a snapshot survey of on-site car parking and supplemented it with a car parking log – Points here:

- 1) The peak of 16 cars parked on-site coincides with a staff parking peak of 12 staff on-site (and 1 staff cycle). So we can assume by this basis that there will be occasions with all 13 staff on-site. Also indicative that it isn't a location that is attracting sustainable trips from its staff (assuming 13 staff, that's 13 single occupancy car drivers and 1 cyclist).
- 2) Para 2.3 sets out that *"It has been confirmed by the operator of the site that the surveys recorded conditions that were typical of the dental practice"*.
- 3) If you were to compare this to a standard TRICS assessment of a dental surgery (based on their criteria used in their TRICS assessment of the clinic) the peak car parking at the site is greater, which may indicate a site that is more car based than those within TRICS.

Community Healthcare Facility

They have used TRICS to assess the healthcare use using the category Health – Clinics and applied to the proposed 12 full time employees. This equates to a peak accumulation of ten vehicles. Points here:

- The methodology doesn't include any on-site car parking at the beginning, which given that the assessment ends with a negative accumulation is incorrect, so we can assume that the peak is actually at least 11.
- Given that the peak TRICS occupation is at least 11 cars – but you have 13 employees, you'd have to assume that a minimum of 2 employees are travelling sustainably, but in reality more as a number of these vehicles are going to be associated with patients. Assuming that 5 of the vehicles are patients that equates to 7 staff travelling sustainably, which has been indicated as unlikely given the results above for the dental surgery.
- As above the TRICS assessment for the dental facility underestimated the car parking demand.

Total Site

They have used two methods for the total site.

Method 1: Survey + TRICS for 12 employees

According to their assessment this results in a peak occupancy of 22 vehicles. For 31 spaces this equates to 71% occupancy. With obviously more capacity if you were to assume 36 spaces.

Method 2: 25 Employees

According to their assessment this results in a peak occupancy of 19 vehicles. For 31 spaces this equates to 61% occupancy. With obviously more capacity if you were to assume 36 spaces.

They go on to state that a maximum of 10 patients are likely to attend specific group therapy sessions, but that even if they all were to drive, the car park would still operate within capacity, which assuming that method 2 is accepted, then would be correct for both 31 and 36 car parking spaces, but assuming method 1 is accepted would only be correct for 36 spaces.

The methodologies above assume a significant amount of sustainable travel, which the existing use survey shows is not the case.

Car Parking Provision

The level of car parking provision has been justified based on correspondence with the NHS which states the following:

"I am aware that the planning authority is concerned about the provision of sufficient parking at Saxon House. You may be aware that in general terms, NHS England supports reimbursement for a maximum of 3 parking spaces per clinical room for primary care facilities for which we reimburse rental costs. I understand that the guidance currently being applied is for four spaces per treatment room. NHS England's view is that due to the type of services being delivered at this facility 3 parking spaces per treatment room will be sufficient."

They state that 2 disabled persons bays, which equates to 5.56% (36 bays) of the provision is acceptable, this is unevidenced. Suffolk Parking Guidance states that for Medical Centres:

"Dependent on actual development, on individual merit, although expected to be significantly higher than business or recreational development requirements".

Business or recreational standards are in the order of 5 to 6% dependent on the use. 5.56% is not significantly higher than 5%.

We further note that;

The additional 4 parking spaces proposed to the rear of the site (33 to 36) render spaces 5 to 12 inaccessible, and if used would cause additional vehicle movements and staff disruption as staff using the existing spaces would be totally blocked in. Space 32 removes the only passing space on the narrow access to the rear parking.

The ancillary back office use to support 'community health care professionals' is not detailed until the technical note and supporting information and appears to be an additional use to that initially detailed in the application. If the proposed facility is to also be a base for these community-based professionals is not made clear, nor is any associated parking for them.

In summary, we do not accept the Technical Note shows the existing level of parking to be sufficient for both proposed and approved uses, and as the application falls so far short of the recommendations in the Suffolk Guidance for Parking and this is not a sustainable location we retain our recommendation of refusal.

Yours faithfully,

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Development Management Engineer
Strategic Development

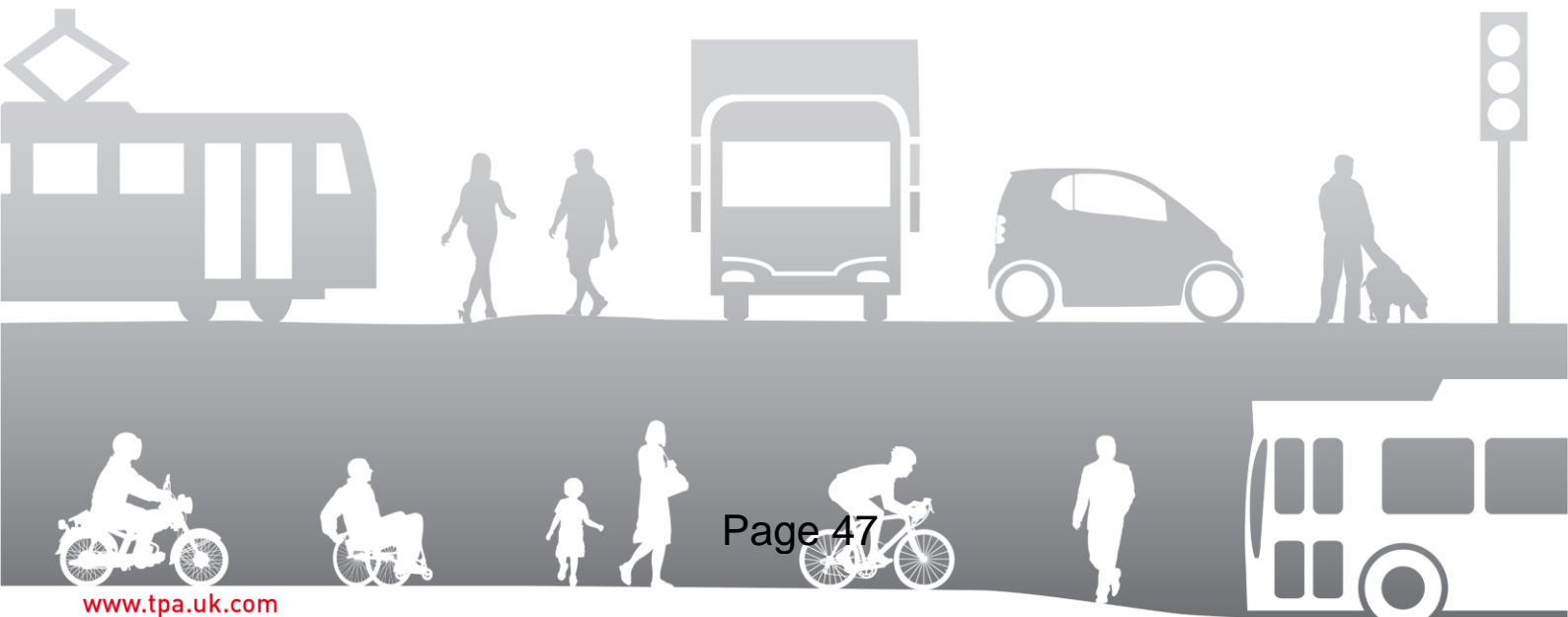
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A Planning Application by
COMMUNITY DENTAL SERVICES

In respect of
**Saxon House,
Bury St Edmunds**

Parking Management Plan

September 2018



DOCUMENT SIGNATURE AND REVIEW SHEET**Project Details**

Project Title:	Saxon House, Bury St Edmunds		
Project No.:	1710-70	Report No.:	1710-70/TN/02
Client:	Community Dental Services		

	Prepared By:	Checked By:	Approved for issue
Name	Tim Hornby	Julian Clarke	Julian Clarke
Signature	TH	JC	JC
Date	12.09.18	12.09.18	12.09.18

Document Review

Revision	Date	Description	Checked By

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LIST OF APPENDICES

- A Proposed Parking Layout

1 INTRODUCTION

- 1.1 Transport Planning Associates has been instructed to provide transport planning consultancy services in relation to the proposed change of use of Saxon House in Bury St Edmunds, Suffolk.
- 1.2 The proposal seeks the change of use of Saxon House from its approved D1 dental clinic use to a dental clinic and community healthcare facility, which is also land use classification D1. The approved dental clinic is now operational.
- 1.3 The dental clinic planning permission (reference DC/17/2406/FUL) provides for a remodelled ground floor housing six treatment rooms and an unaltered first floor for ancillary uses.
- 1.4 The application proposes dental clinic use on the ground floor of Saxon House (in a similar fashion to the recent approval) but with community healthcare use on the first floor, rather than the ancillary uses associated with the dental clinic, as was previously approved.
- 1.5 This Parking Management Plan will provide information for the proposed car park management strategy to detail how visitor and staff parking will be distributed and managed. Further information is also provided with regard to minimising staff parking numbers.
- 1.6 The following structure has been applied to the remainder of the report:
- Chapter 2 – Car Park Layout and Allocation;
 - Chapter 3 – Staff Car Park Operation and Management;
 - Chapter 4 – Visitor Car Park Operation and Management; and
 - Chapter 5 – Monitoring and Review.

2 CAR PARK LAYOUT AND ALLOCATION

Car Park Layout

- 2.1 The most up to date proposed car parking layout for the site is presented within **Appendix A** of this Parking Management Plan.

Car Parking Space Allocation

- 2.2 In reference to the proposed car park layout presented within **Appendix A**, the following allocation of car parking spaces is proposed:

- Staff parking;
 - Parking spaces 1 to 12.
 - Parking spaces 33 to 36.
 - Total allocation: 16 spaces
- Visitor Parking;
 - Parking spaces 13 to 32
 - Total allocation: 20 spaces

Parking Management and Compliance

- 2.3 The on-site director who will manage the whole building will be responsible to ensure compliance with the parking management plan. The day to day parking will be managed by the site receptionist who will always be on duty during the hours of operation of the site.

3 STAFF CAR PARK OPERATION AND MANAGEMENT

3.1 This chapter of the parking management plan will identify the operation and management of the staff car park during the operational hours of the proposed development.

3.2 As previously identified, car parking spaces 1 through 12 and 33 through 36, located to the rear of the building, are allocated for the staff to use.

Staff Car Park Operation

3.3 Given the limited number of staff that will be attending the site, all members of staff will be informed prior to arriving at the site how the staff car park is to be operated.

3.4 As identified within the planning statement that supported the application, the proposed use of the site will have 10 full time staff and 33 part time staff.

3.5 When members of staff first arrive at the site, they will be directed to the rear of the building to ensure that car parking spaces to the front and side of the building are maintained for visitors (spaces 13 to 32). Staff will be directed to use car parking spaces 1 through 12 in the first instance to ensure ease of movement for all parking spaces.

3.6 Staff which will be staying at the site for the full duration of the day will park their vehicles within the restricted manoeuvrability spaces (parking spaces 6 to 12) first before occupying any of the other staff spaces. Members of staff which will not be staying at this site for the duration of the day will be first directed to use the non-restricted spaces (parking spaces 1 to 5) before using the restricted spaces, spaces 6 to 12.

3.7 Should a member of staff arrive at the rear car park and be unable to park within spaces 1 through 12, staff will use spaces 33 through 36 for any additional parking requirement filling from space 33. Upon arrival into the building, staff that have parked within spaces 33 to 36 will inform the reception so that they can be identified if required to move.

3.8 During the hours of operation, should a member of staff, who is parking within spaces 6 to 12, wish to leave, they will first check whether a car is parked behind their space within spaces 33 to 36. The reception staff, due to prior notice and the low level of staff numbers, will then be able to inform the owner of the relevant car / cars that are required to move to enable the car within spaces 6 to 12 to exit.

3.9 Vehicles exiting from spaces 33 to 36 will then use the vacated space within spaces 6 to 12 to park their vehicle, freeing the previous space within spaces 34 to 36.

Measures to Encourage Staff to use Non-Car Modes

- 3.10 Staff are actively encouraged to journey to work by foot and cycle. Furthermore, the site operates a car sharing / pooling scheme to enable compatible journeys to be undertaken together. Further notices and encouragement will be provided to ensure that the benefits and savings that can be achieved through car sharing or through sustainable travel are identified.

4 VISITOR CAR PARK OPERATION AND MANAGEMENT

- 4.1 This chapter of the parking management plan will identify the operation and management of the visitor car park during the operational hours of the proposed development.
- 4.2 As previously identified, car parking spaces 13 through 32, located to the front and side of the building are allocated for the visitors to the site to use.
- 4.3 The proposed facility would provide a total of 10 consultation rooms. Should all consultation rooms will operate with back to back appointments, the maximum number of visitors to the site at any one time, and hence demand for car parking, is likely to be in the region of 10 visitors. The remaining 10 car parking spaces would therefore be available for any visitors that may arrive in advance of their allotted time period for their appointment.

Visitor Car Park Operation

- 4.4 Upon booking an appointment, visitors to the site will be informed regarding the car park management and where to park if travelling to the site via car.
- 4.5 Upon arriving to the site, visitors will first utilise parking spaces 13 to 19 where appropriate to do so. Should parking not be available or appropriate, visitors will then be directed to use spaces 20 to 32 to the side of the building.
- 4.6 All visitor spaces have sufficient manoeuvrability in the area surrounding the car parking space and as such will be able to enter and exit the space without requiring the movement of another vehicle.
- 4.7 Car parking spaces, 15 and 16 will be for disabled use only.
- 4.8 Car parking space 32, located in front of the main entrance will only be used by visitors to the site if all other car parking is unavailable.

Measures to Encourage Visitors to use Non-Car Modes

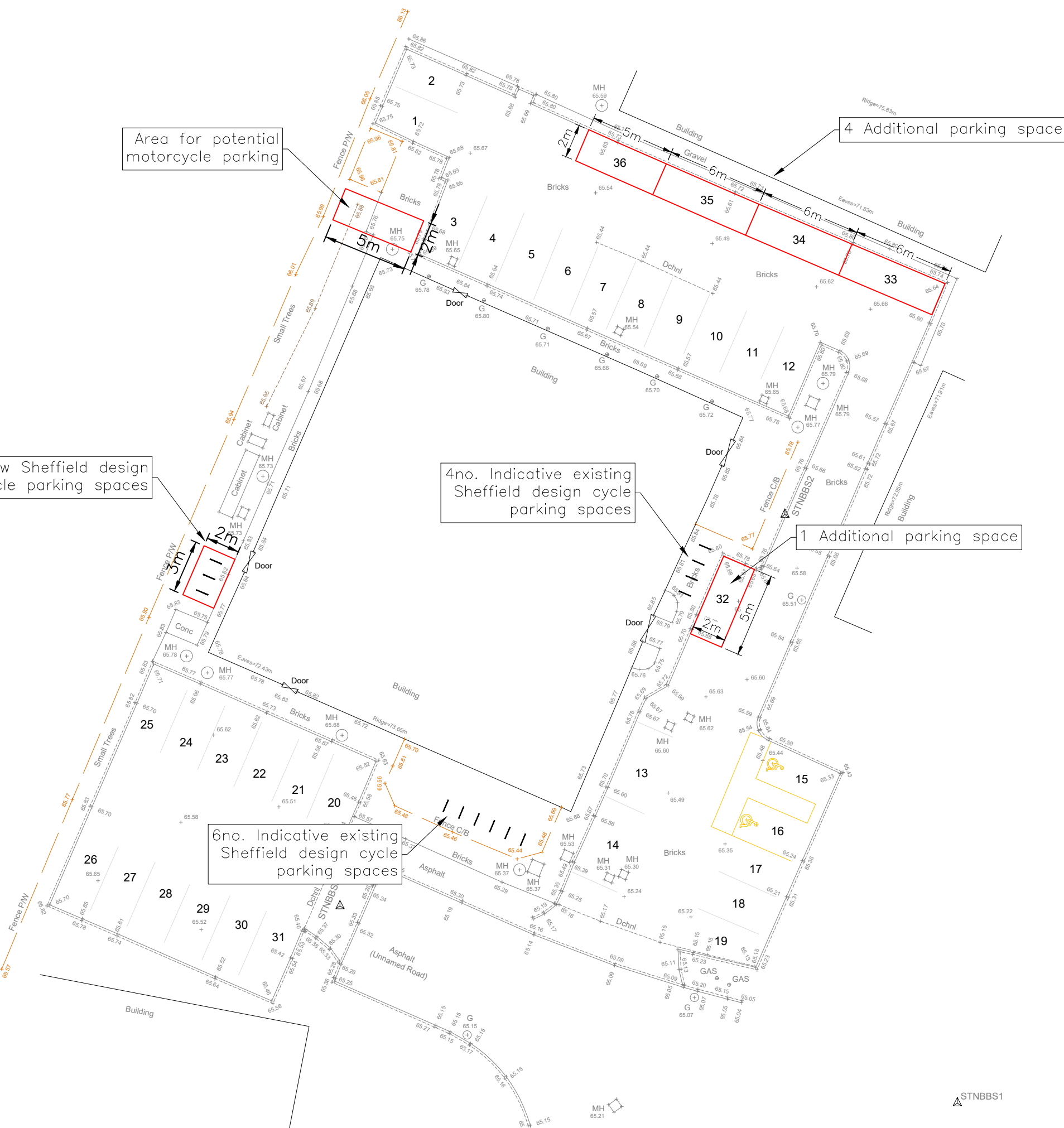
- 4.9 Alongside information relating to the car parking management, visitors to the site will also be informed regarding opportunities to travel to the site by non-car modes so that visitors are able to make an informed decision regarding their journey to the site.

5 MONITORING AND REVIEW

- 5.1 The Parking Management Plan and the associated operation and measures set out in this document have been developed to be appropriate for the development.

- 5.2 Nonetheless the Plan itself remains a live document and it is anticipated that the measures set out within it will evolve to best suit the needs of the staff and visitors of the site.


APPENDIX A



NOTES:
 1. Based on BB Surveys Topographical drawing.
 2. Please note numbers are not marked on site.

Rev	Date	Details	Drawn by	Checked by	Approved by
A	06.08.18	Updates further to SCC comments	SL	TH	JC

Bristol
 Cambridge
 London
 Manchester
 Oxford
 Welwyn Garden City



Transport Planning Associates

Sheraton House
 Castle Park
 Cambridge
 CB3 0AX
 01223 370135
 www.tpa.uk.com

CLIENT:
Community Dental Services

PROJECT:
**Saxon House,
 Bury St Edmunds**

TITLE:
Proposed Parking Layout

STATUS:
PLANNING

SCALE: 1:250	DATE: 12.04.18	DRAWN: JA	CHECKED: SM	APPROVED: SM
JOB NO: 1710-70	DRAWING NO: PL01		REVISION: A	



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**SAXON HOUSE, HILLSIDE
ROAD, BURY ST EDMUNDS,
IP32 7EA**

WORKING PAPER 4

ADDITIONAL INFORMATION

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1.0 SITE SEARCH

Background

- 1.X Community Dental Services and Suffolk Community Healthcare leased premises in Bury St Edmunds town centre (Blomfield House, Looms Lane) until 31 October 2017 when their leases were terminated.
- 3.6 Since becoming aware of the need to move out of Blomfield House (Spring 2017 – at relatively late notice) CDS and SCH have been looking for relocation opportunities (see chain of e-mails between CDS and Norfolk and Suffolk NHS Foundation Trust at Appendix 1). A number of temporary locations and arrangements were found. However, the search for a site to relocate to permanently took rather longer.
- 1.X CDS identified Saxon House as a suitable site for its permanent relocation in Summer/Autumn 2017. However, Saxon House did not have the necessary planning consent, despite CDS initially believing it did. CDS therefore applied for planning permission for dental clinic (D1) use in September 2017. Planning permission was granted in January 2018. **In granting consent the Council implicitly accepted that there were no other suitable or available sites closer to the town centre.** Indeed, the delegated officer report for the application confirms that: *“No other NHS or Council property’s Suitable for the D1 use are available in the area” and “Having regard to the specialist nature of the service which would be provided, the proposal is considered acceptable”.*
- 3.5 The appropriateness of Saxon House for CDS’s operation has already been confirmed therefore. However, Saxon House is too large for CDS alone meaning that it would not be viable for them to occupy it exclusively.
- 3.7 It was for this reason that SCH, screened Saxon House out during their site search – it was too big for them to occupy on their own and they were unaware of CDS’s plans to take a lease of the building (which had to be kept confidential until the lease was signed). In due course, SCH became aware of CDS’s plans and, once they were aware that CDS’s proposed use of the building would leave it underutilised, they started to consider Saxon House as a permanent relocation possibility.

Site search

- 3.9 CDS and SCH undertook separate site searches. However, both searches yielded the same result. This corroboration points to the repeatability and therefore reliability of the respective searches.
- 3.X As quasi NHS bodies/NHS service providers CDS and SCH were encouraged to explore and exhaust any relocation opportunities which existed within the NHS estate prior to considering other sites. CDS and SCH’s site searches reflected this.
- 3.8 The sequence of search therefore looked as follows:
 1. Review of available NHS owned property;
 2. Review of available NHS associated/partner property (e.g. GP surgeries); and
 3. Review of premises on the open market.
- 3.9 The site/premises requirements for both searches were as follows:
 - located in or close to Bury St Edmunds (as the major centre within the West Suffolk area);
 - available now (given the limited notice the parties were given about the termination of their leases and, as time went on, the time they had already spent searching and the unsustainability of the temporary arrangements they were adopting once their leases had terminated);

- modern (to future proof the services to be provided and to afford an appropriate environment for the delivery of services to vulnerable patients);
- accessible location (a large proportion of patients of both services travel by car); and
- sufficient floor space to accommodate the necessary aspects of each organisation's work.

3.X **It should be noted that neither CDS or SCH were in receipt of planning advice at the time of their search. Indeed, it is not reasonable to expect them to have been. As has been alluded to above and explained below, both bodies were under a considerable degree of pressure to find new premises when they were advised at short notice of the closure of Blomfield House. Without any knowledge of the planning system both parties set about trying to find the most suitable premises they could in the limited time available. They did not know, and it would be unreasonable to expect them to have known of the sequential approach to site selection that they might have been expected to adopt. Regardless, a sequential approach was adopted in any case, as this was the most logical way to approach the search. However, understandably in the circumstances, records of the search were not kept. In any case, it should be noted that there is no requirement in planning policy for proposals of this nature to adopt the sequential approach to site selection. Therefore, while it is helpful for the applicant to demonstrate a logical approach to site selection they cannot be expected to satisfy formally the sequential test.**

3.X The following subsections consider the various aspects of the site search.

NHS England and NHS Property Services

- May/June 2017: CDS had various communications with NHS Property Services Ltd and Norfolk and Suffolk NHS Foundation Trust – none of which identified any suitable properties – the e-mail chains at Appendices 1 and 2 both confirm a lack of suitable NHS estate premises within the Bury St Edmunds area:
 - *“There’s not a great deal of suitable premises available in the Bury area at the moment”*
 - *“We have had some initial discussions with Jon Haworth and Jacqui Grimwood regarding the relocation of staff but NSFT have not be able to offer alternative accommodation to anyone unfortunately”*
- Further discussions between CDS and NHS estates bodies yielded the following possible premises:
 - The existing community healthcare facility at Stow Lodge, Stowmarket
 - Possible use of a surgery in West Suffolk Hospital
 - Possible use of a surgery at a dental practice in Bury St Edmunds on certain days
 - None of the above had anything like the capacity required for CDS to deliver their full service offer.
- Similar communications occurred between SCH and the NHS estates bodies with the same result

Web search

- CDS and SCH both conducted web searches for suitable premises regularly during their site searches
- In the case of CDS the only possible lead was an existing dental practice in St Andrews Street but it was too small and the available space was on the first floor with no suitable lift
- SCH were unable to find anything suitable
- SCH did however find Saxon House but subsequently discounted it on the basis that it was too large and therefore too expensive for them to occupy on their own

Agents

- CDS and SCH both contacted local commercial property agents, including Hazells and Barker Storey Matthews, with a view to identifying suitable premises
- The only result this yielded was Saxon House
- CDS's lease of Saxon House was eventually secured through Hazells

General

- The supporting letter from the Head of Estates for NHS England Midlands and East which was submitted with the application confirms that: *“A great deal of effort was put into trying to find alternative premises closer to the centre of the City, but this has not proved possible”*
- Given the number of healthcare related uses on Suffolk Business Park and in close proximity to Saxon House it seems very likely that it is not only CDS and SCH who have struggled to find suitable premises for healthcare uses closer to the town centre

Conclusion

- 1.X While the available evidence of the site searches undertaken by CDS and SCH is limited it is clear that appropriate searches did occur and that a great deal of effort was made to find the most suitable premises for each of the organisations to relocate to.
- 1.X The suitability of Saxon House as a premises for CDS has already been accepted by the Council in its approval of planning application DC/17/2406/FUL. However, as has been explained in the current planning application for the site this leaves the upper floor of the building vacant. Given the benefits associated with co-location of similar uses, particularly those as closely aligned as the delivery of specialist healthcare to vulnerable patients (especially where the uses have been co-located previously); the excellent access arrangements available at Saxon House; and the suitability of the premises in terms of facilities, quality and specification; Saxon House automatically ranks highly in terms of suitability when establishing the optimal site for the relocation of SCH.
- 1.X Due to the position that both organisations were put in owing to the very limited notice they were given of the closure of Saxon House, and the fact that, quite understandably, they had no knowledge of the planning system with respect to sequential site searches, records of the site searches were not kept. The site searches evolved quickly and both parties were in a race against time to find suitable premises. The searches were therefore necessarily forward looking and producing an audit trail was not necessary, nor was it a prudent use of resources at the time.
- 1.X Notwithstanding the foregoing, sufficient information has been collated and presented to demonstrate that the a logical process was followed and that no sites which were either as suitable as Saxon House or more suitable than Saxon House were available.
- 1.X While there is no planning policy requirement for a sequential approach to site selection for the facilities proposed the applicant has demonstrated that the site searches conducted adopted the principles of a sequential search and therefore that, at the time of the completion of the search, Saxon House was the most suitable of the premises available. Indeed, it was the only suitable premises available at the time and, to the best of the applicant’s knowledge, remains so.

2.0 RELATIONSHIP WITH NHS STRATEGY FOR WEST SUFFOLK

2.1 Queries have been raised regarding the possibility of a temporary consent in this case, partly owing to proposals for a combined healthcare facility within a broader public sector services facility in Bury St Edmunds (some have suggested this will mean Saxon House is no longer required for the delivery of the subject services). Further information on the implications of these proposals for the application scheme has therefore been requested. The following should be noted:

- The application seeks a permanent planning permission and the Council is respectfully directed to determine the proposal before it (a temporary consent has not been mooted or requested by the applicant at any point)
- The chain of e-mails between CDS and NHS Property Services Ltd at Appendix 2 confirms that: *“In terms of Bury St Edmunds there is an aspiration for a joined up public sector facility, incorporating Health, but this is at quite an early stage so your plans to relocate elsewhere shouldn’t impact”*
- As far as the applicant is aware there is no timescale in place, or indeed close-to-final plans in place, for the joined up public sector facility referred to
- There is no indication of what the joined up public sector facility can or will be able to provide
- There is no guarantee that the planning permission for the joined up public sector facility will be secured
- There is no guarantee that the current NHS strategy of joined up services will endure
- There is every possibility that greater privatisation on NHS services will occur and that bodies such as CDS and SCH may not have a place in a joined up public sector facility

2.2 It is therefore the case that it would be wholly unreasonable for the Council to grant a temporary or time-limited consent in this case. Indeed, the Council would be operating beyond the powers conferred upon it by doing so. The application does not seek a temporary consent and there is no justification for granting such a consent in this case.

APPENDIX 1: CHAIN OF E-MAILS BETWEEN CDS AND NORFOLK AND SUFFOLK NHS FOUNDATION TRUST

APPENDIX 2: CHAIN OF E-MAILS BETWEEN CDS AND NHS PROPERTY SERVICES LTD

Sykes-Popham, Richard

From: Amy Schiller <Amy.Schiller@cds-cic.nhs.uk>
Sent: 12 September 2018 10:31
To: stclair@eggarton.com
Subject: FW: CDS-CIC - Blomfield House

With Kind Regards,


Amy

Amy Schiller, Operations Director (Suffolk and Thetford)



Community Dental Services
7, Hillside Road
Bury St. Edmunds IP32 7EA

E-Mail amy.schiller@cds-cic.co.uk
Tel: DD 01284 630130 Mob 07825 656124
www.communitydentalservices.co.uk

 Follow CDS on Facebook

From: Graham Hotchen
Sent: 23 June 2017 10:33
To: Poulson Claire (NSFT)
Cc: Kittle Mark (NSFT); Amy Schiller
Subject: RE: CDS-CIC - Blomfield House

Hi Claire,

Many thanks for your note. The speed with which this notice is being effected has taken us a little by surprise - we were certainly not aware at of any intention of your closing the building. As such it does present significant operational issues for us and potential loss of service to patients. We are actively looking for alternative solutions and have kept Healthwatch informed of the situation. It is not possible to safely put in place any of a number of contingency plans we are pursuing and to demobilise the equipment by the end of Sept 17^h. I believe we will need to occupy for an extended period of at least 2 and possibly 3 months. Could you take this note as a formal request for such an extension and what the process is from this point.

Best wishes,

Graham

From: Poulson Claire (NSFT) [mailto:Claire.Poulson@nsft.nhs.uk]
Sent: 06 June 2017 17:04
To: Graham Hotchen
Cc: Kittle Mark (NSFT)
Subject: RE: CDS-CIC - Blomfield House

Hi Graham

My apologies for the delay in coming back to you.

Due to significant investment required in Blomfield House the NSFT board has decided that the property should be disposed of by the end of this year.

We have had some initial discussions with Jon Haworth and Jacqui Grimwood regarding the relocation of staff but NSFT have not be able to offer alternative accommodation to anyone unfortunately. In terms of extending your occupation until suitable alternative accommodation is found, we may be able to extend this by 1 maybe 2 months but we would prefer not to be in that position as we are concerned if the heating system fails as its on its last legs and also the roof is leaking.

Have you been in contact with NHS Property Services in relation to alternative accommodation?

Claire Poulson
Property Manager

Norfolk and Suffolk NHS Foundation Trust
Estates Department
The Hollies
St Clements Site
Foxhall Road
Ipswich
IP3 8LS

Tel: 01473 320913
Mobile: 07770 391243

www.nsft.nhs.uk

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From: Graham Hotchen [mailto:Graham.Hotchen@cds-cic.nhs.uk]
Sent: 11 May 2017 15:53
To: Kittle Mark (NSFT); Poulson Claire (NSFT)
Subject: CDS-CIC - Blomfield House

Dear Mark / Claire,

I am contacting in reference to the proposed closure of Blomfield House in late September 17, on the advice of Ian Burns, Property Strategy Manager Eastern England.

I am not clear what the plans are at the moment (if any) to find alternative premises or who is taking a lead on identifying any alternatives. In fact, the last note that I saw said that potentially individual occupiers would need to make their own individual arrangements. Before I embark on that option I would just like to confirm with you whether there are, to your knowledge, any plans to provide alternative premises currently being worked on, or any other NSFT premises available that CDS-CIC could occupy from September? CDS-CIC currently occupies the complete first floor of Blomfield House and I understand a compressor room in the basement.

Secondly, I would seek your advice on the process to be followed if we would need to occupy the premises for an additional number of months if alternatives cannot be found.

I would welcome the opportunity to discuss the above with you at your convenience or can travel to you offices. Could I schedule a call or visit, please?

Very best wishes,

Graham Hotchen
Business Transformation Director
07816 669201

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All electronic communication to and from Norfolk and Suffolk NHS Foundation Trust is retained in order to comply with regulatory and business requirements.

Sykes-Popham, Richard

From: Graham Hotchen <Graham.Hotchen@cds-cic.nhs.uk>
Sent: 12 September 2018 11:05
To: Eggarton; Amy.Schiller
Subject: FW: Strategic opportunity!

Hi both – This is a useful note. I followed this up with a telephone conversation with Ian (note his job title!). He said that nothing came to mind other than potentially moving to a space in Bury hospital. That was not feasible

Graham

From: Burns Ian (NHS Property Services) [mailto:Ian.Burns@property.nhs.uk]
Sent: 11 May 2017 10:49
To: Graham Hotchen
Subject: RE: Strategic opportunity!

Hi Graham

Happy to have a chat on the phone anytime. In terms of Bury St Edmunds there is an aspiration for a joined up public sector facility, incorporating Health, but this is at quite an early stage so your plans to relocate elsewhere shouldn't impact. There's not a great deal of suitable premises available in the Bury area at the moment.

I'm not working tomorrow, 12 May but am around today and in and out next week.

Kind regards
Ian

Ian Burns | Property Strategy Manager Eastern England

NHS Property Services Ltd
2-4 Victoria House, Capital Park, Fulbourn, CB21 5XB

01223 597710 | 07785 393853 | Ian.Burns@property.nhs.uk

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From: Graham Hotchen [mailto:Graham.Hotchen@cds-cic.nhs.uk]
Sent: 10 May 2017 14:25
To: Burns Ian (NHS Property Services)
Subject: FW: Strategic opportunity!

Dear Ian,

I am contacting you as Alison has mentioned below in relation to a potential premises move that has been necessitated by our current landlords requiring us to vacate our existing premises at Blomfield House in Bury St Edmunds at very short notice. I am compiling a business case in conjunction with NHSE (Julie Bradshaw) to move to another premises which would "fit the bill" extremely well. I would welcome the chance to have a brief conversation with you since I obviously want to make sure that any plans we have are in line with STP direction of

travel and fit with other strategic intentions you may have. Chris Palmer recommended I speak with you and Alison said that she knew you so hence the contact. I am happy to travel to your offices if that is convenient for you.

Best wishes,

Graham
07816 669201

From: Alison Reid
Sent: 04 May 2017 16:59
To: Ian Burns (Ian.Burns@property.nhs.uk)
Cc: Graham Hotchen
Subject: Strategic opportunity!

Dear Ian

Apologies for yet another email...having just caught up, one of my colleagues , Graham has been recommended to speak to you regarding the strategic intentions with in the STP for the East of England with a specific focus on Suffolk.

I hope you would be okay with Graham contacting you directly as we have been given notice on our occupancy in a building in Bury and are developing the options for an alternative which ideally we want to provide. Obviously even though Community Dental Services are a very small part of any system we want to ensure our plans do not conflict with the strategic intentions within the STP

Your advice and support would be very much appreciated

Thank you for whatever help you can offer Graham

Kind regards

Alison

Alison Reid
Chief Executive Officer



Bedford Heights
Manton Lane
Bedford MK41 7PH

Alison.reid@cds-cic.nhs.uk

Office -01234 310231
Mobile 07825 656121

PA Vernicia Mayo – Vernicia.Mayo@cds-cic.nhs.uk

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/034

Development Control Committee 4 October 2018

Planning Application DC/18/1017/FUL – Hill View Works, Simms Lane, Hundon

Date Registered:	11.06.2018	Expiry Date:	06.08.2018 – EOT 05.10.2018
Case Officer:	Kerri Cooper	Recommendation:	Refuse
Parish:	Hundon	Ward:	Hundon
Proposal:	Planning Application - 5no. dwellings with 5no. garages and new vehicular access (following demolition of existing industrial buildings)		
Site:	Hill View Works, Simms Lane, Hundon		
Applicant:	Mr K Ager		

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:

Kerri Cooper

Email: kerri.cooper@westsuffolk.gov.uk

Telephone: 01284 757341

Background:

The application is referred to Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel at the request of Councillor Mary Evans (Ward Member: Hundon).

A site visit will take place on Thursday 27 September 2018.

1.0 Proposal:

- 1.1 Planning Permission is sought for the construction of 5no. dwellings and associated garaging, following the demolition of existing industrial buildings.

2.0 Application Supporting Material:

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online using the following link:
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P9A9P2PDGJ100>

3.0 Site Details:

- 3.1 The application site comprises an existing business, Vulchem Hygiene Supplies Ltd, which is situated outside the settlement boundary of Hundon within land designated as Countryside. The site forms part of Brockley Green which is a hamlet in the parish of Hundon.

4.0 Planning History:

4.1

Reference	Proposal	Status	Decision Date
DC/17/2479/OUT	Outline Planning Application (All matters reserved) - 5no. dwellings with detached garages and new vehicular access (demolition of existing Industrial buildings)	Application Withdrawn	16.01.2018
E/94/2271/P	Planning Application - Continued use of buildings for light industry (Class B1) with associated office and storage buildings	Application Granted	19.09.1994
E/84/1160/P	Erection of pig building	Application Granted	27.02.1984

5.0 Consultations:

- 5.1 Public Health and Housing – No objection, subject to conditions.

- 5.2 Environment Team – No objection, subject to conditions.
- 5.3 Environment and Transport: Highways – No objection, subject to conditions.
- 5.4 Strategic Housing – The Strategic Housing Team would consider plot 5 as acceptable, if it was to be considered as an affordable housing unit.
- 5.5 Fire and Rescue Service – Advisory notes and in formatives circulated to applicant.
- 5.6 All consultations can be viewed online in full.

6.0 Representations:

- 6.1 Parish Council - No comments received.
- 6.2 Ward Member - Councillor Mary Evans supports the application and has made the following summarised comments:
 - Traffic generated from employment site;
 - Detrimental visual impact of existing site appearance;
 - Enhance vitality of surrounding rural area;
 - Provides an affordable dwelling;
 - Will provide sustainable development;
 - Proposed development will provide attractive, well designed homes;
 - In keeping with character of the area;
 - Positive impact on highway safety
- 6.3 Neighbours – 1no. letter of comments was received from the owners/occupiers of Hill View, which is summarised as follows:
 - No objection to proposed development;
 - Commercial use unsightly;
 - Family vehicles along the lane would be preferable over lorries and vans
- 6.4 All representations can be viewed online in full.

7.0 Policy: The following policies of the Joint Development Management Policies Document 2015, 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 DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features

- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM29 Rural Housing Exception Sites in St Edmundsbury
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM33 Re-Use or Replacement of Buildings in the Countryside
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries

8.0 Other Planning Policy:

- National Planning Policy Framework (2018)

9.0 Officer Comment:

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

- Principle of Development
- Impact on Character & Visual Amenity
- Impact on Neighbouring Amenity
- Impact on Highway Safety
- Other Matters
- Material Considerations and Planning Balance

Principle of Development

- 9.1 The proposal comprises the construction of 5no. dwellings and associated garaging, following demolition of existing industrial buildings associated with the current business operating on the site. The applicant confirmed in their submission that they are willing to offer one of the proposed

dwellings as an affordable unit if there is a need and demand or alternatively provide an off-site commuted sum.

- 9.2 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.
- 9.3 Policy CS13 relates to the rural areas within the Borough and states that development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside. Policy DM5 states that areas designated as countryside will be protected from unsustainable development and sets out the circumstances where new or extended buildings will be permitted. In terms of housing policy DM5 supports the principle of affordable housing, dwellings for key agricultural, forestry or equine workers, small scale development in accordance with policy DM27, and the replacement of existing dwellings on a one-for-one basis. Policy DM27 permits up to two dwellings on small undeveloped plots within otherwise built up frontages in existing clusters of housing. These policies are considered to be consistent with paragraphs 77 to 79 of the revised NPPF in respect of rural housing. Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive. Paragraph 79 sets out the circumstances where housing in the countryside can be supported, and these include housing for rural workers and the re-use of redundant buildings. Paragraph 77 supports rural exception sites to provide affordable housing to meet local needs. As such policies CS13, DM5 and DM27 can be afforded significant weight.
- 9.4 Policy CS2 seeks to ensure that a high quality, sustainable environment is achieved and requires, inter alia, the conservation and enhancement of the character and quality of local landscapes and the wider countryside in a way that recognises and protects the fragility of these resources. Policy CS3 states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address, inter alia, consideration of protection of the landscape and natural environment and an understanding of the local context and an indication of how the proposal will enhance the area. Policy DM2 states that proposals for all development should (as appropriate) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area.
- 9.5 These policies are considered to be consistent with paragraphs 127 and 170 of the NPPF. Paragraph 127 states that decisions should ensure the developments are sympathetic to local character including the landscape setting, and paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the

countryside. As such policies CS2, CS3 and DM2 can be afforded significant weight.

- 9.6 Policy DM30 seeks to protect employment sites and to ensure that there would be no adverse impact on employment generation if a site is to be considered for a non-employment use. Paragraph 84 of the NPPF states:
- 9.7 *Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- 9.8 As a result of the revised changes to the NPPF, further emphasis and weight should now be given to employment in rural areas subject to impact. Therefore, policy DM30 can be afforded significant weight.
- 9.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but does not change the statutory status of the development plan as the starting point for decision making. Paragraph 12 of the NPPF states that where development conflicts with an up-to-date development plan permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan only if material considerations in a particular case indicate that the plan should not be followed.
- 9.10 Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
- 9.11 St. Edmundsbury Borough Council published an assessment of a five year housing land supply in September 2017. The report sets out the availability of housing land supply for the period 2017-2022. The assessment confirms that the Council is able to demonstrate a five year supply of housing.
- 9.12 Hundon which is a Local Service Centre as defined under Policy CS4 of the Core Strategy with a reasonable range of services and facilities including a primary school, community shop, two pubs and a community centre. The application site however lies some considerable distance outside of the housing settlement boundary, within land designated as countryside, and in an area otherwise remote from easy access to day to day services.

- 9.13 The application site is situated approximately 4 km from the village of Hundon itself, within Brockley Green. The nearest village, Kedington is situated approximately 2 km from the application site. The location of the site, its distance from the services and facilities in either village, the lack of pedestrian footpaths, and the lack of existing infrastructure results in the proposed development being considered very clearly to be locationally unsustainable, with limited or even no obvious opportunities to encourage pedestrian and cycle access to and from the site.
- 9.14 It is acknowledged and respected that one of the units proposed could be suitable in terms of size to provide an affordable housing unit. However due to the site being situated in the countryside, sites for affordable housing schemes would only come forward in exceptional circumstances and while the proposal does otherwise require affordable housing based on site area with reference to the provisions of Policy CS5, more importantly the provisions of Para. 63 of the NPPF as the most up to date national policy seeks to preclude affordable housing on schemes of this size. A
- 9.16 Therefore, the offer to provide affordable housing should be given limited weight in the balance of considerations.
- 9.17 The application site measures 0.38 hectares in total. To the north of the application site is Hill View and to the east, south and west is agricultural land. The proposed development does not comprise infilling of a small undeveloped plot nor does it comprise a single dwelling or pair of semi-detached dwellings. As such, the proposed development fails to comply with policy DM5, DM27, DM29 and paragraph 79 of the NPPF.
- 9.18 Policy DM30 states that any non-employment use proposed on sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal can demonstrate that it complies with other policies in this and other adopted local plans (particularly policies DM1 and DM2 in the Joint Development Management Policies Document), and one or more of the following criteria has been met (as appropriate to the site/premises and location): a. there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements; b. evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future; c. the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site; d. an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs; e. it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café; f. an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.
- 9.19 The site is currently occupied by Vulchem Hygiene Supplies Ltd. The engineering business has occupied the site for a considerable number of years and has continued to expand. The applicant has stated that if

planning permission is to be granted, the business is proposed to be relocated elsewhere. Information has been submitted which details potential alternative premises in Haverhill or Bury St Edmunds but these are considered vague. Limited or even no weight can be attached to this however in the balance of consideration since the policy seeks to protect this site employment site from loss without adequate assessment having first been given to its retention. There is clear and real conflict therefore with the provisions of DM30 and it is considered that plainly insufficient evidence has been submitted to explore all of the remaining criteria under policy DM30 for the Local Planning Authority to be satisfied that there will be no impact from the loss of the employment use.

- 9.20 Para. 79 of the NPPF seeks to avoid the provision of isolated homes in the countryside. Based on the locationally unsustainable conclusions set out above this site can be considered as nothing other than isolated. Virtually no ready opportunity exists for access to day to day goods and services by any other means than the private car and this factor weighs very, very heavily against the proposal. Para. 78 of the NPPF makes it very clear how important sustainable development is within rural areas, supporting the provisions of DM5, and stating that '*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*' While it is recognised that plainly any rural housing will help some nearby local settlements in increasing their sustainability this benefit is modest, and is clearly outweighed in the opinion of officers by the day to day locational unsustainability issues and by the adverse effects upon rural employment generation, noting the conflict with DM30 and the manifest lack of any robust assessment.
- 9.21 Section 11 of the NPPF sets out the support that must be given to development which make the most effective use of land. Support for the reuse of brownfield land should be given substantial weight where that site is within a settlement but this paragraph does not apply in this instance noting that the site is outside of any settlement boundary and any weight is also further reduced here by reason of the manifest locational unsustainability of this proposal.
- 9.22 Paragraph 121 of the NPPF states that:
- 'Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework'*
- 9.23 For the reasons already set out above, this development is quite plainly not considered compatible with the provisions of other policies, for example Para. 79, and limited weight can therefore be attached to this paragraph in support of the proposal.
- 9.24 Having regard to all of the above, the principle of development in this location is contrary to adopted and national planning policy. Significant weight must be attached to this very clear conflict.

Impact on Character & Visual Amenity

- 9.25 Policy DM2 states that proposals for all development should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. In addition, it also requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.
- 9.26 Policy DM13 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.
- 9.27 Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
- 9.28 The proposed development comprises 5no. detached dwellings and associated garages. The dwellings would be served by a shared access off Simms Lane. There are three residential dwellings located on Simms Lane, two of which are associated with farms. They are situated a significant distance apart, with vast agricultural land in between each site.
- 9.29 A justification put forward by the applicant/agent is that the proposed development would create a visual improvement to the site. Whilst the industrial buildings and appearance of the site is not in itself attractive, due to the existing screening in situ limited views are visible from the public realm as for it not to cause any significant harm to the character and appearance of the area.
- 9.30 As a result of the proposed development, the appearance and character of the site will change when viewed immediately to the front of the site and also in longer distance views from the north, south and west. The development proposed, with a shared and visually prominent access, plus dwellings uncharacteristically closely positioned, will appear overtly urban in this otherwise generally open rural context.
- 9.31 The provision of 5no. dwellings would intrude into this open countryside setting, to the detriment of the character and appearance of the area. The proposal would create a visual intrusiveness in this attractive rural location and create a significant impact so as to cause harm to the surrounding landscape character, resulting in an erosion of the countryside character. Consequently, the proposal is considered detrimental to the character and appearance of the locality through the development of an uncharacteristic and dominant development.
- 9.32 As such, the harm arising from the visual impact upon the character and appearance of the area is at a level that the Local Planning Authority considers that the harm identified above in visual and character terms is significant.

Impact on Neighbour Amenity

- 9.33 There is one neighbouring property, Hill View adjacent to the application site, which is set within a generous sized plot. It is considered that the proposed residential use would be a less intensified use to that of the existing industrial use.
- 9.34 The proposed dwellings have been positioned within the site, to create sufficient separation distance between each plot and are set in from the side boundaries. Furthermore, the proposed dwellings have been designed and positioned appropriately within the site, as to respect each other and the adjacent neighbouring property, Hill View. It is therefore considered that the proposed development will not result in an adverse impact on neighbouring amenity as to cause harm, by virtue of overlooking, overbearing impact or loss of light.

Impact on Highway Safety

- 9.35 There are two existing accesses serving the site at present. One of the accesses is to be improved and the other access is to be blocked up.
- 9.36 Suffolk County Highway Authority considers that the proposed accesses will improve the visibility and will not surplus the current situation to lead to an adverse impact on highway safety subject to appropriate conditions. Furthermore, sufficient on-site parking is to be provided as to accord with Suffolk Parking Standards.

Other Matters

- 9.37 The application site is not situated within a flood zone. Therefore, there will be no impact on flooding as result of the proposed development.
- 9.38 Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.
- 9.39 There are no protected species within 200 metres of the proposed development site.

Material Considerations and Planning Balance

- 9.36 The submitted Planning Statement acknowledges the site is outside of the Housing Settlement Boundary but states that there are combined benefits and material justifications that should outweigh this in the planning balance. These are, in summary:
- Brownfield site;
 - Applicant can relocate business;
 - Proposal would result in a reduction in traffic;
 - Providing affordable housing;
 - Visual improvement to site

- 9.37 The site is a brownfield site and this weighs in favour in the overall planning balance, albeit noting the conclusions drawn above, and noting the wider conflict with paragraph 79 of the NPPF this weight is limited. Furthermore, it is an active employment site at present and whilst information has been provided in respect of potential relocation options, these are not definitive, and in any event, relocation of the existing business would not safeguard this site for employment purposes, which is the aim of DM30.
- 9.38 The proposed scheme proposes one affordable unit, which is an aspect that the Strategic Housing team support, however it is not considered a sustainable location given that Brockley Green forms its own hamlet, which is a significant distance away from the services and facilities in Hundon itself and noting that national policy does not require affordable housing on a scheme of this size limited weight can be attached to this offer. There is also no mechanism before us for securing the provision of such in any event.
- 9.39 There would be temporary economic benefits arising from the construction activity required to deliver the development plus some intrinsic, albeit modest, benefit from the provision of dwellings generally. These benefits are however considered to be modest and easily repeatable in relation to any number of sites elsewhere in the Borough.
- 9.40 Officers' consider that the material considerations cited do not outweigh the clear and significant conflict with the development plan in this case.

10.0 Conclusion:

- 10.1 The application site lies outside of a defined settlement boundary and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal is contrary to adopted planning policies which direct new open-market housing to sites within the defined limits of existing settlements and the application does not therefore accord with the development plan. Furthermore, insufficient evidence has been submitted in respect of policy DM30 for the Local Planning Authority to be satisfied that there will be no impact from the loss of the employment use.
- 10.2 In addition, the proposal would create an encroachment to the countryside, distinctively separate from the Housing Settlement Boundary. The provision of 5no. dwellings would intrude into this open countryside setting, to the detriment of the character and appearance of the area. It would have an unwelcome urbanising effect through the beginning of a ribbon development.
- 10.3 In conclusion, for the reasons outline above, it is considered that the proposed development is contrary to Policies RV1, RV3, CS1, CS4, CS13, DM1, DM2, DM5, DM27, DM29 and DM30 and there are no material planning considerations that outweigh this very significant conflict with the development plan.

11.0 Recommendation:

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

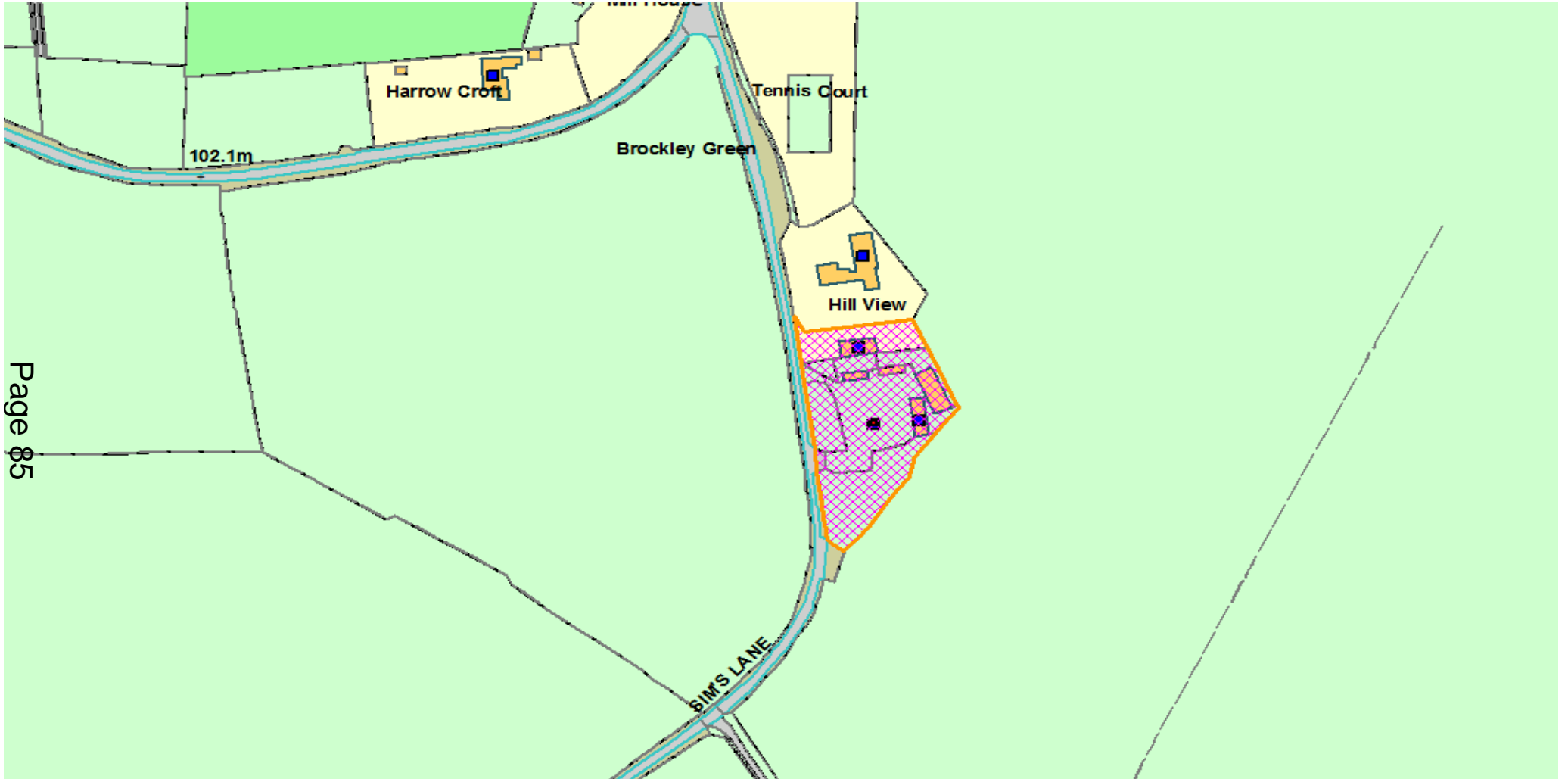
1. Policies CS1 and CS4 between them establish the spatial strategy and the settlement hierarchy for development within St. Edmundsbury. Both seek to resist, residential development outside of settlement boundaries. Furthermore, Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the circumstances where dwellings will be permitted outside of settlement boundaries, with Policy DM29 setting out the circumstances where a rural exception site will be permitted. The site is considered to be locationally unsustainable and isolated in direct conflict with the provisions of paragraph 79 of the NPPF. Furthermore, the proposal does not meet the provisions of any of these Development Plan policies and there are no material considerations that outweigh this very significant conflict with the Development Plan.
2. Policy DM30 seeks to protect employment sites and to ensure that there would be no adverse impact on employment generation if a site is to be considered for a non-employment use. Insufficient evidence has been submitted in respect of policy DM30 for the Local Planning Authority to be satisfied that there will be no impact from the loss of the employment use.
3. Policy DM2 states that proposals should recognise and address key features, characteristics and landscape of the area. The provision of 5no. dwellings would intrude into this open countryside setting to the detriment of the character and appearance of the area. The proposal would create a visual intrusiveness in this attractive rural location and create a significant impact as to cause harm to the surrounding landscape character proving contrary to the provisions of Policy DM2 and to those of the NPPF relating to good design.

12.0 Documents:

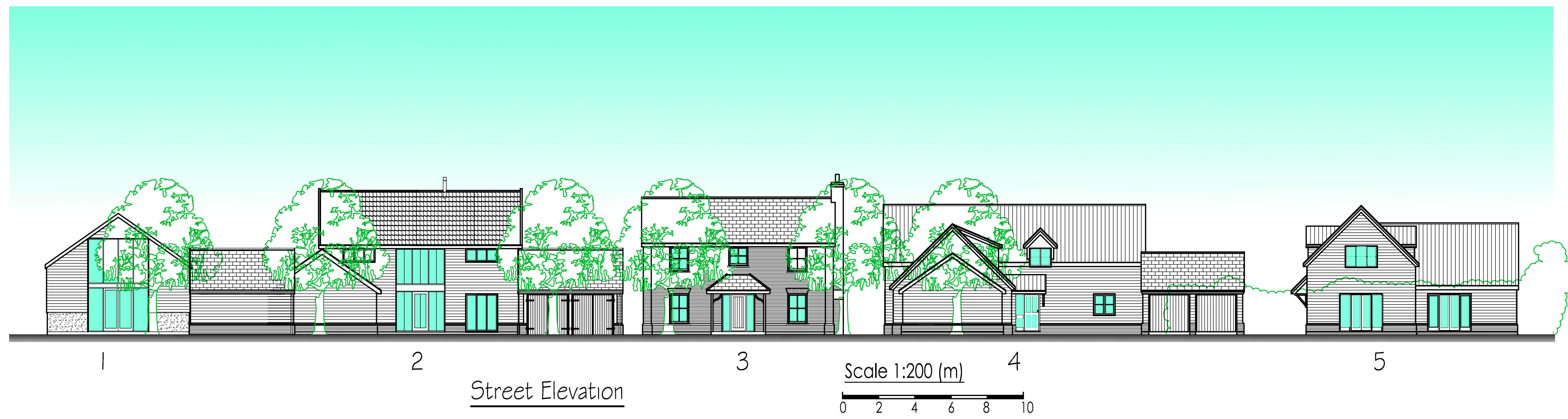
12.1 All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1017/FUL](https://www.stedmundsbury.gov.uk/DC/18/1017/FUL)



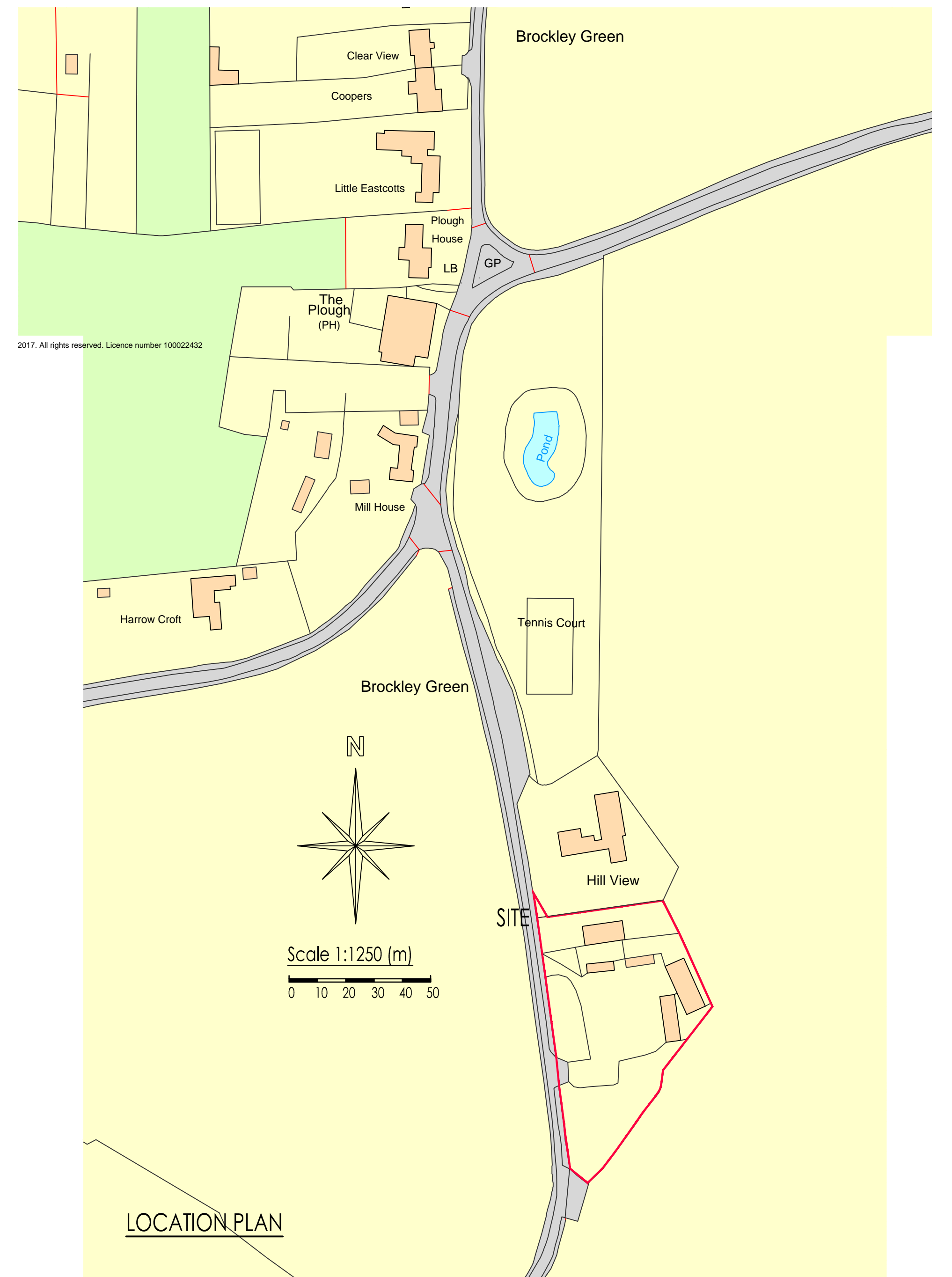
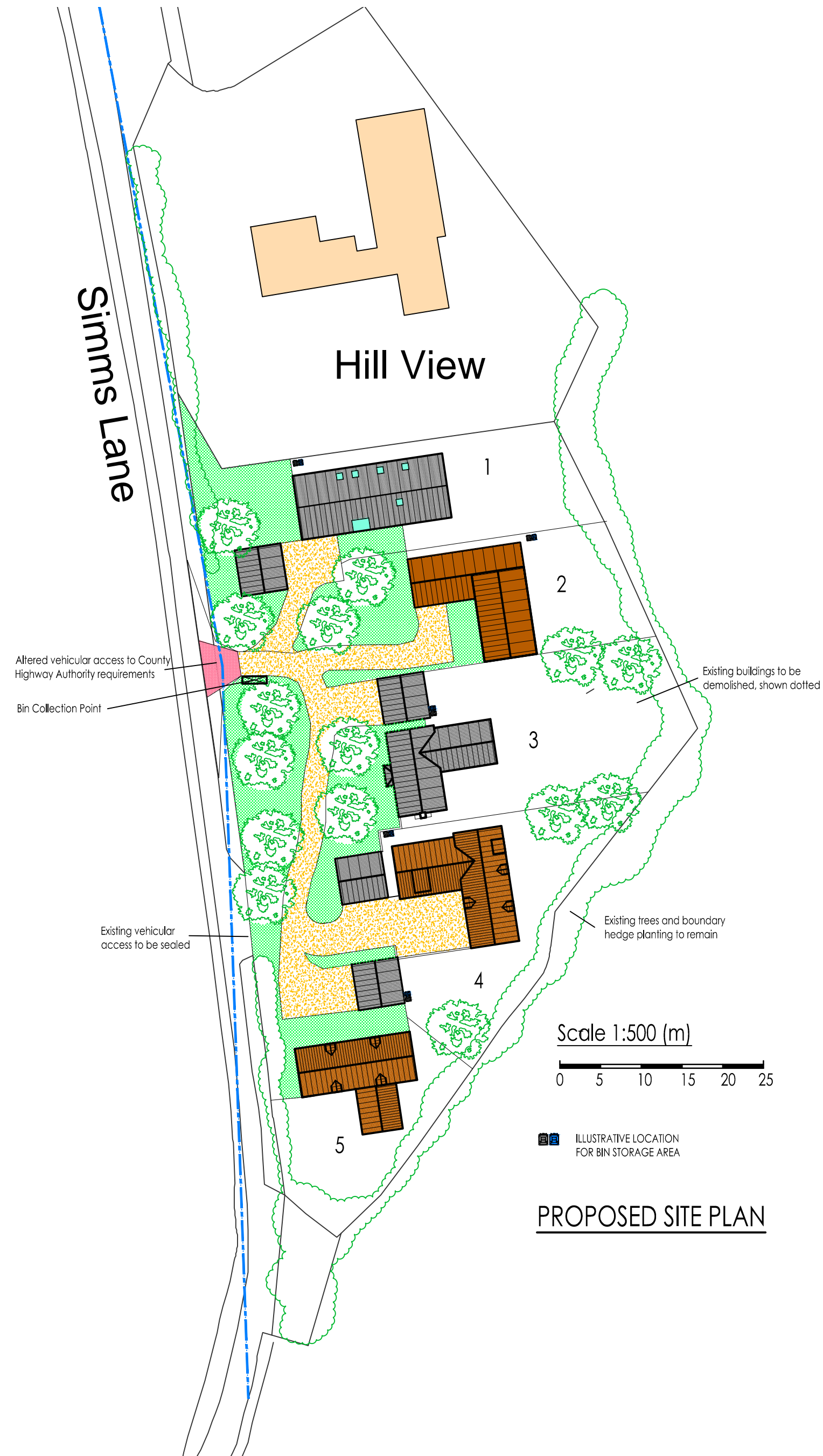
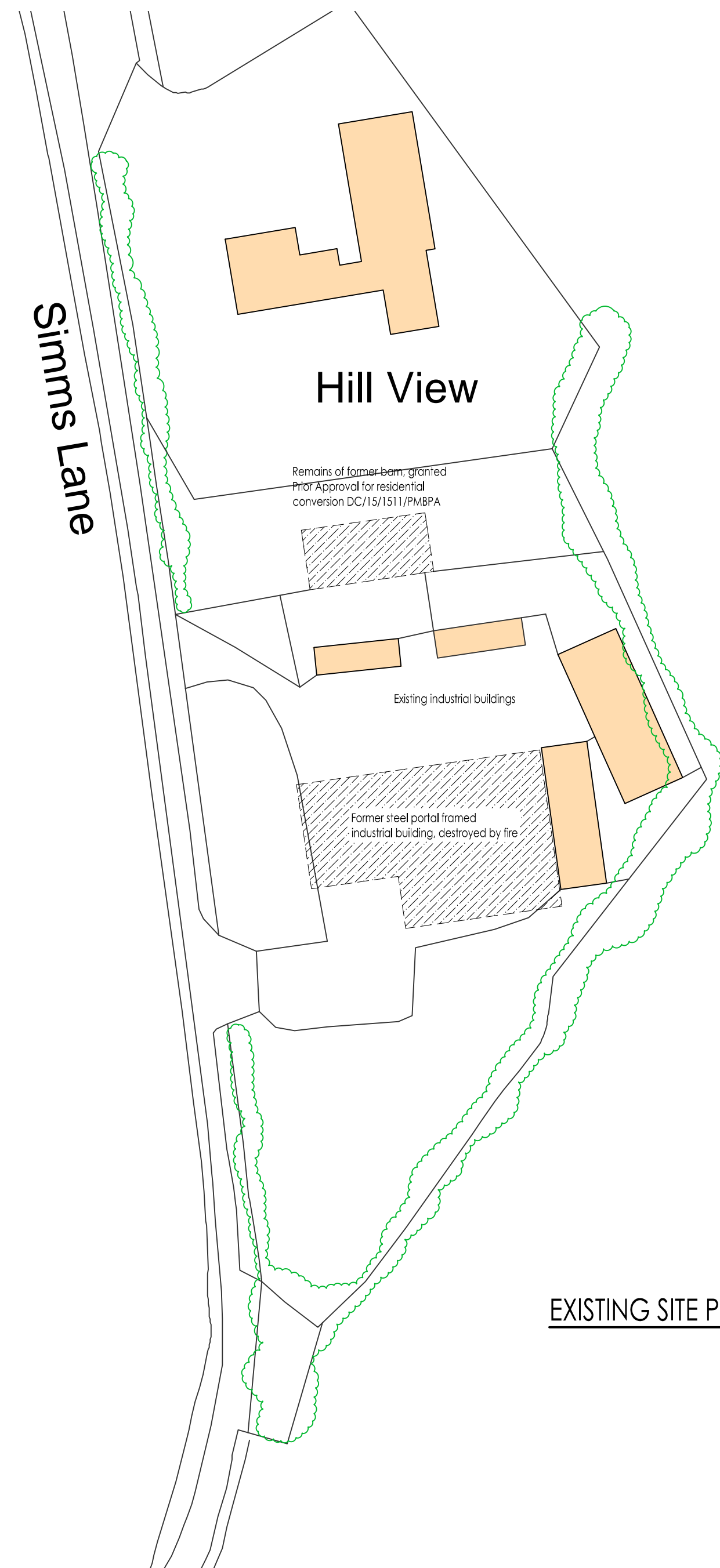
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STREET ELEVATION



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Whymark & Moulton
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14 Cornard Road, Sudbury,
Suffolk. CO10 2XA

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Project
**PROPOSED REDEVELOPMENT
LAND AND BUILDINGS AT HILL VIEW
SIMMS LANE
HUNDON**

SITE LAYOUT AND STREET ELEVATION

Scale 1:200, 1:500, 1:1250 Date April 2018

Drawing No 16/076-01 B

Amendments

A May 2018 Site layout amended

B June 2018 Bin Storage and Collection Points shown

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/035

Development Control Committee 4 October 2018

Planning Application DC/18/1222/OUT – Land East of 1 Bury Road, Stanningfield

Date Registered:	19.07.2018	Expiry Date:	13.09.2018 E.O.T
Case Officer:	Charlotte Waugh	Recommendation:	Grant
Parish:	Bradfield Combust with Stanningfield	Ward:	Rougham
Proposal:	Outline Planning Application (all matters reserved) - 9no. dwellings		
Site:	Land East Of 1 Bury Road, Stanningfield		
Applicant:	Trevor Smith		

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:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

This application is referred to Development Control Committee following consideration by the Delegation Panel and an objection from the Parish Council. The Officer recommendation is one of APPROVAL.

Proposal:

1. The application is submitted in outline form to establish the principle of 9 dwellings on the site, all of which would be affordable.

Site Details:

2. The application site is located on the northern edge of the village of Stanningfield. Currently with an agricultural use, the field is partially contained by hedging and fronts onto Bury Road. Residential properties adjoin the southern site boundary as well as being positioned opposite. Located outside of the designated Housing Settlement Boundary the site is classed as Countryside for Local Plan purposes.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
SE/13/0624/OUT	Outline Application - (i) Erection of 9 no. dwellings (ii) provision of new vehicular access	Application Refused	21.05.2013	09.09.2013
DC/16/2784/OUT	Outline Planning Application (Means of Access to be considered) 1 no. detached dwelling and garage	Application Refused	20.12.2016	14.02.2017

Consultations:

Parish Council

(Summarised) Object. The site is in the countryside and the application is contrary to policy. The applicant has not demonstrated it would meet a specific and proven need. Without information on this need no judgement can be made on size,

type and mix of housing that would be appropriate.

Public Health And Housing

No objections subject to conditions.

Environment & Transport - Highways

No objections subject to conditions.

Environment Team

Based on the submitted information (Phase 1 Land Contamination Risk Assessment, this Service is satisfied that the risk from contaminated land is low.

Strategy And Enabling Officer, Housing

Support no more than 9 affordable dwellings on the site. There are 32 active people indicating a connection to Bradfield Combust with Stanningfield and adjacent villages of Great Whelnetham, Hawstead and Bradfield St. Clare. A section 106 would be needed to secure 80% affordable rented and 20% affordable home ownership as well as transfer to a registered provider and provisions to ensure the dwellings remain at an affordable price for future eligible households.

County Archaeologist

No objection subject to condition requiring archaeological investigation.

Representations:

Field View Bury Road
Birch Lea 1 Bury Road
Magnolias Bury Road
The Willows Bury Road
The Elms Bury Road

Object
Object
Object
Object
Object

3. The above representations raise the following summarised comments:
- The application in contrary to policy
 - There is no proven local need

- There are no services in the village
- No description of the mix of houses
- Unsympathetic high density layout which threatens landscape
- Not demonstrated that this is the most suitable site
- Would adversely affect village form
- Access would be unsafe
- Would result in an increase in traffic movements
- The site floods. Its development would increase flooding to adjacent properties

Policy:

4. The following policies have been taken into account in the consideration of this application:

Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places – Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM7 Sustainable Design and Construction
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards
- Policy DM29 Rural Housing Exception sites in St. Edmundsbury

St Edmundsbury Core Strategy (December 2010):

- Policy CS1 St Edmundsbury Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness
- Policy CS5 Affordable Housing
- Policy CS13 Rural Areas

Rural Vision 2013 (September 2014):

- Policy RV1 Presumption in Favour of Sustainable Development

Other Planning Policy/Guidance:

5. National Planning Policy Framework (2018)
6. Planning Practice Guidance

Officer Comment:

The Revised National Planning Policy Framework (NPPF)

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 DM2, DM5 and DM29 of the Joint Development Management Policies Document (February 2015) and policies CS2, CS3, CS5 and CS13 of the St Edmundsbury Core Strategy (December 2010).
8. Policy CS13 relates to the rural areas within the Borough and states that development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside. Policy DM5 states that areas designated as countryside will be protected from unsustainable development and sets out the circumstances where new or extended buildings will be permitted. In terms of housing policy DM5 supports the principle of affordable housing, dwellings for key agricultural, forestry or equine workers, small scale development in accordance with policy DM27, and the replacement of existing dwellings on a one-for-one basis. These policies are considered to be consistent with paragraphs 77 to 79 of the revised NPPF in respect of rural housing. Planning policies should identify opportunities for villages to grow and thrive. Paragraph 77 supports rural exception sites to provide affordable housing to meet local needs. As such policies CS5, CS13, DM5 and DM29 can be afforded significant weight.
9. Policy CS2 seeks to ensure that a high quality, sustainable environment is achieved and requires, inter alia, the conservation and enhancement of the character and quality of local landscapes and the wider countryside in a way that recognises and protects the fragility of these resources. Policy CS3 states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address, inter alia, consideration of protection of the landscape and natural environment and an understanding of the local context and an indication of how the proposal will enhance the area. Policy DM2 states that proposals for all development should (as appropriate) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area. These policies are considered to be consistent with paragraphs 127 and 170 of the NPPF. Paragraph 127 states that decisions should ensure the developments are sympathetic to local character including the landscape setting, and

paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside. As such policies CS2, CS3 and DM2 can be afforded significant weight.

Legislative context for outline applications

10. This application is for outline planning permission. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.
11. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
 - Access
 - Appearance
 - Landscaping
 - Layout
 - Scale
12. An application for outline permission does not need to give details of any reserved matters, albeit information is often provided at the outline stage in 'indicative' fashion to demonstrate that the site is capable of accommodating the level of development proposed. In this case, an indicative site layout has been provided. All matters however, are reserved.

Principle of development

13. DM5 seeks to protect the countryside from unsustainable development and provides a list of new or extended buildings which are permitted in this location including affordable housing for local needs in accordance with other policies. The key other policies are DM29 and CS5.
14. DM29 allows affordable housing exception sites outside but adjoining a Housing Settlement Boundary provided that:
 - a. *the development will meet or assist in meeting a proven and specific need for affordable housing in the locality which could not otherwise be met;*
 - b. *the development is on the edge of a Key Service Centre, Local Service Centre, or Infill Village and is well related to existing community services and facilities and sympathetic to the form and character of the settlement;*
 - c. *the site is the most suitable to meet the identified need and, in particular, the need could not be met on any site which would better meet criterion b.;*

d. the development will not negatively impact on biodiversity, geodiversity or the surrounding landscape character. Any unavoidable harm to the natural environment will be adequately mitigated; and

e. secure arrangements are made to ensure that initial and subsequent occupation of the dwellings can be restricted to those having an identified local need for affordable housing through the use of appropriate safeguards, including conditions or legal obligations.

15. In this case, Strategic Housing have confirmed that there is a specific need in the area for affordable housing and are able to support the application on this basis. The site adjoins the Housing Settlement Boundary for Stanningfield which is classified as an infill village. The site is close to the centre of the village, albeit the range of facilities is limited, as expected for an infill village. Whilst other potential sites in the village have not been discounted in this application, there is not an alternative site within the Housing Settlement Boundary and therefore, those on the edge of the village are comparable to this one. In terms of landscape character this will be considered further below but it is considered that an acceptable scheme can be achieved in order to meet this element. A section 106 legal agreement will be secured to ensure the dwellings are affordable and remain as such, which is further discussed below.

16. Whilst slightly unusual to receive an application for an exception site in outline form, there is no reason why it should not or cannot be determined. As such, the application proposal, albeit limited in detail, meets one of the exceptional circumstances set out in policy DM5, the criteria provided in DM29 and paragraph 79 of the NPPF and is acceptable in principle.

Loss of Agricultural Land

17. The site comprises grade 2 agricultural land and while Development Management policies are silent on this loss for housing the NPPF should be given material weight here. Paragraph 170 states that planning policies should contribute to and enhance the natural and local environment, by *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.* In this case, the loss of best and most versatile land must be balanced against the benefits brought through the development of affordable housing. The site itself measures 0.4 hectares and is partially enclosed, albeit well linked to surrounding fields. Residential development would remove this field, which is considered best and most versatile land, from agricultural use. Whilst this is certainly a loss which weighs against the proposal, its replacement with dwellings to accommodate local people is clearly necessary given that 32 people are currently waiting for accommodation and specify a local connection. In this case, given the modest size of the

site and the clear local need for affordable housing, the balance is considered to weigh in favour of the development.

Design/Visual Impact

18. Policy CS3 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.
19. The development site cannot be considered isolated given that it sits adjacent to and opposite existing dwellings, in fact, its development would finish in line with residential development on the opposite side of the road. However, erection of built form in this location would result in an encroachment into the countryside and would have an intrinsic adverse impact on the landscape character of this area. An existing hedge would help to assimilate the development into the landscape but will not screen it from public views and as a consequence there will be harm arising to the character and appearance of the area that must be considered to weigh against the scheme. This harm has to be balanced against the benefits of the scheme, which comprise the creation of 9 dwellings specifically for those in affordable need, in response to an identified local need, and is therefore a factor which weighs very heavily in favour of this scheme.
20. It is considered that an acceptable scheme can conceivably be designed for the site which takes into consideration its rural position and as such it is accepted that the proposal can be delivered with minimum harm to the character and appearance of the area including further landscaping if necessary. At this point the Registered Provider will also be aware of the local need and therefore, the size and mix of dwellings needed will be available. Whilst objections have been received in this regard, they largely refer to the indicative scheme submitted which carries no weight in the consideration of this application, but which nonetheless offers sufficient comfort that a suitable scheme can be delivered.

Impact on Neighbouring Amenity

21. DM2 seeks to protect residential amenity and will be a key consideration at reserved matters stage. As the application is outline only no details are provided in respect of layout and design and consequently not therefore of window positions and roof heights. Furthermore, no landscaping details are included which could assist in screening the development from neighbouring occupants. However, with the limited details provided it is considered that development can be achieved without having a detrimental impact on the residential amenity of adjoining properties, and that nine dwellings can also be provided satisfactorily within the site without any adverse effects upon each other.

Impact on Highway Safety

22. The Highway Authority have not raised any objection to the scheme subject to a number of conditions. However, given that the application reserves access for later consideration these issues would be dealt with at that time, although they provide a useful indication of the work required in the future. A plan submitted with the previous appeal on this site confirmed that sufficient visibility was available to serve an access and as such, it is considered that safe access is achievable.

Other Issues

23. The site is partially surrounded by trees and hedging and given that the application is submitted entirely in outline form it is assumed at present that these will remain. No records of protected species are found on the site and as the reserved matters application will allow full consideration of the proposal ecology information will be required at this point. It is not considered that biodiversity issues will arise in the future on the site which cannot be mitigated.

24. As described within CS5 a Section 106 agreement is generally necessary to secure the future use and occupancy of affordable dwellings. In this case, the applicant is willing to enter into this agreement. This will ensure that the dwellings are transferred to a Registered Provider and will comprise 80% at affordable rent and 20% affordable sale as well as retaining this arrangement for the future. Concerns have been raised by the local community about the occupancy of the dwellings and this legal agreement will ensure that the Local Authority retains control. This is particularly important in this case, given that the principle of development here is acceptable only as an exception to policy and in a location where market housing would not be supported. It is possible to specify in this agreement the local connection needed for occupancy and this will ensure that those in the village with a genuine need will be offered the dwellings in the first instance.

Conclusion:

25. Officers are satisfied that the principle of development complies with local and national planning policy and represents a suitable exception to the otherwise stricter control of residential development in the Countryside. It is considered that a scheme with an acceptable layout and access, impact on the landscape and residential amenity is achievable on the site and can be promoted by a registered provider to achieve 100% affordable housing.

Recommendation:

26. Outline planning permission be **APPROVED** subject to the following conditions and the receipt of a completed Section 106 agreement:

1. Time limit
2. Submission of reserved matters
3. Archaeological investigation
4. Post investigation report
5. Limit to hours of construction works
6. Water efficiency

Documents:

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

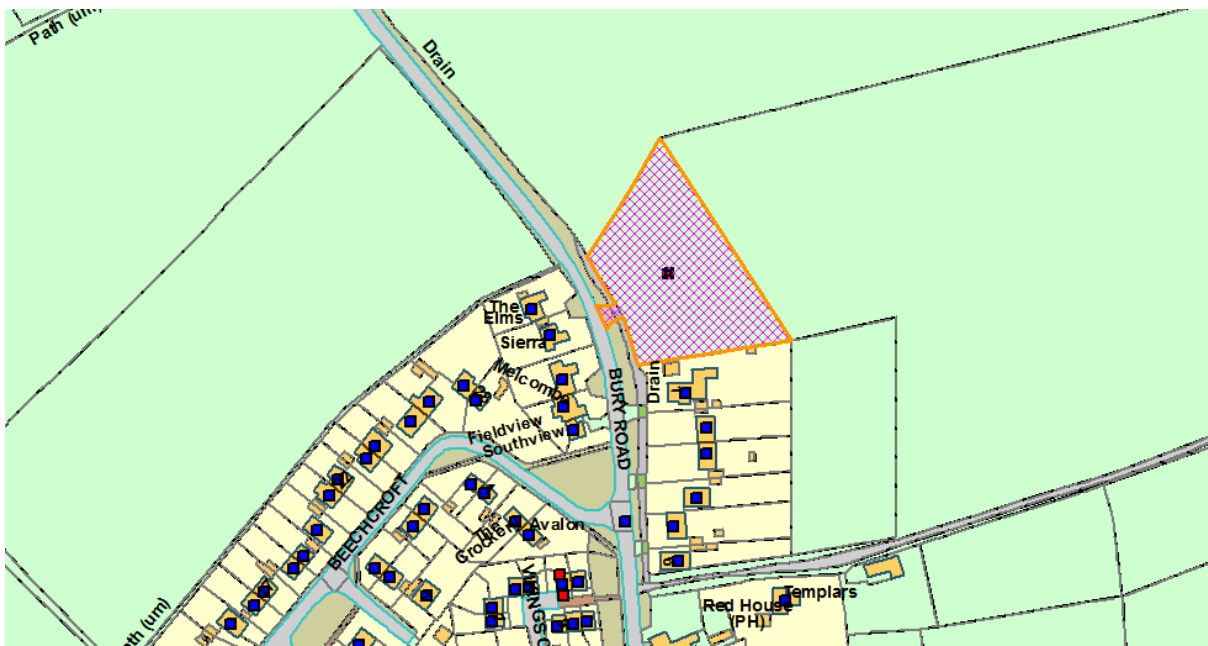
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PAV7M7PDH2I00>

DC/18/1222/OUT

Land East Of 1 Bury Road

Stanningfield

IP29 4RS



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Note re access:
Site access is to DM01
specification:
visibility splays of 90m in both
directions at a point 2.4m from
the edge of the carriageway.
The splays are within the
applicant's ownership.

Note:
This plan is included in an
outline application, and
the layout is for
illustrative purposes only.
Details of the type and
number of dwellings are
reserved matters.

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DEV/SE/18/036

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 4 October 2018

Planning Application DC/18/0635/FUL – 9 St Olaves Precinct, Bury St Edmunds

Date Registered:	18.04.2018	Expiry Date:	23.08.2018
Case Officer:	James Claxton	Recommendation:	Approve
Parish:	Bury St Edmunds Town Council	Ward:	St. Olaves
Proposal:	Planning Application - Change of use from Use Class A1 (Retail) to Use Class A5 (Hot Food Takeaway) and installation of an Extraction System		
Site:	9 St Olaves Precinct, Bury St Edmunds		
Applicant:	London and Cambridge Properties Limited		

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 Councillor Max Clarke the Ward Member for St Olaves.

The Town council have submitted comments confirming that they do not object to the proposal.

Proposal:

1. The proposal is for the change of use of an existing unit located within the Local Service centre known as St Olaves Precinct from a retail use (A1) to a hot food takeaway use (A5). Included in the proposal is the installation of a ventilation extraction system.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Application Form
 - Plans
 - Planning Statement

Site Details:

3. 9 St Olaves is a commercial unit located within the St Olaves Precinct, which is situated within a residential estate to the north east of Bury St Edmunds. Located to the front of the unit is an area of shared parking. There is a range of uses within the wider precinct.

Planning History:

None relevant

Consultations:

4. Consultations received as follows:

Environment Team	No comments.
Highways Authority	No objections.
Public Health and Housing	No objections, recommend conditions.
Town Council	No objections.

Representations:

5. 27 representations were received, 26 objected and 1 support the proposal. The representations were summarised which is detailed below.

26 objections on how there are already plenty of fast food units on the precinct.

1 letter of support detailed how the proposal would bring a quality food outlet to the precinct.

Full copies of the letters received can be viewed on the Authority's website.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM36 Local Centres
- Policy DM46 Parking Standards

St Edmundsbury Core Strategy

- Core Strategy Policy CS2 - Design quality and local distinctiveness

Other Planning Policy:

National Planning Policy Framework (2018)

The revised National Planning Policy Framework (NPPF)

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 and DM36 of the Joint Development Management Policies Document (February 2015) and policy CS2 of the St Edmundsbury Core Strategy (December 2010).
8. Policies DM1 and CS2 seek to deliver sustainable development and have 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 DM36 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 DM36 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM36.

Officer Comment:

11. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Residential Amenity
 - Other Matters

Principle of Development

12. The application site is within an existing local commercial area defined as St Olaves Precinct Centre under policy BV12(h), where policy DM36 applies. The proposed use is a main town centre use and the unit is not within a defined primary shopping area or within an area of primary shopping frontages. Policy DM36 seeks to resist changes of use away from A1 unless the use is no longer viable. Assessment of this can be made with reference to the submitted marketing information. As confirmed by the agent for this application details of the proposal were advertised on four national property websites known as Propertylink, Zoopla, Rightmove and Novaloca, alongside adverts placed in local newspapers. This scheme of marketing commenced 01st September 2017, with the national advertisements still live at the time of this report. There was some interest expressed for the use of the unit from enquirers however there was not any further follow up from those parties.
13. Assessing policy DM36 as a whole it is reasonable to consider that the scheme of marketing accords with the requirements set out in that policy, providing confirmation that the current use is no longer viable. This alignment therefore with Policy DM36 allows a level of weight to be afforded to the argument for the approval of the change of use.
14. Policy DM36 is also written in two parts. As an alternative to showing that a particular A1 use is no longer viable, it is, also appropriate, in the alternative, to seek to demonstrate that any such change of use, regardless of viability, would not in any event have a detrimental impact upon the vitality and viability of the local centre considered as a whole. In this regard it is considered that the scheme demonstrates clear compliance, with no materially adverse effect upon the vitality and viability of the centre being considered to exist.
15. Whilst the loss of an A1 retail unit is in itself regrettable, the change of use to A5 will give rise to an active commercial use, which will continue to serve the local community. In addition policy DM36 is not prescriptive in terms of adjoining uses in the same way as, policies would operate in the town centre. In terms of the scale and diversity of the uses in the centre there are some 13 units. The centre provides a variety of uses to meet the needs of the community including a number of other A1 uses such as a pharmacy, hairdressers, newsagent, and convenience store to name but a few.
16. This proposal will give rise to the occupation of a vacant unit and it is not considered the introduction of an additional A5 use will have a detrimental impact on the centre's vitality and viability as a whole, given the number of remaining A1 uses within the unit, and noting that, in itself, bringing a vacant unit back into use will have some positive effect upon the vitality and viability of the centre. It is noted that the current proposal may result in the Local Centre having two establishments providing a similar food offer,

however the test is impact on the centre as a whole and the nature of the food being sold is not material. Therefore this proposed change of use would be permissible under Policy DM36 subject to meeting the rest of the policy requirements including no adverse effect on residential amenity or environmental quality (see also policy DM2).

16. An element of weight could also be afforded to considerations around the unit remaining empty. From discussions with the Economic Development team it was noted that where units have been left empty in the past it has encouraged anti-social behaviour which in its self can have a significant negative knock-on-effect on the vitality and viability of local centres. The overall effect of empty units might include the potential erosion of, and resulting in harm to, the character of the locality. Therefore leaving the unit empty would be in conflict with policy DM2 which seeks to "...maintain or create a sense of place and/or local character".

17. Considering that the scheme of marketing accords with the tests as set by policy DM36, alongside the proposal supporting the vitality and viability of the local centre which is a further requirement of that policy, it is considered that the proposal fully accords with the provisions of DM36.

Residential Amenity

17. As detailed in the consultation response received from Public Health and Housing it is recommended that whilst additional information regarding the proposed extract ventilation system, odour control and noise attenuation is required, this can be secured via condition to achieve an installation that is appropriate for the area and would not give rise to significant negative impacts to residential amenity. This approach is considered appropriate, whilst also noting that there are a number of similar extraction units at the St Olaves Precinct serving other premises.

18. It is not considered given the location of the proposal that significant negative impacts to residential amenity would occur. Whilst there would be the potential for a change in the peak times of use for the proposal in comparison to the A1 use, where it is more likely that the use would increase around lunch times and later into the evening, it is not considered that it would give rise to the creation of significant negative impacts on amenity, noting the location of the proposal and that there are other similar uses in the area. The location, as recognised in the Suffolk County Council Highway response detailed below, would also be able to cater for the possible increase in car movements that may arise from the change of use.

19. A second condition has been recommended securing the hours of opening, with the suggestion that they are consistent with and limited to the operating hours of adjacent takeaway units. From discussions with the agent it was suggested that the opening hours for this proposal should be 11:00am to 11:00 pm, Monday to Sunday. Other units at the precinct have not dissimilar hours, opening from 12:00am to 12:00pm, Monday to Sunday. Therefore it is considered that the suggested hours are sufficiently similar to the existing so as not to lead in themselves to any adverse amenity effects, and can be conditioned.

Highway safety

20. As confirmed in the consultation response received from the County Council as Highway Authority, the proposal is not considered to create a severe

impact on the highway network in terms of vehicle volume or highway safety, and is considered to accord with DM46.

Other matters

21. A notable number of objections have been received regarding the proposal and the loss of a retail unit within the precinct. The loss of an A1 unit is regrettable however cessation of that use is not linked to this application and happened prior to it being submitted. Whilst there are merits in retaining the unit for an A1 use there is not a case using material planning considerations that carries enough weight against the proposed change of use.

22. Additionally, as detailed in this report, an element of positive weight can be afforded to the argument of keeping the unit in use, facilitated by this proposal, to avoid negative impacts on the vitality and viability of the precinct arising from antisocial behaviour, which can be attracted by long term vacant property. This is in comparison to a lengthy period of time were the unit remains empty whilst an A1 use, which might never materialise, is sought.

Conclusion:

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

Recommendation:

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

1. Time limit
2. Approved Plans
3. Opening Hours
4. Submission of extraction system details

Documents:

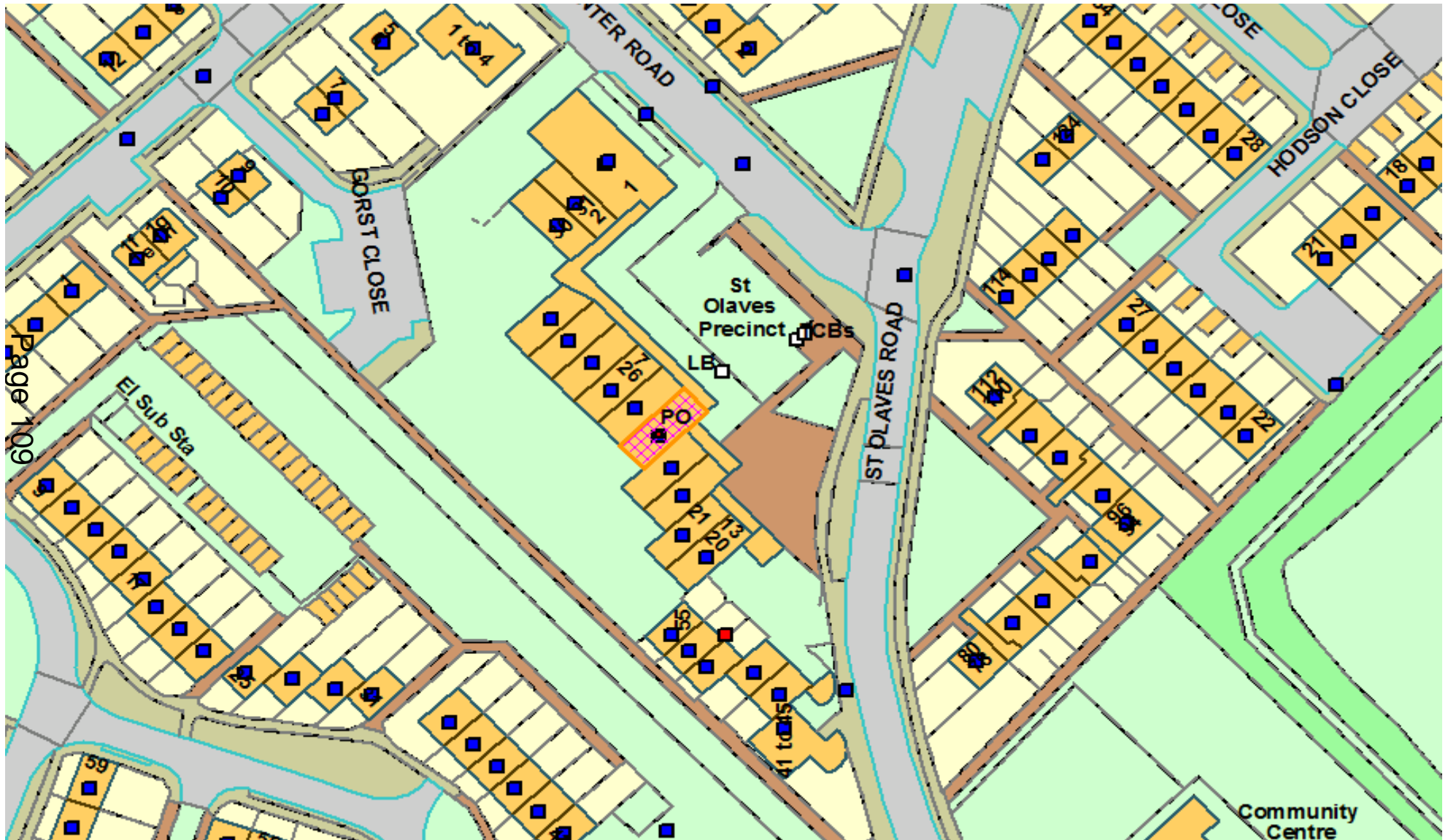
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online

[DC/18/0635/FUL](#)

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P6MA6DPDFGC00>

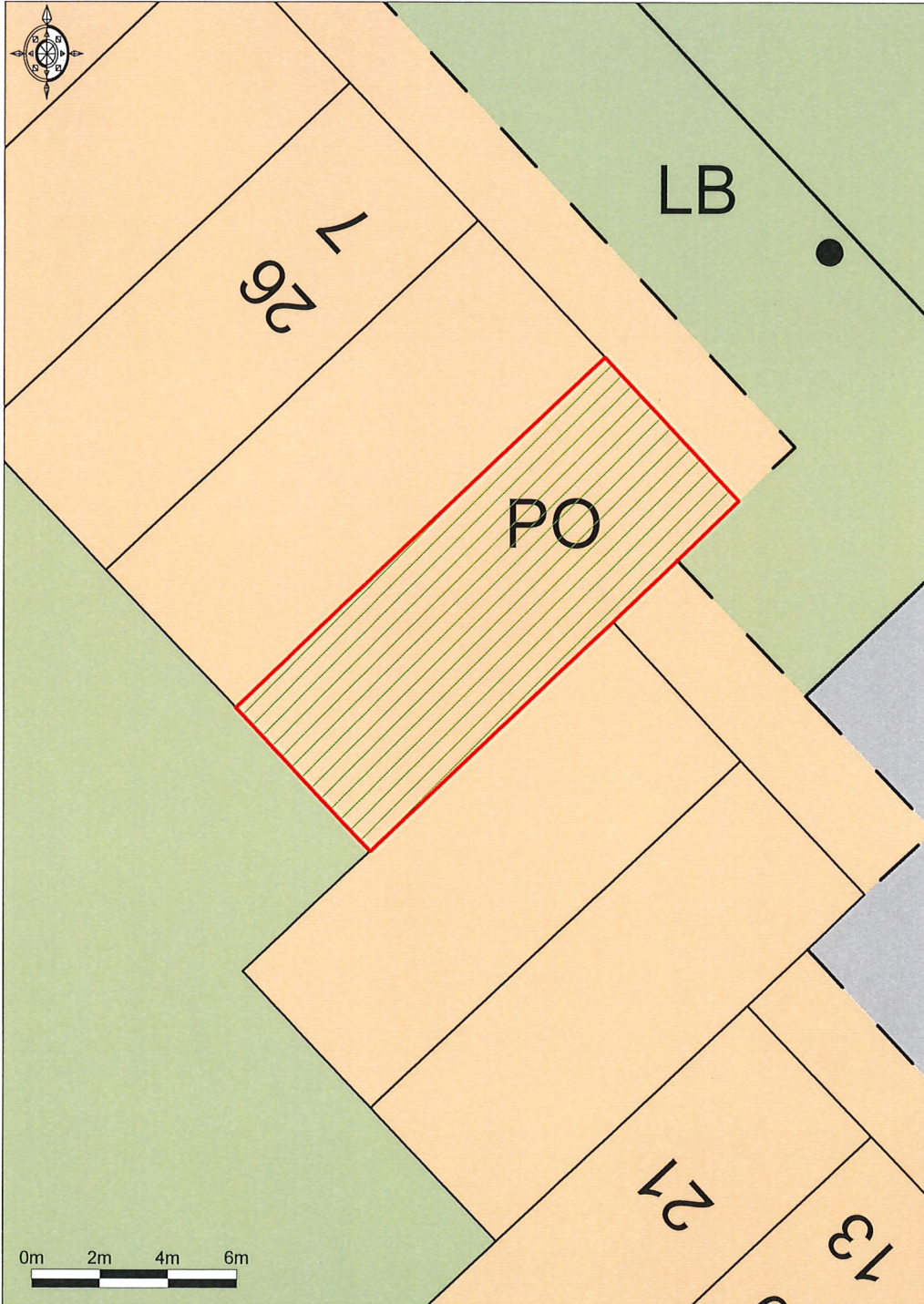


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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/037

Development Control Committee 4 October 2018

Planning Application DC/18/0897/HH – Moat Farm, Wickhambrook Road, Hargrave

Date Registered:	01.06.2018	Expiry Date:	27.07.2018
Case Officer:	Jo-Anne Rasmussen	Recommendation:	Approve Application
Parish:	Hargrave	Ward:	Wickhambrook
Proposal:	Householder Planning Application - detached cartlodge		
Site:	Moat Farm, Wickhambrook Road, Hargrave		
Applicant:	Mrs Rebecca Batt		

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:

Jo-Anne Rasmussen

Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk

Telephone: 01284 757609

Background:

The application is referred to Development Control Committee following consideration by the Delegation Panel. The application was referred to the Delegation Panel as the Officer recommendation conflicted with the objection received by the Parish Council.

A site visit is scheduled to take place on Thursday 27 September 2018.

Proposal:

1. Planning permission is sought for a detached cart lodge which would provide garaging and a storage area within the curtilage of Moat Farm, Wickhambrook Road.
2. The garage would have a length of 10 metres and depth of 5.5 metres. The garage would have a ridge height of 4.6 metres and eaves of 2.5 metres.

Site Details:

3. The site is situated to the west of Wickhambrook Road, Hargrave. The dwelling is a detached, two storey dwelling. There are numerous disused, outbuildings within the site which relate to a previous business use.
4. To the north of the site is a paddock, which is identified as "View 17" within the Character Appraisal of the Hargrave Neighbourhood Plan and associated proposal maps. To the east of the site is a grassed verge area with pond. To the south of the site is a domestic dwelling, Long View. To the west of the site is open agricultural land.

Planning History:

5.

Reference Date	Proposal	Status	Decision
DC/14/2427/HH	Two storey and single storey extension and external alterations	Granted	13/4/2015

Consultations:

6.

Parish Council

Object due to concerns that the siting of the garage to front of the site could have an adverse impact upon the form and character of Hargrave and the grass verge adjacent to the site and obscure views of the Farm house. The Parish have sited that the proposal is contrary to the Hargrave Neighbourhood Plan.

Ward Councillor: No comments received

Hargrave Neighbourhood Plan Working Group: Objects, supports the views of the Parish

Policy:

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM22 Residential Design
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Policy HAR1 Hargraves Spatial Strategy
- Policy HAR 2 Hargrave Housing Settlement Boundary.
- Policy HAR 6 Protecting the Landscape Setting of Hargrave.
- Policy HAR 7 Local Green Spaces.
- Policy HAR 10 Village Character
- National Planning Policy Framework, 2018

Representations:

7. No letters of representation were received

Officer Comment:

8. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Design and form
 - Impact upon the street scene character.
 - Material planning considerations.

Principle of development

9. 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.
10. Policy CS3 states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address, inter alia, consideration of protection of the landscape and natural environment and an understanding of the local context and an indication of how the proposal will enhance the area. Policy

DM2 states that proposals for all development should (as appropriate) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area. Policy DM24 seeks to ensure that residential developments within the curtilage respect the character, scale and design of the existing dwelling and the surrounding area, would not result in over-development of the site and would not adversely impact upon neighbour amenity.

11. HAR 10 requires all new development within Hargrave to have regard to the design characteristics of the village, be designed to a high quality, ensure that the specific context of the site and wider character of the street scene are fully taken into account in scale appearance and materials and that development seeks to maintain reasonable residential privacy and the character of the area by preserving existing grass verges, front boundary hedges and tree screens.
12. 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 and paragraph 127 seeks to ensure a good standard of amenity for existing and future users. 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. In this regard therefore it is considered that there is a high degree of alignment between the DM24, HAR 10 and DM2 and the provisions of the NPPF, such that full weight can be given. Core Strategy Policy CS3 requires proposals for new development to create and contribute to a high quality, safe and sustainable environment. 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.
13. Policy HAR6 states that outside of the settlement boundary, priority will be given to protecting and enhancing the countryside from inappropriate development, development should not have a significant adverse impact on the landscape setting of Hargrave, not result in the loss or erosion of a settlement gap and should maintain the distinctive views of the surrounding countryside (as defined within the proposals map and described in the character appraisal). These policies are considered to be consistent with paragraphs 127 and 170 of the NPPF. Paragraph 127 states that decisions should ensure the developments are sympathetic to local character including the landscape setting, and paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside. It is considered that Policy HAR6 is sufficiently aligned with paragraph 127 and 170 of the NPPF that full weight can be given to policy HAR6.
14. 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. Furthermore, as the site is within the countryside the proposal should be subordinate in scale and proportion to the main dwelling.

15. Given the size and scale of the large detached dwelling it is considered the proposed cart lodge would be subordinate to the main dwelling. The cart lodge would be a sufficient distance from any neighbouring properties to prevent any adverse impact upon neighbour amenity. There are already a number of large detached out buildings on the site, however as the property is set within a large curtilage the proposal would not result in an overdevelopment of the site. As such it is considered the proposal complies with policy DM24.
16. The paddock to the north of the site falls within "View 17" identified within the Hargrave Character Appraisal, which supports the Hargrave Neighbourhood Plan. However, the siting of the garage would not be within the view and it is therefore not considered that the domestic garage proposed would erode this gap.
17. A domestic garage of this nature set within a domestic curtilage is considered an acceptable form of development within the countryside. The siting of the proposed garage is not within a defined settlement gap nor an important view as identified within the Hargrave Character appraisal or Hargrave Neighbourhood Plan and in this regard the garage is considered to comply with Policy HAR 6. The impact of the garage will be assessed in detail within this report, however it is considered that owing to the siting of the cartlodge within a domestic curtilage, combined with the boundary treatment, size, design and materials the development would not result in an adverse impact upon the surrounding landscape or the character of Hargrave village.

Design and Form

18. The cart lodge has been designed in a style similar to a traditional agricultural building, and this is enhanced further by the choice of materials, black painted boarding and slate roof tiles. The cart lodge is considered to be in-keeping in terms of its design and scale with the rural, agricultural character of the surrounding area and with the main dwelling. As such it is considered the proposal would be in accordance with policy DM2 which requires the design and size of developments to respect the form and character of the locality.

Impact upon the street scene character

19. This area of Hargrave, being set outside of the village settlement boundary has a loose form, generally dwellings are set within good sized plots and are well-spaced, with no clearly defined building line. The surrounding agricultural land, mature vegetation, wide grassed verges lead to an open, rural character.
20. HAR 10 requires all new development within Hargrave to have regard to the design characteristics of the village, be designed to a high quality, ensure that the specific context of the site and wider character of the street scene are fully taken into account in scale appearance and materials and that development seeks to maintain reasonable residential privacy and

the character of the area by preserving existing grass verges, front boundary hedges and tree screens.

21. The grassed verge immediately adjacent to the eastern boundary is classified within HAR7 as a Local Green Space and as such its protection is important for the enhancement of the character of the village. However the Hargrave Neighbourhood Plan also recognises that the designation of this land cannot be used to block development. The proposed garage would not be sited on the verge but within the domestic curtilage of the property and as such it is not considered the proposed garage would have an adverse impact upon the verge in terms of its usability or character.
22. The cart lodge is clearly within the defined domestic curtilage and as such an outbuilding for domestic use would be appropriate. The cart lodge would be set 1 metre from the eastern boundary of the site which has an existing hedge. Whilst it is recognised this hedge, due to its height, would not serve to offer significant screening, it would serve to visually define the curtilage from the adjacent grass verge. The grass verge would result in the garage having a significant separation distance from the defined public highway. Given the size, design and materials of the proposed cart lodge combined with the distance from the highway and the boundary treatment, it is considered the proposal would maintain the spacious, open character of the locality and would not have a detrimental impact upon The Grove, and would therefore be compliant with the aims of HAR7 and HAR10.

Material Planning Considerations

23. The Parish have objected to the proposal as they have expressed concern that the building will negatively impact this area of the village known as The Grove, the adjacent grass verge, be intrusive within the street scene, obscure views of the property and not be in-keeping with the rural, open character of this part of the village, (based on their assessment of the Hargrave Neighbourhood Plan Character Appraisal,) and therefore they consider the proposal would be contrary to the policies within the Neighbourhood Plan, specifically HAR7 and HAR10.
24. The Hargrave Neighbourhood Plan was "made" an adopted development plan document on 17 July 2018, and its policies have full material planning weight in the consideration of planning applications within the parish of Hargrave, unless material considerations indicate otherwise. The impact of the proposed cart lodge on the character of the area, including The Grove, the impact upon the street scene and upon the grass verge has been carefully assessed. Whilst full weight is afforded to the Hargrave Neighbourhood plan policies, on balance, it is considered the cart lodge is well-designed, subservient in terms of its size and would maintain the spacious character of the area. As such it is not considered the proposal comply with adopted development plan policies.

Conclusion:

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

Recommendation:

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

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

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

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

Proposed elevation and floor plan. Ref; 3359.1 received 26.6.18
Block plan ref; 3359.2 received 26.6.18

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0897/HH](https://www.dorsetcouncil.gov.uk/DC/18/0897/HH)

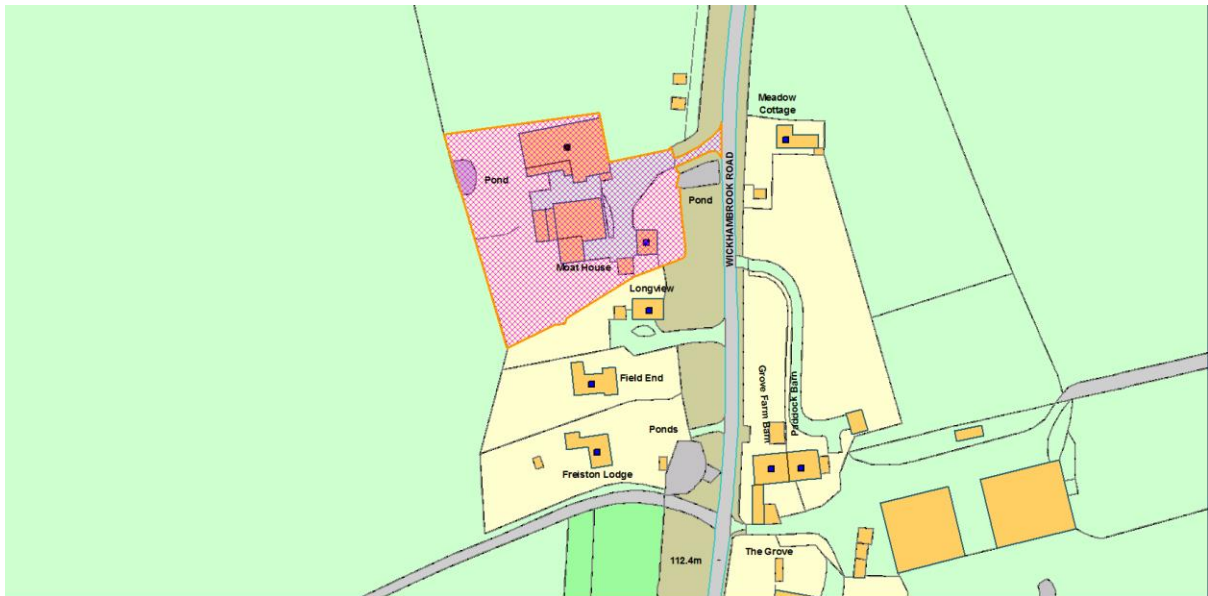
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DC/18/0897/FUL

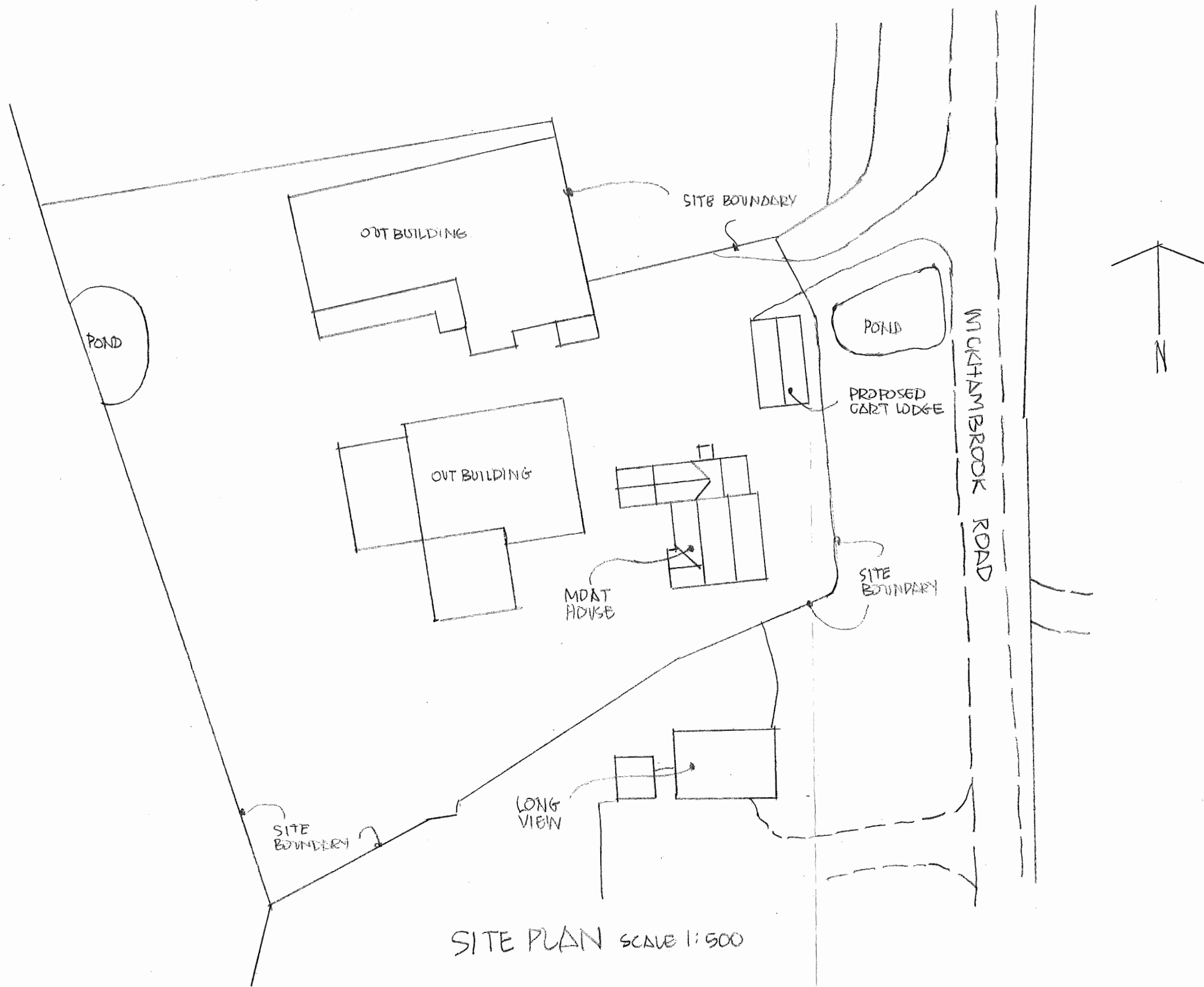
Moat Farm

Wickhambrook Road

Hargrave



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SITE PLAN SCALE 1:500

1. LOCATION AND SIZE OF CART LODGE REVISED 18.6.18

REVISIONS:

SUFFIX:

Peter Last
Architectural Consultant

Old Orchard
Rookery Lane
Walsham Le Willows
Bury St. Edmunds
Suffolk IP31 3BD
Telephone: 01359 259044
Email: plast457@btinternet.com

JOB TITLE:

MOAT FARM
WICKHAM BROOK ROAD
HARGRAVE

CLIENT:

MRS REBECCA BATT

PROPOSAL:

CART LODGE

SCALE:

1:500

DATE: MAY 2018

DRAWING:

SITE PLAN

DRAWING N°:

DRB N° 3350.3REV

SUFFIX:

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/038

Development Control Committee 4 October 2018

Planning Application DC/18/1010/FUL – Land Adjacent To Forge Cottage, Blacksmith Lane, Barnham

Date Registered:	22.06.2018	Expiry Date:	17.08.2018
Case Officer:	Matthew Harmsworth	Recommendation:	Refuse
Parish:	Barnham	Ward:	Bardwell
Proposal:	Planning Application - 1no. dwelling with associated external works		
Site:	Land Adjacent To Forge Cottage, Blacksmith Lane, , Barnham		
Applicant:	Mr Andrew Blenkiron		

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

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 27 September 2018.

Proposal:

1. Planning permission is sought for 1 dwelling (with associated external works). The scheme has been revised following comments received from the conservation officer in particular, and which altered the access and parking arrangements somewhat, altered the proposed boundary line for the proposed site, as well making several other minor alterations within the site such as in relation to the soft landscaping and hardstanding proposed. The proposed dwelling is approximately 6.25m in height, 8.213m in depth and 10.575m in width.

Application Supporting Material:

- Application form
- Existing site and location plans
- Proposed floor plans
- Proposed east and west elevations
- Proposed north and south elevations
- Proposed Site Plan
- Appendix to ecology report
- Arboricultural report
- Design and access statement
- Heritage statement
- Preliminary ecological appraisal
- Land contamination questionnaire
- Land contamination report

Site Details:

2. The site is situated to the west of Blacksmith Lane, Barnham and the currently existing host building is a detached two storey, grade II listed dwelling within the built up area boundary of Barnham. The site is also within a conservation area.

Planning History:

Reference	Proposal	Status	Decision Date
DC/18/1010/FUL	Planning Application - 1no. dwelling with associated external works	Pending Decision	

Consultations:

Parish Council

No objection - Parking, privacy and plumbing issues should be taken into consideration.

Environment & Transport - Highways	Suggested conditions to be attached to any given permission.
Conservation Officer	Recommend refusal of the application - Fails to respect setting of the listed building and will harm character of the wider conservation area.
Public Health And Housing	No objections. Suggested conditions to be attached to any given permission.
Environment Team	Risk of contamination low. Advice notes recommended
Countryside Access Team (SCC)	No grounds for refusal on archaeological grounds. Conditions suggested

Representations:

3. Three representations were received citing concerns with the development surrounding the issues summarised as follows:

- Parking and access
- Overdevelopment
- Overlooking
- Condition of the nearby brick and flint walls at the site
- Waste Treatment
- Soakaway and drainage details
- Design not sympathetic to the area

Policy:

4. 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 DM22 Residential Design
- Core Strategy Policy CS3 - Design quality and local distinctiveness
- National Planning Policy Framework 2018

Officer Comment:

5. 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 DM 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.
6. 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.
7. Policy DM22 requires residential development to maintain or create a sense of place and character, as well as to optimise local amenity and be of a high architectural merit. 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 DM22.
8. The issue to be considered in the determination of this application are summarised as follows:

- The principle of development
- Impacts upon the conservation area and listed buildings
- Impacts upon highway safety
- Impacts upon local and neighbouring amenity
- Impacts to trees

Principle of Development

9. The principle of the proposal is acceptable in that it constitutes the provision a new dwelling within the built up area boundary of a defined settlement, thus being in accordance in this particular regard with the principles behind policies DM1 and DM22.

Effect upon the Conservation Area Listed Buildings

10. Forge Cottage is a reasonably sized detached property located in close proximity to the boundary of its site adjoining Blacksmith Lane. Given that the proposal site is within the Barnham Conservation Area, special regard is required to either preserve or enhance the character or appearance of the Conservation Area as well as preserving the character of the nearby listed buildings.
11. The size of the existing property is such that it demands a reasonable setting. The provision of the dwelling will not only compromise the current arrangement but also its relationship with the neighbouring listed buildings due to the dimensions and design of the proposal in a location with a configuration and quantity of curtilage amenity space that would be at odds with an area otherwise characterised by detached properties set close to the road and generally with substantial plots and amenity space. It is considered therefore that the proposal would result in a development that would appear cramped in its plot with a relatively limited amenity area afforded to it as well as encroaching upon the visual separation between the dwellings along Blacksmith Lane such to be out of keeping with the character of the area. This harm is exacerbated considerably by the contrived plot subdivision which increases in width behind the adjacent property and by the fact that the frontage is otherwise dominated by car parking and circulation space, with both these factors rendering the proposal at odds with the very spacious existing character.
12. Therefore the proposed development would fail to either preserve or enhance the character or appearance of the Conservation Area as well as failing to respect the setting of the listed building.
13. When combined with the resulting cramped nature of the proposed development relative to the space afforded to neighbouring plots, it is considered that it would fail to respect the spacious and expansive setting of many of the detached buildings located within the Conservation Area along Blacksmith Lane. As a consequence the development would fail to preserve or enhance the character of the conservation area and the nearby listed buildings, thus causing harm to the significance of the area such to prove contrary to policies DM2, DM15, DM17, DM22 and CS5, along with the requirements of the NPPF.

14. This is consistent with the views expressed by the conservation officer who objected to the application. The conservation officer further noted that there is no historic precedent for such development at the location.

Impacts upon Highway Safety

15. Further to this, it is not considered that the development would cause any negative impacts upon issues of highway safety given the proposed layout of the site, nor would it be likely to have any negative impacts upon issues relating to contaminated land or public health and housing given the context, history and proposed use and works on the site. This is consistent with the comments received the relevant statutory consultees.

Impacts Upon Local and Neighbouring Amenity

16. It is also considered that given the siting of the proposal in its wider context, the proposal has been designed such that, given the separation between the dwellings and the boundary treatments at the proposed and adjacent plots, the proposal would not cause a loss to local or neighbouring amenity with regard to issues relating to overlooking or over dominance such to warrant refusal of the application on these grounds.

Impacts to Trees

17. With regard to the trees at the site the revisions include the provision for further planting at the site which it is considered would likely mitigate the loss of modest trees existing at the site, albeit if a development were to be considered acceptable at this location, further tree survey and replacement planting information would be required.
18. The development is therefore not considered to be in accordance with development plan policies nor with the relevant provisions of the NPPF which seek to protect heritage assets.

Conclusion:

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

Recommendation:

20. It is recommended that planning permission be **REFUSED** for the following reason:
- 1 Policies CS3, DM2 and DM22 require development proposals to respect the character and appearance of an area, Policy DM15 requires development proposals to have specific regard to the setting of listed buildings, and Policy DM17 requires development proposals to have specific regard to their Conservation Area setting. The proposed dwelling is set notably far back in the site, contains a contrived boundary arrangement and a frontage dominated by car parking, and is also set within an uncharacteristically small plot, relative to the wider area. By reason of this, and by reason of its proximity to the host dwelling, it is considered that it will materially and harmfully erode the spacious character of the listed building and wider

Conservation Area, leading to a development that appears not to be in keeping with its spacious, historic context. Consequentially, the development will prove materially harmful to the character and appearance of the area and the nearby listed building, proving contrary to the provisions of the above polices, plus the requirements of the NPPF in relation to good design.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1010/FUL](#)

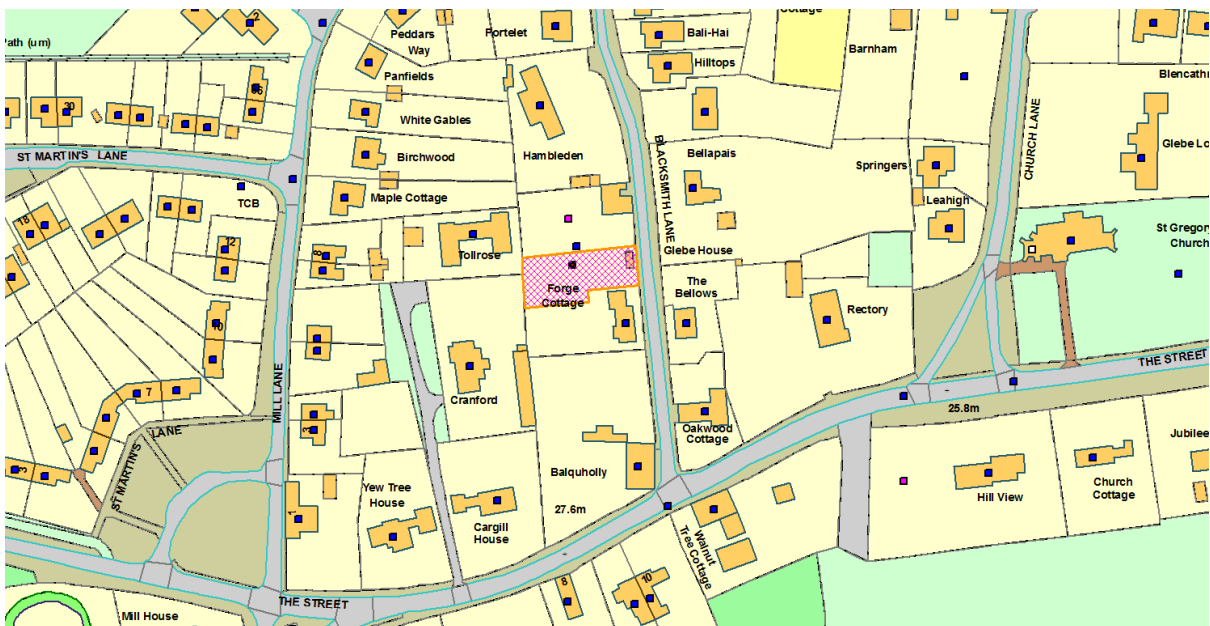
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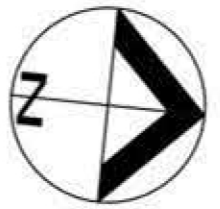
Land Adjacent To Forge Cottage

Blacksmith Lane

Barnham



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Notes:

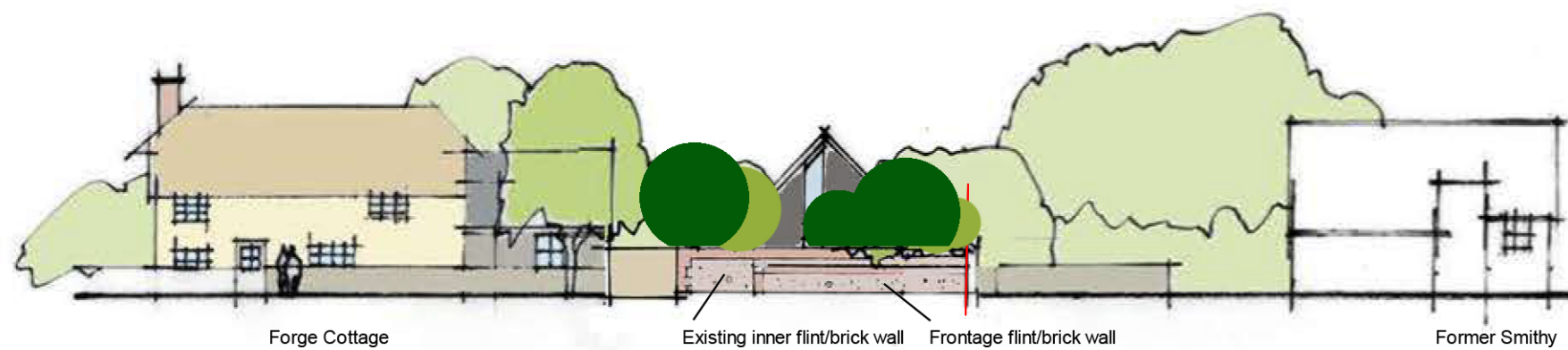
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Schedule of Areas:

	(m2)
 Total ownership	1262
 Application Area	574
 Building (GEA)	85

Revisions:

A Street view adjusted	24-05-18
B Bin hardstanding added	20-06-18
C Site plan revised/trees added	30-07-18



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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/039

Development Control Committee 4 October 2018

Planning Application DC/18/1543/HH – 9 Darcy Close, Bury St Edmunds

Date Registered:	07.08.2018	Expiry Date:	02.10.2018
		EOT agreed:	04.10.2018
Case Officer:	Debbie Cooper	Recommendation:	Approve
Parish:	Bury St Edmunds Town Council	Ward:	Moreton Hall
Proposal:	Householder Planning Application - First floor extension to front elevation - Revised Scheme of DC/18/0476/HH		
Site:	9 Darcy Close, Bury St Edmunds, IP32 7ET		
Applicant:	Mr & Mrs Wright		

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:

Debbie Cooper

Email: deborah.cooper@westsuffolk.gov.uk

Telephone: 01638 719437

Background:

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

The Town Council raise no objection and the application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for a first floor front extension to create an enlarged bedroom.
2. The proposed extension is above the existing porch and measures 1.3 metres in depth and 3.5 metres in width, with an eaves height to match the existing house and a ridge height of 6.8 metres.
3. The application is a resubmission of DC/18/0476/HH which was refused following consideration by Development Control Committee. This resubmitted application omits the previous first floor rear extension.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Location plan
 - Proposed block plan
 - Existing and proposed floorplans, elevations and roof plans

Site Details:

5. The application site comprises of a two storey detached dwelling situated within the settlement boundary of Bury St Edmunds.
6. The dwelling is set back from the road with off-road parking and a garage. To the Northern boundary with numbers 4,6 and 8 Sutton Close is a close boarded fence, with mature trees in the garden of 8 Sutton Close beyond.

Planning History:

Reference	Proposal	Status	Decision Date
DC/18/0476/HH	Householder Planning Application - First floor extensions to front and rear	Application Refused	06.07.2018
E/97/1890/P	Planning Application - Erection of (i) single storey rear extension and (ii) front porch as amended by letter and plans received 11th July 1997 indicating revised scale	Application Granted	14.07.1997
E/85/1097/P	Erection of 84 No. dwellings and garages	Application Granted	15.03.1985

	together with estate roads, footpaths and verges as amended by letter dated 26th February 1985 (ref. JRS/SCB/184) and accompanying plan TJ1 84/A Rev.1		
E/82/2587/P	Regulation 5 Outline Application - Phase I, Stage 2: Residential development, (including layout of roads and sewers, lay out of plots and associated Public Open Space)	Application Granted	11.10.1982
E/78/2370/P	ERECTION OF 175 DWELLINGS& CONSTRUCTION OF VEHICULAR & PED. ACCESS WITH EST. RD	Application Granted	06.10.1978
E/78/2054/P	RESIDENTIAL DEVELOPMENT 175 DWELLINGS	Application Refused	05.06.1978
E/78/1882/P	ERECTION OF 175 DWELLINGS AND CONSTRUCTION OF VEHICULAR AND PEDESTRIAN ACCESSES	Application Withdrawn	28.04.1978
E/74/2548/P	CONSTRUCTION OF ROADS, SEWERS, RESIDENTIAL DEVELOPMENT, PRIMARY SCHOOL ETC.	Application Granted	03.04.1975

Consultations:

7. None

Representations:

8. Town Council: No objection
9. Neighbours: one letter of comment from the neighbouring property at No. 7 – no objection to the proposal but concerned about driveway access and potential damage to their new driveway. (*Officer Note: concerns regarding the possible blocking of and damage to the driveway are not ones that can be addressed through the planning process as these are civil matters to be agreed between the parties*).

Policy:

10. 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 DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Vision Policy BV1 - Presumption in Favour of Sustainable Development

Other Planning Policy:

11. National Planning Policy Framework (2018)

Officer Comment:

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

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

NPPF Clarification

13. The National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration in decision making from the day of its publication.

14. 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.

15. The key development plan policies in this case are policies DM2 and DM24; it is therefore 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.

16. 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.

17. DM2 and DM24 concern the preservation of existing amenity whilst ensuring proposed development does not erode an area's prevailing

character. Chapter 122 of the new NPPF strives to achieve the same and as such, DM2 and DM24 can be given full weight.

18. Policy DM24 states that extensions and alterations shall respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the dwelling curtilage or adversely affect the residential amenity of neighbouring dwellings.
19. In this case, the dwelling is positioned within a curtilage of a sufficient size such that the proposal does not represent overdevelopment of the plot.
20. The extension constitutes a subservient addition to the front of the property and is considered to be respectful of the character, scale, design and appearance of the existing dwelling and the surrounding area. The proposed front extension is a modest addition with no adverse impacts on neighbouring amenity by virtue of loss of light, overbearing or overlooking.
21. The extension is proposed to be constructed in a composite weatherboard finish in a 'sail cloth' (cream) colour with brown concrete tiles to match the existing house. This material finish is an appropriate one which will complement the existing.

Conclusion:

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

Recommendation:

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

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

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

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

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

Reference No:	Plan Type	Date Received
7228 201	Proposed Floor and Roof Plan	07.08.2018
7228 202	Proposed Elevations	07.08.2018
7228 101	Existing Floor and Roof Plan	07.08.2018
7228 102	Existing Elevations	07.08.2018
7228 100	Location & Existing Block Plan	07.08.2018
7228 200	Proposed Block Plan	07.08.2018

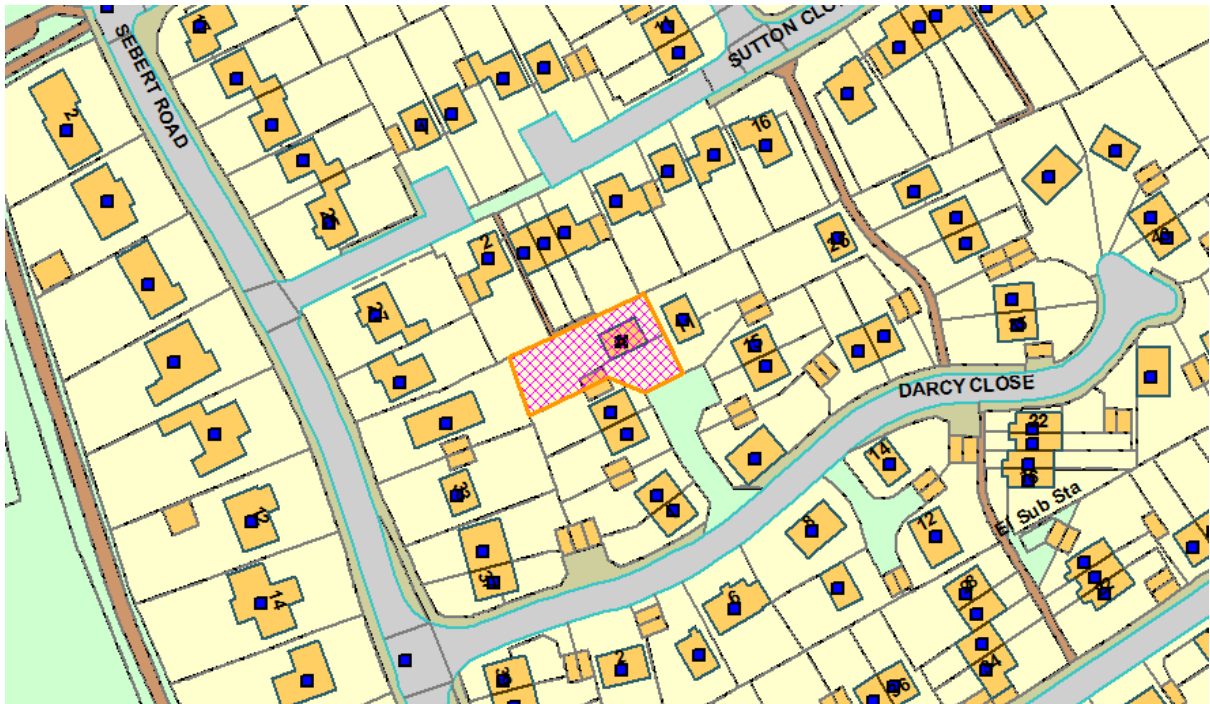
Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PD1RIKPDHX000>

DC/18/1543/HH

9 Darcy Close



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REVISIONS			
Rev	Notes	By	Date

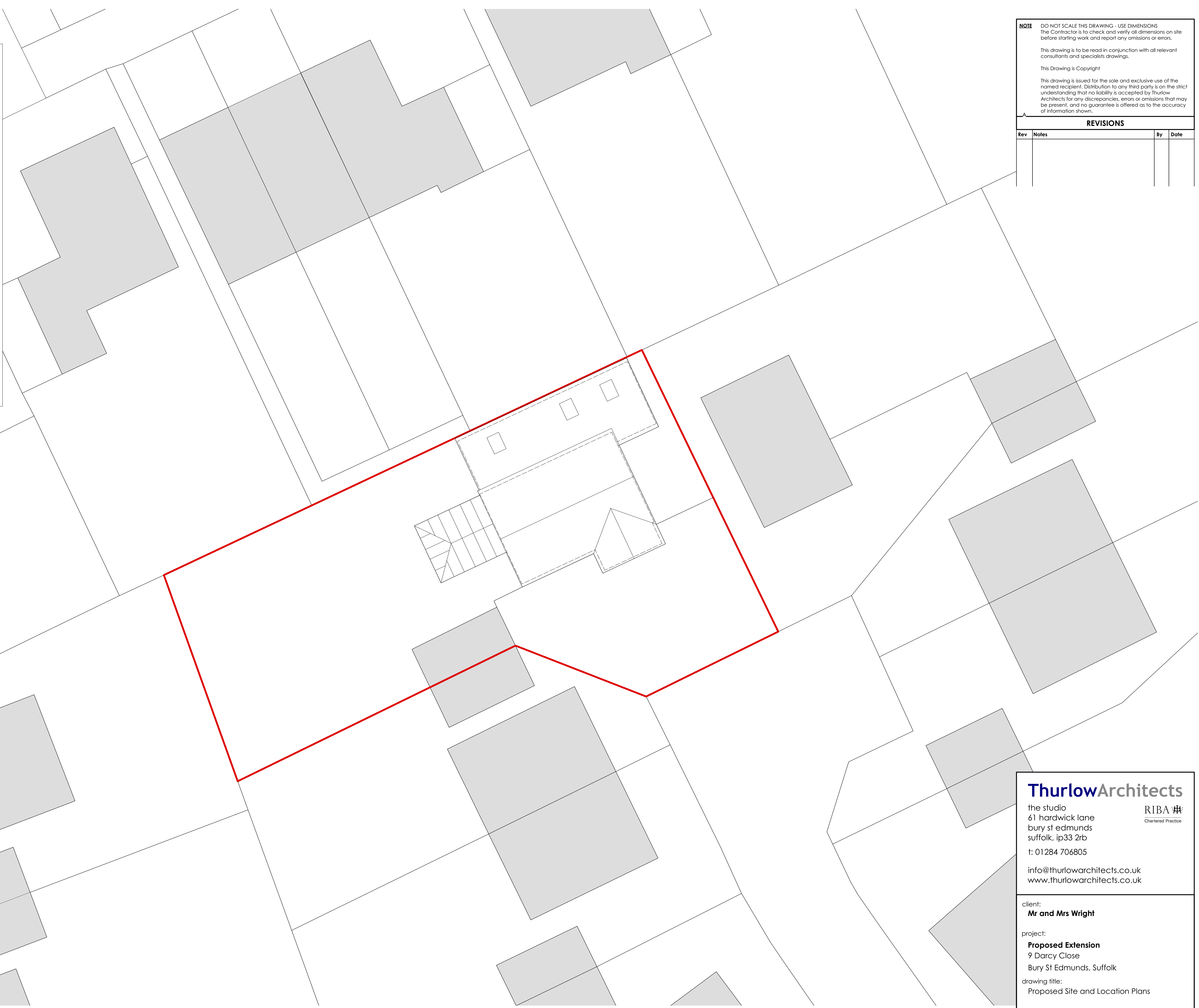


LOCATION PLAN
 SCALE: 1:1250



Produced on 06 March 2018 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
 This map shows the area bounded by 587154,263973 587154,264115 587296,264115 587296,263973
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SITE PLAN
 SCALE: 1:100



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 info@thurlowarchitects.co.uk
 www.thurlowarchitects.co.uk

RIBA Chartered Practice

client:
Mr and Mrs Wright

project:
Proposed Extension
 9 Darcy Close
 Bury St Edmunds, Suffolk

drawing title:
 Proposed Site and Location Plans

project no: 7228	dwg no: 200	rev: 	drawn: JPL	scale: AS ST	date: Aug 18
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drawing status: **PLANNING**

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